

**Wiley Handbooks in
Criminology and Criminal Justice**



The Handbook of **Deviance**

Edited by **Erich Goode**

WILEY Blackwell

The Handbook of Deviance

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Edited by

Erich Goode

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Contents

Contributors	viii
Introduction	xiv
<i>Erich Goode</i>	
Acknowledgments	xxii
Part I Deviance: The Conceptual Foundations	1
1 The Sociology of Deviance: An Introduction	3
<i>Erich Goode</i>	
2 Deviance and Social Control	30
<i>Mathieu Deflem</i>	
3 Regulating Vice	45
<i>Jim Leitzel</i>	
4 Deviant Subcultures and Lifestyles	64
<i>Craig J. Forsyth</i>	
5 Positive Deviance	80
<i>Druann Maria Heckert and Daniel Alex Heckert</i>	
Part II Ongoing Deviance Dynamics	101
6 The Process of Deviantization	103
<i>Daniel Dotter</i>	
7 Changing Definitions of Deviance	121
<i>John Curra</i>	
8 The Medicalization of Deviance: From Badness to Sickness	137
<i>Joseph Schneider</i>	

9	Decriminalization <i>John Dombrink</i>	154
10	What is Homosexuality Doing in Deviance? <i>Jeffery P. Dennis</i>	172
Part III Studying Deviance		189
11	Quantitative Methods in the Study of Deviance and Crime <i>Jeff Ackerman</i>	191
12	Studying Deviance: Qualitative Methods <i>Richard Tewksbury</i>	210
13	Explanatory Paradigms in the Study of Deviance <i>Robert F. Meier</i>	225
Part IV Approaches, Explanations, Factors		237
14	Critical Criminology <i>Walter S. DeKeseredy</i>	239
15	The Interactionist Approach to Deviance <i>Addrain Conyers and Thomas C. Calhoun</i>	259
16	Gender and Deviance <i>Meredith G.F. Worthen and Danielle Dirks</i>	277
17	Deviance and the Mass Media <i>David L. Altheide</i>	298
Part V Individual Deviance		311
18	Juvenile Delinquency: Its Nature, Causes, and Control <i>Timothy Brezina and Robert Agnew</i>	313
19	Alcohol Use as Deviance <i>Paul M. Roman</i>	331
20	Drug Use as Deviance <i>Scott Akins and Clayton J. Mosher</i>	349
21	Sociology and Sexual Deviance <i>Martin S. Weinberg and Colin J. Williams</i>	369
22	Cognitive Deviance: Unconventional Beliefs <i>Robin D. Perrin</i>	401
23	Abominations of the Body: Physical Characteristics as Deviance <i>Erich Goode</i>	422

Part VI	Institutional Deviance	445
24	Mental Illness as a Form of Deviance: Historical Notes and Contemporary Directions <i>Peter Conrad and Julia Bandini</i>	447
25	Poverty and Disrepute <i>David L. Harvey</i>	463
26	Environmental Harm as Deviance and Crime <i>Avi Brisman</i>	471
27	Organizational Deviance: Where Have We Been and Where Are We Going? <i>Melanie Bryant</i>	488
28	Marginalizing Migrants: Illegality, Racialization, and Vulnerability <i>Dean Wilson</i>	504
29	Political Deviance <i>Pat Lauderdale</i>	521
30	Terrorism and Counterterrorism <i>Austin T. Turk</i>	537
Part VII	Deviance Futures	549
31	Deviance and Social Change <i>Nachman Ben-Yehuda</i>	551
32	What's in Store for the Concept of Deviance? Reflections, Speculations, Predictions <i>Erich Goode</i>	563
	Index	583

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Introduction

Erich Goode

Sociologists have not achieved widespread consensus about what they mean by “deviance,” and to my mind this is a good thing. The diversity of sociological conceptions of deviance reflects real-world diversity; it would be misleading to proclaim consensus in the field’s subject matter where social tumult prevails. But, the naïve critic objects, don’t atomic physicists largely agree on their subject matter? The fact is that deviance is substantially different from atomic physics. It seems almost redundant to point out that some sociologists have carved out particular slices of social reality and designated *those* slices *as* deviance, and so we investigate their whys, wherefores, and whatsits – as if all of this constituted an essentialistic reality with a clear-cut, pregiven lineaments. Not all sociologists even agree on what the slices are, let alone what they are made up of. What we call “deviance” supposedly delineates how certain behaviors, beliefs, and conditions are judged or regarded by the populace at large and by agents of social control; hence, disagreement must inevitably be the coin of the realm since the public, and even rule enforcers, formal and informal, disagree about what wrongdoing is. The processes that bring this socially constructed phenomenon – *deviance* – into existence are themselves worth investigating, and many sociologists have undertaken this mission, as I spell out in Chapter 1. Researchers of deviance regard the very process of “carving” deviance out of the cosmos as constitutive of what sociologists do; how do sociologists come to carve it one way and not another? Is there any method to their madness? Crimes are socially and legally constructed, this is true, but certain kinds of characteristics *do* correlate with engaging in crime, however socially and legally constructed – especially certain *kinds* of crime. There is in other words, a “common core” to crime, at least what criminologists call “index crimes” and what many others call “street crime.”

But is this also true of deviance? Almost certainly not. True, all societies set rules or norms disallowing certain behaviors, and attempt to control acts deemed in violation of those norms; all societies, that is, exercise social control (Mathieu Deflem, Chapter 2: Deviance and Social Control). All societies harbor some members, “moral entrepreneurs” (Becker, 1963, pp. 147–163), who attempt to control, ban, or reduce the

occurrence of said wrongful behavior, including what many of us consider “nasty habits” or *vices* – smoking, prostitution, pornography, gambling, and the like. How and with what success? In Chapter 3, “Regulating Vice,” Jim Leitzel explains. The sociology of deviance is a field of study that is fragmented into not only a diversity of phenomena, but a diversity of perspectives, whose practitioners and theorists disagree about the *deviance* of practically everything. Everywhere and throughout history, wrongdoing is socially constructed. Likewise, everywhere, laypeople construct theories explaining *why* some of us stray from the norms and laws. Everywhere, youths go astray – according to the lights of the dominant social norms – but only in some places, at certain times, has youth crime been conceptualized out of the universe of wrongdoing and designated as a particular *type* of offense: juvenile delinquency (Timothy Brezina and Robert Agnew, Chapter 18: Juvenile Delinquency: Its Nature, Causes, and Control). Everywhere some members of society commit offenses against the religious establishment, but only at certain times and places have these offenses been regarded as serious by the majority and by the authorities. Everywhere, some members of society commit offenses against sexual rules, but what *specific* acts generate what *sorts* of punishment varies from one society to another (Martin Weinberg and Colin Williams, Chapter 21: Sociology and Sexual Deviance). What *is* widely regarded as a sexual offense – and when and where? Murder is condemned and punished at all times in all places, but the taking of human life is tolerated and even encouraged at certain times and places, and murder, while universally condemned, is *by definition* a deviant, criminal killing. The neutral term “killing” is not intrinsically deviant, and during wartime, against the enemy military, combatants are commanded to do it. Perhaps only treason stands as a universal taboo, and the reason should be obvious: no society can be expected to forge a suicide pact with its constituent members as well as any stranger who happens along. Everything may be socially constructed, but not everything is “up for grabs.” Some rules are a lot likelier than others to be enforced. And the violation of some rules is considered wrong in one collectivity but not another. Indeed, the violation of a rule may be wrong in one social circle and praiseworthy in another. And almost everything changes. Even entire phenomena enter and leave the universe of meaningful categories, not to mention the universe of deviance – and when they leave, cease to be studied by sociologists as a form of deviance.

Half a century ago, sociologist J.L. Simmons (1965) asked a sample of respondents the question “What is deviant?” The most common response he received at that time was “homosexuals.” More contemporaneously, Henry Minton (2002) argued that homosexuality is “departing from deviance.” Even more recently still, in Chapter 10 in this volume, Jeffery Dennis (What is Homosexuality Doing in Deviance?) argues that homosexuality is not deviant at all and should be excised from the field, except as a historical relic. In 1977, the Gallup organization asked a sample of Americans, “Do you think homosexual relations should or should not be legal?” Four in ten respondents (43%) answered that they should be legal. In 2013, two-thirds of the respondents (66%) said that homosexual relations should be legal. What message should we take away from such findings? Over time, we see a huge leap up the ladder of respectability and conventionality for homosexual relations – that much is true. But still, today, a third of the respondents *don’t* believe sex between same-sex partners should be legal.

So there is both a positive and a negative message in the polls. Still, perhaps the most astounding change in attitudes toward homosexuality has been the acceptance of gay marriage – from 27% to 55%, again according to Gallup polls. *More than half the American public believes that gays should have full legal rights when it comes to marriage.* And at the time of writing, 19 states of the US have legalized gay marriage, eight by court decision, eight by state legislation, and three by popular vote. Yes, times change, norms change – but at the same time, matters are not *entirely* different from one era to another. As Joseph Schneider says in this volume (Chapter 8: The Medicalization of Deviance: From Badness to Sickness), while the earlier psychiatric research claimed that homosexuals are sick or pathological, even today, stigma and discrimination against them has not disappeared; in other words, homosexuality has not entirely shed its deviant status. The other side of the coin is that the remaining 31 states legally *ban* same-sex marriage, though some of these permit civil unions. And consider the fact that while, as Jeffery Dennis says in this volume, numerous jurisdictions have decriminalized homosexual relations and legalized gay marriage, according to the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), homosexuality is still illegal in over 80 countries around the world. Hence, asking whether homosexuality is deviant or not is a bit of a trick question since the answer depends on what we *mean* by “deviant.” It is in some societies, locales, communities, and jurisdictions, and among some social circles and collectivities, but not in others. And in mainstream America, homosexuality is no longer deviant in the classical sense. Here’s my speculation on the matter: The Supreme Court will eventually overturn legal bans on gay marriage, and it will be legal in all states of the US; here, homosexual relations will be considered socially wrongful or deviant among a shrinking, marginal, politically powerless, and religiously reactionary minority. Currently in American society the status of homosexuality is in a *transitional* phase – still deviant in very conservative, traditional, reactionary, strongly heteronormative circles, though less so over time, and normatively more or less conventional, an alternate form of sexual expression, in most others.

In any case, Jeffery Dennis’ question “What Is Homosexuality Doing in Deviance?” is not that difficult to answer: The status of homosexuality is instructive to the student and researcher of deviance in numerous ways. As David Greenberg, author of *The Social Construction of Homosexuality* (1988), widely considered something of a classic, said to me (private communication):

I think homosexuality is a good topic for inclusion in a deviance course to provide a focal point for a critical issue in the sociology of deviance, namely temporal change in definitions of deviance, and cross-cultural differences in definitions of deviance. (Tobacco, alcohol, and other recreational drug use, masturbation, premarital and extra-marital sex, abortion and religious heresy make additional good examples.) It is an appropriate topic for deviance. It is an appropriate focus for a discussion of social movements formed by members of stigmatized groups. What explains why some groups are able to mobilize on their own behalf and not others, and at some times and not others? What determines the strategies such groups choose? Where subjected to punitive and preventive measures, or to stigma, what forms of social organization do those who wish to participate in homosexual activity create?

As Martin Weinberg and Colin Williams say in Chapter 10, the heteronormative paradigm that has prevailed in the US since its inception is undergoing a radical transformation, and one of the ways it is changing is the virtual collapse of homosexuality as a form of deviance. In the past men were arrested, imprisoned, and even executed, for “sodomy,” a code word for homosexual behavior; today, in the Western world, it is neither a crime nor the aberrant or wrongful act it once was. And yet – and this is a big “yet” – examining homosexuality *as* deviance is instructive in that it may be paradigmatic as regards how and why an activity or status *loses* its deviant status. In contrast, why have some behaviors (adultery, pederasty) remained deviant? Why have certain conventional behaviors (smoking, drunk driving) become more *unacceptable* and *non-normative*, even *sanctionable*? And why is homosexuality not entirely free of stigma *everywhere*, among *all* social collectivities? Fundamentalist and evangelical Christians still condemn it. Conservatives complain that the “deviants” of the past are being “repackaged” as the “victims” of the present day (Hendershott, 2002, p. 97). The religious right excoriates the excesses of flamboyant and militant gays and claims to welcome moderate and mainstream homosexuals into their ranks – but is this exercise simply a way of denouncing homosexuality *per se* rather than singling out those who are more extreme?

Moreover, not only is deviance a continuum – from “high consensus” deviance (rape, murder, robbery) to “low consensus” deviance (stealing a newspaper, smoking marijuana, getting drunk at a party) – and not only does censure vary from one social circle to another, but *homosexuality itself* is a continuum with respect to degrees of deviance. In the past generation, the abbreviation LGBT (sometimes rendered LGBTQ) has come into being; it gained acceptance so quickly that, in many circles, hardly anyone has to explain what it means. It refers to the variant sexuality or homosexuality cluster: Lesbian, Gay, Bisexual, Transsexual (plus “Queer,” though the “Q” sometimes means “Questioning”). The term refers to persons who are non-heteronormative or “non-cisgendered” (disagreement between one’s biology and genetics and one’s sex role), and reflects humanity’s capacity for gender and sexual diversity. Political activists frequently use LGBT to rally all these factions in the fight for political equality. But not all gays conceptualize intersex persons as belonging to the homosexual continuum, and some lesbian separatists do not want to be lumped in the same category as men. In any case, *with respect to their deviant status*, not all homosexuals are treated equally. Each category of the sexual diversity spectrum is reacted to differently by sexually conventional audiences, and *within each category*, degree of conventionality varies in individual cases. Nonetheless, to the extent that lesbians and gay men depart from the stereotypical sexual role of femininity and masculinity, she or he will tend to attract negative reactions from *some* heteronormatively conventional audiences. Hence it is misleading to refer to homosexuality as completely non-deviant.

At the end of the day, what remains? What should be included within the macrocosm of our subject of study? Deviance is behavior, beliefs, or characteristics that are disvalued by relevant social collectivities. As a result, persons who engage in, believe, or possess them often develop their own norms, values, subcultures, and lifestyles, in part as a result of reactions to that disvaluation. In Chapter 4, Craig Forsyth (Deviant Subcultures and Lifestyles) describes and analyzes subcultures and lifestyles of four

deviant collectivities – cockfighting enterprises, two forms of sex work (female prostitution and stripping), and homosexuality; Forsyth agrees with Minton that, of the four, homosexuality is exiting most from deviance, while for the other three, far less so.

Sociologists of deviance disagree as to whether and to what extent *positive deviance* exists (Ben-Yehuda, 1990; Goode, 1991; Heckert, 1989; Sagarin, 1985). In Chapter 5, “Positive Deviance,” Druann Maria Heckert and Daniel Alex Heckert build a case for its existence and conceptual viability and vitality. Yes, there is such a phenomenon as being “too good” to be regarded as *truly* good, according to those persons who don’t quite measure up. Are Albert Schweitzer, Martin Luther King, Jr., Wolfgang Amadeus Mozart, Jesus, George Washington, and Mohandas Gandhi deviants? Well, they are *positive* deviants. Overconformity. Making the mid-level achievers look bad. The straight-A student. The worker who shows up at the office every day, every day, exactly on time. The worker who does his or her job just a bit too well to make merely competent workers feel they have to step up their game. Of course, that’s a form of deviance. But is it *positive* deviance? The Heckerts argue that it is. Yes, unconventional innovations that catch on and are later recognized as useful and come to represent the norm are deviant at one time and normative later on. A case of positive deviance? Behavior that violates norms in one locale or social circle may be accepted elsewhere – again, is it positive deviance? Parties and persons that are “off the charts” – heroes, extremely beautiful women, female weightlifters and bodybuilders? Talented musicians. Star athletes. Movie stars. Statistically unusual, yes – but deviant? Again, the Heckerts argue that they fit the conceptual model. What about criminal and deviant actors who are reviled, feared, and imprisoned at one time, and lionized or mythologized decades later? Bandits and brigands, bank robbers, thieves and cat burglars. Frank and Jesse James, Billy the Kid, John Dillinger, Butch Cassidy, Bonnie and Clyde. Yes, they, too, as our explicators interpret the matter, exemplify the positive deviant. What about the *ex-deviant*—the wrongdoer who goes straight and advertises the error of his ways? He, too, is a positive deviant. Are all these behaviors and characters examples of positive deviance? The Heckerts make an insistent case that they are. Deviance researchers who base their definition strictly on negative reactions regard all these cases as a mixed bag and see conceptual confusion rather than consistency or theoretical utility.

Not all current putative wrongdoing was always considered wrong. In many societies, social circles, collectivities, times and places, certain actions, beliefs, and characteristics *come to be regarded* as wrongful. How does this process take place? What does the process of deviantization look like? In Chapter 6, “The Process of Deviantization,” Daniel Dotter explains. Definitions of deviance change; what was immoral may come to be regarded as acceptable, and vice versa. This process works for both formal and informal social control; that is, what were once crimes, states have decriminalized – witness abortion, gambling, homosexual relations, and recently marijuana possession and sale (John Dombrink, Chapter 9: Decriminalization). Until 1967, in some states, interracial marriage was against the law; then it became legal. In Chapter 7, “Changing Definitions of Deviance,” John Curra lays the foundation of what deviance is all about, then surveys the process of defining deviance “up” and “down” over time, again detailing the huge decline in the deviant status of homosexuality. Over time, certain conditions that once were regarded as manifestations of “badness” and immorality came to be seen as signs of

mental disorder: hyperkinesis; schizophrenia; autism; Tourette's syndrome. In other words, what was originally regarded as deviant behavior became *medicalized*. And ways of conceptualizing and treating mental aberrations brought them under entirely different regimens of control – from the hangman's noose and the prison cell to the psychiatrist's couch, the licensed and certified professional's office. Sexually immoral actions may come to be seen as treatable conditions. And some once-supposed mental disorders escaped from deviance altogether, and may be regarded as both morally neutral, optional, and free of all mental pathology – again, to highlight our deviance-shedding star of the show, witness the deletion of homosexuality from the American Psychiatric Association's *Diagnostic and Statistical Manual* in 1973. And drugs replaced the talking cure, further legitimating the professionalization of addressing troublesome behavior. These issues are addressed by Joseph Schneider in Chapter 8 (The Medicalization of Deviance: From Badness to Sickness), and Peter Conrad and Julia Bandini, in Chapter 24 (Mental Illness as a Form of Deviance: Historical Notes and Contemporary Directions).

Deviance is made up of one or more designated spheres of behavior or belief systems or conditions, as well as a topic or subject to be investigated. How do sociologists study deviance? Perhaps the most informative way of cutting the methodological pie is to divide research techniques into quantitative (Jeff Ackerman, Chapter 11: Quantitative Methods in the Study of Deviance) and qualitative (Richard Tewksbury, Chapter 12: Studying Deviance: Qualitative Methods). Can we theorize about deviance? Sociological explanations of deviance are largely confined to behavior (as opposed to beliefs and/or conditions); all of the classic sociological theories of deviance confine themselves, understandably, to types of action. Robert Meier, in Chapter 13 "Explanatory Paradigms in the Study of Deviance," elaborates these theoretical models.

At the same time, some researchers have found the critical, Marxist, or radical approach to the study of deviance and crime fruitful, as Walter DeKeseredy explains (Chapter 14: Critical Criminology), while still others find insight in the symbolic interactionist perspective, as Addrain Conyers and Thomas Calhoun elucidate in Chapter 15, "The Interactionist Approach to Deviance." Do theories pivot on fundamental and basic social characteristics, such as race, ethnicity, and gender? Power is distributed in such a way that the definitions of right and wrong held and administered by superordinates exerts vastly more sway over subordinates than the other way around. Does this apply to a relatively low-deviance sector of the population – girls and women? Or do females attract deviant labels that apply to them specifically? Is being female itself a form of deviance, as some have argued (Schur, 1984)? In Chapter 16, "Gender and Deviance," Meredith Worthen and Danielle Dirks offer their insight on the matter. In another social sphere, the deviant is dramatized in the pages of newspapers and broadcast news (David Altheide, Chapter 17: Deviance and the Mass Media). Likewise, the drama of deviance in the media is worth knowing about.

Deviance plays out at both the micro- and the macro-level. With the society and social collectivities as backdrops and background, individuals enact behavior, hold beliefs, or possess traits that are likely to attract censure, social isolation, or punishment; here we have the delinquent (Timothy Brezina and Robert Agnew, Chapter 18: Juvenile Delinquency: Its Nature, Causes, and Control), the drug abuser (Scott Akins and Clayton Mosher, Chapter 20: Drug Use as Deviance), the alcohol abuser

(Paul Roman, Chapter 19: Alcohol Use as Deviance), the sexual deviant (Martin Weinberg and Colin Williams, Chapter 21: Sociology and Sexual Deviance), the person who holds unconventional beliefs (Robin Perrin, Chapter 22: Cognitive Deviance: Unconventional Beliefs), and the person who, according to some or most audiences, possesses one or more “Abominations of the Body”: that is, some form of physical deviance (Goode, Chapter 23).

At the macro- or meso-level, however, actors form part of larger structures that function as an entity, *as if they were* an individual, a person; indeed, in such institutions, individuals act *on behalf of* the larger entity. An economy is incapable of providing sufficient jobs for the workforce as a whole, and the poor, the poverty-stricken, the unemployed are stigmatized as a consequence (David Harvey, Chapter 25: Poverty and Disrepute). Corporations dump pollution into the atmosphere, the water supply, the ground, and the rest of us suffer as a consequence (Avi Brisman, Chapter 26: Environmental Harm as Deviance and Crime). Managers within corporations make decisions about cutting corners, bending and breaking laws, violating statutes that the rest of us may not even understand – and may or may not be brought into court as a collective by the authorities for their actions (Melanie Bryant, Chapter 27: Organizational Deviance: Where Have We Been, and Where Are We Going?). First World nations attempt to stem the tide of massive immigration to their shores from poor, Third World nations, and officials in the former find themselves seeking out and deporting – in a word, *stigmatizing* – persons who have fled poverty or persecution they are unable to deal with in their home country (Dean Wilson, Chapter 28: Marginalizing Migrants: Stigma, Racism, and Vulnerability). Political deviance is perpetrated by persons in power, by claimants to power, by agents who seek to effect political change, and those who advocate politically subversive causes, those who act both on behalf of the state and in opposition to the state: in any case, persons who represent entities substantially larger than themselves, as Pat Lauderdale explains, in Chapter 29 (Political Deviance). Finally, we have the terrorist and organized efforts to combat terrorism (Austin T. Turk, Chapter 30: Terrorism and Counterterrorism), perhaps the ultimate actors who engage in behavioral entities substantially larger than themselves. Any discussion of terrorism and counterterrorism underscores the inherently political nature of any investigation of deviance. Who decides what’s wrong? Who has the power to designate one objectively harmful action as deviant, the enactors of which deserve the harshest possible punishment, as opposed to an equally harmful action taken in retaliation for the first, which we must regard in positive terms – necessary under the circumstances? And what audiences do we look to for one judgment or the other? What the sociologist regards as deviant is not written in stone, not a hegemonic text that every reader interprets in the same way, but a fleeting, protean, adaptable, and yet in many contexts durable set of actions whose understanding of it is variable according to the audiences who view it. When these variable meanings are set into motion as responses to specific actions, they are often powerful in their impact – and hence very real – but their reality depends on interpretations which may seem will o’ the wisp to the outsider observer. Some critics of the field complain that deviance analysts tend to focus on the individual as the unit of analysis, but this section on institutional deviance demonstrates that large-scale, macro or meso institutions can and do define wrongness and punish putative miscreants, and their

actions can affect larger units as well. In fact, we can regard entire nations as deviant: rogue states, pariah nations, countries that other countries boycott, isolate, freeze out of diplomatic and even trading relations because their leaders have engaged in actions (human rights abuses, the sponsorship of terrorism, the proliferation of weapons of mass destructions) of which others disapprove. North Korea and Sudan are extreme examples of rogue nations. Some observers have even labeled the US as a “rogue state” (Blum, 2005; Isquith, 2011) because of its tendency to bully smaller, weaker societies in the pursuit of its interests, whatever the consequences.

The social world is in ceaseless flux, constantly changing. Deviance changes, conditions for committing deviance change, theories and explanations of deviance change, topics float in and out of deviance curricula, and as Nachman Ben-Yehuda points out (Chapter 31: Deviance and Social Change), deviance can transform society at large. In conclusion, to repeat the question originally raised by Joel Best (2006, p. 543) – as much a challenge as a reproach for a field of study that has weathered something of a barrage of skepticism and criticism in recent decades – I ask, “What’s in Store for the Concept of Deviance?” (Chapter 32). Everyone who contributed a chapter to this volume attempts an answer to this formidable question. What indeed? Each chapter in this *Handbook* stands more or less on its own ground; I have not attempted to reconcile the authors’ diverse positions with one another, nor, for the most part – with a very few exceptions – criticize any assertions by authors with which I disagree. I’ve given every chapter enough room to breathe. After all, my position as editor of this volume is entirely befitting its unconventional subject matter.

References

- Becker, H.S. (1963). *Outsiders: Studies in the Sociology of Deviance*. New York: Free Press.
- Ben-Yehuda, N. (1990). Positive and negative deviance: More fuel for a controversy. *Deviant Behavior*, 11 (3), 221–243.
- Best, J. (2006). Whatever happened to social pathology? Conceptual fashions and the sociology of deviance. *Sociological Spectrum*, 26 (6), 533–546.
- Blum, W. (2005). *Rogue State: A Guide to the World’s Only Superpower* (3rd ed.). Monroe, ME: Common Courage Press/London: Zed Press.
- Goode, E. (1991). Positive deviance: A viable concept? *Deviant Behavior*, 12 (July–September), 289–309.
- Greenberg, D.F. (1988). *The Social Construction of Homosexuality*. Chicago: University of Chicago Press.
- Heckert, D. (1989). The relativity of positive deviance: The case of the French Impressionists. *Deviant Behavior*, 10 (2), 131–144.
- Hendershott, A. (2002). *The Politics of Deviance*. San Francisco: Encounter Books.
- Isquith, E. (2011). Chomsky: America has become a one-party rogue state. *Salon*, November 6.
- Minton, H.L. (2002). *Departing from Deviance: A History of Homosexual Rights and Emancatory Science in America*. Chicago: University of Chicago Press.
- Sagarin, E. (1985). Positive deviance: An oxymoron. *Deviant Behavior*, 6 (2), 169–181.
- Schur, E.M. (1984). *Labeling Women Deviant: Gender, Stigma, and Social Control*. New York: Random House.
- Simmons, J.L. (1965). Public stereotypes of deviants. *Social Problems*, 13 (Fall), 223–232.

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stress that the *Handbook of Deviance* make scholarly use of these materials. These authors willed this volume into existence, and all of us hope that it will prove to be useful to everyone who consults it.

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Part I

Deviance

The Conceptual Foundations

The Sociology of Deviance

An Introduction

Erich Goode

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 *unobjectionable*, 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; McKittrick, 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 disproportionately 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.

References

- Adler, F., Mueller, G.O.W., & Laufer, W. (2012). *Criminology* (8th ed.). New York: McGraw-Hill.
- Adler, P., & Adler, P. (Eds.) (2012). *Constructions of Deviance: Social Power, Contexts, and Interaction* (7th ed.). Boston: Cengage Learning.
- Aho, J.A. (1994). *This Thing of Darkness: A Sociology of the Enemy*. Seattle: University of Washington Press.
- Alvarez, A. (2010). *Genocidal Crimes*. London & New York: Routledge.
- Bader, C., Becker, P.J., & Desmond, S. (1996). Reclaiming deviance as a unique course from criminology. *Teaching Sociology*, 24 (July), 316–320.
- Becker, H.S. (1953). Becoming a marihuana user. *American Journal of Sociology*, 59 (3), 235–242.
- Becker, H.S. (1955). Marihuana use and social control. *Social Problems*, 3 (1), 33–44.
- Becker, H.S. (1963). *Outsiders: Studies in the Sociology of Deviance*. New York: Free Press.
- Benson, M.L. (1985). Denying the guilty mind: Accounting for an involvement in white collar crime. *Criminology*, 23 (November), 589–599.
- Berger, P.L. (1967). *The Sacred Canopy*. Garden City, NY: Doubleday.
- Best, J. (2004). *Deviance: Career of a Concept*. Belmont, CA: Thompson Wadsworth.
- Best, J. (2008). Historical development and defining issues of constructionist inquiry. In J. Holstein, & J.F. Gubrium (Eds.), *Handbook of Constructionist Research* (pp. 41–64). New York: Guilford Press.
- Clinard, M.B. (1957). *Sociology of Deviant Behavior*. New York: Reinhart.
- Clinard, M.B., & Meier, R.F. (2011). *Sociology of Deviant Behavior* (14th ed.). Boston: Cengage Learning.
- Costello, B.J. (2006). Cultural relativism and the study of deviance. *Sociological Spectrum*, 26 (November), 581–594.
- Erikson, K.T. (1962). Notes on the sociology of deviance. *Social Problems*, 9 (Spring), 307–314.
- Faust, D.G. (1981). *The Ideology of Slavery: Proslavery Thought in the Antebellum South, 1830–1860*. Baton Rouge: Louisiana State University Press.
- Gibbs, J.P. (1966). Conceptions of deviant behavior: The old and the new. *Pacific Sociological Review*, 9 (Spring), 9–14.
- Goffman, E. (1963a). *Stigma: Notes on the Management of Spoiled Identity*. Englewood Cliffs, NJ: Prentice-Hall/Spectrum.
- Goffman, E. (1963b). *Behavior in Public Places: Notes on the Social Organization of Gatherings*. New York: Free Press.
- Goode, E. (2015). *Deviant Behavior* (10th ed.). Boston: Pearson.

- Gottfredson, M.R., & Hirschi, T. (1990). *A General Theory of Crime*. Stanford, CA: Stanford University Press.
- Kitsuse, J.I. (1962). Societal reaction to deviant behavior: Problems of theory and method. *Social Problems*, 9 (Winter), 247–256.
- Kunkel, C.R. (1999). Reclaiming deviance as a unique course from criminology revisited. *Teaching Sociology*, 27 (January), 38–43.
- Leech, G. (2012). *Capitalism: A Structural Genocide*. Plymouth: Zed Books.
- Lemert, E.M. (1948a). General theory of sociopathic behavior. Meeting of the Pacific Sociological Association, Santa Barbara, California, Friday, April 30.
- Lemert, E.M. (1948b). Some aspects of a general theory of sociopathic behavior. *Proceedings of the Pacific Sociological Society*, 16 (1), 23–29.
- Liazos, A. (1972). The poverty of the sociology of deviance: Nuts, sluts, and preverts. *Social Problems*, 20 (Summer), 103–120.
- Lyman, S.M. (1985). *Selected Writings of Henry Hughes, Antebellum Southerner, Slavocrat, Sociologist*. Jackson: University Press of Mississippi.
- Matza, D. (1969). *Becoming Deviant*. Englewood Cliffs, NJ: Prentice-Hall.
- McKittrick, E. (1963). *Slavery Defended: The Views of the Old South*. Englewood Cliffs, NJ: Prentice-Hall.
- Merton, R.K. (1938). Social structure and anomie. *American Sociological Review*, 3 (5), 672–682.
- Merton, R.K. (1949). Social structure and anomie. In *Social Theory and Social Structure: Toward the Codification of Theory and Research* (pp. 125–149, 378–383). Glencoe, IL: Free Press.
- Nettler, G. (1974). On telling who's crazy. *American Sociological Review*, 39 (December), 893–894.
- Newman, G. (1976). *Comparative Deviance: Perception and Law in Six Cultures*. New York: Elsevier.
- Plummer, K. (1979). Misunderstanding labelling perspectives. In D. Downes, & P. Rock (Eds.), *Deviant Interpretations* (pp. 85–121). Oxford: Martin Robinson.
- Polsky, N. (1998). *Hustlers, Beats, and Others*. New York: Lyons Press.
- Rossi, P.H., Waite, E., Bose, C.E., & Berk, R.E. (1974). The seriousness of crime: normative structure and individuals differences. *American Sociological Review*, 39 (2), 224–237.
- Rubington, E., & Weinberg, M.S. (Eds.) (2008). *Deviance: The Interactionist Perspective* (10th ed.). Boston: Allyn & Bacon Pearson.
- Rymond-Richmond, W. (2014). Genocide. In G.J. Bruinsma, & D.L. Weisburd (Eds.), *Encyclopedia of Criminology and Criminal Justice*. New York: Springer.
- Sagarin, E. (1975). *Deviance and Deviants: An Introduction to the Study of Disvalued People and Behavior*. New York: Praeger.
- Scheff, T.J. (1966). *Being Mentally Ill: A Sociological Theory*. Chicago: Aldine-Atherton.
- Scheff, T.J. (1984). *Being Mentally Ill: A Sociological Theory* (2nd ed.). New York: Aldine.
- Scheff, T.J. (1999). *Being Mentally Ill: A Sociological Theory* (3rd ed.). New York: Aldine/de Gruyter.
- Schur, E.M. (1971). *Labeling Deviant Behavior: Its Sociological Implications*. New York: Harper & Row.
- Schweik, S.M. (2009). *The Ugly Laws: Disability in Public*. New York: New York University Press.
- Scully, D., & Marolla, J. (1984). Convicted rapists' vocabulary of motives: Excuses and justifications. *Social Problems*, 31 (June), 530–544.
- Sibley, D. (1995). *Geographies of Exclusion: Society and Difference in the West*. London & New York: Routledge.

- Siegel, L.J. (2013). *Criminology: Theories, Patterns, Typologies* (11th ed.). Belmont, CA: Wadsworth.
- Sumner, C. (1994). *The Sociology of Deviance: An Obituary*. London: Open University Press.
- Sutherland, E.M. (1939). *Principles of Criminology* (3rd ed.). Philadelphia: Lippincott.
- Tise, L.E. (1987). *Proslavery: A History of the Defense of Slavery in America, 1701–1840*. Athens: University of Georgia Press.
- Walvin, J. (2006). *Atlas of Slavery*. Harlow: Pearson Longman.
- Woolgar, S., & Pawluch, D. (1985). Ontological gerrymandering: The anatomy of social problems explanations. *Social Problems*, 32 (3), 214–227.
- Yacoubian, G.S., Jr. (2000). The (in)significance of genocidal behavior to the discipline of criminology. *Crime, Law, and Social Change*, 34 (1), 7–19.

Deviance and Social Control

Mathieu Deflem

Late in the nineteenth century, Edward A. Ross, one of the founders of American sociology, wrote a series of articles – two of which appeared in the *American Journal of Sociology* – on social control. Soon after, he revised and published them in the form of a book of the same name (1901). Ross equated social control with the entire social order – in effect, every institution that holds society together. As was typical of the fledgling field of sociology at the time, Ross was mainly concerned with how the selfish, impulsive, egotistical individual – and by that he meant every one of us – comes to be tamed, civilized, and controlled to serve society as a whole. As Ross saw it, mutuality, or a common recognition of the public good, ensured the social order. Ross was a paradoxical figure – part progressive, part eugenicist, part socialist, part New Dealer, and thoroughly racist. He felt that immigrants from China should be barred from entering the US; they were unassimilable because they held values antithetical to American democracy.

Today, sociologists define social control less expansively and more specifically: efforts to ensure conformity to the norms. Society does not regulate itself, but not all efforts to ensure conformity to norms are for the benefit of the society as a whole – and neither are such efforts exclusively for the benefit of the privileged. Efforts at social control may be both formal and informal, past and present, coercive and cooperative. Within the context of deviance and crime, social control represents the passage and enforcement of the criminal law, the institutions of criminal justice – including the police, the courts, the jails and prisons – as well as the inculcation and exercise of informal norms; that is, rewards and punishments that members of any and all collectivities, including society as a whole, promulgate, and administer when they encounter what they consider wrongdoing. Within that fairly broad compass, a diversity of sociological perspectives have specified the functions and consequences of social control and reflected on their theoretical significance. Social control is perhaps *the* guiding concept in the field of

deviance; it is on the foundation of the concept of social control that everything that is important about deviance and how it operates in social collectivities and, more generally, the society itself, rests.

Here, I will review the most important moments and movements in the transformation of the idea of social control in the field of sociology, and indicate some of its potential and implications for theory and research.

Social Control and Social Order

Social control is among the oldest and most distinctly sociological concepts, especially in the work of some of the classical American sociologists. The origin of social control in the history of sociology places the concept and its respective theoretical frameworks in a unique position, given that the intellectual roots of modern and contemporary sociology have been largely shaped by the European traditions that stretch from August Comte to Emile Durkheim and Max Weber, along with a handful of other continental classical scholars. Throughout the concept's history, social control has undergone important changes in meaning (Cohen, 1985; Meier, 1982; Scull, 1988).

In the late nineteenth and early twentieth centuries, the concept of social control relied upon recognizing the need and capacity of a society to maintain and ensure the social order without an explicit or threatened reliance on force or violence. Within this broadly understood notion, the early American sociologists viewed social control primarily as a feature of societies that relied on a relatively high degree of consensus and harmonious social relationships. Social control involves mechanisms of integration aimed at securing order and stability at the societal level, despite increasing trends of growing individualism and cultural diversity. Early theorists placed the concept of social control at the center of the sociological problem of a quest for normative integration in the light of an increasing diversity of values, a condition that, in turn, was connected with the march of industrialization and capitalism, urbanization, and other manifestations of increasing societal complexity and differentiation. Various scholars positioned the broad concept of social control as the foundation of social order rooted in a paradigm of consensual understanding and social harmony, articulating the concept in what, in contemporary terms, we would refer to as both a micro- and a macro-theoretical version.

Self and social control

From the micro-theoretical viewpoint, the influential Chicago philosopher George Herbert Mead (1934) developed a concept of social control in the context of his theory of self and society. The self, argued Mead, consists of a unique or active part, which he referred to as the "I," and a shared or passive component, which he labeled the "me." Conceived of as two co-existing components as well as two phases in the development of the member of a group, the "I" and "me" form the theoretical foundation of a model of the self that works to establish a consensual relationship between individual and

society. On the basis of this posited ability of individuals to modify their behavior by taking into account the expectations of specific and generalized others, Mead responded to the notion that the individual and the society are not contradictory, but, on the contrary, mutually constitutive elements in the formation of self and social order alike.

Social control is the term Mead specifically uses to refer to the integration of individual and society within the framework of his notion of the self. As a form of self-criticism or self-correction (of the “I” by the “me”), social control is effective to the extent that the self takes on the role of others and the sentiments and expectations of the group as a whole. Thus, writes Mead, “through self-criticism, social control over individual behavior or conduct operates by virtue of the social origin and basis of such criticism. That is to say, self-criticism is essentially social criticism” (Mead, 1934, p. 255). This statement clearly reveals the consensual orientation in Mead’s thinking, implying a notion of social control that does not crush individuality but is instead constitutive of it.

The function and institutions of social control

No scholar has contributed more to develop the classical foundations of the sociology of social control than Edward Alsworth Ross, who, as we saw, wrote about the matter at length (Ross, 1901). The broadly understood concept of social control is displayed in Ross’s work, as indicated by the book’s subtitle: *A Survey of the Foundations of Order*. Unlike the work of Mead, however, Ross’s orientation operated on a macro-theoretical level to ponder the societal function and institutions involved with social control. Ross developed his perspective from the notion that consensus is the foundation of social order in modern society. As such, social control is conceived explicitly in opposition to coercive control. The central function of social control is to bring about a harmonious association among the various members of a society, especially under conditions of a social order that Ross, following the famous terminology of Emile Durkheim (1893/1933), labeled as organic in nature, involving a high degree of cultural difference and increasing differentiation in economic and other relevant respects. It is especially under these conditions of increased individualism and differentiation that the members of society must be integrated with one another in their conduct and expectations through a series of institutions and mechanisms purposely oriented at establishing social control.

Ross rejected the theories that a social division of labor (Emile Durkheim), a quest to preserve private interests (Herbert Spencer), or the mechanisms of authority and subordination (Karl Marx) can account for social order. Instead, Ross articulated the idea that social control fulfills this function as one form of social ascendancy next to social influence. Whereas social influence refers to the ascendancy over the members of a group to which they belong as a mere effect resulting from membership and social contact, social control involves the ascendancy over individuals on behalf of the group purposefully oriented at harmonizing clashing interests and activities.

Given its emphasis on social order, Ross’s understanding of social control is conceived of as a part of static sociology, for social control is a persistent function of society.

Further, Ross argued, since people are not by nature oriented toward one another through sympathy or sociability, but instead are inherently selfish, social control applies constantly to all members of society at all times – and not just to those who violate a norm. Because of Ross' commitment to reforming society based on his sociological perspective, his orientation developed as distinctly analytical, grounded in a science of society, rather than critical in the service of a particular ethical vision.

Because of its broad understanding of the social order, Ross's notion of social control implied that all social institutions in society serve a function as instruments of social control and should be studied accordingly. Thus, the sociology of institutions is a subfield within the sociology of social control as a more fundamental area of investigation. The institutions Ross that reviewed in function of social control included public opinion, law, belief, suggestion, education, custom, religion, ideas, and art, amongst others. By means of illustration, Ross defined suggestion as the shaping of conduct by social inclination in view of modification of the will. Suggestion, Ross argued, emanates from the group with the explicit function of restoring order when individual choices clash with one another. Ross mentioned the interesting example of a wife staying in an unhappy marriage because of the suggested negative impact of otherwise being stigmatized as a "divorcée."

While some observers might label Ross' work as conservative in its assumptions about the consensual nature of modern society, his writings would better be understood as the background of a concern for the important social problems of his day, such as urbanization, poverty, alcoholism, and prostitution. The solutions for social problems that were typically favored by the early American sociologists such as Ross were situated in a liberal understanding of fostering order while preserving freedom (Spierenburg, 2004). Ross conceived of his work as a contribution to the creation of social order by means of peaceful social relations and collective harmony. Ross' concept of social control also implies a defense of state intervention, especially of unbridled capitalism, on behalf of the collective interests of society.

Social conflict and social order

In the development toward modern sociology that began in earnest after World War II, the harmonious models of social control introduced by Mead and Ross came under attack. This transformation in sociological thinking did not occur only, or even mainly, as the result of changes in sociological theorizing, but was also a function of important societal developments. The decades preceding the end of World War II had witnessed unexpected hardships and turmoil in political, economic, and other respects. World War I was the bloodiest war until that time, and would eventually lead to a renewal of hostilities on an even larger scale, beginning with the Nazi invasion of Poland in 1939. The rise of fascism and Nazism in Europe were devastating factors in the transformation of the international political order, as were the profound economic calamities that occurred during the inter-war period. Realizing the need to account for such societal disturbances, early modern sociologists moved away from seeing social control as a process of consensual normative integration toward a more coercive and repressive model, which employed the use of threat and subjugation by the modern state. The emphasis in

this newer concept of social control therefore shifts from the social or person-to-person component to the more hierarchical, top-down, or authoritarian aspect of control.

Illustrating this new understanding of social control, the influential legal scholar Roscoe Pound (1942) developed a theory of law as social control within the framework of a sociological jurisprudence that investigates the actual effects of law and seeks to formulate the ultimate purpose of legal codes as a matter of social control (Deflem, 2008). Pound defined social control as the ordering of human relations in politically organized societies in terms of the fulfillment of certain claims, demands, and desires of an individual or collective nature. While law is not the only means of social control, Pound argued it to be the most conspicuous and most effective form of control in the modern era. According to Pound, the law must reconcile conflicting interests among individuals and groups and also express those interests that serve collective goals, such as security, morality, rights, and progress. Thus, the law appears as an instrument of social control that is sanctioned by the state and backed up by the threat or use of specified means of coercion. As such, social control is centrally involved with the exercise of power.

From the viewpoint of this broad but coercive conception of social control, sociological attention has also gone to social institutions that are not traditionally understood in terms of power and control. Given the historical roots of the classic theories of social control in a consensual framework, modern conflict-theoretical perspectives have thereby often abandoned the concept of social control altogether, and instead relied on a newly developed Marxist language of oppression and class domination. But some critical scholars retained the social control concept. Among the noteworthy examples is the study of welfare as social control by Frances Fox Piven and Richard Cloward (1971). Rather than conceiving of social welfare in its conventional understanding as a form of help, Piven and Cloward argued that welfare programs should be viewed as efforts to exert control over certain groups of people, particularly those who are economically deprived. Welfare functions to avert large-scale rebellion and appease the members of society who might otherwise feel left behind.

The use of the social control concept in studies of social welfare obviously dispenses with any consensual understanding of society in favor of a Marxist-inspired instrumentalist theory of power and the state. Sometimes extending from, but always harmonizing with this perspective of social control, more recent modern as well as most contemporary theories of social control focus on a variety of special categories of people that are subject to social control, such as the mentally ill, the sick, the young, and the old (Chriss, 2007). This new concept of social control thus no longer regards the entire social order encompassing all members of society at any given time, but is conceptually more specifically tied to particular, potentially troublesome, categories of people targeted by more authoritarian control – principal among them, the deviant and the criminal.

The Control of Deviance and Crime

In almost all contemporary sociology and related work in the areas of criminology and criminal justice, theorists conceive of social control as targeted specifically in relation to crime and/or deviance. Reviewing the various perspectives within this orientation, a

classification of schools of thought can be used that is both historical and analytically valuable to differentiate among the following three theory groups: crime causation theories; crime construction perspectives; and critical perspectives of crime and deviance (Deflem, 2008, pp. 229–231).

Crime causation perspectives

The sociological study of crime and deviance is historically rooted in the positivist traditions of social science that focused attention on the causes of behavior (Lilly, Cullen, & Ball, 2007). Originally aimed at unraveling the biological and psychological causes of crime, sociologists began to develop formally similar theories and research to explore the social causes of crime as a social fact. The era of modern sociology of crime and deviant behavior was ushered in by the seminal works of Edwin Sutherland (differential association theory), proponents of the Chicago School (social disorganization), and Robert K. Merton (anomie and opportunity structures). What these perspectives have in common is that they are primarily interested in the causes of crime or deviant behavior at the level of the group, and that they offer a variety of non-individualist theories of explanation.

Not always as much discussed, but theoretically more or less explicitly implied, is the perspective within crime causation perspectives that social control should be regarded as a functional response to criminal behavior. Social control is consequently seen as a social reaction to crime that is functionally oriented to the restoration of social integration by means of various institutions of control, such as the police, the courts, and punishment. This perspective of social control can theoretically rely on the sociology of Talcott Parsons (1951), who developed a perspective of social control as a corollary to a theory of deviance and crime. Whereas Parsons regarded crime as creating a strain or tension in an otherwise stable social system, he understands social control as a re-integrative attempt to stabilize the functioning of society. The mechanisms of social control thus function to fulfill society's integrative needs to provide stability. Parsons' conception of social control is not to be confused with the so-called social control theory of crime that was developed by Travis Hirschi (1969). In Hirschi's work, crime is regarded as a consequence of a weakening of social control, referring to the mechanisms that place restraints on human drives and desires and establish bonds with society. Hirschi's social control theory, in other words, is a theory of crime, not of social control.

Crime construction perspectives

Crime causation theories are the oldest theoretical perspectives in sociology focusing on crime – and they remain the most applied today, especially in the fields of criminology and criminal justice – but they were sharply criticized in the modern era of sociology by the crime construction theories. Constructionism developed gradually from the 1950s and 1960s onwards; it regards crime not so much as a form of behavior, or a specific, pre-given *action*, as a construct or a *label* that is attached to certain forms of behavior

(Lilly *et al.*, 2007). Although these researchers do not apply a consistent terminology, they do make the distinction between deviance and crime. They refer to deviance as behavior that violates either formal or informal norms – or both – while they reserve the concept of crime to refer to the specific label that is attached to deviant forms of behavior under conditions of a system of law or an otherwise highly formalized system of rules. In other words, deviance is the broader concept, and crime the more specific designation.

Crime construction perspectives trace their theoretical foundations back to early social-science work on juvenile delinquency, such as Frank Tannenbaum's (1938) observation that juvenile delinquents shared not so much a particular or consistent set of behavioral experiences, as the fact that they were labeled or "tagged" as being evil. Crime-constructionists later used this basic idea, in the terminology of Edwin Lemert (1951), to demarcate primary from secondary deviation. Primary deviance (or, in Lemert's phraseology, "deviation") refers to an initial normative violation that is based on some motive on the part of the deviant person. Secondary deviance occurs when primary deviance is met with social control efforts that ironically lead the deviant person to adopt the negative label that is applied. As a result of being labeled as deviant, the labelee subsequently acts upon the assumption of the deviant label through continued, even escalating, norm-violating conduct. When such deviant behavior continues to occur, members in the deviant's community may regard it as all-important to the person who engages in it. The stigmatizing effect of the label of *deviant*, in Lemert's model of social control, can then impart a master status to the person who engages in supposedly wrongful behavior, thereby causing conventional persons to refer to him or her as a "criminal" or "delinquent." A youngster, for instance, may initially use illegal drugs to get high and feel good, but subsequently engage in further and more serious drug use precisely because it was negatively sanctioned, which may further lead to the label of "junkie," and from there to further and more serious drug abuse. We should note that secondary deviance is a possible, but not a necessary, effect of social control.

The conditions of the different outcomes of social control are significant subject matters of sociological research. Sociologists refer to the perspective that focuses on the labeling process and the social construction of deviance, crime, and delinquency as the *reactionist* perspective. Many crime construction theorists focus attention on the problematic consequences of criminalization. Frequently, they focus on the processes and systems of social control that do not take into account the specific social conditions of the deviant actors and the environment in which they act, arguing that the criminal justice system frequently entrenches miscreants more deeply into deviant roles. Thus, adherents of the crime construction perspective have articulated alternatives to formal mechanisms of social control that range from decreasing the severity of formal criminal justice sanctions to outright decriminalization.

Critical crime perspectives

From the 1970s and 1980s onwards, a third wave of sociological work on social control appeared that we can broadly situate in the camp of conflict theory (Lilly *et al.*, 2007). Many variations exist within this perspective, which we can situate with respect to their

relative proximity to or distance from the philosophy of Karl Marx, who has served as a central inspiration for modern conflict perspectives. Two of the more prominent critical crime perspectives are Structural Marxism and Left Realism.

In most general terms, Structural Marxism is a radical perspective that holds on to the materialist premises of Marx and conceives of criminology and the sociology of crime as only one part of a more general and profound critical perspective to society. By contrast, Left Realism is a more pragmatic, reformist response to what are considered to be people's everyday, concretely real problems with crime, based on an understanding that there are multiple sources of conflict along the lines of class, gender, age, and race and ethnicity. As such, these theoretical varieties in critical crime perspectives center on the question of to what extent crime and crime control can be accounted for by the materialist theses of Marx, or whether it should be broadened from a more multidimensional approach.

With respect to the study of crime, Structural Marxism adopts the view that the problematic aspects of crime are intimately related to conditions of the wider social structure, especially the economic conditions in which criminalization takes place and in which a (capitalist) criminal justice system has historically evolved. The reality of crime is a social fact, but it is the product of a class struggle. As the manifestation of class antagonisms, moreover, criminalization disproportionately targets the working classes, while iniquitous offenses by the elites are not criminalized to the same extent, nor, if they are, do they typically result in prosecution.

Adherents of Left Realism take crime seriously in a manner that is primarily focused on the concrete negative implications of crime, specifically victimization and the creation of a fear of crime, and most importantly in working class communities. The negative reality of crime is not dismissed or explained away in terms of the structural conditions of criminalization, but is conceptualized in terms of the harmful effects of criminal behavior on the social order and people's perceptions of quality of life.

The theoretical consequences of conflict theory for the study of social control are that the Structural-Marxist viewpoint situates crime and criminalization within a wider socio-historical and economic context of a criminal justice system and the (capitalist) society in which it is imbedded. This contextualization of social control goes to the very heart of an orthodox Marxist viewpoint that always considers the economic conditions of society as a whole, and which consequently also rejects a narrow criminology or sociology of crime in favor of a more profound and general critique. The inequalities of social control are exposed as inequalities of society. Hence, this radical version of conflict theory will typically describe itself as sociological or criminological Marxism rather than as Marxist sociology or criminology.

Rejecting the premises of a conventionally understood Marxism, Left Realism is more reform-oriented in its focus on the specific problems involved with the mechanisms of social control. As such, problems are exposed that relate to the relatively bureaucratic, overly centralized, gendered and racist dimensions of social control, especially the formal criminal justice system, without necessarily attacking capitalist society as a whole. Left Realist theorists argue that an orthodox Marxism would not appreciate the gains that have been accomplished through the democratization of modern society nor the positive contributions that have been made in the contemporary criminal justice

systems that deal with the negative realities of crime and disorder. In other words, Left Realism holds that a critical, sharp-edged reformist approach to criminal justice is more fruitful and productive than the classic revolutionary Marxist approach.

Visions and Revisions of Social Control

Recent decades have witnessed various shifts and modifications to the sociological understanding of social control and related fields of inquiry, with an at times dizzying array of viewpoints, terminologies, and objectives. While a problematic consequence of the present state of theoretical pluralism in the social sciences, the following review of some of the more recent developments in theorizing on social control cannot claim to be complete, but should nonetheless be valuable in terms of its analytical value in the history of relevant thinking.

Reviving social control as social order

Despite the very widespread contemporary understanding of the social control of crime and deviance, several scholars have made attempts to continue to define social control broadly, in line with the works of Mead and Ross, as a foundation of social order. Morris Janowitz and Jack Gibbs must be counted among the theorists who adopt this broader perspective.

Chicago sociologist Morris Janowitz (1975) employs the concept of social control to denote a society's capacity to regulate itself within a normative framework that transcends individual self-interest. This notion is strongly reminiscent of the consensually oriented perspective of social control as social order that was originally developed by E.A. Ross. Likewise mirroring an ambition already found in the work of Ross, Janowitz's work is reform-oriented in its ambitions, by arguing that efforts should be made to strengthen social control in view of the negative implications of its weakening in advanced industrial societies.

In two ambitious books, Jack Gibbs (1989, 1994) has sought to develop a general scientific theory of social control, which he seeks to establish as the central notion of the discipline of sociology. Gibbs defines control as "*overt* behavior by a human in the belief that (1) the behavior increases or decreases the probability of some subsequent condition and (2) the increase or decrease is desirable" (Gibbs, 1994, p. 27). Gibbs seeks to develop a highly scientific theory that is concerned with developing sociological propositions that are accurate, testable, parsimonious, and otherwise formally appropriate to develop a theory with a high degree of predictive power. He therefore takes great pains to be clear, precise, and meticulous in conceptualizing his concept of social control. On the basis of the variable targets of control, for example, Gibbs distinguishes inanimate from biotic and human control, defined as, respectively, control over objects, non-human organisms, and humans. Control over human behavior comprises self-control, proximate, sequential, and social control, relative to how many and how other humans are involved.

Revisionist perspectives of social control

Turning again to the perspectives that rely on social control within the realm of criminologically relevant work, a new perspective in the sociology of social control has developed, roughly from the 1980s onwards, in which social control is studied as a self-standing topic of investigation, which, although conceptually tied to crime and/or deviance, is no longer exclusively or even primarily connected to them. More simply put, this work focuses on all relevant social and sociological dimensions of the agents, institutions, and mechanisms of social control (as a dependent variable), irrespective of their role in controlling crime or deviance. In this sense, the representatives of this new movement have moved from an explicit or implied criminology to a veritable sociology.

Although there are some variations within this perspective, it can theoretically be positioned as an extension of labeling theory and a version of the critical crime perspective that is distinctly non-Marxist. Most influential in the turn towards these so-called revisionist perspectives has been the work of the French philosopher Michel Foucault, especially his study on the historical development of punishment and the generalization of the modern prison system (Foucault, 1977). Foucault's historically grounded book focused on the transformation of punishment as violent and brutal – for instance, public torture – to the modern prison system that allows for reform and re-integration of the offender. The prototypical expression of this prison system as penitentiary is the panopticon that was originally developed by the utilitarian philosopher Jeremy Bentham as the ideal new prison, allowing for maximum visibility, intervention, and reform of the prisoner.

Foucault argues that what this important change in punishment reflects is the appearance of an entirely new form of power. Referred to as discipline, Foucault argues that the disciplinary techniques of control are oriented at positively instilling a “docility of the soul,” rather than inflicting pain on the body. Discipline is, according to Foucault, also pervasively present across the institutions of society, such as in the factory, the school, and the asylum, where obedience is similarly enforced. At the same time, Foucault acknowledges that disciplinary power is not the exclusive mode of social control in modern society, as “traces of torture” continue to exist. As an additional qualification, disciplinary control also invokes resistance and is not always effective. Modern society, Foucault argues, is disciplinary but not disciplined.

Influenced by Foucault's ideas, a host of research and theorizing has developed to contemplate on new directions in social control (Deflem, 1992). Following Foucault, these revisionist perspectives of social control assert that newly devised mechanisms and institutions of social control which are presented as more humane compared with earlier repressive and violent forms of control are in fact developed because they are held to be more efficient and more intrusive measures. Moreover, instituted alternatives of conventional (punitive) forms of social control, such as treatment and re-education programs, constitute an expansion of social control, a “widening of the net” of control (Cohen, 1985). And because alternative and new forms of control, especially those that are technologically highly advanced, also seek to ensure that any and all instances of deviance and crime, no matter how small, will be detected and acted upon,

there has also taken place a “thinning of the mesh” of social control, so that increasingly less serious miscreants cannot escape.

A general theory of social control

Revisionist perspectives can lay no claim to a monopoly in the study of social control as a topic of investigation in its own right or, in other words, in the study of social control as a dependent variable. In this respect, a famous alternative to the Foucauldian perspective on social control is presented by the work of sociologist Donald Black (1997). Black's perspective of social control has scientific ambitions similar to the approach suggested by Jack Gibbs. Unlike Gibbs, however, Black develops this theory in terms of a more delineated concept of social control, defined as the handling of right and wrong by defining and responding to deviant behavior. Specifically, Black seeks to formulate a general theory of social control (including law as governmental social control) to order empirical variations in the style and quantity of social control. The level of analysis is distinctly social, rejecting any psychological variables, to construct a more definitively sociological approach.

Within the paradigm of pure sociology, Black develops various testable propositions on the behavior of social control in terms of a geometry of social control existing in social space that varies in terms of such characteristics as stratification, differentiation, integration, and culture. Stratification, by example, refers to the vertical structure of society in terms of the distribution of wealth. This vertical space can be high or low in terms of position, or downward or upward in direction. Black's model of social geometry argues that social control varies directly with stratification: social control increases as a function of increasing levels of stratification. Although Black's approach has occasionally been dismissed by sociologists of social control as too obsessively scientific in scope, it must be noted that his work has influenced a great deal of empirical sociological research on a wide number of matters of social control and law (Deflem, 2008).

Surveillance studies

Unlike the work of Donald Black, revisionist and other contemporary perspectives of social control have generally been clearer in the observations they make about new forms of social control, rather than in developing a coherent explanation of why such changes have taken place. Since the events of September 11, 2001, theorists have advanced a wide variety of explanatory models to account for the appearance of what has been labeled a “surveillance society,” including all kinds and variations of economic, political, historical, and ideological factors. In effect, these scholars and researchers have begun to abandon the concept of social control as such in favor of the development of a new field – surveillance studies (Lyon, 2007).

Most perspectives in the burgeoning field of surveillance studies exhibit a critical view of surveillance and intelligence activities as a powerful and deeply invasive force, particularly in the context of the development of new, sophisticated technological

means of information-gathering and analysis that threaten privacy and civil liberties. Of particular concern in this regard is the lag between fast-paced technological changes versus slow-moving legislation to compensate for the ever-expanding loss of privacy engendered by new surveillance technologies.

The idea of surveillance as an increasingly powerful and far-reaching force tends to dominate this contemporary movement of scholarship. A central focus of surveillance studies includes the unintended consequences of these increasingly sophisticated and technologically advanced surveillance tools. Especially since the events of 9/11, these theorists argue, the development of a totalitarian state of control through surveillance has become an imminent and more immediate prospect. The impact of September 11 on surveillance has indeed been a central topic of discussion among sociologists and other scholars of surveillance. David Lyon (2003), for example, argues that September 11 most critically led to the authorization and justification of technologically-enhanced surveillance techniques, accelerating pre-existing trends toward the building of a "surveillance society," the converging of state and commercial surveillance systems, and the focusing on objectives of prevention in the policing of terrorism.

A profound suspicion towards existing forms of social control is widespread among contemporary surveillance scholars. Heavily discussed is the proliferation of surveillance technologies and post-9/11 counterterrorism practices to bring up the increasing potential and real infringements on civil liberties. Specifically oriented at developments since September 11, some scholars have therefore resolutely attacked the notion that the threat of terrorism justifies the counterterrorism measures that the government has taken. Among the reasons are the wide-ranging and indefinite nature of counterterrorism measures, the fact that innocent civilians are inevitably targeted, and the violation of basic civil rights that these measures impose, especially the right to a fair trial and the protection of privacy. Because of the tendency to critique surveillance efforts on the basis of their assumed negative implications, rather than an analysis of actual occurrences of abuses and rights violations, critics have taken the writings from the surveillance studies perspective to task for contributing to an unwarranted fear of surveillance (Deflem & McDonough, in press).

Social control in history

Many studies of social control, especially in the revisionist camp, are macro-sociological and distinctly historical in orientation, as part of the movement, which was popular from the 1970s onwards, to bring history into sociology. The edited volume *Social Control and the State* (Cohen & Scull, 1985) contains an introductory chapter that is tellingly called "Social control in history and sociology." The place of social control in (the discipline of) history, therefore, deserves separate attention that scholars of deviance and crime may find more than merely interesting.

Generally, historians have turned to the study of social control on the basis of various conceptualizations, broadly corresponding to the relevant variations that exist in sociology and related disciplines (Spierenburg, 2004). First, there is a tradition in history that focuses on social control in specific terms related to crime and deviance.

This tradition involves examining the history of social control as responses to crime and deviance, a field of analysis that is explored by historians as well as by other social scientists. Second, historians have also, and even more distinctly so, applied the concept of social control in their study of aspects of society that do not involve the institutions of social control purposely oriented at controlling crime and deviance, but that nonetheless fulfill such functions.

In this latter tradition, work can be situated on the history of charitable organizations as manifestations of social control (Higgins, 1980; Spierenburg, 2004). The study of charity by historians has benefited most from using the concept of social control because of the counter-intuitive nature of applying social control to institutions, practices, and organizations that, in terms of their self-understanding, fulfill functions very different from and alien to control. Strikingly, the first book in the discipline of history to use the concept of social control in a systematic manner, A.P. Donajrodzki's (1977) edited volume *Social Control in Nineteenth-Century Britain*, already included work on charitable organizations. The focus on charity as social control was thereby introduced to capture the idea that "social order is maintained not only, or even mainly, by legal systems, police forces and prisons, but is expressed through a wide range of social institutions ... including ... charity and philanthropy" (Donajrodzki, 1977, p. 9).

Since its initial introduction, the concept of social control in historical studies on charitable organizations has found considerable support among historians. By example, Marco van Leeuwen (2000) argues in his book *The Logic of Charity* that the development of charity came about when utilitarians and philanthropists sought to restore the social order and solve social problems by implementing programs to fight poverty and illness, promote religion and education, and pursue similar such charitable causes. At the same time, these forms of providing assistance and help thereby implied an increase in control. We should note that some historians reject the concept of social control in charity studies because it they regard it as a catch-all term that lacks explanatory power, since all political, social, and economic institutions would inevitably have some effects on types and standards of behavior (van Krieken, 1991). As such, social control should or could once again be relegated to the more specific realm of the study of deviance and crime.

The Future of Social Control

Sociologists and other social scientists have used the concept of social control in a number of ways and with various implications for theory and research. Originally conceived of as the foundation of social order in society at large, social control was a broad concept, which was articulated from both a micro- and a macro-theoretical perspective. George Herbert Mead developed a notion of the self as a harmonious co-existence of uniquely individual and shared collective aspects through which social control could take on the form of self-control. Likewise conceived from a consensual framework but transposed at the macro-level, E.A. Ross clarified the institutional mechanisms of social control and their function in maintaining order without the need for coercion. Theorists would redefine these broad notions of social control from a

conflict-theoretical viewpoint to allow for a clarification of the role of the use of threat and force by a state apparatus as a basis of social control in modern society.

An important transformation occurred in modern sociology to conceive of social control more specifically in relation to the control of deviance and crime. Taking into account theoretical diversity on relevant sociological thinking, social control now refers to the functional response to, and the construction of, crime and/or deviance. Despite some attempts to redefine social control once again in terms of social order, this more restricted understanding of social control has become a mainstay in contemporary sociology and related areas of inquiry. However, the term social control itself is no longer always or consistently used, and is oftentimes replaced by other expressions such as surveillance, crime control, and criminal justice, or more delineated concepts such as punishment, incarceration, and policing. The tendency to discard the concept of social control in some recent strands of research, except to draw an analytically less pointed distinction between informal and formal social control, may be rooted in the association theorists make between social control and certain strands of theorizing and research. This skepticism towards social control, however, is unwarranted, as the concept can and should be used strictly analytically, whether it be in connection with social order or in relation to deviance and crime.

Another dilemma confronting the study of social control concerns its relationship to the study of various manifestations and forms of deviance and crime. Theorists in the modern era reserve the study of crime as a social fact and/or criminal behavior almost exclusively for research conducted from the viewpoint of crime causation perspectives, whereas the study of social control, labeling, and criminalization formed the province of crime construction perspectives and conflict theories. Yet, during the 1990s, we witnessed a general pull towards studies of the reality of crime, even among adherents of labeling theory and critical perspectives. We can explain this trend as an effort to deal with rising concerns about crime that were of great concern to policymakers as well as academics and the public at large. In most recent years, however, there has been a push towards research on the new realities of social control, even among scholars who are primarily interested in the causes of crime. This development can be attributed to a need that is nowadays more widely recognized, to transcend a simple trampoline model of social control in the wake of various important transformations of social control, such as the failure of the rehabilitation ideal, hyper-incarceration, the rise of new surveillance technologies, and the global spread of counterterrorism measures. In view of such developments, we can expect the study of various mechanisms and institutions of social control to remain of considerable significance, thereby also necessitating a continued need to clarify the concept of social control.

References

- Black, D. (1997). *The Social Structure of Right and Wrong*. New York: Academic Press.
- Chriss, J.J. (2007). *Social Control: An Introduction* (2nd ed.). London: Polity Press.
- Cohen, S. (1985). *Visions of Social Control*. Cambridge: Polity Press.
- Cohen, S., & Scull, A.T. (Eds) (1985). *Social Control and the State: Historical and Comparative Essays*. Oxford: Basil Blackwell.

- Deflem, M. (1992). The invisibilities of social control. *Crime, Law and Social Change*, 18 (1/2), 177–192.
- Deflem, M. (2008). *Sociology of Law: Visions of a Scholarly Tradition*. Cambridge: Cambridge University Press.
- Deflem, M., & McDonough, S. (in press). The fear of counterterrorism: surveillance and civil liberties since 9/11. *Society*.
- Donajgradzki, A.P. (Ed.) (1977). *Social Control in Nineteenth-Century Britain*. Totowa, NJ: Rowman & Littlefield.
- Durkheim, E. (1893/1933). *The Division of Labor in Society*. New York: Macmillan.
- Foucault, M. (1977). *Discipline and Punish: The Birth of the Prison*. New York: Vintage.
- Gibbs, J.P. (1989). *Control: Sociology's Central Notion*. Urbana, IL: University of Illinois Press.
- Gibbs, J.P. (1994). *A Theory about Control*. Boulder, CO: Westview.
- Higgins, J. (1980). Social control theories of social policy. *Journal of Social Policy*, 9 (1), 1–23.
- Hirschi, T. (1969). *Causes of Delinquency*. Berkeley, CA: University of California Press.
- Janowitz, M. (1975). Sociological theory and social control. *American Journal of Sociology*, 81 (1), 82–108.
- Lemert, E.M. (1951). *Social Pathology*. New York: McGraw-Hill.
- Lilly, J.R., Cullen, F.T., & Ball, R.A. (2007). *Criminological Theory: Context and Consequences* (4th ed.). Thousand Oaks, CA: Sage.
- Lyon, D. (2003). *Surveillance after September 11*. Cambridge: Polity Press.
- Lyon, D. (2007). *Surveillance Studies: An Overview*. Cambridge: Polity Press.
- Mead, G.H. (1934). *Mind, Self and Society from the Standpoint of a Social Behaviorist* (Ed. C.W. Morris). Chicago: University of Chicago.
- Meier, R.F. (1982). Perspectives on the concept of social control. *Annual Review of Sociology*, 8 (1), 35–55.
- Parsons, T. (1951). *The Social System*. New York: Free Press.
- Piven, F.F., & Cloward, R.A. (1971). *Regulating the Poor: The Functions of Public Welfare*. New York: Pantheon Books.
- Pound, R. (1942). *Social Control through Law*. New Haven, CT: Yale University Press.
- Ross, E.A. (1901). *Social Control: A Survey of the Foundations of Order*. New York: Macmillan.
- Scull, A.T. (1988). Deviance and social control. In N.J. Smelser (Ed.), *Handbook of Sociology* (pp. 667–693). Newbury Park, CA: Sage.
- Spierenburg, P. (2004). Social Control and History: An Introduction. In H. Roodenburg, & P. Spierenburg (Eds.), *Social Control in Europe: 1500–1800* (pp. 1–21). Columbus: Ohio State University Press.
- Tannenbaum, F. (1938). *Crime and the Community*. New York: Columbia University Press.
- van Krieken, R. (1991). The poverty of social control: Explaining power in the historical sociology of the welfare state. *Sociological Review*, 39 (1), 1–25.
- van Leeuwen, M.H.D. (2000). *The Logic of Charity: Amsterdam, 1800–1850*. New York: St. Martin's Press.

Regulating Vice

Jim Leitzel

He who seeks to regulate everything by law, is more likely to arouse vices than to reform them. It is best to grant what cannot be abolished, even though it be in itself harmful. How many evils spring from luxury, envy, avarice, drunkenness, and the like, yet these are tolerated – vices as they are – because they cannot be prevented by legal enactments.

Benedict Spinoza, *Tractatus-Theologico-Politicus* (1670)

Behaviors that have long been considered vices include excessive or habitual indulgence in gambling, certain sexual activities, and the use of psychoactive drugs such as nicotine, alcohol or opium. Pornography often is classed among the vices, and US Supreme Court Justice Potter Stewart's famous abdication, in *Jacobellis v. Ohio*, 378 U.S. 184 (1964), from providing a precise definition of pornography – "I know it when I see it" – might equally well apply to vice. Nonetheless, any effort to offer a more detailed, if not more precise, definition likely would invoke the notion of a bad habit, and often a habit where a supposed immorality is at least one element of the "badness." Routines such as compulsive book reading or exercise, which can become detrimental for the practitioner and his or her intimates, avoid the vice label through their lack of this taint.

An excessive attachment to armed robbery might constitute an immoral routine, but such a commitment lacks another component of vice, namely that vices, at least in their more common manifestations, do not involve any direct harm foisted upon non-consenting bystanders. That is, indulgence in a vice might harm the indulger, but others need not fear any immediate danger, especially if the vicious activity does not take place in a public setting. If someone down the street from you habitually drinks alcohol, or smokes crack, or is entertained by prostitutes, you generally can rest easy, at least if their practices are undertaken in private. In contrast, a committed burglar down the street is worth more of your concern. Unlike burglary, many vice behaviors, to employ

the terminology of Jeremy Bentham (1823/1948) and John Stuart Mill (1859/1978), are self-regarding, and vice participants may or may not accept the view that their behavior is immoral.

Why Regulate Vice?

The shared qualities of vicious habits, especially the lack of direct harms to others, suggest the possibility that desirable regulations for the entire range of vices will also possess some common features – features that might not be appropriate when controlling activities such as burglary that involve serious external costs.

Why should vices be controlled at all? One possibility is that a subset of vicious activities, such as drinking to the point of inebriation, though self-regarding in itself, might be closely connected with harm to others: drunk people often put others at severe risk through automobile accidents and interpersonal violence, and annoy their communities through loud and boorish behavior. (Maybe you *should* be concerned if your neighbor drinks regularly.) If methods of directly controlling such ancillary harms are deemed insufficient, then some regulations upon drinking aimed not so much at controlling alcohol consumption as at limiting the ensuing behaviors might be sensible. A similar principle applies with respect to protecting children: some controls on adult vice might be enacted to help shield children from vice, if it is not possible to effectively control child access in an unregulated environment for adults.

Externalities and threats to the under-aged do not exhaust the rationales for controlling vice, however. Vices can harm their consenting adult participants, and a bad habit can shade into a compulsion or addiction. In themselves, harms to voluntary vice participants might not suggest much of a motive for extensive regulations specific to vices. Many human leisure activities, from bowling to ballroom dancing, present dangers to participants; some pursuits, such as mountain climbing and equestrian events, not infrequently involve fatal accidents. We might want to promote proper training and look for ways to make leisure activities safer, but generally we allow adults to weigh the pleasures and dangers of their recreational activities for themselves.

In the case of vices, however, our respect for the primacy of individual choice is eroded by justified suspicions that those individual choices frequently fall well short of rationality. Vice consumption is prone to excess. The standard time profile of the chief effects of a vice involves current pleasure and future pain, and the pain is not a certainty: a regular drinker might not become an alcoholic, a regular cigarette smoker might not contract cancer. In the face of the common human frailty of a disproportionate interest in instant gratification, current benefits paired with uncertain future costs are likely to lead to overindulgence, even from the longer-term point of view of the vice participant himself, a case of imprudence if not of immorality. That is, among leisure activities, vices seem particularly likely to compromise rational decision-making. Non-addicted adults often suffer from an acute loss of restraint in their drinking or gambling, for instance, while the behavior of addicts seems to steer well clear of any sort of informed, rational process. Addiction does not eliminate all control, but it does press hard against limited stores of willpower, to the point where many scientists, seasoned observers, and

addicts themselves regard addiction as a disease of the brain. The basic economic argument for *laissez faire* is that, in the absence of harms to others, an unfettered and undistorted competitive marketplace leads to maximum overall wellbeing. This argument is inapplicable, however, if individual decisions are the product of disease or are otherwise less than rational.

The idea to regulate adult vice for the sake of protecting kids and redressing direct harms to others is not itself particularly contentious, though there might be significant disagreement over what specific controls will accomplish those ends, as well as differences concerning the costs of potential regulations. Protecting adults from their own decision-making tends to be more divisive, however. John Stuart Mill (1859/1978), for instance, would support attempts at persuasion, pro or con, at least if those attempts were undertaken by parties with no pecuniary interest in promoting intemperate vice consumption – but Mill’s harm-to-others condition for societal coercion generally would bar regulations aimed at reducing adult vice consumption. Certainly the prohibition of a vice would not be countenanced by Mill, any more than bans on other dangerous, self-regarding activities, such as swimming or skiing, could be countenanced. The “sin taxes” that are imposed upon legal vices often seem to be motivated more by an interest in raising revenue (and perhaps registering societal disdain) than at reducing consumption. Mill himself approved of sin taxes if their aim was to raise revenue, but not if their motive was to dissuade vice consumption; therefore, his approval only was forthcoming as long as the taxes did not exceed the revenue-maximizing level.

Actual vice policy frequently is quite un-Millian, however, in that highly restrictive policies are enacted that have as a major goal that of protecting adult consumers, by threatening negative legal consequences upon those very adults who choose to consume in the face of a prohibition. Policies that threaten to harm people to deter them from harming themselves tend to invoke the full range of rationales, of course, including the protection of children and the need to prevent harms to others. But to the extent that harms to the users are driving the restrictive policies, these policies involve a somewhat self-contradictory view of rationality: adult vice consumers cannot be trusted to make decisions that are in their best interests, but the punitive measures will only provide deterrence if those users respond rationally to the legislated legal consequences.

Even in a world without vice-specific public policies, vice would still be subject to informal social controls: the immorality that is associated with vice need not dissipate just because the law is not mobilized. Agitation by moral entrepreneurs and religious groups for temperance or abstinence is a standard element of discussions surrounding legal vices such as drinking, gambling, and sexual promiscuity.

Surveying the Range of Controls

The likely outcomes of indulgence in vice vary with respect to the vice itself, including its method of administration, the neurochemistry and expectations of the vice consumer, and the social milieu (including the regulatory background) in which the vice behavior occurs: vice, set, and setting, to adapt the renowned triad of Zinberg (1984). In the case of alcohol, for instance, there is variance with respect to potency and

type (fermented or distilled), expected behavior under the influence (MacAndrew & Edgerton, 1969), and peer influences on amounts consumed. It is even possible to consume alcohol through modes other than drinking, such as by inhaling alcohol in vapor form. Policy can influence all dimensions of the vice experience, and can attempt to channel vice into those manifestations that offer the best prospects for adding to overall wellbeing.

The daunting variety of available vices complicates the design of vice policy because of the potential for regulation-induced substitution between vices, often in directions that are hard to predict and variable across time and place. A legalization of marijuana might decrease the amount of alcohol consumed. An increase in liquor taxes might spur the consumption of non-beverage alcohol-based substances such as colognes; these potentially poisonous “surrogates” are frequently consumed by alcoholics in Russia (Tomkins *et al.*, 2007). Vice behaviors also can be complements, not substitutes. Some bars and restaurants report declining alcohol sales following the adoption of public smoking bans; casinos and bingo venues seem particularly susceptible to revenue declines in the face of prohibitions on smoking. At an individual level, comorbidity is commonplace among vice addicts; for instance, a majority of pathological gamblers suffer from alcohol addiction too (Zimmerman, Chelminski, & Young, 2006), and it might prove impossible to curb the gambling problem without addressing the drinking problem.

In the discussion that follows I’d like to offer a brief survey of the range of vice controls; I postpone to subsequent sections discussion of the desirability of particular regulations.

Prohibition

Most vices, including forms of gambling, prostitution, pornography, alcohol, tobacco, and other psychoactive drugs, have met with prohibitions at certain times and places, including contemporary times and places. The term “prohibition,” however, can be applied both to very strict and rather lenient regimes, not only because of variation in enforcement and associated penalties, but also because of disparities concerning the precise vice-related activity that is prohibited. In the case of a drug, for instance, it is possible that there might be a full range of prohibitions, including bans on manufacture, transport, sale, advertising, purchase, possession, consumption, or even possession of inputs (precursors) or complements to consumption (paraphernalia). National alcohol prohibition in the US (1920–1933) did not involve a ban on purchase or possession – only manufacture and distribution – though these behaviors are banned for many of the currently illegal drugs. Sales of cannabis are prohibited in the Netherlands, but a formal non-enforcement policy intentionally has opened the door to *de facto* legal (small-scale) sales. Some countries have followed the lead of Sweden by adopting a prohibition on prostitution that bans the purchase, but not the sale, of sex; this policy reverses what in the past often has been (and in many places still is) the legal situation, where sales of sex are illegal but purchase is legal or informally countenanced.

Licensing and other controls on manufacturers and sellers

Vices that are legal (in some manifestations) nonetheless often are highly regulated, and one element of that regulation typically involves the licensing of manufacturers and sellers. Commercial liquor producers, distributors, and retailers, for instance, are licensed in the US. Lottery providers generally are licensed (or the state operates its own lottery monopoly), as are casinos. Brothels are licensed in those jurisdictions where brothel prostitution is legal, and cigarette sellers tend to be licensed as well.

Seller licensing can serve many purposes. Sales of legal vices often are accompanied by a wide variety of restrictions, and the licensing helps to enforce those ancillary rules, as sellers are identifiable and non-compliant sellers can be fined or have their licenses withdrawn. These ancillary rules implicate many dimensions of vice selling: alcohol sellers face opening-hour restrictions and a ban on sales to minors, for instance. Concern with excessive consumption might generate mandatory price floors to preclude prices that are deemed to be too low. Pornographic magazines and other material might not be allowed to be displayed openly, or restricted to adults-only areas of shops. Broadcast television and radio in the US is subject to stricter rules on “indecent” programming between the hours of 6 a.m. and 10 p.m.; other countries restrict adult content programming to “watershed” hours when children are less likely to be viewing. Seller licensing can also be used to curb the overall prevalence of sellers – with the intention, perhaps, to dissuade excessive consumption – and licensing facilitates tax collection.

Concerns about the recruitment of children into becoming vice consumers, as well as worries with adult intemperance, sometimes result in restrictions upon the advertising of legal vices. A sort of regulatory compromise might develop, where a casino can operate, but it cannot broadly advertise, or a licensed store can sell liquor, but not publicly declare its commitment to low prices. Sometimes counter-advertising, in the form of public service advertisements highlighting the dangers of vice, or in printed warnings on the packaging of substances like alcoholic beverages and cigarettes, also is publicly mandated.

Taxation

One of the standard theoretical approaches to the correction of externalities is to impose a compensatory tax. The idea is to choose the size of the tax so that the costs imposed upon others are fully internalized by the decision-maker. Such a tax, termed a Pigovian Tax, perfectly compensates for the original distortion, so that individual rational decision-making no longer comes at the expense of the social good. For this reason, there is a strong case for vice taxes to at least cover the average external costs of vice-related behavior – otherwise, vice essentially is subsidized. In the US, alcohol tends to be taxed at too low a level compared with the Pigovian standard (Cook & Moore, 2002), whereas cigarettes are taxed at a level that exceeds expected external costs (Gruber, 2002).

Vice taxes might want to go further, however, and compensate for underrepresented harms to users themselves, along with accounting for external damage. That is, the

distinct possibility that individuals might over-consume their vices due to their own rationality shortfalls offers a rationale for tax rates above the standard Pigovian levels. The tax in this case increases the immediate cost of vice consumption, helping to offset the excessive use stoked by present benefits paired with delayed and probabilistic costs. To the extent that such overconsumption (from the point of view of the vice consumer herself) is a problem, taxes actually can make the consumer better off – at least when she looks at her situation from the long-run perspective. (And for vices that appeal disproportionately to lower-income consumers, the fact that the users themselves are “beneficiaries” of the tax can allay some of the concern with the otherwise regressive nature of the tax.) It has been estimated that the future health costs of smoking a pack of cigarettes might be as high as \$32 (Gruber & Köszegi, 2001), and the mortality costs of consuming an alcoholic beverage have been estimated at over \$15 (Carpenter & Dobkin, 2011, p. 153). Is it likely that smokers and drinkers are fully accounting for these costs when they make their tobacco and alcohol consumption decisions?

Taxes can be used to discriminate among modes or forms of consumption; such discrimination might be appropriate given differential external and internal costs associated with the various modes. Distilled alcohol, for instance, can be taxed more highly than beer or wine; on-premises alcohol consumption can be taxed more heavily than packaged goods intended for off-premises consumption. Cigars or pipe tobacco can be taxed at lower levels than cigarettes.

The revenue generated via sin taxes might become highly valued by those whose budgets are thereby boosted. The result can be a policy-induced ambivalence about vice, where lower consumption might be viewed as desirable in terms of reducing externalities and improving the health of vice participants, but the resulting revenue declines might undermine the political interest in promoting temperance. Vice-specific taxes create allies for vice sellers, constituencies that share a pecuniary interest in increased consumption. Sometimes such alliances are created in advance, to promote the legalization of a vice. The introduction of a state lottery, for instance, often involves a promise to earmark tax revenues to worthy public endeavors, such as higher education. Tax revenues and other economic advantages also can lead to situations where vice is sold, but only to foreigners. Most of South Korea’s casinos, for instance, are off-limits to would-be domestic gamblers; Internet casinos legally can be based in Australia, but they cannot offer their services to Australian residents.

Prescription

Some drugs such as morphine and cocaine that are used recreationally also have recognized medicinal uses. (Many popular drugs, including distilled alcohol and tobacco, achieved broad global footholds in part through perceived medical benefits.) Even in cases where those drugs fall under a general sort of manufacturing and sales prohibition, they can be made available to appropriate patients via prescription. Complications can ensue when: (1) there is severe disagreement about the medical value of the drugs (as seems to be the case with marijuana, which is not legal currently for medical use at the federal level in the US, though at the time of writing medical marijuana is legal

under the law of 23 states); (2) there is severe leakage or diversion from the authorized medical supply to unauthorized recreational use, as with some popular painkillers; and (3) the authorized medical use involves treating addiction to the drug or a related drug itself, as with heroin or methadone maintenance for heroin addicts. As many of the harms associated with addiction to a prohibited substance are due to the expense and insalubrious nature of black-market dealings – which include purchasing drugs of unknown purity and potency – the provision of pharmaceutical grade drugs to addicts, in a safe setting, can lower the overall social costs of addiction.

Time, place, and manner controls

Just as purveyors of legal vices are often highly regulated, so too vice consumers can face detailed restrictions on the acceptable time, place, and manner of consumption. Cigarette smoking, for instance, is not permitted in many workplaces and public buildings, and sometimes smoking is forbidden in private automobiles if children are passengers. Public drinking and possession of open alcoholic beverage containers are other actions that commonly are forbidden, though drinking itself is legal. Nudity and obscene speech that is legal in private might be illegal in public. Gambling might be allowed, but not on city buses. The *de facto* legal regime might be more relaxed about vice in skid row or in an unofficial red light district than in a nearby upscale residential neighborhood (Ellickson, 1996).

Individual-level controls

Prescription systems provide drug access on an individualized basis, and a variety of other controls also permit specific personal circumstances to influence the terms under which drugs are made legally available. One possibility is to authorize adult drug purchase and consumption, but to make an adult's continued legal access contingent on specified types of good behavior. For instance, someone who is convicted of drunk driving or drinking-related domestic violence might lose the right to consume alcohol. The ban can be enforced by frequent testing or continuous alcohol monitoring technology – an approach that has been used extensively in the state of South Dakota and has spread to numerous other jurisdictions, and can be deployed against the consumption of drugs other than alcohol (Kilmer & Humphreys, 2013).

Enforced vice abstinence might be voluntarily chosen, as with gambling self-exclusion. These programs allow people concerned about their own willpower shortages to relinquish, for some period of time such as one or five years, their right to gamble. Casinos are supposed to prevent self-excluded individuals from entering their premises; if the self-banned gamblers avoid detection, they will be unable to collect any sizeable winnings, because identification must be provided to make such a collection and their excluded status will be revealed. Self-exclusion programs have become an important tool in countering disordered gambling. Voluntary bans can be partial as well as full: an exclusion program might allow a loss-limit to be established before entering a casino, or

restrict the number of monthly visits to betting parlors, for instance. Full or partial exclusions might also derive from sources other than the legal authorities or the vice consumer him or herself: in Singapore, family members can initiate a gambler's exclusion from casinos. Casinos themselves might choose to make suspected problem gamblers feel unwelcome (Thompson, 2010), perhaps under regulatory pressure or with an eye to limiting potential civil liability.

A regime where vice is legal but some people are dissuaded or barred from partaking often holds appeal to vice suppliers. Manufacturers and sellers understand that the continuing legality of their product is not guaranteed. A narrative that suggests that their product (liquor or gambling, say) is wholesome for most users, but that a small minority are susceptible to a sort of disease of disordered consumption, tends to shift the focus of regulatory attention away from the product itself (the vice) and onto the group of vulnerable users (the set).

Rather than start from a position of general adult availability, from which some people can be forcibly or voluntarily removed, the default position could be no legal access to vice, but with the possibility of opting in (Leitzel, 2013). Adults could apply for a license to consume heroin, for instance, and the conditions under which it is made available can be designed to reduce the likelihood of the development of compulsive use. For instance, purchases might have to be arranged in advance, with the transaction completed three days later, to counter impulsive consumption. Licenses can be withdrawn from consumers who commit crimes or harm others under the influence of their drugs. Such a licensing system also puts vice consumers in touch with the regulatory system in a manner that can facilitate their access to treatment resources, should addiction occur despite the safeguards. Individualized systems of alcohol control, such as a person-by-person rationing scheme (with a modest upper limit) in Sweden, were common between the 1920s and 1960s, fell out of favor, but now are enjoying a small-scale renaissance in the form of mandatory abstinence orders (Room, 2012).

One Guiding Principle for Vice Regulation

Despite the wide and changing variety of vices and the broad universe of potential controls, there might be some general principles underlying desirable vice regulations, as John Stuart Mill suggested. Mill's harm principle presents a good place to start in seeking general guidelines, and is consistent (in Mill's interpretation) with some rather severe controls, such as considerable sin taxes and bans on advertising. Nonetheless, the harm principle essentially does not allow harms inflicted on adult users themselves to motivate vice controls (Leitzel, 2008a). But the case for significant harms-to-self to be reflected in regulation is strengthened the more that adult vice-related decisions deviate from rational choices – an argument that Mill (1848/1909) himself provides in a non-vice context in his *Principles of Political Economy*.

How far from rationality are adult vice-related decisions? Some of these decisions look like the product of diseased or addicted minds, and many other decisions seem to be significantly short-sighted. Nonetheless, most decisions to drink a beer or to patronize a casino or (perhaps) visit a prostitute are not hopelessly riddled with

irrationality, and even the behavior of addicts possesses a certain logic (Becker & Murphy, 1988). If it were possible to separate the diseased or compulsive or irrational decisions from the fully judicious (or even reasonably judicious) ones, then (presumably) a desirable regulatory regime would intervene only on the irrational side of the ledger, leaving rational adults to their own vice-related devices. It is not possible to target regulations in such a fashion, however – indeed, an individual, looking at her own behavior, might have a hard time distinguishing between her tolerably rational and her well-less-than-rational vice decisions.

Given the infeasibility of optimal targeting, one approach is to try to limit the costs imposed by any of the less-than-perfect alternatives. A policy that prevents a good deal of rational (and hence individually beneficial) vice consumption from taking place presents a high cost in terms of that forgone pleasure, and if it involves prohibition, for instance, it could also mean significant costs in terms of harming the lives of many individuals who are arrested or imprisoned for engaging in a behavior that is perhaps broadly disapproved but not otherwise socially damaging. Alternatively, a policy that fails to dissuade imprudent vice or to mitigate the negative consequences attached to significant amounts of unconsidered or irrational vice participation generates large costs associated with those disordered vice choices. As we cannot be fully certain whether there is a good deal of rational vice behavior, or a good deal of irrational vice behavior, or both, there is something to be said for avoiding policies that would be disastrous under any of these circumstances. That is, vice policy should be robust with respect to the amount of rationality governing vice-related choices (Leitzel, 2008b).

Policy regimes that exhibit this sort of robustness generally will look to encourage informed choice, perhaps by ensuring that accurate information about the potential dangers of vice is conveyed. Reliable information is an input into rational choice, but even informed choices can still be imprudent to the point of irrationality. So, a robust regime also will seek to counter addiction and excessive taste for instantaneous gratification, as long as the methods used for these purposes do not significantly impose upon rational adult vice consumption. Robust policies inform and instruct, but do not compel; they involve nudges (Thaler & Sunstein, 2008), not commands. They permit but do not promote vice indulgence, while trying to discourage excessive or imprudent involvement with vice (Bogart, 2011).

In terms of current vice policies in the US, some policy regimes regulating legal vices (alcohol and gambling, for instance) fall short of robustness by being insufficiently protective of less-than-rational or addicted consumers. But it is with respect to the illegal drugs and prostitution that current policies are least robust. The prohibitions that govern these vices not only preclude some “rational” consumption, but they produce a host of other harms as well. According to the FBI’s tabulation, *Crime in the United States*, some 1.5 million people are arrested each year for drug offenses, and more than 80% of these arrests are for small-quantity possession. According to the Federal Bureau of Prisons, about half of the federal prison population in the US is serving time for drug-law violations. Police and inner-city youths are presented with considerable monetary inducements to tolerate or actively participate in the illicit drug trade, and many of them (understandably) cannot resist these inducements. The underground markets are quite violent, and the violence spills over into urban

neighborhoods more generally, while source and transit countries such as Mexico see drug-related homicides that number in the tens of thousands annually. US-style drug prohibition not only does not meet the robustness principle, it can scarcely qualify as a rational policy itself. Of course, any policy discussion of the decriminalization of vices must also consider its undesirable and unanticipated consequences.

The discussion of robustness so far has centered on consumers of vice, though there might also be concerns about the rationality of decisions to become a provider of vice, particularly (but not exclusively) with respect to pornography or prostitution. Some people enter these “industries” while they are still under-age, and hence are not in a position to provide meaningful consent. An excessive present bias or a drug or alcohol habit might also undermine decision-making, and lead to a neglect of the long-term costs of sex work. Alcohol and drugs might be provided by unscrupulous (or criminal) people precisely in an effort to break down reasonable reservations about performing in porn or engaging in prostitution. (Parallel concerns might exist surrounding decisions to enter the illicit drug trade.) For these reasons, a robust regime needs to ensure that suppliers are non-coerced, well-informed, and have ample opportunities to exit vice provision.

Much of the public dialogue about vice policy pointedly ignores the potential benefits of vice, focusing only on the costs. As the total costs arise both from the prevalence of vicious behavior and the average cost per “use” or “incident,” policy that is interested in reducing costs might aim at limiting prevalence, or at reducing the harm per incident. Prevalence and harm-per-incident are not independent, however; policies such as a strict prohibition that try to reduce (or, as “zero tolerance” suggests, eliminate) the prevalence of a vice tend to simultaneously raise the cost per incident (MacCoun & Reuter, 2001). Drug prohibition, for instance, results in more potent varieties traded in the underground market, which itself can be quite violent. Drug addicts in need of treatment might be afraid to go to the hospital (or their friends might refrain from taking them to the hospital), out of fear that the criminal law will be arrayed against them, should they present for a drug-related problem.

What has become known as the “harm reduction” or “harm minimization” approach to illicit drugs typically focuses on reducing the harms per incident, while being rather unconcerned about overall prevalence or whether the harms are external or suffered by the vice participants themselves. Policies that fall under the drug harm reduction rubric include: (1) the provision of maintenance doses for opiate addicts; (2) monitored sites in which injecting can take place in a safe manner; (3) clean needle exchanges for injecting drug-users; (4) the liberal availability of opiate antagonists to reverse potential overdoses; (5) Good Samaritan laws that preclude criminal charges against drug users or their friends when they present at an emergency room for treatment; and, (6) drug purity testing so that users can know what they are taking. Such policies are common in Europe, though they remain controversial in the US. These sorts of harm reduction measures push the existing prohibition regime somewhat closer to meeting the robustness standard, by reducing the ancillary costs associated with prohibition, with little or no spur to the prevalence of drug use from these “subsidies.” For vices that already are governed by regimes less strict than drug prohibition, harm reduction’s neglect of the benefits of vice eventually would drive a wedge between robust policies

and harm-reducing measures. Perhaps an easy-to-enforce prohibition would minimize the costs associated with some vice by eliminating it, but such a policy would not meet the robustness criterion, by being too constraining on “rational” would-be users.

Robustly Regulating Casino Gambling

The robustness principle, like Mill’s harm principle, suggests that gambling should be legal. As it would be difficult for people to gamble in a safe manner without gambling providers, “sales” of gambling services also must be legal. Casinos are the standard method of providing such services, though lotteries (the most popular form of gambling) generally operate in a separate system outside of casinos.

Robustness requires that the regulatory regime leads to acceptable outcomes even when many gamblers are addicted or misinformed or irrational with respect to their wagering behavior. These rationality shortfalls are not just theoretical in the case of gambling; rather, they are pervasive. Something on the order of 2% of the adult population typically falls within the clinical understanding of disordered gambling – though the percentage of casino patrons who are problem gamblers is much higher (Fong *et al.*, 2011). These individuals suffer enormous costs stemming from their gambling fixation, including family breakdown, bankruptcy, and job loss. But even non-problem gamblers often misunderstand probabilities of winning and losing, and selectively forget past losses relative to wins, so that their views of their own gambling outcomes are quite skewed. Gamblers hold unreasonable beliefs about past play influencing future outcomes, such as the notion that a particular slot machine is “hot”: they believe (incorrectly) that a hot machine temporarily offers better winning prospects.

Countering incorrect beliefs is an important component of any robust gambling policy. Clear and prominent identification of the odds of winning (or perhaps of losing) could be mandated. One of the more startling facts about electronic gambling machines is that players are very poorly informed about the average “price” of a play. Regulations generally require slot machines to pay out some minimum percentage of their takings, such as 80%. A machine that costs \$1 per play, and just met such a regulatory standard, therefore would have an average net price of 20 cents per play. But the machine might be set for an average return of 98% of the wagers, leaving an average net price of 2 cents per play. Gamblers are not informed of the average net price of a play, however, even though it can vary by an order of magnitude across different machines (or on the same machine over time). Imagine going to the store and buying a loaf of bread, and not knowing until you bought it whether it cost \$1 or \$10. And in the case of the slot machines, unless you play for many, many hours, you cannot be confident of the average net price even after you make your purchases. A mandate to provide clear pricing information would seem to be an all but necessary element of a robust casino regulatory regime.

Price information might be presented in easy to understand ways, including the “average net price per play,” as described above. In addition, for instance, the expected loss per \$100 wagered could be given. (Today’s networked, progressive slots imply that the expectation changes over time, but second-by-second updating is easy to compute

and display electronically. The potential to play multiple lines on a slot machine also muddies the picture, but again, not in such a way that prices of different gambler options cannot be determined and displayed.) Other information that could continuously be on offer might be the amount of money wagered in a given session, the current net loss position, and the amount of time spent gambling. Problem gamblers not only suffer from money woes, they also end up spending very significant amounts of time gambling, to the detriment of other dimensions of their lives (Nelson *et al.*, 2008). The electronic cards that most regular gamblers use as part of casino loyalty programs also can be used to gather and disseminate this information.

Self-limit and self-exclusion programs should also be part of a robust gambling regulatory regime. A self-limit program allows gamblers to pre-commit as to how much money they are willing to lose prior to a gambling session. (The relevant time-frame could be longer, too, such as limiting losses per month or per year, or limits could be set across multiple timeframes.) The limit is irrevocable, so that in-the-moment passions cannot override judgments made earlier and (hopefully) in a more considered fashion. It would also be compatible with a robust regime to require every patron to choose a binding loss limit upon entering a casino – a policy Australia has considered implementing – since such a policy can do much to limit the harms of gambling, while imposing very little on rational bettors, who, like everyone, would be allowed to choose a very high limit if that is their pre-gambling preference.

Self-exclusion programs are an extreme form of voluntary self-limit, in that the limit is set to zero. Generally gamblers who choose to self-exclude are not allowed admission to a casino, and can be charged with trespassing should they attempt to breach their agreement. Administration is less than perfect, but enforcement can be aided through technological means such as facial recognition software, or by requiring that all casino patrons present identification upon entering. (The imposition of an ID requirement on non-excluded gamblers is sufficiently minimal that it would not violate robustness, and in any event, ID checks are often necessary to enforce age restrictions.) Jurisdictions typically offer multiple options when self-excluders choose the duration of their ban; some exclusion agreements are in effect for as little as six months, while others go to five years and beyond.

A self-exclusion program allows gamblers to opt out, while offering more commitment to that choice than comes from most declarations of abstinence. (Individuals might be able to sign private commitment contracts that also raise the stakes of breaching a no-gambling pledge, and hence potentially provide more motivation to abstain, too; see stickk.com.) Further, the self-exclusion system operates in a fashion that is all but invisible to those satisfied gamblers who choose not to opt out. (A common shortcoming of self-exclusion programs is that they are invisible to problem gamblers too, in the sense that many regular casino patrons do not know about the existence of self-exclusion schemes.) A more forceful version of an exclusion regime is to alter the default setting so that exclusion is the starting point: adults who want to gamble must opt-in, must take some positive steps to acquire a “license” to gamble. Those positive steps might be quite minor, such as a few days delay between the moment that a license (or “membership” in a casino, perhaps) is applied for and when the license is granted – this was a long-time British casino regulation – or something more involved, including

passing an exam indicating that the applicant possesses a basic understanding of probabilities and the likelihood of monetary loss from casino gambling. People who choose not to take the requisite positive steps, then, are thereby self-excluded.

Changing Times

The absence of significant harms-to-others from vice lends an instability to vice policy. If burdens or punishments cannot be calibrated against the harm of an act to society, fads and moral panics tend to fill the vacuum. At any rate, vice regulation demonstrates tremendous variation over time and place, with specific vices sometimes banned, and at other times made widely available and all-but-lauded. Some of the recent trends will be outlined here.

Tobacco

The regulatory approach to tobacco, and particularly towards cigarettes, has become much stricter in recent decades. The tightening of restrictions on tobacco is a global phenomenon. The World Health Organization's *Framework Convention on Tobacco Control* came into force in 2005, and has been joined by more than 175 nations. The Convention commits countries to an array of measures, including taxes and advertising controls, aimed at reducing tobacco consumption. In the US (which signed but never ratified the World Health Organization Convention), higher taxes and diminished availability of vending machine outlets for cigarettes are two notable changes of the past 20 years, but perhaps most telling is the severe reduction in legal places to smoke in public. A trend that started with bans on smoking in airplanes and hospitals has, in the US as in much of the world, spread to most workplaces, restaurants, and even pubs. In the US, the percentage of adults who smoke has fallen from over 40% in the mid-1960s to about 18% in recent years – a smoking rate that is near the global average (Holford *et al.*, 2014; Ng *et al.*, 2014). We have come a long way from the World War I and World War II eras, when cigarettes were included in the rations provided to soldiers and prisoners of war.

Marijuana

Marijuana has been globally prohibited (and covered by the United Nations conventions on drugs that promote worldwide prohibition) for many decades now, but the once near-consensus that a ban (usually extended to possession as well as purchase, sale, manufacture, and transport) is desirable has shown significant cracks. (The three UN drug treaties can be accessed at <http://www.unodc.org/unodc/en/treaties/index.html?ref=menuaside>.) Initial forays have included the legalization of marijuana for medical purposes, a change that has occurred in 23 US states and the District of Columbia. (Marijuana, medical or otherwise, remains prohibited at the federal level in

the US.) Uruguay has legalized marijuana for recreational use, too, as have two states in the US – Colorado and Washington. Many countries and US states have adopted decriminalization or depenalization reforms that generally preclude any sort of serious punishment for marijuana users, though sellers might still be arrested and receive significant jail time.

War on drugs

Marijuana is one of the more benign of the currently illegal drugs, and also the most popular. These factors, perhaps combined with pot's obvious ability to offer relief to some patients in medical distress, help to explain why marijuana is the drug for which global prohibition is proving least sustainable. Nonetheless, the entire edifice of a prohibitory stance towards recreational drugs also has begun to crumble, probably due to the horrific consequences of the war on drugs. Portugal, the Czech Republic, the Netherlands, Mexico, Argentina, Uruguay, and some other countries have adopted fairly broad depenalization plans for personal use, and addiction is treated in many countries as a health problem, not a criminal justice concern. Still, much of the world, including Malaysia, Singapore, China, Vietnam, Indonesia, and Iran, among other nations, enforces draconian penalties against those deemed to be in the illicit drug trade – and possession of rather small amounts of drugs is viewed as *per se* evidence of involvement in the trade.

Gambling

The last half-century has witnessed a significant global liberalization of gambling regulations. Since 1960, the number of US states hosting legal casinos (including Native American casinos) has gone from 1 to more than 30, and the number of states offering lotteries has climbed from zero to more than 40. Asia recently has become a world casino powerhouse: gambling revenues in Macau are much higher than in any other casino locale, while Singapore's two casinos have combined revenues from gambling that are about the same as that generated by the dozens of casinos in Las Vegas (Stutz, 2014).

One hopeful lesson from the expansion of global gambling opportunities is that this expansion has not been accompanied by a significant long-term increase in the proportion of the population facing serious gambling problems; nonetheless, in the shorter-term, there is evidence that problem gambling tends to rise with gambling availability (Williams, Volberg, & Stevens, 2012). One possible explanation of the differing short- and long-term impacts is that, with time, the novelty of easily accessible gambling dissipates, while some problem gamblers are able to adapt to abstinence or a more recreational style of play. Adam Smith (1776/1976, p. 518) noted such a pattern with respect to an increased availability of alcohol: "When a French regiment comes from some of the northern provinces of France, where wine is somewhat dear, to be quartered in the southern, where it is very cheap, the soldiers, I have frequently heard

it observed, are at first debauched by the cheapness and novelty of good wine; but after a few months residence, the greater part of them become as sober as the rest of the inhabitants.”

Prostitution

While tobacco has become more tightly regulated in recent decades, the trend for marijuana and other drugs, and in gambling, has been towards liberalization. Prostitution is harder to characterize on a leniency scale, as the world has been splitting between opposite approaches: one that accepts some forms of legal, regulated prostitution, and another that shifts the focus on the traditional ban from prostitutes to their customers. In much of the world, prostitution is illegal, though in some places where it is criminalized – including Thailand – it is tolerated, while in other locales it is severely punished. In Britain, prostitution *per se* is legal, though related activities, such as streetwalking or keeping a brothel, are illegal. Brothel prostitution is legal in many countries, including Germany and Switzerland, as well as in some Australian states. New Zealand has perhaps the most liberal rules governing prostitution: consensual agreements between adults for paid sex are legal, as are related activities, including streetwalking. The alternative approach of one-sided enforcement, where sellers are not breaking the law but buyers are, was instituted in Sweden in 1999, subsequently adopted in Iceland and Norway, and continues to be influential in prostitution policy debates.

Vice on the Internet

It is commonplace to note that the Internet has changed everything, and this trope would apply to vice regulation, too. Then again, vice has changed the Internet: pornography, gambling, prostitution, and prescription pharmaceuticals have been major elements of web commerce almost since the Internet’s inception, and have helped to push forward Internet technology, including web video quality, anonymity protections, and age verification. But the direction of influence that moves from the Internet to vice is, if anything, more profound, and holds the potential to drive future policy regimes.

In the case of pornography and gambling, the Internet has allowed “consumption” to take place in the privacy and comfort of one’s home, instead of in a public theatre or casino, say. This privatization of consumption represents a vast expansion in the availability of these vices. Often the existing regulatory structure presupposes or enforces a certain level of availability and a specific mode of consumption. Regulations aimed at bricks-and-mortar casinos or strip clubs might not extend to Internet gambling or webcam porn, leaving these types of online vice initially unregulated. Simultaneously, the external costs associated with vice consumption can be reduced via private consumption; public nuisance problems or streetwalking in the area of a pornographic theatre do not have obvious parallels with Internet porn.

At-home participation also goes a long way to eliminate some of the non-monetary “costs” of consuming vice, such as the potential for embarrassment when seen walking

into an adult book store or cinema, or when transacting with the clerks in such establishments. Prescription pharmaceuticals such as Viagra might be purchasable over the Internet without an initial in-person consultation with a physician. Payments for Internet vice might be shielded from the view of family members, too, through the use of online accounts or bitcoins. Greater availability and lower costs suggest the possibility of considerable increases in consumption and perhaps compulsive behavior. Surely Internet pornography and gambling have led to addictive conduct among many people who were not at much risk of a non-virtual porn or betting addiction. Video games and the Internet in general have sparked their own digital addictions, of course.

The Internet has revolutionized what might be termed the supply sides of pornography and prostitution. Aspiring porn actors now need not travel to southern California; rather, they can produce – and distribute globally – pornography from their own homes. Escorts can advertise on the web, easing the task of making a connection with clients, and also use the Internet to verify potential clients' identities, reputations, and credit cards. Internet-based sex work is by no means a perfectly safe endeavor, but it involves much lower risks than streetwalking (Weitzer, 2012), and is perhaps safer still in areas where prostitution itself is legal. Where prostitution is illegal, web publicity not only allows connections to be made, but also allows law enforcers to track sellers. Nonetheless, the overall impact of the Web seems to be, so far, on the side of diminishing the arrest risks for prostitutes (Cunningham & Kendall, 2011).

Along with a degree of anonymity, the Web offers the ability to selectively undo that anonymity. Those with an interest in legal, consensual behaviors – behaviors that people might not want to openly disclose to the world – can make good use of the Internet, then. People who would like to explore sado-masochistic sexual practices, for instance, can make connections over the Internet in a relatively safe manner (Leitzel, 2006). They can learn about S&M, purchase books and equipment, and reveal their own experiences and fantasies. The Internet has proved to be a huge boon to poker, as players can easily be brought together via the web nexus, and novice players need not fear face-to-face embarrassment from poor play, while honing their skills at low or even zero stakes.

Vice researchers, policymakers, and the public at large also can be educated via the Internet. To the extent that it is unfamiliarity that stokes fear and suspicions of immorality, the Internet holds the potential to broaden minds and liberalize the attitudes and laws that currently are arrayed against seemingly immoral vices. As always, however, the vice-related Internet is doubled-edged, and depictions of odd or alarming behavior by vice participants can go viral on the web – this happened in the US in the case of the drug mephedrone (“bath salts”), which was banned in 2011 – and induce those moral panics that often drive repressive legislation. Moral panics are not an exclusively digital phenomenon, of course; regulatory action against mephedrone in the UK was stimulated by various mistaken newspaper reports of horrific outcomes for some young people suspected of using the drug (Nutt, 2012). The intended “selective disclosure” of sexting or social media photos of drinking or drug-taking has proven to be insufficiently selective at times, with indiscretions becoming widely publicized and available to almost anyone, including future employers.

Beyond offering much greater availability to vice, the Internet eases the access to treatment resources: people can be just as shy about seeking treatment as they are about

publicly indulging in vice, so options to contact treatment providers over the Internet can be helpful. Web-based casinos can be required to provide links to treatment providers, as well as highlight opportunities to self-exclude or self-limit.

The Internet can go beyond reducing information and transaction costs and enhancing privacy; rather, it can facilitate a wholesale transformation in the nature of commercial vice, something akin to how the Internet and digitization revolutionized “games.” Prostitutes and their clients, for instance, could be thoroughly vetted for disease, trustworthiness, financial solvency, and safety, even while protecting their anonymity, through Internet intermediaries that collect and verify information on STD tests, credit histories, and criminal backgrounds, for instance, and allow both the buyer and seller access to that information before their encounter. This scenario is developed more fully in Peppet (2013). The harms associated with prostitution thereby might be greatly diminished. Personalized drugs might be designed and purchased via the web, or fabricated at home from web-acquired directions on 3D printers.

In terms of the robustness approach to vice regulation, the Internet, on balance, and for the time being, seems to be helpful. Vice consumption choices are better informed, with the dangers of vices and the effects, many of them unintended and negative, connected with regulations made clearer. Those repressive regulatory regimes that are furthest from meeting the robustness principle, especially drug prohibition, are eased somewhat, and have their harms reduced, by the *de facto* web-based liberalization (Peppet, 2013; Cunningham & Kendall, 2013). This liberalization might make it still more evident that vice cannot be abolished – at least at any tolerable cost – and illustrate Spinoza’s wisdom, that “It is best to grant what cannot be abolished, even though it be in itself harmful.”

References

- Becker, G., & Murphy, K. (1988). A theory of rational addiction. *Journal of Political Economy*, 96 (4), 675–700.
- Bentham, J. (1823/1948). *An Introduction to the Principles of Morals and Legislation*. New York: Hafner Press.
- Bogart, W.A. (2011). *Permit But Discourage: Regulating Excessive Consumption*. New York: Oxford University Press.
- Cook, P.J., & Moore, M.J. (2002). The economics of alcohol abuse and alcohol-control policies. *Health Affairs*, 21 (2), 120–133.
- Carpenter, C., & Dobkin, C. (2011). The minimum legal drinking age and public health. *Journal of Economic Perspectives*, 25 (2), 133–156.
- Cunningham, S., & Kendall, T.D. (2011). Prostitution 2.0: The changing face of sex work. *Journal of Urban Economics*, 69 (3), 273–287.
- Cunningham, S., & Kendall, T.D. (2013). Prostitution 3.0: A comment. *Iowa Law Review Bulletin*, 98 (2), 131–141.
- Ellickson, R.C. (1996). Controlling chronic misconduct in city spaces: Of panhandlers, skid rows, and public-space zoning. *Yale Law Journal*, 105 (5), 1165–1248.
- Federal Bureau of Investigation (FBI). *Uniform Crime Report: Crime in the United States* (relevant years).
- Federal Bureau of Prisons. *Inmate Statistics, Offenses*. Retrieved from http://www.bop.gov/about/statistics/statistics_inmate_offenses.jsp

- Fong, T.W., Campos, M.D., Brecht, M.-L., *et al.* (2011). Problem and pathological gambling in a sample of casino patrons. *Journal of Gambling Studies*, 27 (1), 35–47.
- Gruber, J. (2002). The economics of tobacco regulation. *Health Affairs*, 21 (2), 146–162.
- Gruber, J., & Köszegi, B. (2001). Is addiction ‘rational’? Theory and evidence. *Quarterly Journal of Economics*, 116 (4), 1261–1303.
- Holford, T.R., Meza, R., Warner, K.E., *et al.* (2014). Tobacco control and the reduction in smoking-related premature deaths in the United States, 1964–2012. *Journal of the American Medical Association*, 311 (2), 164–171.
- Kilmer, B., & Humphreys, K. (2013). Losing your ‘license to drink’: The radical South Dakota approach to heavy drinkers who threaten public safety. *The Brown Journal of World Affairs*, 20 (Fall/Winter), 267–279.
- Leitzel, J. (2006). Secret deviants. *Carceral Notebooks*, 2, 121–125.
- Leitzel, J. (2008a). On self-exclusion. *Milken Institute Review*, First Quarter, 76–81.
- Leitzel, J. (2008b). *Regulating Vice*. New York: Cambridge University Press.
- Leitzel, J. (2013). Toward drug control: Exclusion and buyer licensing. *Criminal Law and Philosophy*, 7 (1), 99–119.
- MacAndrew, C., & Edgerton, R.B. (1969). *Drunken Comportment: A Social Explanation*. London: Thomas Nelson & Sons.
- MacCoun, R.J., & Reuter, P. (2001). *Drug War Heresies: Learning from Other Vices, Times, and Places*. Cambridge: Cambridge University Press.
- Mill, J.S. (1848/1909). Principles of Political Economy with some of their Applications to Social Philosophy (Ed. W.J. Ashley). *Library of Economics and Liberty*. Retrieved from <http://www.econlib.org/library/Mill/mlP.html>
- Mill, J.S. (1859/1978). *On Liberty* (Ed. E. Rapaport). Indianapolis: Hackett Publishing.
- Ng, M., Freeman, M.K., Fleming, T.D., *et al.* (2014). Smoking prevalence and cigarette consumption in 187 countries, 1980–2012. *Journal of the American Medical Association*, 311 (2), 183–192.
- Nelson, S.E., LaPlante, D.A., Peller, A.J., *et al.* (2008). Real limits in the virtual world: Self-limiting behavior of Internet gamblers. *Journal of Gambling Studies*, 24 (4), 463–477.
- Nutt, D. (2012). *Drugs without the Hot Air*. Cambridge: UIT Cambridge.
- Peppet, S.R. (2013). Prostitution 3.0? *Iowa Law Review*, 98 (5), 1989–2060.
- Room, R. (2012). Individualised control of drinkers: Back to the future? *Contemporary Drug Problems*, 39 (2), 311–343.
- Smith, A. (1776/1976). *An Inquiry into the Nature and Causes of the Wealth of Nations* (Ed. E. Cannan). Chicago: University of Chicago Press.
- Spinoza, B. de. (1670/1891). *Tractatus-Theologico-Politicus, Tractatus Politicus* (trans. R.H.M. Elwes). London: George Bell & Sons.
- Stutz, H. (2014). Singapore casinos produce \$6 billion in gaming revenue in 2013; Market still trails Las Vegas Strip. *Las Vegas Review-Journal*, February 21.
- Thaler, R.H., & Sunstein, C.R. (2008). *Nudge: Improving Decisions about Health, Wealth, and Happiness*. New Haven, CT: Yale University Press.
- Thompson, W.N. (2010). Handling corporate social responsibility: A third way. *Gaming Law Review and Economics*, 14 (5), 355–361.
- Tomkins, S., Saburova, L., Kiryanov, N., *et al.* (2007). Prevalence and socio-economic distribution of hazardous patterns of alcohol drinking: Study of alcohol consumption in men aged 25–54 years in Izhevsk, Russia. *Addiction*, 102 (4), 544–553.
- Weitzer, R. (2012). *Legalizing Prostitution: From Illicit Vice to Lawful Business*. New York: New York University Press.
- World Health Organization. (2005). *WHO Framework Convention on Tobacco Control*. Retrieved from www.who.int/fctc/text_download/en/

- Williams, R.J., Volberg, R.A., & Stevens, R.M.G. (2012). *The Population Prevalence of Problem Gambling: Methodological Influences, Standardized Rates, Jurisdictional Differences, and Worldwide Trends*. Report prepared for the Ontario Problem Gambling Research Centre and the Ontario Ministry of Health and Long Term Care. Retrieved from <http://hdl.handle.net/10133/3068>
- Zimmerman, M., Chelminski, I., & Young, D. (2006). Prevalence and diagnostic correlates of DSM-IV pathological gambling in psychiatric outpatients. *Journal of Gambling Studies*, 22 (2), 255–262.
- Zinberg, N.E. (1984). *Drug, Set, and Setting: The Basis for Controlled Intoxicant Use*. New Haven, CT: Yale University Press.

Deviant Subcultures and Lifestyles

Craig J. Forsyth

Lifestyle and subculture are central concepts in the study of deviance. Sociologists define *lifestyle* as a pattern or habit of acting that expresses and embodies the taste, attitudes, values, and morals of an individual or a particular sector of the population or stratum of the society. And they refer to *subculture* as the attitudes, values, and behavior that are related to, but different from, the majority. Lifestyles largely revolve around structural characteristics such as social class or income level, as well as, typically, race and ethnicity, religion, residence (urban, suburban, or rural), geographical location, sexual orientation, and involvement in any one of a number of unconventional, non-normative, or criminal activities. Examples of economic or social class-based lifestyles include customs, manners, and patterns of living among the wealthy, the merely affluent, members of the middle economic strata, those who earn a modest income, and those who are poverty-stricken. Subcultures encompass a diversity of ways of life that set collectivities off in meaningful ways from the larger society. The distinction between lifestyle and subculture is not always clear-cut, and researchers frequently use the terms interchangeably (Kephart, 1976; Schaefer & Zellner, 2011). It is possible that writers have misused or variously defined no other sociological term as much as *subculture*.

Deviant lifestyles generally reflect the attitudes and values of a person, group, or collectivity that differ from the societal mainstream. Many individuals have one foot in conventionality and one in deviance, in that most of what they do is normative and conformist, yet they also pursue a clandestine deviant lifestyle in that they keep their deviant behavior hidden from public awareness. For instance, many women who engage in part-time prostitution hide their sex-for-pay activities and may even hold down a legitimate job. Non-normative activities need not be flamboyant or criminal to qualify as deviant. Deviant lifestyles are often relatively complex. Clifton Bryant and Craig Forsyth (Bryant & Forsyth, 2012; Forsyth & Bryant, 2011) recently investigated

the complexity of deviant lifestyles with a two-dimensional paradigm. They depict eight deviant behaviors constituent to lifestyles (dietary, dressing, hygienic, verbal, recreational, religious, sexual, and occupational), providing examples of the relevant activities, and a dimension depicting five modes of the frequency of the deviant behavior: compulsive, ongoing, intermittent, episodic, and enforced. The more frequent the behavior, the more likely it will become known to others.

We may distinguish subcultures and lifestyles by degrees of involvement. Members of subcultures tend to be aware of the values and behavior that separate their collectivity from the majority; most are relatively committed to their unconventional peers. In contrast, deviant lifestyles tend to be less encompassing and involving than subcultures. The drag world offers an example. Part-time drag queens are gay males who typically dress in drag on special occasions, such as the New Orleans Mardi Gras; they engage in drag-related activities as a lifestyle. But professional drag queens, whether gay or straight, usually earn a living from their deviance. They are deeply involved in the subculture of costumes, imitation of female celebrities, and career mobility. They can recite the history of famous drags, their most successful peers, where they perform, and the history of famous clubs around the world. The part-timer and the professional exist in different and only marginally overlapping worlds. In most ways, the part-timer is more committed to and involved in mainstream, conventional society and culture than in the world of deviance. In comparison, the professional is more fully immersed in the deviant subculture of the drag world, and it is the socialization and day-to-day social interaction with denizens of that world that make the differences between them more pronounced.

Cockfighting, prostitution, stripping, and male homosexuality illustrate the principal components that constitute subculture and lifestyle. Each activity or endeavor demonstrates a different and particular kind of subculture with different sociologies and histories. Each represents an instance of deviance in that the stigma that these endeavors attract imparts a measure of distinctiveness to the way their participants live, to their identities, as well as their relative isolation from the mainstream.

Cockfighting

Cockfighting is one of two major sports in which, for the entertainment of humans, owners pit two animals against one another in lethal combat – the other being dogfighting, mainly between pit-bull terriers. Cockfighting has long been a significant aspect of rural tradition and culture. While the activity continues to be a significant cultural beacon for its supporters, the enterprise is influenced by the ever-increasing legal ban against and social disapproval of cockfighting. In spite of its cultural significance to its participants, involvement in the activity by the average law-abiding citizen is declining. This decline can be viewed as the consequence of social change. Of particular interest to theorists of social change are the factors that contribute to certain acts being defined as deviant. Moral entrepreneurs, who attempt to impose their views on others, express strong attitudes and take concrete steps to oppose cockfighting. In this case, deviance represents behavior that is in conflict with the interests of the more conventional and more influential segments of society.

Organized cockfighting has been called the oldest sport in existence. Historical accounts of cockfighting appear among the ancient Romans, Greeks, and Persians. Evidence unearthed by archeologists suggests that humans set roosters against one another in sporting events as early as 4000 BC. Organized cockfighting has been practiced all over the world. Today, cockfighting is still very popular in that the sport is practiced in almost every country on Earth. It is popular in North and South America and Asia, but there is only limited acceptance of the sport in Europe. The majority of American society views cockfighting as cruel and immoral, but it nonetheless attracts a small though devoted following. There is no federal law that prohibits the fighting of birds; however, it is illegal to transport animals or birds across state lines for fighting purposes. The sport is most popular throughout much of the South and in a few states in the Midwest; several states have enacted laws designed to prevent cruelty to animals, but such legislation tends to be vague when it comes to cockfighting. State law in Louisiana, where it is popular, has outlawed the fighting of chickens. Previously, Louisiana had somehow omitted chickens from the animal kingdom in its cruelty to animal statutes (Forsyth, 1996). However, the majority of parishes in Louisiana have passed laws that prohibit organized cockfighting in public places. In a few parishes cockfighting is prohibited but nonetheless continues in public places. Forty-one states do have laws that specifically prohibit cockfighting.

As an economic enterprise, cockfighting is made up of persons who breed, own, train, bet on, and watch two birds that have been bred for fighting engage in combat in a ring with one another. Much of the literature on cockfighting portrays it as a brutal sport that should be outlawed. The activity is condemned as brutal because it frequently entails combat to the death and because trainers frequently use devices, such as steel spurs, to enhance the fighting ability of the cocks. Critics describe participants in the sport as inhumane, brutal thugs. Cockfighters become inured to what the first-time visitor regards as a grisly activity: eyes are pecked out, legs are broken, and lungs are punctured. Cocks, with either bayonets or gaffes attached to their legs, attempt to dispatch each other while the sportsmen in the audience lay odds on the contest's outcome as they drink beer in the bleachers. If both cocks survive more than a couple of minutes, and the pace of the battle begins to slow, the handlers will carry the combatants to a smaller pit until one quits or is killed. If a bird appears unlikely to be of any further use in the pit, the breeder will bash its brains out against a wall (Bryant & Capel, 1975).

Like members of other deviant occupations, cockfighters have developed their own ideologies to deal with the stigma of legal harassment and public condemnation. These ideologies are used as mechanisms for maintaining the status of those who are members of the occupation and to more immediately counter the attacks of outsiders. The ideology of cockfighting is based on five major points of justification or deviance neutralization: condemners are hypocrites; the sport is ancient and widespread – a valid component of societies throughout historical time and around the globe; cockfighters are respectable citizens; cockfighting preserves traditional values; and the bird, which was born to fight, self-actualizes in combat.

The sport's participants and advocates contend that critics of the enterprise are hypocrites, since boxing, a mainstream institution, is supported by tens of millions of conventional members of the society. Boxing, cockfighting supporters point out, is

inhumane because the object of the event is to hurt a human opponent – in fact, to knock one of the contestants unconscious. Moreover, many sporting events are dangerous and cause serious, even routine injury to participants. Many American football players suffer concussions, and some, permanent brain damage; indeed, the violence of the sport is what many of its fans find appealing. In addition, cockfighting advocates point to the long history of the sport, noting that numerous influential and respected people, such as George Washington, Thomas Jefferson, and Abraham Lincoln, were involved in cockfighting. And today, many respectable people are involved in the sport. Cockfighting upholds traditional values because frequently, its supporters contend, the entire family participates in breeding, training, and fighting the cocks, and through their common interest and activity, wives, husbands, and children strengthen their bonds with one another. The fact is, the supporters of cockfighting argue, the birds are natural fighters, in the sense that they have been bred to attack other birds in battle. If their fighting impulse is denied, they will become miserable and will not reach their full potential.

Much of the literature addresses the negative stereotype of the cockfighter. Bryant and Li (1991) compared the value structures of cockfighters with the general population. They distributed a survey to members of Game Fowl Breeders Associations across the US, Mexico, and Puerto Rico, and found that cockfighters share similar values with most of the American public in value priorities. These findings contradict the popular stereotype of the cockfighter as a deviant. In fact, the cockfighters appear surprisingly conventional. Because of its violent nature, cockfighting leads to undeserved stereotyping of the participants as deviant and a stigmatizing of the sport. These researchers have found that cockfighters' values accent responsibility, loyalty, and caring ties with significant others. This could be the reason why researchers find high family participation in the sport. Along similar lines, Hawley (1989) argued that even though conventional society tends to regard cockfighters as deviant, in fact they tend to be law-and-order types who do not have a deviant or criminal self-concept, do not regard their participation as criminal in nature, and do not feel any guilt about their chosen pastime.

Nearly all cockfighters agree that the critics of the sport are inconsistent when they call for the abolishment of the sport. They find it contradictory and hypocritical that their sport should be banned, yet boxing is allowed to continue. Another justification used by cockfighters is the denial that the sport is cruel. They argue that it is inhumane to prevent the cocks from fighting, since gamecocks are natural-born fighters. Hawley (1989) also examined the theme of gameness, the chicken's desire to fight beyond exhaustion and injuries, which pervades the vocabularies of the participants.

The participants regard the gamecock as the embodiment of courage, commitment, and other cognate virtues. Cockfighters also feel the sport is a family sport that is healthy and educational (involving the care and breeding of an animal), and perfect for the elderly or handicapped. The rationalization and justification that cockfighters use to deal with outsiders give insights into their world. The negative stereotyping and labeling induces the practitioners of cockfighting to seek approval within their own like-minded collectivity.

Female Prostitution

Prostitution or prostitution-like activities have existed for millennia. In all societies, relationships that are not widely considered prostitution entail exchanges of sex for money, gifts, or a share of the profits of a particular enterprise. From the point of view of both partners, this exchange is not regarded as prostitution. Members of many such relationships consider them connubial in nature. For example, in Outer Mongolia merchants took women as companions on short trips. After the women were paid and discharged the merchants replaced them. In other non-Western societies, examples of serial marriage, polygamy, or prescribed promiscuity, accepted as normative there, might be considered prostitution by the Western world. In ancient Greece, the most common prostitute was the lower-class streetwalker, although upper-class (courtesan/mistress) types flourished as well. During the earliest period of both Greece and Rome, the ancients condoned prostitution, but the medieval era condemned it. Through the early history of Christianity the stigmatization of prostitutes seems to have become worse, but the occupation nonetheless continued to flourish.

The ideas of sexual inequality, women as sex objects, and the impossibility of an unmarried woman supporting herself have all contributed to both the spread of prostitution and the public's resigned attitudes toward it. In Europe, from the fifteenth century to the present day, attitudes toward prostitution have varied considerably. Periods of regulation, reform, or attempts at eliminating it were brought on by disease or a changing morality. Courtesans often served as mistresses and were even put in high positions. The present-day image of the prostitute has been molded from all these historical sources, which contribute to the subculture that exists today. These recurrent themes with ancient roots are still played out with the streetwalkers, comprising the bottom stratum, and the call girl, the top. Other types of sex for pay escape a stigmatized label, but their practitioners nonetheless engage in the craft. The conditions that created prostitution still exist: women remain largely subordinate to men and are regarded as having less urgent and less frequent sexual needs. Likewise, the sexual double standard, which encourages widespread sexual activity on the part of men, and sexually conventional women withholding their sexual favors, inevitably pushed a small number of enterprising women into this high-demand, low-supply occupation. Almost inevitably, prostitution, which is often a lucrative business and entails intimate social interaction both between working women and their usually fairly conventional clients, and between and among themselves, is to some degree separated from the repressions of conventional society, creating a subculture of prostitution.

A traditional perspective on prostitution defines it as an occupation in which an individual exchanges sex in a promiscuous and emotionally indifferent manner for money or other things of monetary value. Under this conceptual umbrella, women who sell sexual favors to men and receive monetary rewards for the acts themselves are regarded as prostitutes. By this definition, in the US, as we saw, we observe variations in prostitutes which range from the street walker at the bottom to the call girl at the top. Between these two extremes are bar girls, house prostitutes, hotel and convention prostitutes, escorts, ranch whores, and masseuses willing to perform sexual services, as well as a miscellany of other types. These women tend to be deeply involved in the

subculture of prostitution. Bryan (1965) examined apprenticeships in prostitution, viewing the activity as an occupation, detailing the processes involved in selecting and joining the profession.

Prostitution has spawned a unique subculture that allows the occupation to survive and spread. This subculture recruits, gathers together participants, trains them, and provides them with social support. Engaging in the profession of prostitution cannot be explained by the woman's psychological history or predisposition, but female prostitutes do differ from the female mainstream in important ways. Certainly opportunity plays a role in engaging in prostitution. A set of interactional accidents causes entrance, but an elaborate set of ongoing relationships must be created and maintained to assure the capability to continue the behavior. The resultant social relationships follow the parameters of social learning theory by including not only techniques and motives, but also the associated attitudes and justifications that allow the prostitute to reconcile her status within a network of actors, such as undercover police officers, workers in short-time hotels, managers of liquor stores, hotel employees, taxi drivers, and bartenders. In order to voluntarily engage in acts of prostitution on a routine, long-term basis, the woman must learn the sex-for-money ethic, avoid the customer who cannot pay, and develop specific parameters of sexual activity that demarcate acts that she is willing to engage in from those she wishes to avoid (Weitzer, 2005). Sex for pay is distinguished from both conventional or mainstream sexual practices as well as other forms of sexual deviance by its distinctive social structures. For example, homosexual and prostitution subcultures can be readily distinguished from the mainstream population's sexually-oriented social structures, just as the subcultures that generate soft-core pornography found in many convenience stores is distinctly different from those that produce the more hard-core pornography that is available in specialty outlets.

Some industries develop activities and roles that, to the outsider, resemble prostitution. For instance, employees of the oil service industry categorize "office harlots" into three types of women who worked in one: career climbers; mistresses; and party girls (Forsyth & Fournet, 1987). All three exchange sexual favors to receive advantageous positions in the industry. These women are not prostitutes in the traditional sense, but fit a broader definition of prostitution, which includes any and all people who use sex to receive material advantages other than direct payments. All three of these types have jobs in the oil service industry, which serves to lend a kind of respectability to their deviant lifestyle, although most of the people in their companies suspect the basis for their advantageous position. The career climber has had sex with bosses for promotion. When she changes bosses, she changes sex partners. Her motivations include the desire to gain a higher position, and power, along with the money that comes with both. The mistress has sex with her boss for job security. She enjoys higher pay and often a company car and rent. As her boss moves up so does she. If the boss moves without her, she will often move to another relationship as a mistress. The party girl usually does favors for her boss by supplying sex to clients of the company. All of these women have titles such as personal secretary or public relations specialist. When they are not meeting clients or traveling with the boss, they answer the phone, set up schedules, and arrange travel. Their rewards include a well-paying job, travel, clothes, expenses, gifts, and an apartment. These women are not members of a deviant subculture, but the

women who pursue such activities live deviant lifestyles. Members of certain industries cultivate and disseminate widespread knowledge regarding opportunities that are gained through such interaction that involves exchanging sex for things of value. It is this knowledge and its dissemination that provides the mechanism that solicits new recruits into such roles. None of the women the researchers investigated crosses over to one of the other types – this is their lifestyle of prostitution, and their values, norms, and behaviors that set these women apart do not change. When these women exit their roles as party girls, career climbers, or mistresses, most marry and enter the mainstream (Forsyth & Fournet, 1987).

Stripping

Strippers or “exotic dancers” are sex workers. Strippers are at the center of a lucrative enterprise; their work maintains a vigorous subculture, which to a major degree stands apart from the mainstream. Live sex shows, prostitution, pornographic films, phone sex, massage parlors, and escort services constitute cognate types of sex work. Studying exotic dancing as a form of sex work is important because exotic dancing not only makes up a large and profitable sector of the sex industry, but it is also increasing in magnitude. The number of exotic dance clubs in North America has doubled in the last two decades. Participants in this subculture hold conflicting views about their work specifically and sex work in general. There has been an increase in scholarly attention from a variety of perspectives, from radical feminism, which views all heterosexual sex as male-dominated and therefore oppressive, to sexual radicalism which views sex work as liberating. With respect to the relationship between the sale of sexuality and power, radical feminism and sexual radicalism stand at opposite ends of the spectrum, in that they are premised on very different notions of the consequences of sex work.

Feminists regard sex work as exploitative for women; it represents female victimization and maintains male dominance (Frank, 2002; Deshotels, Tinney, & Forsyth, 2012). This view generally focuses on how institutional arrangements in the world of sex for pay impinge upon women’s ability to make free choices. In the world in which men pay women to engage in sexual activities, women are inevitably economically compelled, lured by false claims, or duped into sex work (Delacoste & Alexander, 1998).

The sexual radical’s view is that the sale of women’s sexuality is empowering for women – or that women are the exploiters in these encounters (Barton, 2006; Delacoste & Alexander, 1998; Deshotels, Tinney, & Forsyth, 2012; Ronai & Ellis, 1989). These scholars argue that although women are constrained by poverty, job discrimination, and segregation, women choose sex work and have power within the sexual encounter as they negotiate the service and the fee (Egan, 2006; Egan and Frank, 2005). For example, Egan (2003) and Enck and Preston (1988) examined how dancers strategically use culturally erotic images of women to gain power in interactions with customers. Many researchers have sought some sort of a resolution between these positions (Barton, 2006; Delacoste & Alexander, 1998; Queen, 2003; Weitzer, 2000). Located on a continuum between these two perspectives are pro-sex feminism, sexual libertarianism,

and a number of other views of sex workers and their toil (Brewster, 2003; Egan, 2006; Erickson & Tewksbury, 2000; Frank, 2002; Wesely, 2003a, 2003b). For example, some researchers suggest that sex work may be empowering for the individual, yet nonetheless reproduce institutional constraints related to gender (Barton, 2006; Forsyth & Deshotels, 1998). Dancing may also be empowering for the beginner dancer, but becomes exploitative over time, and whether or not dancing is empowering or exploitative depends on the customer's reactions (Barton, 2006).

Research has acknowledged the similarity of skills and the sameness of encounters in all stripper businesses. Stripping is a performance; you are an actress playing a role. You sell a self and make that self resemble who you are. You appear to offer maximum sexuality and intimacy, and extract as much money from customers as you can based on this false premise. Performing to customers is a kind of communication which entails talking to an audience you cannot stand, yet you keep a smile on your face and dupe customers into feeling that you like them – all of which is an element in a strategy to induce them to open their wallets. In a nutshell, the foundational occupational endeavor of the female stripper entails taking off her clothing in a suggestive way or by dancing partially clad for financial remuneration (Lewis, 2000).

Many studies (Boles & Garbin, 1974; Enck & Preston, 1988; Skipper & McCaghy, 1970, 1971; Thompson, Harred, & Burks, 2003) have found three factors that facilitate entrance into stripping: first, encountering an opportunity that makes stripping an available employment choice; second, becoming aware of the economic compensation that can be gained from stripping; and third, realizing that one can fulfill the qualifications that stripping entails. Young women make the choice of stripping as a livelihood knowing that they can earn more money by stripping than would be possible in a more legitimate, conventional occupation. The literature suggests that the recent economic recession has contributed to the even greater attractiveness of stripping to a larger number of women than was true previously.

Several researchers (Ronai and Cross, 1998; Ronai and Ellis, 1989) have found that strippers stratify themselves by distinguishing between their sexual mores and career trajectories. Two points are striking about their comments. First, strippers use their own distinctions to affirm their relative status and dignity, and secondly, many strippers point out why they are better than the others. Both organizational and extra-organizational factors are used to make these distinctions. The men who work with them and the men who constitute their audience also make these same distinctions.

Enck and Preston (1988) and Ronai and Ellis (1989) described negotiations with customers and the strategies used by strippers to sell table dances. Enck and Preston (1988) used phrases such as “cynical performance” and “counterfeit intimacy” to describe stripper performance. Most performers hold a cynical attitude toward their performance, since they don't believe in its sincerity and remain fully aware that they are using the presentation and the elicited focus of the audience to achieve other ends, namely obtaining the maximum amount of money possible. *Counterfeit intimacy* is the best term to describe the illusion the dancer is trying to create. The dancer does this by using physical ploys and nudity to stimulate the fantasies of her patrons. She uses verbal ploys such as “I'm dancing for you” and “You are my favorite customer” to enhance the effectiveness of counterfeit intimacy. She manipulates the sexual fantasy of her customer

through this ploy, thereby giving the customer the illusion that sexual intimacy is possible if he had the seductive finesse to gain her participation.

Counterfeit intimacy, in the context of nude dancing establishments, is the illusion of sexual intimacy. In the case of a dancer, her act is designed to put forward the notion that she is sexually available. Dancers call this playing the customer. She plays him without putting out, and plays him as long as she can. If she gives that up, she gives up her power over him. She makes promises she knows she won't honor. Perhaps she exchanges cell phone numbers with him. "I'll do anything I can to get money from the customers," she tells herself. She even simulates homosexuality, explains one dancer that researchers interviewed: "We table-dance side by side. The men get off on it. I've table-danced for some guy's wife or girlfriend" (Deshotels & Forsyth, 2008).

According to Enck and Preston (1988), dancers are trained quickly and given a set of rules to follow. Their first and foremost task is never to leave money unattended whether at a bar or table. As a dancer talks with a customer, she is supposed to fold the money into a ring around her finger to remind her why she is there. The club managers believe that making the money visible makes the dancer work harder. Although stripping has no period of formal training, there does appear to be a socialization process during entrance to the occupation. Strippers quickly learn how to make money, what rules to break or obey. They also learn about the other statuses in a club (DJs, bartenders, and bouncers) and how the roles these individuals play can increase the strippers' income (DeMichele & Tewksbury, 2004). Research indicates that a career in stripping may not lead to upward advancement, since it lacks standard pathways along which career mobility can be traced. Deviant careers, unlike most respectable careers, often lack sequences that lead to advancement and increased rewards (Bartlett, 2003; Bradley, 2007; Bradley-Engen, 2009).

Several researchers (Abbott, 2000; Brewis and Linstead, 2000) have found the relationship of the deviant nature of the occupation of stripping is heightened by the additional roles many strippers are expected to perform, their association with other deviants (drug dealers, prostitutes, pimps, and gamblers) within the work setting, and as members of the night people's subculture, and the structure of the occupation itself, which tends to be conducive to certain kinds of deviance such as lesbianism.

McCaghy and Skipper (1972) indicate that a great part of the homosexual behavior of strippers can be attributed to occupational conditions. Conditions supportive of homosexual behavior in the stripping occupation include: isolation from other significant emotional social relationships, a generally unsatisfactory relationship with males, and an opportunity structure allowing a wide range of sexual behavior. McCaghy and Skipper (1972) believe that the structure of certain occupations contributes to becoming involved in homosexual behavior and to the formation of a homosexual self-concept, but they do not suggest that such structures are the ultimate cause. They contend that different occupational structures provide conditions, learning patterns, and justifications differentially favorable to the occurrence of homosexual contacts and self-concepts. Forsyth and Deshotels (1998) found that such structures exist in the world of stripping as well.

The occupation of stripping/exotic dancing is quickly changing; currently, the trend is toward the upscale adult club (Bradley-Engen, 2009). These clubs have unnatural

standards for the dancers, which can only be achieved by the very young, since freshness and youth are temporary, and so is the career of performers. Breast augmentation surgeries are usually done along with other plastic surgeries, with even larger breast augmentation required later. These surgeries are expensive and require a long recovery time, and hence a loss of income during that period. These surgeries are typically financed by the club, but this creates an obligation that more strongly ties the woman to the demands and requirements of the club, thereby limiting her freedom (Forsyth & Deshotels, 1998). In short, corporatization restricts exotic dancing to a narrow and specific type of woman; moreover, the higher wages that corporatized clubs pay can only be attained in certain types of upscale club. What does the future hold for the nude dancer subculture? We see a widening of the gap in the vastly differentiating levels of benefits and costs within prostitution – with a widening gap between call girls at the top and streetwalkers at the bottom.

Male Homosexuality

Anthropologists report that homosexual behavior is common and culturally condoned in numerous non-literate societies. Some of these societies accord high status to persons who fill the roles associated with homosexual behavior. In many of these societies, homosexual behavior is considered normal and accepted for certain members of the community. A common acceptable form of homosexuality is the *berdache*. This is a male who dresses like a woman, performs women's task, and adopts the feminine role in sexual behavior with a male partner. Another frequently occurring pattern of homosexual behavior in preliterate societies is a liaison between boys or men who are otherwise heterosexual. In several of these societies, men and boys engage in anal intercourse. Anal intercourse between males is expected; the boy or man who refuses to take part in this practice is considered odd or eccentric – even deviant. In some societies both married and unmarried males participate; in others it is only practiced until the young man marries. At the same time, in certain primitive cultures, any inclination toward homosexuality is harshly punished; in a few, the punishment is death. A number of well-known historical figures have reputedly engaged in homosexual relations, including Socrates, Aristotle, Sappho, Alexander the Great, Michaelangelo, Leonardo da Vinci, Lord Byron, Oscar Wilde, Marcel Proust, Herman Melville, Walt Whitman, Colette, Cole Porter, Gertrude Stein, Noel Coward, T.E. Lawrence, Jean Cocteau, Langston Hughes, Tchaikovsky, Tennessee Williams, James Baldwin, and Leonard Bernstein. In Western society, the relationship between homosexual behavior and social acceptance is equally complex. The Hebrew code condemned it, while for the most part ancient Greece was more inclined to accept it. In the European Middle Ages, the Catholic clergy engaged in homosexual practices, but at some point the Church strongly anathemized it. There seems to be a common theme of elite acceptance and disfavor by the masses.

Throughout much of the history of Western society, same-gender sexual acts were typically not associated with a homosexual role. Such a role, as we know it today, did not emerge until seventeenth-century England (McIntosh, 1968). The role of male

homosexuality in the US has led to several distinctive subcultures and lifestyles. This was particularly true when American society considered homosexuality a mental illness, defined it as illegal and/or stigmatized its participants, regarding them as deviants. Society's rejection of the homosexual was the major source of his problems. This was of course associated with the legal repression of homosexuality. The adaptations to this rejection included the development of the homosexual subculture, which provided social support. The subculture also allowed a militant homosexual movement to emerge, which directly confronted the laws and supported overturning them.

From 1951 to 1973 the American Psychiatric Association's *Diagnostic and Statistical Manual* categorized homosexuality as a form of sexual deviation or disorder. In December 1973 the American Psychiatric Association (APA) officially declared that homosexuality by itself does not necessarily constitute a psychiatric disorder. The APA accompanied its action with a position statement on homosexuality and civil rights. The position statement recognized the power of their organization as official labelers to influence the lives of their clients. One representative of the APA's board stated the organization's position in the following words:

The board deplored all public and private discrimination against homosexuals and urges the enactment of civil rights legislation to protect homosexuals and the repeal of all discriminatory legislation against homosexual behavior. It further deplored the use of pejorative connotations derived from diagnostic or descriptive terminology used in psychiatry as the basis for such discrimination. (Spector, 1977, p. 53)

The board's statement was not without opposition. Enough opposition was mobilized to throw the board's decision to a referendum of the entire APA membership. The board's decision was upheld.

In most cases, behaviors that are widespread yet stigmatized lead to the development of subcultures that allow members to cope better with the mainstream's attitudes toward them, and find comfort in collectivities with a variant normative structure. In interaction with others who share their homosexual identification, subcultural participants learn how to best manage their deviant status, how to rationalize their behaviors to others and themselves, and how to get along with others in a world of hostility. Today, homosexuality has gained widespread acceptance; consequently, one would expect that the strength of homosexually-based subcultures will decline. Many male homosexuals live typical or conventional lifestyles – quiet, unassuming lives with careers and leisure activities that do not distinguish them from the mainstream. The fact that same-sex marriage is legal in 19 states and many such couples have adopted and are raising children indicates a move toward the mainstream. Ironically, this comes at a time when more couples are choosing to live together rather than marry, and the number of childless couples is increasing.

Male homosexuality, although far more accepted by the mainstream now, was once a sociological category of sexual deviance consisting of behaviors that spawned unique forms of social structure in order to survive. Such structures also allowed the culture to spread. The creation of special structures is necessary to recruit participants, socialize them, and provide them with social support (Quinn & Forsyth, 2013). Such sociological

forms of sexual deviance can be partially explained by the psychological history of the participants, just as members of any group can. But an elaborate set of ongoing relationships must be created and maintained to assure the capability to continue the behavior. The resultant social relationships follow the parameters of social learning theory by including not only the techniques and motives of the acts, but also the associated attitudes and rationalizations that allow the perpetrators to reconcile them with their otherwise relatively conventional self-images. While some individuals develop a homosexual commitment and engage in homosexual behavior without having had contact with other homosexuals, most homosexuals engage in, and in many ways depend upon, contact with other homosexuals (Gagnon & Simon, 1967, 2005). The role that the Internet plays in the spread of subculture has only begun to be played out, though some sociologists have addressed its theoretical relevance (Quinn & Forsyth, 2013). While homosexuality itself has become mainstream in much of North American and Western European society, where it has come to be regarded not as an indication of pathology but a normal, variant expression of sexuality, nonetheless there are still subcategories of homosexuality, such as leather fetishists, the denizens of bath houses and tea rooms, bug chasers (men who seek being infected with AIDS), and male homosexual dancers in bars. (Of course, cognate practitioners of unusual sexual activities can be found among heterosexuals.) These constitute obvious examples of sociological deviance, with their unique meeting places, publications, organizations, and slang. Bars have been the traditional meeting places for gay males. This has been especially the case in large cities, where a substantial number of gay males support specializing establishments – Boston, Washington, DC, New Orleans, New York, and San Francisco have historically had special bars that attract a specific type of gay patron. Smaller cities have bars that designate specific nights for types of patrons. More than 40 years ago, Barry Dank illustrated the function that other gay men and gay bars serve for spreading the subculture, in that it precipitates the coming-out process. Adoption of a homosexual identity is a process that requires more than just an attraction to the opposite sex. It requires neutralizing the negative stereotype of the homosexual role and recognizing that negative public images are incorrect, and that homosexuality can be positive, desirable role. “I knew that there were homosexuals, queers, and what not: I had read some books, and I was resigned to the fact that I was a foul, dirty person, but I wasn’t actually calling myself a homosexual yet,” said a young man Dank interviewed. “I went to this guy’s house and there was nothing going on, and I asked him, ‘Where is some action?’ and he said, ‘There is a bar down the way.’ And the time I really caught myself coming out is the time I walked into this bar and saw a whole crowd of groovy, groovy guys. And I said to myself, there was this realization, that not all gay men are dirty old men or idiots, silky queens, but there are some just normal looking and acting, people, as far as I could see. I saw gay society and I said, ‘Wow, I’m home’” (Dank, 1971, p. 187).

The actions of the US government cannot be discounted in the formation of a gay (as well as lesbian) subculture. The underpinnings of today’s urban gay subculture were formed in the 1940s. As the subculture expanded and grew more visible in the post-World War II era, oppression by the state intensified. The McCarthy era of right-wing politics, exclusion of gays from federal employment by Eisenhower, the purging of gays from the military, FBI surveillance of gay meeting places and organization, and the US

Postal Service tracing of gay mail, among other actions, created dangers in being gay. The response to this was a mass movement, and ultimately gay liberation (D'Emilio, 1983).

Given the social change that has taken place since Dank's (1971) research, one would expect that the need for a gay male subculture would be diminished. The need for both gay and straight subcultures focused around sexual behavior may only be reserved for acts that are regarded by the majority as bizarre or distasteful.

Concluding Remarks

Both victimization and illegality have an impact on the formation of subcultures. Cockfighting has no human victims, although animal rights advocates would argue that gamecocks are victims. Supporters of the sport would insist that gamecocks have no other purpose in life since they are not edible; hence, they would not exist in the absence of the practice. Your position on this activity probably depends on your personal geography. If the US were entirely rural, there would be no outcry to outlaw this brutal sport, in all likelihood it would become as mainstream as baseball, and American presidents would publicly and openly attend cockfights.

Prostitution still generates a subculture because, in nearly all US jurisdictions, it is illegal; its mostly clandestine nature strengthens its subcultural ties. Although sex for pay usually takes place between two consenting adults, poverty and career advantage draws many women into prostitution. And, since the majority of the women who exchange sexual favors for money stem from the lower or working strata, the activity sustains a deviant subculture mostly hidden from the mainstream. Strippers and other exotic dancers do not consider themselves victims, but much of conventional society does. Strippers debate their victimization with moralists, but they also discuss their strategies for earning bigger tips, and will complain about their real problem – how dancing affects their love life. Both exotic dancing and prostitution sustain deviant subcultures because of the partial exclusion of their practitioners from many conventional roles and interactions. Though hidden from the mainstream, these enterprises generate billions of dollars per year, most of it ending up in the pockets of someone other than the prostitute. Male homosexual subcultures are disappearing, except at its more exotic fringes. The weakening of homosexuality's subculture is probably because American society has become more sexually tolerant and accepting of heterodoxy, and homosexuality is exiting from deviance and merging into the mainstream.

It is important to stress that deviant subcultures tend to be formed from mainstream reactions. When majorities stigmatize participants in an activity, a social structure tends to develop. Participation in sex work is stigmatizing; its participants usually hide their involvement in the activity. At the same time, since the males who pay for sex do not earn a living at it, they rationalize away their participation in the enterprise. A subculture of deviants offers the rejected person ego reinforcement, but it tends to reinforce membership in an unacceptable way of life. The deviant subculture offers the participant a sense of pride; it makes participation more acceptable to be part of a collectivity of others like oneself. Deviant subcultures encourage further withdrawals

from the world of mainstream society. For the wounded, insulted, and rejected, withdrawal becomes a form of liberation.

References

- Abbott, S.A. (2000). Motivations for pursuing an acting career in pornography. In R. Weitzer (Ed.), *Sex for Sale: Prostitution, Pornography, and the Sex Industry* (pp. 17–34). New York: Routledge.
- Bartlett, C.S. (2003). *Stripper Shoes*. Bloomington, IN: 1st Books.
- Barton, B. (2006). *Stripped: Inside the Lives of Exotic Dancers*. New York: New York University Press.
- Boles, J., & Garbin, A.P. (1974). The strip club and customer–stripper patterns of interaction. *Sociology and Social Research*, 58 (January), 136–144.
- Bradley, M.S. (2007). Girlfriends, wives, and strippers: Managing stigma in exotic dancer romantic relationships. *Deviant Behavior*, 28 (4), 379–406.
- Bradley-Engen, M.S. (2009). *Naked Lives: Inside the World of Exotic Dancing*. Albany, NY: State University of New York Press.
- Brewis, J., & Linstead, S. (2000). *Sex, Work, and Sex Work: Eroticizing Organization*. New York: Routledge.
- Brewster, Z.W. (2003). Behavioral and interactional patterns of strip club patrons: Tipping techniques and club attendance. *Deviant Behavior*, 24 (3), 221–243.
- Bryan, J.H. (1965). Apprenticeships in prostitution. *Social Problems*, 12 (3), 287–297.
- Bryant, C.D., & Capel, W.C. (1975). Profiles of the American Cocker (Part II). *Grit and Steel*, November, 32–32a.
- Bryant, C.D., & Forsyth, C.J. (2012). The complexity of deviant lifestyles. *Deviant Behavior*, 33 (7), 525–549.
- Bryant, C.D., & Li, L. (1991). A statistical value profile of cockfighters. *Sociology and Social Research*, 75 (4), 199–209.
- Dank, B.M. (1971). Coming out in the gay world. *Psychiatry*, 34 (May), 180–197.
- Delacoste, F., & Alexander, P. (1998). *Sex Work: Writings by Women in the Sex Industry*. San Francisco: Cleis Press.
- DeMichele, M., & Tewksbury, R. (2004). Sociological explorations in site-specific social control: The role of the strip club bouncer. *Deviant Behavior*, 25 (6), 537–558.
- D’Emilio, J. (1983). Capitalism and gay identity. In A. Snitow, C. Stansell, & S. Thompson (Eds.), *Power of Desire: The Politics of Sexuality* (pp. 101–107). New York: Monthly Review Press.
- Deshotels, T., & Forsyth, C.J. (2008). Sex Rules: The edicts of income in exotic dancing. *Deviant Behavior*, 29 (5), 484–500.
- Deshotels, T., Tinney, M., & Forsyth, C.J. (2012). McSexy: Exotic dancing and institutional power. *Deviant Behavior*, 33 (2), 140–148.
- Egan, R.D. (2003). I’ll be your fantasy girl, if you’ll be my money man: Mapping desire, fantasy and power in two exotic dance clubs. *Journal for the Psychoanalysis of Culture and Society*, 8 (1), 109–121.
- Egan, R.D. (2006). Resistance under the blacklight: Exploring the use of music in two exotic dance clubs. *Journal of Contemporary Ethnography*, 35 (2), 201–209.
- Egan, R.D., & Frank, K. (2005). Attempts at a feminist and interdisciplinary conversation about strip clubs. *Deviant Behavior*, 26 (4), 297–320.

- Enck, G.E., & Preston, J.D. (1988). Counterfeit intimacy: A dramaturgical analysis of an erotic performance. *Deviant Behavior*, 9 (4), 369–381.
- Erickson, D.J., & Tewksbury, R. (2000). The 'gentlemen' in the club: A typology of strip club patrons. *Deviant Behavior*, 21 (3), 271–293.
- Forsyth, C.J. (1996). The structuring of vicarious sex. *Deviant Behavior*, 17 (3), 279–295.
- Forsyth, C.J., & Bryant, C.D. (2011). Deviant lifestyles. In C. Bryant (Ed.), *The Routledge Handbook of Deviant Behavior* (pp. 209–222). New York: Routledge.
- Forsyth, C.J., & Fournet, L. (1987). A typology of office harlots: party girls, mistresses and career climbers. *Deviant Behavior*, 8 (4), 319–328.
- Forsyth, C.J., & Deshotels, T.H. (1998). A deviant process: The sojourn of the stripper. *Sociological Spectrum*, 18 (1), 77–92.
- Frank, K. (2002). *G-Strings and Sympathy: Strip Club Regulars and Male Desire*. Durham, NC: Duke University Press.
- Gagnon, J.H., & Simon, W. (1967). *Sexual Conduct: The Social Sources of Human Sexuality*. Chicago: Aldine.
- Gagnon, J.H., & Simon, W. (2005). *Sexual Conduct: The Social Sources of Sexuality* (2nd ed.). New Brunswick, NJ: Aldine Transaction.
- Hawley, F.F. (1989). Cockfight in the cotton: A moral crusade in microcosm. *Contemporary Crisis*, 13 (2), 129–144.
- Kephart, W.M. (1976). *Extraordinary Groups: The Sociology of Unconventional Lifestyles*. New York: St. Martin's Press.
- Lewis, J. (2000). Controlling lap dancing: Law, morality, and sex work. In R. Weitzer (Ed.), *Sex for Sale: Prostitution, Pornography, and the Sex Industry* (pp. 203–216). New York: Routledge.
- McCaghy, C.H., & Skipper, J.K. (1972). Stripping: Anatomy of a deviant lifestyle. In S.D. Feldman, & Thielbar, G.W. (Eds.), *Lifestyles: Diversity in American Society* (pp. 362–373). Boston: Little, Brown.
- McIntosh, M. (1968). The homosexual role. *Social Problems*, 16 (Fall), 182–192.
- Queen, C. (2003). *Real Live Nude Girl: Chronicles of Sex Positive Culture*. San Francisco: Turnaround.
- Quinn, J.F., & Forsyth, C.J. (2013). Red light districts on blue screens: A typology for understanding the evolution of deviant communities on the Internet. *Deviant Behavior*, 34 (7), 579–585.
- Ronai, C.R., & Cross, R. (1998). Dancing with identity: Narrative resistance in the discourse of male and female striptease dancers. *Deviant Behavior*, 19 (2), 99–119.
- Ronai, C.R., & Ellis, C. (1989). Turn-ons for money: Interactional strategies of the table dancer. *Journal of Contemporary Ethnography*, 18 (3), 271–298.
- Schaefer, R.T., & Zellner, W.W. (2011). *Extraordinary Groups: An Examination of Unconventional Lifestyles* (9th ed.). New York: Worth.
- Skipper, J.K., & McCaghy, C.H. (1970). Stripteasers: The anatomy and career contingencies of a deviant occupation. *Social Problems*, 17 (3), 391–405.
- Skipper, J.K., & McCaghy, C.H. (1971). Stripteasing: A sex-oriented occupation. In J. Henslin (Ed.), *The Sociology of Sex* (pp. 275–296). New York: Appleton Century Crofts.
- Spector, M. (1977). Legitimizing homosexuality. *Society*, 14 (July/August), 52–56.
- Thompson, W.E., Harred, J.L., & Burks, B. (2003). Managing the stigma of topless dancing: A decade later. *Deviant Behavior*, 24 (6), 551–570.
- Weitzer, R. (2000). *Sex for Sale: Prostitution, Pornography, and the Sex Industry*. New York: Routledge.

- Weitzer, R. (2005). The growing moral panic over prostitution and sex trafficking. *The Criminologist*, 30 (5), 1–4.
- Wesely, J.K. (2003a). Exotic dancing and the negotiation of identity: The multiple uses of body technologies. *Journal of Contemporary Ethnography*, 32 (6), 643–669.
- Wesely, J.K. (2003b). ‘Where am I going to stop?’ Exotic dancing, fluid body boundaries, and effects on identity. *Deviant Behavior*, 24 (5), 483–503.

Positive Deviance

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Rancorously reviled or blithely ignored, the concept of positive deviance is slowly gaining traction in sociology. Other disciplines are likewise gradually taking advantage of the inherent utility of positive deviance. Brezina and Piquero (2007) have conducted research on drug avoidance among juveniles by focusing on traits such as moral beliefs rather than emphasizing the supposed characterological weakness of abstainers as isolated, shy, or overly self-controlled. Many public health researchers in developing nations have redefined *positive deviance* as “uncommon, beneficial health behaviours that some community members already possess” (Marsh, Schroeder, Dearden, Sternin, & Sternin, 2004, p. 1177); using the concept, medical practitioners seek out such “positive” deviants and work with them, as role models, to enable members of the community to adopt healthy practices. In one community in Vietnam, Save the Children developed a program, based on the positive deviance (PD) concept, to virtually eliminate childhood malnutrition by encouraging the eating of tiny shrimp, crabs, and sweet potato greens – previously ignored substances (Sternin & Choo, 2000). Similarly, in business firms and other organizations, managers are beginning to reason that some individuals “are deviants in that they stray from the norm but positive in that they solve problems [that] most people,” this reasoning continues, “can’t solve on their own” (Saco, 2006, p. 4). Why hasn’t this seemingly simple idea caught on everywhere; why hasn’t it become “a more widespread management strategy?” (p. 6). Perhaps, with its acceptance and more vigorous dissemination, it will. In the sphere of sociology, likewise, positive deviance offers promise for new research and growth in the field (Ben-Yehuda, 1990). We suggest that positive deviance is a viable and fruitful sociological concept and that, once researchers adopt and use it in their work, it will cease to be controversial and will become absorbed into the recognized literature of the social sciences.

Definitions

Positive deviance is a concept that has been accepted by some sociologists and rejected by others. An interesting debate ensues: is positive deviance a sociologically feasible and defensible idea? Some sociologists simply contend that deviance, by definition, must be negative behavior that is negatively sanctioned. For example, Best and Luckenbill (1982, p. 3) defined deviance as “any behavior that is likely to be defined as an unacceptable violation of a major social norm and elicit strong negative reactions by social control agents.” Or, as Clinard and Meier, authors of the best-selling, most long-standing deviance current text, contend, deviance refers to something that is “evaluated negatively,” that is, which is “*disvalued*” (2004, p. 9).

Others have explicitly dismissed the concept of positive deviance. Sagarin (1985) referred to positive deviance as an “oxymoron” – a contradiction in terms – contending that introducing the positive into the scientifically created category of deviance would confuse the logic of what truly constitutes deviance and thereby impede the study of true deviants. Goode (1991) argued that positive deviance is just not viable, although he agrees that *to the extent that* being “too good” is negatively sanctioned, the sociologist may legitimately refer to that as a form of deviance. While the normative approach might provide an avenue for defining positive deviance, the reactivist perspective would not do so, since any such potential definition is inherently rooted in stigmatization or a negative societal reaction. Instead, as its advocates currently use it in the field of the sociology of deviance, positive deviance has become a “sponge word” mopping up divergent ideas.

Nevertheless, various sociologists postulate that the concept of positive deviance is a vital and correct concept (Dodge, 1985; Scarpitti & McFarlane, 1975; Steffensmeier & Terry, 1975; Wilkins, 1965). As Palmer and Humphrey (1990, p. 7) argued: “It is usual both in social science and in everyday life to conceive of deviant behavior as socially unacceptable and *negative*. Often it is. Yet,” they add, “a considerable amount of deviant behavior is actually defined by society’s members in a *positive* fashion.” Some members of the society, these theorists argue, view certain forms of deviance as socially acceptable; they reward persons whom others regard as deviant. Such a conceptualization “seems to be helpful” to these audiences; it appears to “solve a problem for them. If it seems not to do that but rather to threaten their existence in some way they are likely to define the deviant behavior negatively.”

Dodge (1985, p. 17) maintains that due to a primary sociological attraction to the negative, positive deviance has been woefully neglected. Further, Ben-Yehuda (1990), recognizing the marginalization of positive deviance, notes that innovation – even in the realm of ideas – often encounters resistance. Further development of the concept, rather than impeding sociological progress, could enhance the substantive area of deviance.

The very definition of deviance is shrouded in confusion and controversy. Sociologists have multiple understandings of deviance, and the field is marked by what Hughes and Coakley (1991, p. 315) referred to as “theoretical chaos.” Still, two major paradigms have emerged to dominate sociological understanding: the normative approach, focusing on deviance as normative violation, and the reactivist approach,

centering on the social reaction. Consequently, it should not be disquieting that the same is true of definitional approaches to positive deviance.

The older tradition of deviance basically posits that deviance is a violation of norms. As Cohen (1966, p. 12) declared, deviant behavior is "behavior that violates normative roles." Similarly, positive deviance is conceptualized as a violation of normative behavior, but in a different direction – a positive one (Dodge, 1985; Jones, 1998; Sorokin, 1950; Wilkins, 1965). Sorokin (1950), for example, proposed that the two types of deviants include the subnormal and the supra-normal. Jones (1998) plainly defines positive deviance as a norm violation in a positive direction.

The second major approach to deviance is the reactivist approach, which focuses on the social reaction to an action (Becker, 1963). Scarpitti and McFarlane (1975, pp. 5–6) suggested "Social deviance includes those acts, attributes, and beliefs which, when performed or made known about an actor, elicit an evaluative social sanction or sanctions from an observer." Clearly, some observers focus on positive labeling (Lewis, 1981; Scarpitti & McFarlane, 1975). For example, Steffensmeier and Terry (1975, p. 4) deciphered positive deviance to be a "differentially valued phenomenon." While stealing is negatively valued, heroism is positively valued. Consequently, heroism is judged to be highly desirable and is treated as such. Based on experimental research, Norland, Hepburn, and Monette (1976, p. 90) concluded that actors deemed positive deviants are "more likely to act so as to confirm that identity and assume that role."

Synthesis is possible. Dodge (1985, p. 18) suggested that positive deviance should be defined as "those acts, roles/careers, attributes and appearances that are also singled out for special treatment and recognition, those persons and acts that are evaluated as superior because they *surpass* conventional expectations."

Finally, reflecting that deviance has been defined in myriad and even idiosyncratic ways, sociologists have variously conceptualized the concept of positive deviance (Ewald, 1981; Ewald & Jibou, 1985; Hughes & Coakley, 1991). Ewald (1981, p. 30), for example, conceptualized positive deviance as extreme overconformity or passionately pursuing a goal. The field of deviance continues to exist with multiple definitions, but is primarily reduced to two dominant ones. The same is true for positive deviance.

Examples of Positive Deviance and a Typology

We find extensive and varied examples of positive deviance in the literature. Sociologists argue that some of these attitudes and behaviors represent instances of positive deviance; in other words, they constitute positive deviance rather than deviance in general. Some examples include: geniuses (Hawkins & Tiedeman, 1975), straight-A students (Hawkins & Tiedeman, 1975), the gifted (Huryn, 1986), Congressional Medal of Honor recipients (Steffensmeier & Terry, 1975), reformers (Wilkins, 1965), altruists (Sorokin, 1950), religious leaders (Wilkins, 1965), social idealists (Scarpitti & McFarlane, 1975), innovators and paradigm-shifters such as Darwin or Freud (Palmer & Humphrey, 1990), trailblazers (Dodge, 1985), accomplished weight-lifters and runners (Ewald, 1981), professional quarterbacks (Steffensmeier & Terry, 1975), star athletes (Scarpitti & McFarlane, 1975), individuals who leave their

inheritance to one child over another due to perceived need (Schwartz, 2000), beautiful women (Lemert, 1951, pp. 23–24), the glamorous (Dodge, 1985), musicians (Lewis, 1981), and movie stars (Lemert, 1951, p. 24). Further, some sociological observers have deemed as positive deviants certain individuals whose talent or goodness surpasses the norm – such as Mother Theresa and Albert Schweitzer (Dodge, 1985), Michal Jordan, Wolfgang Amadeus Mozart, Susan B. Anthony, Martin Luther King, Jr. (Jones, 1998), Jesus, and Gandhi (Hillery, 1992).

Heckert (1998) created a model to encapsulate these dissimilar examples. *Altruism* is the first type of positive deviance she suggests; it refers to freely assisting other human beings without expecting a reward in return. Most people do not expect altruism and often feel uneasy about others extending it to them, wondering whether they would do the same to others. Sorokin (1948, p. 59) noted that: “Genuine altruism is pure also in its motivation: altruistic actions are performed for their own sake, quite apart from any consideration of pleasures of utility.” Examples of altruists from the literature are saints (Sorokin, 1950), self-sacrificing heroes (Scarpitti & McFarlane, 1975), and individuals who engage in random acts of kindness (Jones, 1998).

Charisma constitutes another category of positive deviance. Charisma is a type of legitimate authority embedded in the belief of a group of followers that their leader is extraordinary. Max Weber (1947, pp. 358–359) defined the term “charisma” as “a certain quality of an individual personality by virtue of which he is set apart from ordinary men and treated as endowed with supernatural, superhuman, or at least specifically exceptional powers or qualities.” Such qualities, according to Weber, “are not accessible to the ordinary person, but are regarded as of divine origin or as exemplary, and on the basis of them the individual concerned is treated as a leader.” And a definition of charisma, he insists, is independent of and indifferent to ethical, aesthetic considerations. “What is alone important is how the individual is actually regarded by those subject to charismatic authority,” that is, his “followers” or “disciples.”

Innovation comprises a third form of positive deviance. Innovation involves combining extant cultural items in a new manner, or modifying them to create a new product (Linton, 1936). Innovations can take place in assorted areas of culture ranging from food to health to religion to the arts to recreation. Among innovators characterized as positive deviants are creative thinkers like Freud or Darwin (Palmer & Humphrey, 1990), reformers (Wilkins, 1965), and Nobel Prize winners (Szasz, 1970).

Supra-conformity involves succeeding at the idealistic level of the norm rather than the realistic level of the norm. Gibbs (1965, p. 589) identified the issue by arguing that: “Collective evaluations refer to what behavior *ought to be* in a society, whereas collective expectations denote what behavior actually *will be*. Simply put, the negative deviant violates the norms, the conforming person achieves at the realistic level of the norm, and the positive deviant reaches the idealistic level of the norm.” Certainly, idealized norms are rarely achieved compared with realistic versions of the norms (Homans, 1950). At times, positive deviance has been defined in a most limited fashion to mean only supra-conforming behavior (Ewald, 1981). Among supra-conformists previously identified in the literature on positive deviance are extreme moralists (Scarpitti & McFarlane, 1975) and, as we saw, intense weightlifters and runners (Ewald, 1981), and straight-A students (Hawkins & Tiedeman, 1975).

Bearers of innate characteristics – valued and defined in a particular cultural context – represent another form of positive deviance. Traits such as beauty, intelligence, and talent are innate to a certain and perhaps unknowable extent, though they are also shaped by socialization. Further, these traits are culturally defined. As an example, attractiveness is culturally defined, and those socialized in the same cultural tradition tend to assess attractiveness similarly.

Another potential example of positive deviance is the *ex-deviant*. The ex-deviant – even if still tainted by stigma – transcends the deviance category. Pfuhl and Henry (1993, pp. 198–199) define destigmatization as “the processes used to negate or expunge a deviant identity and replace it with one that is essentially non-deviant or normal.” Destigmatization can include purification, whereby the stigmatized self is replaced by a normal or moral self, or transcendence: the deviant creates a better self but does not remove the prior self. An ex-deviant can emerge in various areas of behavior. Nichols (1989) offers the instructive example of Pitirim Sorokin. After an early career as a positive deviant, Sorokin was stigmatized as a negative deviant for what was claimed to be the non-scientific stance of his 1937 volume, *Social and Cultural Dynamics*. After many years of this stigmatization, Sorokin reemerged as a positive deviant beginning in 1963. Nichols attributed his positive deviant (and ex-deviant) status as rooted in various factors including the support of very influential sociologists (most notably Robert K. Merton, a former student of Sorokin’s), his ascendancy to the presidency of the American Sociological Association, the academic publication by various authors of more favorable analyses of his contributions, and a conciliatory autobiography. The ex-deviant is a possible category, even if the ascendancy from deviant to positive deviant is potentially treacherous.

This typology is not exhaustive; rather, it is a reflection of examples previously cited in the literature of positive deviance. In her study of elite tattoo collectors and artists, Irwin (2003) extends the typology by two. Firstly, high culture icons represent and are immersed in elite (that is, defined by powerful social classes) cultural activities and institutions such as opera, ballet, and painting. Secondly, popular celebrities are products of a more egalitarian and consumer- oriented culture. These celebrities achieve fame and are found in the world of sports, music, and acting. Certainly, there is a distinct possibility of extending this typology even further in the future.

Normative-Reactivist Typology

As we show in Figure 5.1, to resolve issues that may prevent us from conceptualizing positive deviance, Heckert and Heckert (2002, p. 459) proposed an integrated typology that considers both norms and reactions. Negative deviance refers to nonconformity or underconformity that receives a negative societal reaction. The field of criminology restricts itself almost exclusively to the study of negative deviance, as does the field of deviance. As various phenomena ranging from ideas to actions are deviantized, negative deviants include a myriad of examples; religious sect members, armed robbers, and the mentally ill are just a few.

Social reactions and collective evaluations	Normative expectations	
	Underconformity or non-conformity	Overconformity
Negative evaluations	Negative deviance	Ratebusting
Positive evaluations	Deviance admiration	Positive deviance

Figure 5.1 Deviance typology. From Heckert and Heckert (2002). Reprinted with permission from Taylor & Francis, Ltd.

Rate-busting suggests overconformity or hyper-conformity that is negatively evaluated. Homans (1950) pointed out that norms exist in two planes; the idealized, or a higher level of the norm which only the few will reach, and the realistic, or the achievable level of the norm for most people. Observers sometimes negatively value overconformity, which is demonstrated in the case of gifted students and peer treatment (Huryn, 1986), women defined as attractive by their same-sex peers (Krebs & Adinolfi, 1975), and women possessing a culturally defined beauty accoutrement (for example, blonde hair) who find their intellect constantly insulted.

Deviance admiration describes underconformity or non-conformity that observers positively evaluate. In other words, the reaction is not based on viewing the deviance as good, but is favorable despite (or because of) a clear recognition of the badness of the behavior. Kooistra (1989) describes vivid examples of criminals in various societies who engaged in banditry, a profoundly despised behavior, who were later collectively idealized – some of them the subject of admiring books and films, such as Frank and Jesse James (pp. 43–73), Billy the Kid (pp. 74–98), Butch Cassidy (pp. 99–118), John Dillinger, Bonnie Parker and Clyde Barrow, and “Pretty Boy” Floyd (pp. 119–140). Historian Eric Hobsbawm (2000) described the process by which bandits, robbers, and outlaws acquire a noble, Robin Hood-like status among the poor as defenders of the oppressed and pillars of righteousness.

Positive deviance recognizes that overconformity can be responded to in a positive manner. At times, the overconformity creates these reactions, and the response transcends even the particular norm or becomes a master status. As we saw, examples include Congressional Medal of Honor winners (Steffensmeier & Terry, 1975), the

physically attractive (Lemert, 1951) and saints (Sorokin, 1950). On the other hand, overconformity may also be regarded negatively by audiences or observers.

Deviance analysts have applied the model to middle-class norms (Heckert & Heckert, 2004), celebrity business firms (Rindova, Pollock, & Hayward, 2006), female body-builders (Chananie-Hill, McGrath, & Stoll, 2012), non-drinking college students (Herman-Kinney & Kinney, 2013), and taxicab drivers (Hoffmann, 2008). Their analyses offer the potential for further explication in other realms, and, possibly, may advance theoretical development for deviance more generally.

Ideas about Positive Deviance

We argue that, as with deviance generally, positive deviance is applicable across time and place, and theorists have an obligation to develop the implications of that insight. Depending on the form of deviance at issue, we observe greater or lesser consensus in social and societal contexts. Thio (1983) argued this point with his notions of high- and low-consensus deviance. Virtually unanimously, mass murder represents a form of high-consensus deviance, while the use of marijuana exemplifies an instance of low-consensus deviance. Dodge (1985, p. 21) noted important processes of exceptionality, suggesting that:

...if a given behavior exceeds only slightly the situational expectations in the positive direction, the appropriate sanction (reaction) to it will be slight, for example, an approving glance, smile, or some other non-extraordinary conventional sign of approval. If however the behavior exceeds situational expectations strongly in the positive direction, the commensurate positive sanctions would be something outstanding, perhaps involving rituals and ceremonies.

In other words, sociological researchers can operationalize the *degree* of consensus regarding deviance by observing reactions to postulated behaviors.

The same applies to positive deviance; like deviance generally, positive deviance is a matter of degree. Altruism represents a higher consensus form of positive deviance, while innovative behaviors are often at least partially resisted and generally constitute a lower consensus form of positive deviance. Power shapes the context of defining and reacting to deviance, and moral entrepreneurs are active in shaping cultural designations (Heckert & Heckert, 2002). For example, altruism is usually not threatening to the power structures and will meet little initial resistance to be defined as positive deviance. The same is not true for innovation. Social dynamics (socialization, social learning, and social control) shape deviance. As examples, many children deemed “gifted” by the educational system have been intellectually socialized and molded by the learning opportunities provided by family and school programs. Charisma as a form of positive deviance is definitely shaped by social control, since many charismatic individuals in history who have pursued significant change in political and sociocultural structures have been heavily sanctioned by the powers that be and their political opponents, as well as some sectors of the masses who disagree with their goals and

methods. Indeed, many of the major themes of deviance are equally applicable to positive deviance; hence we should explore them.

The Relativity and Complexity of Positive Deviance

Sociologists have long emphasized the complexity of deviance, and the addition of positive deviance to the field leads to a more nuanced understanding of deviance. The idea that deviance is a relative phenomenon was promoted by labeling theorists and is commonly accepted, and the same is important to the study of positive deviance (Dodge, 1985; Heckert, 1989). What constitutes deviance is mediated by era, society, culture, and subculture. A behavior, trait, or action deemed deviant in one milieu might be defined as normative in another characterized by different values and norms. The same point can be made about positive deviance, reflecting that it too is a type of non-normative behavior. Actions, traits, or behaviors accepted as positive deviance can also be differentially constructed across time, society, and subculture. Negative deviance can be normative in another setting – or even positive deviance. Conversely, positive deviance can become normative or negative. Regarding the switch to the negative, Sagarin (1975) pointed to the fact that slave-owners in the southern US in the antebellum era were viewed as heroes; now they are viewed as thoroughly immoral humans, committing the gravest of human rights violations.

Regarding the second process (the negative becoming positive), Sorokin (1950, p. 81–82) described the fate of many positive deviants, initially conceptualized as negative. He contends that among the greatest thinkers in the realm of the social, sociological, political, economic, and ethical, most have been negatively sanctioned even to the extent of being imprisoned and exiled. Furthermore, the prophets of the world's religions inevitably subverted and challenged the status quo and thus were widely condemned, penalized, and excoriated. But at some point, their followers reconstituted them as positive deviants – as extraordinary individuals who transcended time and place – and, for some, this reinterpretation became institutionalized in one or more historical religions.

Various theorists have described this tendency of contemporary heroes who were initially treated poorly in their time and place (Merton, 1968). Sinners, rebels, misfits, malcontents, aliens, outsiders, and even criminals have been transformed by time (and place) into heroes. Coser (1967) discussed this transformation in relation to innovators. Initially, innovative behavior can be defined as an undesirable departure that is negatively sanctioned; at some point in time, the innovation is recognized, elevated in value, and accorded a treasured place in mainstream society. If innovators live long enough, their image and status will be enhanced, ennobled, and perhaps even be integrated into mainstream culture – and they may even become recognized as standard-bearers of conformity. Still, a given innovator may become a “posthumous saint.” As an example, consider the French Impressionists, who initially encountered abysmal treatment in late nineteenth century in France by the art community, especially other artists and critics, as well as members of the society at large. Further, impressionist painters were assigned a master status by the press, which proclaimed

that not only were they untalented artists, but their paintings were a pathological manifestation of mental disorders. Hillery (1992) offers the explanation that jealousy and a fear that positive deviants may achieve their critics' ideals is what causes them to react so cruelly to the targets of their wrath.

Designations can be even more varied. George Becker (1978) discussed changing ideas of geniuses. Some observers have characterized geniuses as sane and rational individuals, but others have collectively defined them as mad. Beginning with the Romantic Era, the notion of the sane genius was replaced with that of the mad genius. This negative image was based on "scientific" evidence of the time, and the stigma became more virulent by the mid-nineteenth century, only to peak from 1880 to 1920. For various reasons, the pendulum started to swing back; the pioneering work of Terman and Oden (1959) provided empirical evidence that exceptionally intelligent children grow up and live otherwise mundane existences – a spur to incorporating the genius into the mainstream of otherwise conventional society.

On the other hand, positive deviance can be initially recognized as such, and science provides an interesting example. Ben-Yehuda (1990, p. 43) states that "knowledge claims which are considered at a particular time as deviant are frequently rejected, ridiculed, and stigmatized." At the same time, Merton (1973) argues that the institutionalized reward structure of science emphasizes and rewards originality. Intertwined with innovation, originality is an ascendant value of science. As Cole (1970, p. 286) contends, "Progress in science depends upon the rate of discovery and the efficiency with which discoveries are evaluated, diffused, and incorporated into the body of scientific knowledge." Merton (1973) notes that this structure of recognizing positive deviance includes rewards. At the apex of the reward system is the seldom-granted eponymy, for those who have significantly altered the course of science (such as Copernicus), developed a new science or subfield (for example, biometry) and created laws, theories, instruments, hypotheses, and distributions (Mosley's atomic number). The hierarchical system of science rewards innovation. The Nobel Prize represents the pinnacle of such rewards, and numerous other, more national, regional, local, and institutional-based awards honor top innovators as well. Reskin (1976) points to the postdoctoral fellowship as a common reward granted for noticeable achievement at the doctoral level and often an important first step for more significant awards. Science is established in such a way as to often honor positive deviants, even if some fields have initially stigmatized certain innovators.

While positive deviance may or may not be initially recognized as such, above all, we need to explain the contextualization of positive deviance. For example, Herman-Kinney and Kinney (2013) argue that on most college campuses, students strongly stigmatize principled non-drinkers, but parents and certain college actors (professors, police, and administrators) consider abstainers to be positive deviants. Chananie-Hill, McGrath, and Stoll (2012) contend that, to the extent that the endeavor of female body-builders leads them closer to the norms of hegemonic female beauty, such a pursuit is a form of positive deviance. Dieting and exercising to lose body fat and tone muscles only to a certain point is positive deviance; however, when a tipping point of musculature is surpassed, audiences usually react negatively. Irwin (2003) describes how elite tattoo collectors and artists are treated as both positive and negative deviants by conventional

society – simultaneously adulated and reviled. From the vantage point of conventional society, tattoo collectors and tattooists violate appearance norms, yet they uphold some of the norms of high culture – that is, they appreciate and patronize a type of graphic art and are knowledgeable about it – and display certain norms promulgated in popular culture, in the sense that they endorse glitzy panache. Huryn (1986) analyzed the case of gifted students and found them to be stigmatized by peers, yet viewed as positive deviants by teachers and parents.

Another facet of the complexity of positive deviance is that the impact can even be negative. There are functional consequences of deviance; on the other hand, positive deviance can have negative consequences. Brezina and Aragonés (2004, p. 519) describe how positive labeling could lead youths to hide their participation in “sneaky thrills” delinquency and could contribute to greater participation in delinquent and criminal behaviors. In the pursuit of the positive deviant status of the outstanding athlete, negative deviance, ranging from common temptations such as utilizing banned performance-enhancing substances to violating practice limitations on college athletes, emerge (Hughes & Coakley, 1991). Further, the zeal of athletic success can involve damage to family, work, and health (Ewald & Jiobu, 1985). Reactions to positive deviance can be negative. Jones (1998) described how students who performed random acts of kindness for a class project often received positive responses; at times, they encountered negative reactions. For example, various recipients felt uncomfortable, misunderstood, and encountered negative feedback. Posner (1976, p. 141) proposed that the “pathology of excellence” leads to stigmatization and the attendant processes, and hence is a “mixed blessing.”

On the other hand, positive deviance can produce positive consequences or perform functions in society. According to Humphrey and Schmalleger (2012), positive deviance shapes cultural change, creates change that emerges in a beneficial manner, offers a comparison to define other behaviors as negative, and encourages others to engage in positive deviance, thereby enhancing the capacity of a society to solve problems. Wolf and Zuckerman (2012) discuss deviant heroes as altruistic individuals who violate unjust or oppressive rules to act as agents of social change. Depending upon social context and reactions, deviant heroism can be viewed as negative deviance (when the social audience views the rules as reasonable) or deviance admiration (when the social audience views the rules as unjust or oppressive). All in all, the complexity of positive deviance is clear.

Theoretical Analysis

Ben-Yehuda (1990) aptly suggested that giving theoretical and empirical attention to the full spectrum of the meaning of deviance would open new avenues for sociologists and fertilize research in an unprecedented way. Dodge (1985) commented that the inclusion of the positive would be a more vital development than the expansion of the field to include additional variables. One area of advancement could be in a greater theoretical understanding of positive deviance, which might also shed light on the negative and the conforming.

West (2003) points out that much theoretical insight could be gleaned from the classic works of Durkheim, Simmel, and Weber. For example, West (2003) notes that Durkheim (1995) saw the synergy between the positive and negative and “the greater complexity of deviance, that the evil power and holy thing share a number of similarities in that both are differentiated from the profanity of the everyday world.” He also suggests that Simmel’s (1950) work “demonstrates the symmetry between seemingly oppositional and binary forces of the pure and the impure.” This same synergy exists in relation to Weber’s (1968) concept of charisma.

An intriguing question emerges. Since positive deviance emerges from the field of deviance, do the specific theoretical approaches to deviance – as opposed to classic sociological theorizing – provide promise for elucidating positive deviance? Dodge (1985) sagely noted that rather than developing a theory of positive and negative deviance, the same theories should pertain to both. And according to Wilkins (1965, p. 45), “Indeed, it might be that the one can be understood only if it is related to the other.” Clearly, there is great need for theoretical development in this field, but some preliminary thoughts might be suggestive. We will offer a few theoretical approaches and suggest the potential of applying them to positive deviance.

Anomie is one major paradigm that, according to Durkheim (1893/1933, 1897/1951), posits that deviant behavior is especially likely to ensue when anomie encapsulates a society or social structure. Durkheim (1897/1951) seminally argued that anomie was rooted in the relation between the individual and society. Humans, with unquenchable desires, need a regulative moral external force; that is, of course, society. Examining suicide as rooted in anomie, Durkheim (1897/1951, p. 246) claimed, “Whenever serious readjustments take place in the social order, whether or not due to a sudden growth or unexpected catastrophe, men are more inclined to self-destruct.” Merton (1968) claimed that rather than being an episodic phenomenon, anomie is permanently entrenched in the US. He theorizes that rates of deviance would be higher in social systems with greater levels of anomie – the degree to which there is a disjunction between culturally prescribed goals and legitimate means – and in social systems with higher levels of blocked opportunities.

While anomie theory has traditionally been applied to deleterious consequences such as high rates of suicide and delinquency, anomie might also produce positive deviance. LaCapra (1972, p. 158) claimed that a society without anomie is static; anomie vivifies creativity and progress and consequently positive deviance, “...and anomie would be especially typical of artistic and innovative milieus.” And Merton (1964, pp. 222–224) noted the potential for a disproportionate number of people of great accomplishment emerging from the same anomie that produced criminals: “...almost every form of human aberration is more frequent in the city than in the small town. ... There are more comparatively known mentally ill, more people victimized by drugs or anesthetized by chronic drink, more known criminals in the city.” The metropolis, Merton concluded, “is the seat of human extremes, however these are measured.” But turn the equation around, he suggested; turn our attention “from the one extreme of human casualties, the aberrants, to the other extreme, the elites.” The facts show that in large cities, we find “disproportionate concentrations of men and women who have achieved much in almost every sphere: in the arts, the sciences, business, and the professions.” And

Merton supplied the explanation for this observation: “the opportunity-structure reaches substantially higher than elsewhere in the society. And whatever the nature of the rewards – fame, lofty status, power, money, association with elites – these are extended in the city, particularly in the metropolitan colossus” (1964, pp. 222, 223).

Linton (1936) contended that less developed societies that are resistant to innovation will support it during very difficult times. Positive deviance in the form of charisma would be most like to flourish in anomic conditions as well. Tucker (1968) argued that there is a greater propensity for charismatic leaders to emerge during periods marked by a burden of stress, such as economic problems, alienation, or emotional distress. Barnes (1978) predicated extreme social change as conducive to the rise of charismatic leaders based on the consequent estrangement from society of some part of the population willing to follow a charismatic leader offering them a resonant vision. At times, charismatic leaders are negative deviants (such as Jim Jones); at other times, the charismatic leaders are positive deviants (Martin Luther King, Jr.).

Traub and Little (1980) grouped cultural support theories together, focusing on why individuals engage in deviant behavior by stressing such processes as the learning that takes place in their environment. One focus is to examine how various subcultures – such as a subculture of violence that normatively supports violence as an appropriate response in situations where it would not be so deemed – support deviance. Cloward and Ohlin (1960) argued that socially structured variations in illegitimate opportunities with regard to learning and performance structures produce three types of subcultures (specifically, criminal, conflict, and retreatist). Sutherland and Cressey (1978) elucidated one of the most influential theories in the fields of deviance and criminology, differential association, which suggests that deviant behavior is primarily learned (by learning techniques and motives) in the process of interactive communication with intimate others. In essence, cultural support theories attempt to provide answers to the specific issues of why (motivation) and how (learning and subcultures conducive to such behavior) individuals become involved in deviant behavior.

Cultural support theories might also be useful in terms of thinking about positive deviance. As examples, innovation and altruism might be illuminated by this perspective (Humphrey & Schmalleger, 2012). In addition to subcultures of violence and criminality, perhaps there are also certain subcultural groups whose tenets would foster the development of certain forms of positive deviance. As an example, the Quakers have a long history of engaging in altruistic behavior, supporting tenets of radical egalitarianism. Were the Quakers historical positive deviants? Scarpitti and McFarlane (1975) suggested that to completely understand the role of monks, the context of the monastery is critical. In the monastery, virtue was valued, but at the same time, was excessive virtue a form of positive deviance? Can a monk be *too virtuous*?

At a more social-psychological level, many of the underlying tenets of differential association appear important. Just as definitions favorable to the commission of deviant behavior are learned in interaction with others, likewise definitions favorable to various forms of positive deviance are learned in interaction with others. Bar-Tel (1976) advanced the importance of social learning as a crucial variable to explain altruism. In relation to super-conforming behavior in the guise of high academic achievement, Rosen, Crockett, and Nunn (1969) suggested that family influences the achievement

motivation more than any other variable. This situation would appear to occur because, as differential association theory argues in relation to criminal behaviors, definitions supportive of the pursuit of academic excellence are learned within the social institution of the family. Perhaps both techniques and motive – learned in the family and within a peer context – are necessary for this same success. Instead of conceptualizing peers, as deviance, delinquency, and criminology theorists have, we might think of peers – high-school cliques of smart, highly motivated students – as socializing adolescents into highly valued behavior. In this way, cultural support theories could shed light on positive deviance.

Another major approach to the elucidation of deviance is societal reaction, or labeling, theory. Broadly based on symbolic interactionism, and not primarily focused on etiological concerns, labeling theory draws attention to various important issues not addressed by the etiological paradigms. Becker (1963) pointed to the fundamentally relative nature of deviance. Labeling theory also describes the societal reaction to behavior, or, as Erikson (1964, p. 10) stated, “Deviance is not a property *inherent* in certain forms of behavior; it is a property *conferred upon* these forms by the audience which directly or indirectly witness them. The critical variable in the study of deviance, then, is the social audience rather than the individual actor.” Of great importance, labeling theorists analyze how labels are attached to individuals and how those labels shape those individuals. Kitsuse (1962) delineated how individuals in groups, communities, or societies engage in the following process: the interpretation of behavior as deviant; the definitions of individuals who engage in that behavior as deviant; and the differential treatment of those individuals. As Tannenbaum (1938, pp. 19–20) suggested, when an individual is labeled as deviant and separated from his/her group, there is a “dramatization of evil” in that the individual is seen as completely bad, rather than just an individual who has engaged in a negative behavior. Erikson (1964) pointed to the self-fulfilling prophecy, Lemert (1951, pp. 75–76) summarized the transformation from primary to secondary deviation, or the enmeshment in the deviant role, and Becker (1963, pp. 25–39, 101–119) discussed deviant careers – the process by which someone engaged in a non-normative act is noticed, labeled, and either discontinues the behavior in question or, in interaction with like-minded others, escalates to more serious offenses. Thomas Scheff argued that engaging in residual deviance – unconventional acts that have no clear-cut social niche – can often result in being labeled as mentally ill and, in turn, playing the social role of a crazy person (1966, 1999).

Societal reaction theories address various important issues other than etiological ones; in so doing, they suggest that the labeling or interactionist theory could shed light on positive deviance. For example, the manner in which definitions of negative deviance are relative has been a basic focus of the labeling approach. That which is considered deviant in one society, subculture, or era might be perceived as normative or conventional in another context.

The same is true for positive deviance. As previously noted, Merton (1968) pointed to this contextual nature when he suggested that rebels or nonconformists of one era become heroes for future generations. For example, definitions of artistic innovators (for example, the French Impressionists) and scientific innovators (such as Copernicus, Galileo, Kepler, Wegener, and Mendel) have not remained static over time. The fear and

rejection of innovation is probably rooted in the threatening nature of radical transformations of a widely accepted cosmology or way of doing things which rewards certain run-of-the-mill practitioners of some enterprises and leads them to resist innovation. The same is also true for charismatic leaders. A charismatic leader is viewed as inherently a positive deviant to his/her followers. Thus, the initial labeling is positive; nevertheless, the definitions are clearly not always held by the dominant society or across time. Altruism is perhaps not as threatening to the social order as innovative or charismatic positive deviance, and so may be more likely to be deemed positive deviance; however, positive deviance covers an extremely broad territory; examples would include Mother Theresa, rescuers of people in extremely dangerous situations, kamikaze pilots, the fictional Robin Hood (as well as real-life historical bandits and criminals), hyper-patriots, and, as we saw, nose-to-the-grindstone, overachieving straight-A students. As Lemert (1972) explained, certain acts tend to be condemned – albeit in various degrees – by all societies. Certain forms of positive deviance might have a greater probability of being deemed acceptable, even rewarded, across contexts. Though beyond the statistical norm and contrary to conventional values, many forms of positive deviance also endorse other widely accepted principles, and hence attract admiration as well as disapproval.

Further, labeling theory is used to explain the societal reaction to an act, trait, or behavior. As we saw, Lemert (1951, pp. 23–24) pointed to beautiful women as positive deviants. Appearances that are deemed as attractive, however, vary across cultural locale. In the twentieth century, for example, at varying times, curvy women or very thin women have won the designation as exemplars of beauty. Finally, theorists address the impact of being labeled on the people so labeled. The same is important for understanding positive deviance. Scarpitti and McFarlane (1975, p. 6) stated that “intellectuals and saints are generally evaluated positively and rewarded for their activities,” as a result “heightening the probability of future occurrence.” Thus, labeling might be impactful. In relation to physical attractiveness, a self-fulfilling prophecy may operate. In other words, since most people assume the beautiful have certain advantages due to the stereotypes that exist about the beautiful, they tend to be differentially treated, and consequently act in a different manner from how they would if the whole process did not occur (Krebs & Adinolfi, 1975). As a result, primary deviance becomes secondary deviance. The institution of the beauty pageant and the programs for the gifted represent examples of structured programs that assist the development of a master status that is unusual, beyond the norms, and which may attract the envy of competitors not positively judged; hence, broadly understood, labeling theory sheds light on our understanding of positive deviance.

To illustrate the value of considering the positive end of the spectrum, Heckert and Heckert (2010) formalize labeling theory by integrating it with differential association theory. Their differential labeling theory accommodates positive as well as negative appraisals in the production of identities. Consequently, both positive and negative deviant identities become theoretically explicable. The location of individuals and their identities in all four cells of the deviance typology elaborated below can be explained as resulting from processes of labeling, both by the self and by social audiences rendering such a judgment. Identities are learned through social interaction and influenced by

the judgment, both positive and negative, of audiences. Individuals will adopt a deviant self-identity, whether positive or negative, when they have an excess of definitions favorable to a deviant self-identity over definitions unfavorable to a deviant self-identity. In addition, the frequency, duration, priority, and intensity of positive and negative labeling processes influence the likelihood of adopting a deviant identity (Sutherland & Cressey, 1978). Once acquired, deviant identities have an effect on the continuation of related behavior.

Conflict theory, another tradition that explains deviance, points to issues of power in shaping criminality and enforcing criminal definitions. Conflict theorists argue that law represents the interests of the powerful in society (Quinney, 1980) and offers a cogent and comprehensive evaluation of crime, which suggests that what is defined as crime is shaped by the powerful and enforced by the powerful. Some interesting ideas might emerge from this perspective to provide insight into positive deviance. According to Quinney (1980), criminal definitions are applied to those actions that are in conflict with the interests of those in power in a society. Although this point was specifically applied to crime, the same could be stated about whether or not certain examples of positive deviance will be originally labeled as negative deviance. Certain innovators or charismatic leaders (such as Che Guevara, Martin Luther King, Jr., Fidel Castro, Osama bin Laden, Cesar Chavez, Nelson Mandela, Adolf Hitler, Malcolm X) might be initially labeled as negative deviants since they often threaten the status quo or the conventional, then-contemporary power structure. The relationship of power to designations and changing designations of positive deviance and particular deviants is a crucial and significant issue.

Research

Some researchers have investigated positive deviance and positive deviants, though primarily outside the parameters of the sociological subfield of deviance. For instance, charisma has been analytically analyzed in classical works (Tucker, 1968), expounding on the original and seminal work of Weber (1947). Studies on public health (Babalola, Ouedraogo, & Vondrasek, 2006) found that in Cote d'Ivoire, the country with the highest rate of HIV/AIDS in West Africa, and Burkina Faso, various factors led to delayed sexual debut, including internal ones (such as commitment, personal goals, religiosity, self-efficacy, and desire to avoid consequences such as STDs) and external ones (for instance, negative vicarious experiences and parental influences). Research in other disciplines provides a potential guide for further research.

Positive deviance has not been analyzed often enough within the sociology of deviance. Using an interactionist framework, Norland *et al.* (1976) found that subjects positively credited and labeled for task completion in an experimental setting were impacted by that label and acted on that label; unexpectedly, others do not respond to the positively labeled individual in that manner. Huryn (1986, p. 180) analyzed a group she defined as positive deviants, gifted students, and how giftedness becomes a master status in that the gifted themselves defined that "the stereotypic smart person was aloof, unattractive, boring, and self-centered." She found that the gifted used coping

mechanisms to pass or cover (for example, pretending they did not know an answer in a regular class or pretending they had a poor score on a test). Clearly, they preferred to try to avoid being stigmatized.

Some research on positive deviance has been completed utilizing deviance theories. Wolfzorn, Heckert, and Heckert (2006) – using mixed methodology – studied a group of positive deviants (for instance, abstainers or near-abstainers from delinquent activities in a university setting) based on social bond theory (Hirschi, 1969). Regarding the four bonds – attachment, commitment, involvement, and belief – this group of positive deviants revealed a high level of attachment to others, commitment to a conventional life, and strong belief. Support was not found for the fourth bond, involvement, as the positive deviants seemed to have less involvement in activities and more time on their hands than the negative deviants. Other factors raised by the respondents included a sense of developed guilt that would not allow them to engage in deviant activities, a strongly internalized and confident self-identity of being on a stricter path in life than others, and a lack of motivation or desire to engage in delinquent activities. Clearly, this group of positive deviants did not match the pathological, neurotic, maladjusted individuals described in the previous literature.

In a recent study, Shoenberger, Heckert, and Heckert (2012) examined a group of high-achieving students – who constitute a unique case in being simultaneously rate-busters and positive deviants. This study used as a theoretical format the techniques of neutralization theory developed to illuminate negative deviants (Sykes & Matza, 1957). As the high achievers were subject to negative reactions, especially by their peers, they often feel a sense of guilt and shame. Interestingly, the high-achieving students took advantage of all of the techniques of neutralization. They deny responsibility by denying the hard work that goes into becoming a high achiever, and deny injury by suggesting that their success had no implications for other students. They also deny the victim by suggesting that it was the fault of other students and appeal to higher loyalties by suggesting that they did so well in academia for the higher purpose of creating a better future or to honor their parents. The high achievers engage in condemning the condemners, suggesting that other students who treated them poorly were inadequate in some way. Shoenberger *et al.* (2012, p. 788) conclude:

...there is tremendous pressure on high achievers to eschew hyper-commitment to achievement norms and behave like “normal” college students. Therefore, high achievers who wish to remain committed to that youth subculture are likely to experience guilt and possible stigmatization if their behavior increases the pressure on other college students to study and work harder at school.

They must neutralize negative appraisals by other students “for high achievers to successfully navigate the path between the dominant social order and the youth subculture. In fact, we did find that the high achievers in our study employed techniques of neutralization to reduce the likelihood of guilt, preserve a positive student identity and self-concept, and continue the positive behaviors that resulted in high achievement.”

Future research is essential. Importantly, Humphrey and Schmallegger (2012) have generated intriguing hypotheses rooted in major theoretical strains. From Durkheim,

they argue that higher social integration will produce lower positive deviance in the form of innovation, and, based on Merton (1968), they hypothesize that greater anomie will result in greater positive deviance (mainly in the form of innovation). Taking Hirschi's (1969) four bonds, they argue that less attachment and commitment to conventional society will create greater positive deviance (again, innovation); on the other hand, more involvement and belief will lessen positive deviance. From Agnew (1992), they contend that the greater the strain in social relationships, the more positive deviance (innovation) will transpire. From Becker (1963), they conclude that positive social reaction enhances the probability of the lauded positive deviance. Regarding Coser's (1967) analysis, Humphrey and Schmalleger (2012, p. 368) contend: "The greater the conflict in society, the greater the need for social change. The greater the need for social change, the greater the likelihood of positive deviance (e.g., innovation and creativity)." Finally, based on Cloward and Ohlin (1960), they argue for an opportunity paradigm for positive deviance in that greater access to the opportunity for positive deviance – such as elite colleges and elite mentors – will result in more positive deviance (once again, innovation). While they primarily focus on innovation as one form of positive deviance in generating hypotheses, many more potential research questions can emerge.

Other future empirical projects await. Dodge (1985, p. 29) described the "essentializing tendency" shaped by the deviant label, and reactivist questions are intriguing. How do people cope with this master status? Does it lead from primary to secondary deviance (Lemert, 1951, pp. 75–76) or role engulfment (Schur, 1971, pp. 69–73)? Lewis (1981, p. 79) argued that in the case of music stars, this process happens based on a created "aura" of charisma, or as he quoted Janis Joplin, "Well, I have to go now and change into Janis Joplin. She's upstairs in a box." Does a positive deviant face isolation (Dodge, 1985)? Does a positive deviant have to create an undisclosed part of self so as to hide from society? So many research possibilities remain to be pursued.

Concluding Thoughts

Some critics and observers have claimed that deviance is a diminishing and even dying field (Best, 2004; Miller, Wright, & Dannels, 2001; Sumner, 1994). As criminology has been circumscribed by an overemphasis on the normative approach, the willingness of those in the substantive area to examine deviance from both a normative and reactivist perspective is vital to gain a more complete sociological understanding of social processes. In spite of its relativity, as Ben-Yehuda (1990, p. 224) stressed, "deviance itself – as a social and analytical category is a universal one." One of the problems in their field is the theoretical morass of definition; but Ben-Yehuda (1990, p. 225) also noted that "it takes an intellectual acrobat to use the rhetorical device, 'deviance' which mostly means 'systematically different' and use it to define only one aspect – that of negative deviance." Accordingly, we propose an inclusive definition of deviance that encompasses all four cells of the Heckert and Heckert typology. We define deviance as behaviors, attitudes, or states of being that either violate norms, underconform to norms, or overconform to norms, and that are either negatively or positively evaluated and/or

negatively or positively sanctioned (or would be if detected). Ben-Yehuda (1990) further argued that the sociology of deviance has focused on exotic studies of deviant categorical groups rather than examining social structure – neglecting social structures. As Ben-Yehuda (1990, p. 225) sounds the clarion call:

Insisting that the study of deviance be focused on the negative side creates an impossible analytical trap. It is not possible to study the negative and then say something more generalizable about cultures. However, looking at deviance from BOTH sides: the negative and the positive, gives us a powerful analytical view that enables us to understand simultaneously not only deviance, but conformity as well.

One way to vivify the field of deviance is to continue to expand the theoretical and empirical analysis of positive deviance.

References

- Agnew, R. (1992). Foundation for a general strain theory of crime and delinquency. *Criminology*, 30 (1), 47–88.
- Babalola, S., Ouedraogo, D., & Vondrasek, C. (2006). Motivation for late sexual debut in Cote d'Ivoire and Burkina Faso: A positive deviance inquiry. *Journal of HIV/AIDS Prevention in Children & Youth*, 7 (1), 65–87.
- Barnes, D. (1978). Charisma and religious leadership: An historical analysis. *Journal for the Scientific Study of Religion*, 17 (1), 1–18.
- Bar-Tel, D. (1976). *Prosocial Behavior*. Washington: Hemisphere Press.
- Becker, G. (1978). *The Mad Genius Controversy*. Beverly Hills, CA: Sage Publications.
- Becker, H. (1963). *Outsiders: Studies in the Sociology of Deviance*. New York: Free Press.
- Ben-Yehuda, N. (1990). Positive and negative deviance: More fuel for a controversy. *Deviant Behavior*, 11 (3), 221–243.
- Best, J. (2004). *Deviance: Career of a Concept*. Belmont, CA: Thompson Wadsworth.
- Best, J., & Luckenbill, D.F. (1982). *Organizing Deviance*. Englewood Cliffs, NJ: Prentice-Hall.
- Brezina, T., & Aragonese, A.A. (2004). Devils in disguise: The contribution of positive labeling to 'sneaky thrills' delinquency. *Deviant Behavior*, 25 (6), 513–535.
- Brezina, T., & Piquero, A.R. (2007). Moral beliefs, isolation from peers, and abstention from delinquency. *Deviant Behavior*, 28 (5), 433–465.
- Chananie-Hill, R.A., McGrath, S.A., & Stoll, J. (2012). Deviant or normal? Female bodybuilders' accounts of social reactions. *Deviant Behavior*, 33 (10), 811–830.
- Clinard, M.B., & Meier, R.F. (2004). *Sociology of Deviant Behavior* (12th ed.). Fort Worth, TX: Harcourt Brace.
- Cloward, R., & Ohlin, L. (1960). *Delinquency and Opportunity*. Glencoe, IL: Free Press.
- Cohen, A.K. (1966). *Deviance and Control*. Englewood Cliffs, NJ: Prentice-Hall.
- Cole, S. (1970). Professional standing and the reception of scientific discoveries. *American Journal of Sociology*, 76 (2), 286–306.
- Coser, L.A. (1967). *Continuities in the Study of Social Conflict*. New York: Macmillan.
- Dodge, D.L. (1985). The over-negativized conceptualization of deviance: A programmatic exploration. *Deviant Behavior*, 6 (1), 17–37.
- Durkheim, E. (1893/1933). *The Division of Labor in Society* (trans. G. Simpson). New York: Free Press.

- Durkheim, E. (1897/1951). *Suicide*. (Eds. J.A. Spaulding, & G. Simpson). New York: Free Press.
- Durkheim, E. (1912/1995). *The Elementary Forms of Religious Life*. New York: Free Press.
- Erikson, K.T. (1964). Notes on the sociology of deviance. In H.S. Becker (Ed.), *The Other Side: Perspectives on Deviance* (pp. 9–21). New York: Free Press.
- Ewald, K. (1981). *The Extension of the Becker Model of Socialization to Positive Deviance: The Cases of Weight Lifting and Running*. (Unpublished PhD dissertation.) Ohio State University.
- Ewald, K., & Jiobu, R.M. (1985). Explaining positive deviance: Becker's model and the case of runners and bodybuilders. *Sociology of Sport Journal*, 2 (2), 144–156.
- Gibbs, J.P. (1965). Norms: The problem of definition and classification. *American Journal of Sociology*, 70 (5), 586–594.
- Goode, E. (1991). Positive deviance: A viable concept? *Deviant Behavior*, 12 (3), 289–309.
- Hawkins, R., & Tiedeman, G. (1975). *The Creation of Deviance*. Columbus, OH: Charles E. Merrill.
- Heckert, A., & Heckert, D. (2002). A new typology of deviance: Integrating normative and reactivist definitions of deviance. *Deviant Behavior*, 23 (5), 449–479.
- Heckert, A., & Heckert, D. (2004). Using an integrated typology of deviance to analyze ten common norms of the U.S. middle class. *Sociological Quarterly*, 45 (2), 209–228.
- Heckert, A., & Heckert, D. (2010). Differential labeling theory. *Sociological Imagination*, 46 (1), 24–40.
- Heckert, D. (1989). The relativity of positive deviance: the case of the French Impressionists. *Deviant Behavior*, 10 (2), 131–144.
- Heckert, D. (1998). Positive deviance: A classificatory model. *Free Inquiry in Creative Sociology*, 26 (1), 23–30.
- Herman-Kinney, N.J., & Kinney, D.A. (2013). Sober as deviant: The stigma of sobriety and how some college students 'stay dry' on a 'wet' campus. *Journal of Contemporary Ethnography*, 42 (1), 64–103.
- Hillery, G.A., Jr. (1992). *The Monastery*. Westport, CN: Praeger.
- Hirschi, T. (1969). *Causes of Delinquency*. Berkeley, CA: University of California Press.
- Hobsbawm, E. (2000). *Bandits*. New York: The New Press.
- Hoffman, E.A. (2008). 'Revenge' and 'rescue': Workplace deviance in the taxicab industry. *Sociological Inquiry*, 78 (3), 270–289.
- Homans, G.C. (1950). *The Human Group*. New York: Harcourt, Brace.
- Hughes, R., & Coakley, J. (1991). Positive deviance among athletes: The implications of overconformity to the sport ethic. *Sociology of Sport Journal*, 8 (4), 307–325.
- Humphrey, J.A., & Schmallegger, F. (2012). *Deviant Behavior* (2nd ed.). Sudbury, MA: Jones & Bartlett.
- Huryn, J.S. (1986). Giftedness as deviance: A test of interaction theories. *Deviant Behavior*, 7 (2), 175–186.
- Irwin, K. (2003). Saints and sinners: Elite tattoo collectors and tattooists as positive and negative deviants. *Sociological Spectrum*, 23 (1), 27–57.
- Jones, A.L. (1998). Random acts of kindness: A teaching tool for positive deviance. *Teaching Sociology*, 26 (3), 179–189.
- Kitsuse, J. (1962). Societal reaction to deviant behavior: Problems of theory and method. *Social Problems*, 9 (Winter), 247–256.
- Kooistra, P. (1989). *Criminals as Heroes: Structure, Power, and Identity*. Bowling Green, OH: Bowling Green State University Popular Press.
- Krebs, D., & Adinolfi, A.A. (1975). Physical attractiveness, social relations, and personality style. *Journal of Personality and Social Psychology*, 31 (2), 245–253.
- LaCapra, D. (1972). *Emile Durkheim: Sociologist and Philosopher*. Ithaca, NY: Cornell University Press.

- Lemert, E.M. (1951). *Social Pathology*. New York: McGraw-Hill.
- Lemert, E.M. (1972). *Human Deviance, Social Problems, and Social Control*. Englewood Cliffs, NJ: Prentice-Hall.
- Lewis, G. (1981). Positive deviance: A labeling approach to the star syndrome in popular music. *Popular Music and Society*, 8 (1), 73–82.
- Linton, R. (1936). *The Study of Man*. New York: Alfred Publishing.
- Marsh, D.R., Schroeder, D.G., Dearden, K.A., Sternin, J., & Sternin, M. (2004). The Power of Positive Deviance. *British Medical Journal*, 329 (7475), 1177–1179.
- Merton, R.K. (1964). Anomie, anomia, and social interaction: Contexts of deviant behavior. In M.B. Clinard (Ed.), *Anomie and Deviant Behavior* (pp. 213–242). New York: Free Press.
- Merton, R.K. (1968). *Social Theory and Social Structure* (rev. & enl. ed.). New York: Free Press.
- Merton, R.K. (1973). *The Sociology of Science* (Ed. N.W. Storer). Chicago: University of Chicago Press.
- Miller, J.M., Wright, R.A., & Dannels, D. (2001). Is deviance ‘dead’? The decline of a sociological research specialization. *The American Sociologist*, 32 (1), 43–58.
- Nichols, L.T. (1989). Deviance and social science: The instructive historical case of Pitirim Sorokin. *Journal of the History of the Behavioral Sciences*, 25 (4), 335–355.
- Norland, S., Hepburn, J.R., & Monette, D. (1976). The effects of labeling and consistent differentiation in the construction of positive deviance. *Sociology and Social Research*, 61 (1), 83–95.
- Palmer, S., & Humphrey, J. (1990). *Deviant Behavior*. New York: Plenum Press.
- Pfuhl, E., & Henry, S. (1993). *The Deviance Process* (3rd ed.). New York: Aldine de Gruyter.
- Posner, J. (1976). The stigma of excellence: On being just right. *Sociological Inquiry*, 46 (2), 141–144.
- Quinney, R. (1980). The social reality of crime. In S.H. Traub, & C.B. Little (Eds.), *Theories of Deviance* (pp. 321–330). Itasca, IL: F.E. Peacock.
- Reskin, B.F. (1976). Sex differences in status attainment in science: The case of the postdoctoral fellowship. *American Sociological Review*, 41(August), 597–612.
- Rindova, V.P., Pollock, T.G., & Hayward, M.L.A. (2006). Celebrity firms: The social construction of market popularity. *Academy of Management Review*, 31 (1), 50–71.
- Rosen, B., Crockett, H.J., & Nunn, C.Z. (1969). *Achievement in American Society*. Cambridge, MA: Schenkman.
- Saco, R.M. (2006). *Good Companies: Organizations Discovering Good in Themselves by Using Positive Deviance as a Change Management Strategy*. (MSc dissertation.) Organizational Behavioral/Change Management, HEC, Jouy-en-Josas France, Oxford Executive Education.
- Sagarin, E. (1975). *Deviants and Deviance: An Introduction to the Study of Disvalued People and Behavior*. New York: Praeger.
- Sagarin, E. (1985). Positive deviance: An oxymoron. *Deviant Behavior*, 6 (2), 169–181.
- Scarpitti, F.R., & McFarlane, P.T. (Eds.) (1975). *Deviance: Action, Reaction, Interaction*. Reading, MA: Addison-Wesley.
- Scheff, T.J. (1966). *Being Mentally Ill: A Sociological Theory*. Chicago: Aldine.
- Scheff, T.J. (1999). *Being Mentally Ill: A Sociological Theory* (3rd ed.). New York: Aldine de Gruyter.
- Schur, E. (1971). *Labeling Deviant Behavior: Its Sociological Implications*. New York: Harper & Row.
- Schwartz, T.P. (2000). Disinheritance and will contests as reciprocity and deviance: An empirical extension of Gouldner and Rosenfeld based on the wills of Providence, 1985. *Sociological Quarterly*, 41 (2), 265–282.

- Shoenberger, N., Heckert, A., & Heckert, D. (2012). Techniques of neutralization theory and positive deviance. *Deviant Behavior*, 33 (10), 774–791.
- Simmel, G. (1950). *The Sociology of Georg Simmel* (trans. & ed. K.H. Wolff). Glencoe, IL: Free Press.
- Sorokin, P. (1937). *Social and Cultural Dynamics*. New York: American Book Company.
- Sorokin, P. (1948). *The Reconstruction of Humanity*. Boston: Beacon Press.
- Sorokin, P. (1950). *Altruistic Love*. Boston: Beacon Press.
- Steffensmeier, D.J., & Terry, R.M. (1975). *Examining Deviance Experimentally*. Port Washington, NY: Alfred Publishing.
- Sternin, J., & Choo, R. (2000). The power of positive deviancy. *Harvard Business Review*, January, 14–15.
- Sumner, C. (1994). *The Sociology of Deviance: An Obituary*. Buckingham, UK: Open University Press.
- Sutherland, E.H., & Cressey, D.R. (1978). *Criminology* (10th ed.). Philadelphia: Lippincott.
- Sykes, G., & Matza, D. (1957). Techniques of neutralization: A theory of delinquency. *American Sociological Review*, 22 (December), 664–670.
- Szasz, T.S. (1970). *The Manufacture of Madness*. New York: Harper Collins.
- Tannenbaum, F. (1938). *Crime and the Community*. New York: Columbia University Press.
- Terman, L.M., & Oden, M.H. (1959). *The Gifted Group at Mid-Life. Vol. V. Genetic Studies of Genius*. Stanford, CA: Stanford University Press.
- Thio, A. (1983). *Deviant Behavior*. Boston: Houghton Mifflin.
- Traub, S.H., & Little, C.B. (Eds.). (1980). *Theories of Deviance*. Itasca, IL: F.E. Peacock.
- Tucker, R.C. (1968). The theory of charismatic leadership. *Daedalus*, 97 (3), 731–756.
- Weber, M. (1947). *The Theory of Social and Economic Organization* (Eds. A.M. Henderson, & T. Parsons). Glencoe, IL: Free Press.
- Weber, M. (1968). Charisma and its transformations. In *Economy and Society*. New York: Beminster Press.
- West, B. (2003). Synergies in deviance: Revisiting the positive deviance debate. *Electronic Journal of Sociology* (4). Retrieved from <http://sociology.org/content/vol7.4/west.html>.
- Wilkins, L.T. (1965). *Social Deviance*. Englewood Cliffs, NJ: Prentice-Hall.
- Wolf, B., & Zuckerman, P. (2012). Deviant heroes: Nonconformists as agents of justice and social change. *Deviant Behavior*, 33 (8), 639–654.
- Wolfzorn, M., Heckert, A., & Heckert, D.M. (2006). Positive deviance and social bond theory. *Free Inquiry in Creative Sociology*, 34 (2), 107–121.

Part II

Ongoing Deviance Dynamics

The Process of Deviantization

Daniel Dotter

In the historical development of sociology, the study of deviance has arguably been the most vital and enduring specialty area (Ben-Yehuda, 2012). This observation is particularly evident when considering the centrality of the twentieth-century Chicago School, with its emphases on interactionism, urban diversity, and subcultural conflict (Dotter, 2004). In this interdisciplinary milieu, pioneering sociologists investigated social worlds previously largely unseen by most mainstream, law-abiding Americans, and planted the seed for an entirely new way of looking at a novel field – the empathetic study of an offbeat, unconventional, and somewhat unsavory sector of humanity and their doings, a field that later came to be called the sociology of deviance.

By the 1960s deviance studies was set on a theoretical path toward deviance as a process of social construction. During this time, much debate raged over the meaning of deviance, especially as a negative social label, with labeling critics arguing that the concept implied a consensus-based normative view of deviance and crime. In his updated edition of *Outsiders: Studies in the Sociology of Deviance*, Howard S. Becker (1973) answered these critics: he reframed the deviance-labeling process as a thoroughgoing interactional perspective. The label does not “cause” deviance in any direct sense, but is a component of the overall process of stigmatization and social disvaluation (Goffman, 1963/1986).

The Chicago interactional theoretical formulations have dominated the field of deviance studies until the present day (Ben-Yehuda, 2012; Dotter, 2004), serving as a precursor to the concept of the deviantization process. This chapter, then, has four interrelated foci. First, I will illuminate the genesis of the deviantization process in the sociological perspectives of the Chicago School. Each specific perspective (social disorganization, differential association, labeling) has contributed to a social process view of the larger society in which the creation of meaning was of prime importance (Matza, 1969/2010).

Second, I will review the major characteristics of an interactional perspective of deviance (Douglas & Waksler, 1982), leading to a consideration of the deviantizing process “through which deviantness is attached to behavior and individuals” (Schur, 1979, pp. 8–9). We may capture the Chicago School’s emphasis on meaningful human action in the context of subcultural diversity in the earliest direct statement of the deviantization process, as some observers have noted, as stigma contests involving competing meaning scenarios (Dotter, 2004; Schur, 1980). These contests are by their very nature political struggles (literal and symbolic) over legal and moral narratives – the privileging of some narratives and the disvaluing of others.

Third, I will trace the theoretical evolution of deviantization through several incarnations up to the present, including the normative (Ben-Yehuda, 1985, 1990; Braithwaite, 1989; Erikson, 1966/2005), the existential (Athens, 1997; Katz, 1988), and the cultural (Dotter, 2011; Presdee, 2000). The deviantization process frames and extends several interactionist theories (Douglas & Waksler, 1982), as well as emerging cultural/critical perspectives, in a context of social construction and labeling.

Finally, I will argue that deviantization is central to understanding changes in cultural scenarios of meaning-generation (Dotter, 2004, 2011; Goode & Vail, 2008; Jenks, 2003), situating deviance in the fluid context of contemporary media culture. Stigmatization is not merely a matter of narrow, situational definitions of wrongdoing, but becomes central to institutional framing and ideological dialogs, aptly characterized as the contemporary “deviance society” (Adler & Adler, 2006).

The Deviantization Process: An Introduction

In the first chapter of *Outsiders*, Becker (1963, pp. 4–9) reviews four distinctly different definitions of deviance: the statistical, pathological, normative, and societal reaction. Statistical designations are the most simplistic, strictly confined to numerical incidence and rarity. Since it supplies no broader context accounting for meaning or social action, this definitional type is of no particular sociological value or significance. Deviance-as-pathology, the second of these definitions, is based on a generic medical analogy: it views deviance as a disease condition. This definition recognizes disordered, perverted individual behaviors and conditions (such as, at the time, mental illness, autism, and homosexuality) as deviant, and likewise simultaneously allows for the dysfunctional impact of social disorganization across the society generally. It is this latter designation that informs the earliest views of the social pathology school, even in the Chicago tradition (Mills, 1943). The notion of medical pathology was gradually replaced with the third definition, which is more sociological than the first two: deviance as the failure to obey group norms. This definition illuminates the social quality of deviance, offering a consensus view of normative violation. In the normative perspective, widespread practical agreement prevails, both legal and informal, regarding what constitutes deviance and how it is responded to as a matter of social control. Becker questions the validity of assumed normative consensus in contemporary society, instead proposing that deviance-generation is a process marked by conflict and ambiguity in societal reactions. Purged of statistical and medical elements, the deviantization process

is sociological, normatively relative, and natural. But though virtually all sociological approaches to deviance reject the statistical and pathological approaches to deviance, many sociologists retain features of the normative approach, while interactionists reject it altogether. For a definition of deviance to satisfy the parameters of the interactionist perspective, its advocates believe it must incorporate the element of social reactions by audiences – Becker’s fourth definition, the reactivist.

The early Chicago School and the dilemma of social disorganization

Beginning early in the twentieth century and for decades following, the Chicago School framed the requirements for academic and professional development of sociology, including its specialty areas. Chief among the latter was the subfield of social deviance. Its spread and maturation is a literal history of the Chicago School, melding theoretical formulations and research activity, from the perspective of social disorganization through differential association, to labeling. David Matza (1969/2010) utilizes three concepts to characterize this theoretical evolution of deviance studies in the Chicago tradition: affinity, affiliation, and signification. In tracing his description of “natural deviation” through these metaphors, Matza (1969/2010) designates the interactional quality of social deviance in the following words: “Naturalism,” he explains, “as the very term implies, is the philosophical view that strives *to remain true to the nature of the phenomenon under study or scrutiny*. For naturalism, the phenomenon being scrutinized is to be considered object or subject depending on its nature – not on the philosophical preconceptions of a researcher” (p. 5). Matza transforms the quality of traditional philosophical naturalism into a scenario of meaningful human activity, in which “there is no antagonism between naturalism and a repudiation of the objective view, nor a contradiction between naturalism and the humane methods of experience, reason, intuition, and empathy” (p. 7).

The development of deviance studies within the Chicago tradition proceeded along two different but mutually reinforcing paths. First, conflict processes of urban ecology (that is, city growth in time and space) were – however tenuously – extended to the sociocultural realm, emphasizing systemic social disorganization (as found in the empirical affinity of higher crime rates in given city zones over time). As evidence of functional social conflict, these enduring ecological patterns suggested generational assimilation and even a measure of upward mobility for incoming immigrant groups.

The second path of this development was the discovery and documentation of meaningful social experience in emerging urban groups, deemed deviant – even pathological – by the norms of wider society. This emphasis on meaningful social action led – at least preliminarily – to the study of deviance as distinct social worlds (for example, the taxi-dance hall, hobo life, juvenile gangs) defined as much by fidelity to internal standards as by conflict with mainstream middle-class norms. At the same time, Chicago social disorganization was marked by persistent ambivalence when confronted with traditional urban pathologies such as poverty and crime.

Matza (1969/2010, pp. 45–50) argues that the dilemma connecting pathology and diversity was never fully resolved in social disorganization theory, which stressed the

deterministic tendency of affinity (the objectification of city life in a preordained model of crime-as-cultural-conflict); even a deep understanding of the pathetic quality of the urban experience (loneliness, despair, material want) could not render such experience naturally meaningful on its own terms. The best that early Chicagoans could do was to substitute romantic conceptions of the pathetic for naturalistic appreciation of these phenomena; similarly, disorganization was theoretically bifurcated into personal and social varieties. Thus, the meaning-generation process of natural deviation was largely subverted, as Chicagoans theorized disorganization but described diversity. It is the objective fact of urban disorganization as generative of pathological patterns of behavior, primarily crime, that triumphed as the Chicago School's primary contribution to deviance studies, rather than its insight that cities generated a multiplicity of diverse social worlds that sustained distinctly different patterns of behavior variously defined as wrongful by conventional society.

Differential association: subcultural conflict as natural deviation

Though recognized as a critical foundational theory in the birth and development of American criminology, Sutherland's differential association approach (1939) remains largely untapped for its wider interactional theoretical significance. The perspective bridged the divide between pathology and diversity in a process of interactional affiliation, in which "only the context of experience can provide the terms and issues that are the very tissue with which meaning is built and disposition discovered" (Matza, 1969/2010, p. 119). Differential association framed social disorganization as subcultural conflict in modern urban society. Affiliation captured the generation of meaning as a kind of nascent interactionism. Processes of social meaning-construction supported both conforming and deviant normative definitions (Dotter, 2004, p. 107).

Sutherland's formulation, radical for its day as a piece of Chicago naturalistic appreciation, continued the interactional development of Chicago deviance studies. Social disorganization theory stated that the deviant was largely preordained to rule-breaking (affinity); in contrast, with differential association the deviant actor is afforded a wider degree of choice and meaning-creation (affiliation). The former is a process of contagion, and the latter one of conversion. Matza (1969/2010) marks this theoretical transformation in Becker's analysis of the marijuana user's experiential construction of meaning, "done so unnoticeably and so matter-of-factly that his contribution was welcomed in the sociological literature as if it were simply a bit of excellent research" (p. 109).

Viewed retrospectively, Becker's (1963) model is indeed much more than that. Originally published in 1953 in the *American Journal of Sociology*, the article that constitutes Chapter 3 of *Outsiders* represents an early theoretical formulation of "natural deviation" – what Matza (1969/2010, p. 110) calls a "recipe" for human action and meaning-creation, marked by consciousness and intention. Becker's model inductively describes conversion to marijuana use as a subcultural learning experience in differential association, meaningful to the subject and peers as pleasurable, emergent, and shared. Conversion to deviant behavior is not preordained, nor does it necessarily predict a path of career deviance. More than any other application of differential

association's theoretical principles to a specific scenario, Becker's model highlights the active, intersubjective quality of deviance-generation. In describing the interactional process that underlies all meaning in the natural world, the model served to distance neoChicago deviance studies (as opposed to "the Chicago School") from the earlier emphases on social disorganization and its functional social conflict.

Signification: labeling and ban in the interactional puzzle

As a description of subcultural meaning-creation, differential association offers a nuanced perspective on conflict, juxtaposing scenarios of deviance (created intersubjectively by everyday actors) and the responses of the wider society – especially its formal governmental organizations. Matza (1969/2010) describes this naturalist rendering with the titular phrase "becoming deviant." The meaning-generation process goes beyond affiliation (shared meaning in support of behavior and within a subculture) to signification (the process of deviance labeling).

As the final piece of the interactional puzzle, Matza (1969/2010) calls *signification* the neoChicagoan irony, characteristic of the school's later, more thoroughly interactional theoretical formulation. The irony, "stated simply, is that systems of control and the agents that man them are implicated in the process by which others become deviant. The very effort to prevent, intervene, arrest, and 'cure' persons of their alleged pathologies may, according to the neoChicagoan view, precipitate or seriously aggravate the tendency society wishes to guard against" (p. 80). In a word, the germ of signification is *ban* (the stigmatization of activity as disvalued). Matza (1969/2010, pp. 144–145) confines his discussion of signification and ban to its legal sense (his use of the term "Leviathan" is a metaphor for the state).

This neoChicagoan irony represents a "self-fulfilling prophecy" of deviance-labeling, including not only legal, formalized societal reactions, but informal ones emerging from primary groups as well (family, work, religious, and so on): "Rules and their enforcement are the central problematic of the deviance-definition process. Societal reaction, legal or otherwise, cannot occur in the absence of a normative context. Within this context deviant acts are rendered meaningful by the labeled actor and audiences" (Dotter, 2004, p. 102).

In addition to exposing the irony of the self-fulfilling prophecy, Chicago labeling also highlights the overlap between definitions of deviance and conformity; by focusing on the process of societal reaction, the importance of "secret" or unacknowledged deviance becomes clear (Becker, 1963, pp. 20–21). The deviant label, then, evidences a potential to generate stigmatized meaning, even before it becomes operative in a particular case.

Once again, Matza (1969/2010) draws from Becker's marijuana scenario to illuminate this role of ban as "bedevilment" within the signification process: "A main purpose of ban," explains Matza, "is to unify meaning and thus to minimize the possibility that, morally, the subject can have it both ways. Either he will be deterred or bedeviled. And by bedeviled," he clarifies, "I mean nothing serious – merely, being made a devil as a result of being put in a position wherein more deviation and disaffiliation than was originally contemplated appears in the life of the subject" (p. 148).

Thus the twin discoveries of irony and overlap push the conceptual boundary of signification from the deviant label as an end result into an interactional model of deviance-generation.

Increasingly, the signification of deviance extends well beyond the commission of a particular act by an identifiable actor in circumstances that are objectively perceived and evaluated. Rather, stigmatization becomes layered in its production and interpretation. The variety of circumstances attendant to behavior or persons being labeled is the contemporary character of collective action (Dotter, 2004, p. 103).

Ban (stigmatization and disavowment) preliminarily describes the deviantization process. Sociocultural meaning emerges from the layers of irony and overlap, purging the concept of pathology from early deviance studies; in its place, “the finished product of signification is the collective representation of concentrated evil, or deviation, and pervasive good, or conformity” (Matza, 1969/2010, p. 197).

Stigma Contests: The Process of Deviantization

A decade after the original publication of *Outsiders*, in an enlarged edition, Becker (1973) addressed the impact of labeling theory on deviance studies. He explicitly places the theory in an interactionist frame of deviance-as-collective-action: deviance is not focused narrowly on the label, but is located in the broader scenario through which meaning-construction occurs. This interactionist frame re-emphasizes the signification irony of deviance-generation and its overlap with that of conformity. Thus, Becker (1973, p. 184) speaks of “potentially” deviant behavior as well as that which is successfully labeled; furthermore, definitions of deviance *and* conformity are a product of the same process of collective action-contested dramas over time, space, and cultural terrain. An interactional approach demystifies deviance and questions “the monopoly on the truth and the ‘whole story’ claimed by those in positions of power and authority” (Becker, 1973, p. 207). It is this story – the social construction of stigmatization – that the deviantization process characterizes; its generation of meaning is complex, open-ended, tentative and political. An interactionist approach captures this meaning-creation in its widest application, as collective action “based upon social rules, either informal norms or law” (Dotter, 2004, p. 102). Thus the process of deviance definition is natural and interactional; all of its aspects are open to study, not to premature closure, partisan control, nor even careless oversight.

As Becker (1973) rightly observes, the interactionist approach “begins that double task of clarification and complication by making sociologists aware that a wider range of people and events needs to be included in our study of deviant phenomena, by sensitizing us to the importance of a wider range of fact.” The interactionist approach to deviance, Becker explains, proposes that we study “all the participants in these moral dramas [of deviantization], accusers as well as accused, [and] offering a conventional exemption from our professional inquiries to no one, no matter how respectable or highly placed” (pp. 206–207). The societal reaction is only one aspect of the interactionist theory of deviance (Dotter, 2004, p. 100); recognizing the broader sociological framing of the label leads to a consideration of the deviantizing (or deviantization) process.

Stigma-as-differentness: the process of deviantization unfolds

Central to the interactionist perspective is the idea of deviance-as-process of actually (and potentially) labeled behavior or personal qualities in everyday social situations. The defining characteristic of this process is the quality of stigma. Erving Goffman (1963/1986, pp. 1–2) traces the word to its Greek root as a physical, bodily sign of the blemished individual's moral pollution. As an imputation of discredit, stigma resides in the cultural space between actual and virtual social identity, what is known – or may become know – about the disvalued person's character. Evidence can arise, Goffman explains, of the relevant party “possessing an attribute that makes him different from others in the category of persons available for him to be, and of a less desirable kind – in the extreme, a person who is quite thoroughly bad, or dangerous, or weak. He is thus reduced in our minds from a whole and usual person to a tainted, discounted one” (Goffman, 1963/1986, pp. 2–3).

The imputation of stigma, then, evidences emergent, relational qualities of meaning – a kind of “shameful differentness” (Goffman, 1963/1986, p. 10) that can effectively mark the person's words, actions, and reputation. The particular quality of the discredit (moral or practical, criminal or non-criminal) suggests that a “language of relationships, not attributes, is really needed” (Goffman, 1963/1986, p. 3).

Discredit (or discreditability) may involve an amalgam of ingredients routinely attached to the individual, including behavior, demeanor, appearance, biographical elements, and so on. These particular ingredients are layered into the three general stigma types: Goffman mentions three “grossly different types of stigma.” First, he delineates “abominations of the body – the various physical deformities.” Next, he lays out “blemishes of individual character,” which he perceives as “weak will, domineering or unnatural passions, treacherous and rigid beliefs, and dishonesty.” These manifested in the forms of “mental disorder, imprisonment, addiction, alcoholism, homosexuality, unemployment, suicidal attempts, and radical political behavior.” And finally, Goffman concludes with “the tribal stigma of race, nation, and religion, these being stigma that can be transmitted through lineages and equally contaminate all members of a family” (Goffman, 1963/1986, p. 4).

The imputation of stigma is an admixture of unique, personal qualities within a process of social typing (i.e., involving the generation of meaning by groups in the wider society). Moral judgments, Goffman says, “are typically rendered or withheld on a case-by-case basis. The quality of stigma is generally applied” to all members of a particular socially constructed category. Here, deviance is imputed to entire categories of persons sharing some apparent characteristic. Such sociocultural stereotypical labeling transcends matters of individual potentially deviant acts or actors, passing into the realm of “what everyone knows to be true” (Dotter, 2004, p. 18).

Stigma, going beyond labeling to an interactionist theory of deviance, sets the stage for deviantization-as-meaning-construction; Edwin Schur (1980) conceptualizes this process as “stigma contests” in contemporary society. This characterization is best understood in a carefully articulated interactionist framework.

Deviantization-as-meaning-construction

From Becker's rebranding of labeling theory as interactionist, scholars began to create a systematic perspective of deviance as socially constructed meaning. Jack Douglas and Frances Waksler (1982, p. 125) christened "the new perspective in the sociology of deviance" created from numerous related theories, including new or neo-symbolic interactionism, labeling theory, dramaturgical theory, phenomenology (phenomenological sociology), ethnomethodology, and existential sociology. While they recognized that these perspectives had been percolating and influencing each other throughout the 1960s, it seemed at a certain point that they had reached a sort of critical phase of articulation; although never fully integrated, these constructionist alternatives now represented the dominant viewpoint in the sociology of deviance.

Douglas and Waksler (1982, p. 126) dub this new perspective as "interactionist," based on the principle that: "*social meanings and actions are always, at least to some extent, constructed to fit the concrete situations facing individuals in relation to one another.*" In this "*situational construction of meanings,*" Douglas and Waksler explain, "social meanings and actions arise through individuals' interaction with other individuals and with the situations they face together" (p. 126).

Edwin Schur (1979, p. 8) follows a similar interpretive path, in which "the sociologically significant feature common to all deviance situations is a particular quality of assigned meanings: deviantness." Thus, Schur clearly points out that deviance is wider and deeper than mere labeling, that the "deviance situation" encompasses more than just stigmatization of behavior or even categories of people. This enlarged context of meaning-creation calls for sensitivity toward language not yet in common use: "Although slightly awkward, a term such as *deviantizing* – the process through which deviantness is attached to behavior and individuals – might similarly help to bring out the processual side of the picture" (Schur, 1979, pp. 8–9). Deviantness and deviantizing thus signal a kind of layering of meaning, which includes the stigma (that is, the evaluation and the label) as well as other components in the meaning process, including rules, enforcers, actors, audiences, and behavioral settings (Dotter, 2004, p. 37). Schur (1979, p. 9) goes so far as to suggest that the term deviance should be used sparingly, and that such use "should not be taken to imply in any way the intrinsic deviance of any kind of behavior or person." This expansion of the deviance concept proved to be more than merely linguistic tinkering because "if any and every behavior can potentially be treated as deviant, then it follows that types of behavior by themselves do not indicate the scope of deviance analysis. Any situations in which behaviors or individuals are defined and reacted to in deviantizing ways fall within the field" (Schur, 1979, p. 9).

Thus, deviantization becomes part of the general process of meaning-generation posited by symbolic interactionism (Dotter, 2004). Definitions of deviance are not objectively given, but arrived at through negotiation, conflict, and even compromise. Douglas (1971), in his critique and reformulation of interactionist deviance theory, undertakes a phenomenological analysis of the "language" of social rules and moral meanings. His perspective demonstrates how theoretically complex and open-ended the meaning generation is. He highlights that early labeling statements (such as Becker's analysis of secret deviance) had much in common with the

mainstream functionalist view that deviance is essentially a matter of overwhelming normative consensus regarding everyday behavior (if secret deviance becomes public, then there is minimal disagreement as to the appropriate societal reaction). Douglas maintains that the deviant label is variously negotiated, more so than simply imposed by audiences: the result is intersubjective conflicts over meaning. These disagreements “are so interdependent and their meanings so problematic that we often find individuals looking at the same kinds of conflicts, but seeing very different things. While looking at what some see as a ‘political contest,’ others will see conflicts of ‘class interests’ and still others will see moral conflicts” (Douglas, 1971, p. 151). This politics-as-existential view is rooted in the constant interpretive play of social rules in a pluralistic society.

Politics, power, and stigma contests

Shortly after proposing the term *deviantizing* to describe the stigmatization process, Schur deepened his interactional reformulation by suggesting numerous related questions to frame the deviance situation, to probe the quality of labeling, and contextualize its impact. Many investigators, Schur tells us, “are now convinced that the more sociologically interesting questions concern the definitional and social-reaction processes themselves. How does a type of behavior or condition come to be viewed and treated as ‘deviant’ in the first place?” he asks rhetorically.

What factors influence the identification of, and reaction to, individual “offenders”? How do these reaction processes actually work? What functions do they serve, for the specific reactors or for society at large? What are the social consequences, for the individuals reacted to in this way, of being treated as “deviant”? (Schur, 1980, p. 4)

While Becker, and very occasionally other earlier labelists, mentioned the concept of power, it remained for Schur to articulate it more completely into interactionist deviance-theorizing. Whether at the individual or collective level of observation and analysis, all deviance situations “center around the distribution of a certain kind of social power. Although economic, legal, and direct political power may sometimes be involved, what is most essentially at stake in such situations is the power or resource of moral standing or acceptability” (Schur, 1980, p. 6). Of course, power – like the social reaction it is related to – is not absolute. It contextualizes the deviantization process, involving the fluid imposition and negotiation of stigmatized behavior or status. As a dynamic part of the deviance situation, “power is more like a process than an object. From that standpoint, it tends to operate as both cause and effect” (Schur, 1980, p. 7). In the deviance situation, power is layered, with its effects open to interpretation on multiple levels. The politicality of deviance is realized in stigma contests, “continuing struggles over competing social definitions,” in which “it is relative rather than absolute power that counts most” (Schur, 1980, p. 8). It is important to note that the exercise of power in stigma contests is often soft or indirect, an attempt to control the meaning-generation process itself (Dotter, 2004, p. 18).

The stigma contest, in this context of politics and the expression of power, transforms deviance-labeling: deviantization is synonymous with meaning-generation. Schur extends Becker's imagery of deviance-as-collective-action and Goffman's concept of stigmatization into a more completely naturalistic interactionist frame. In the politics of deviance, disvalued "behaviors and conditions acquire their deviantness – which is usually a matter of degree – through a defining-responding process in which aspects of discredibility are assigned, ascribed, imputed to them and to individuals who exhibit them" (Schur, 1980, p. 132). In short, the stigma contest is continuous as meaning is created and manipulated. Situations of deviance can be amplified, especially through the use of stereotypes in mass media narratives, into moral panics and other types of extremes of meaning-creation (Goode & Ben-Yehuda, 2009).

Scenarios of deviance: stigma contests in media culture

Schur's conceptual development of deviantization as a stigma contest has been underappreciated, even neglected, by too many deviance scholars. My own work has focused on articulating the stigma contest into a cultural studies narrative of deviance-theorizing (Dotter, 2004). This effort locates the "defining-responding" process of deviantization in the complex terrain of media culture. A *scenario* "may be broadly defined as *an interactional moment or site of meaning-creation*," I explain (Dotter, 2004, p. 29). As such, a scenario "is fundamentally interpretive, a multilayered presentation of a social event or historical situation. It focuses on the level and quality of social expression rather than on a specific mode of analysis. The scenario highlights the mass-mediated nature of meaning-creation" (p. 29).

A cinematic metaphor scenario is an early designation for the screenplay. Its narrative, storytelling quality is central to viewing deviantization as – to use Matza's term, natural meaning process, including aspects of deviance – labeling, constructions of cultural conformity, and their interplay with one another. The scenario is an interpretive device, concerned not with causal models of deviance, but with the nature and contestation of disvalued situations and groups. It is marked by three phases: the *deviant event* (an actual spatial/temporal occurrence); the *media reconstruction* of that event (unfolding, continuous narrative renderings of the original event by media, law enforcement and governmental voices, as well as other groups in the community, or if applicable, a wider geographical and cultural boundary); and the *stigma movie*, the point at which media reconstructions take on an independent existence and function as ideological narratives of social control. Scenarios – or "deviance stories" – are a ubiquitous presence in media culture: "dramatized knowledge and entertainment, drawn from events in everyday life" (Dotter, 2004, pp. 37–40). The layered phases of the scenario at once capture deviance meaning-generation at any given moment and also extend it indefinitely, as I explain:

In the stigma movie, story is emergent from deviant events and, most importantly, their media reconstructions. All elements – acts, actors, normative relations, audiences, and societal reactions – are situated in a dramatic, continuing (and therefore transformative) storyline. Narrative, the dramatic thrust of the story, is never complete (Dotter, 2004, p. 42).

Within the interpretive context of the scenario, deviantization is thoroughly marked as a mediated commodity to be bought and sold. Schur's (1979, p. 9) deviance situation is written and rewritten, often including celebrity actors in the plot: "The production of the stigma movie is in its exhibition. Once play begins, the event and reconstruction are subsumed in presentation. The stigma movie, then, is most often scripted around the master statuses of age, gender, race, and class" (Dotter, 2004, p. 42).

Emerging from media culture, the "deviantizing" scenario is linked to (and often-times may be indistinguishable from) the moral panic, which Stanley Cohen classically defined as follows:

A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right-thinking people; socially accredited experts pronounce their diagnoses and solutions; ways of coping are evolved or (more often) resorted to; the condition then disappears, submerges or deteriorates and becomes more visible (Cohen, 1972, p. 1).

The concept of scenario clarifies the importance of moral panic for deviantization. A moral panic signals media amplification of deviance meaning-generation, it is played out in media culture, that is, in the politicized stigma contest, and its narrative may impact subsequent reconstructions of the deviant event. Nonetheless, this mediated deviantization does not always lead to the production of a stigma movie. Indeed, most deviant events are reported, even with a measure of critique or analysis, and pass from the scene without becoming stigma movies, much less moral panics. Deviantization is not synonymous with the process of moral panic; rather, their relationship is complicated and open-ended. As Cohen (2002, p. xxxiii) observes, in some cases the logic of labelling social reaction as a moral panic may indeed lead to varieties of non-intervention (leave things alone), either because reaction is based on literal delusion or because the problem does not deserve such extravagant attention. The difficult cases are more interesting – the existence of the problem is recognized, but its cognitive interpretation and moral implications are denied, evaded or disputed. Goode and Ben-Yehuda suggest the relationship that binds deviantization with moral panic in contemporary media culture: "The mass media are both an *independent* manifestation of moral panics as well as a causal *agent* in firing up the other manifestations of moral panics, specifically public concern, political and legislative activity, and social movement activism" (2009, p. 90).

Finally, the stigma movie is part of both popular and informational culture; while not identical to moral panic, the movie (in the hands of entrepreneurs intent on constructing such a mediated panic) is layered in the broader politicized stigma contest. In short, the emergence of a moral panic is the point at which media reconstructions overlap with the stigma movie (Dotter, 2004, p. 39).

The deviantization process, then, has been significantly developed and embellished in the last three decades (Ben-Yehuda, 2012; Dotter, 2004; Schur, 1980). The concept of scenario, articulated with the politics of the stigma contest, is an attempt to place interactionist deviance-theorizing into the emerging field of cultural sociology. No longer is

its theoretical applicability dismissed as a narrow focus on societal reaction. Instead, deviantization is situated squarely in an interactionist frame of meaning-creation. As such, the process cuts across several specific theoretical and analytic sites of deviance.

Deviantization and Meaning-Creation

As traced in the various narratives of the Chicago tradition – social disorganization, differential association, and labeling – deviantization is a summary term for the social construction of stigmatized people, behaviors, and situations. It is thoroughly rooted in interactionist theory but general enough to transverse a variety of theoretical applications: normative, existential, and cultural.

Deviantization: the maintenance of moral boundaries

As Becker explains, the normative approach to deviance embeds the basic elements of a labeling perspective. Emerging from the failure to follow group norms, deviance is located in the responses of others to its discovery. However, there is a problem with this consensus view. Although it is more relativistic and natural than the statistical rarity or metaphorical disease characterization, it tends to place deviance almost exclusively in a stabilizing context – the proportion of institutional permanence through widespread normative agreement.

While Becker quickly abandoned any serious analysis of the functional quality of deviance-labeling, other scholars have demonstrated its potential, especially as a marker of boundary maintenance and change. In his classic social history of Puritans in early America, Erikson (1966/2005, p. 67) unravels the relationship between community moral boundaries and crime waves, testing the limits of social control in seventeenth-century Massachusetts Bay. For him, the persecution of the Quakers in the late 1650s and the witchcraft hysteria of 1692 were of particular note. These scenarios represented political–religious conflicts; deviantization played out in a harsh, isolated geography, pitting church and community elders against stigmatized others.

Erikson (1966/2005) breathes Durkheimian life into the function of normative deviation. Encounters between the putative deviant and the community, Erikson explains, “are only fragments of an ongoing social process. Like an article of common law, boundaries remain a meaningful point of reference only so long as they are repeatedly tested by persons on the fringes of the group and repeatedly defended by persons chosen to represent the group’s inner morality” (p. 13).

Similarly, in a number of case studies, Ben-Yehuda (1985, p. 208) has developed the concept of deviantization specifically in response to what he calls the Durkheimian double bind, arguing that the functional quality of societal reactions to deviance sets up a dilemma between two contradictory outcomes: flexibility and rigidity. Ben-Yehuda’s four sociohistorical case studies include the European witchcraze of the Middle Ages, the rise of occult and science fiction narratives in contemporary society, deviant sciences, and deviant scientists. Regarding the latter two, Ben-Yehuda (1985, p. 123)

presents several instances of deviantization: “recent examples of innovations that were initially condemned by the scientific community as ‘nonsense,’ ‘illogical,’ ‘impossible,’ and deviant. The proponents had to face ridicule and had to fight long and hard for acceptance and recognition, which did not always follow.” He considers numerous examples across four categories of deviant science (Ben-Yehuda, 1985, pp. 123–142): scientific knowledge that is originally rejected and later accepted (e.g., continental drift theory); ideas originally accepted and only later rejected (e.g., Ptolemaic cosmology with the Earth at the center of the universe); scientific speculations; and anomalies. In this wide-ranging and fascinating account of deviantized knowledge in various historical periods, Ben-Yehuda (1985, pp. 216–217) argues for the interconnection of deviance and non-deviance: “Deviance and societal reaction to it must be seen as boundary maintenance phenomena within the context of change and stability as outlined in the classic Durheimian approach.”

The social creation of deviance, framed in the simplest terms of relativity and normative opposition (to behavior, knowledge, groups, and so on), is political (i.e., stigma contests and situations of moral panic), involving “processes of shaming vilification, stigmatization, deviantization, and criminalization” (Ben-Yehuda, 1990, p. 59). These processes serve to mark discrediting societal reactions and also to reinforce group boundaries.

In focusing on the function of labeling for the maintenance of stability, the works of Erikson and Ben-Yehuda are squarely in the interpretive tradition of Chicago deviance studies. Along a different path, John Braithwaite (1989) has posited a criminological theory of shame and reintegration of the offender. His thesis combines the importance of positive, reintegrative labeling (shaming) with the neoclassical tradition of rationalism and freedom of choice. As social policy, reintegrative shaming “has symbolic advantages over stigmatization because ceremonies of repentance have even more integrative potential than degradation ceremonies” (Braithwaite, 1989, p. 152). In short, reintegrative shaming promotes inclusionary functions of Durkheimian community solidarity and social control.

When framed as a normative function of systemic maintenance, the deviantization process is neither fully natural nor relative to the widest canvas of social meaning-creation. Its theoretical potential – for deviance studies and wider considerations of social change – remains most fruitfully focused on individual actors and groups, especially in historical situations. Existential constructions of criminal behavior and mediated images of crime are two contemporary narratives.

The experience of crime: the social construction of violence

While the deviantization process is most identified with Chicago School theorizing, there are contemporary applications that go beyond labeling to embrace an intersubjective construction of the criminal actor’s point of view and emotional investment in the crime. In his study of 58 violent criminals and their acts, Lonnie Athens (1997) illustrates the daring of such an interpretive approach. Starting with the interactionist conceptions of self as both process and object, he traces the importance of the generalized other in

the social experiences of decidedly antisocial actors. In an existential twist, Athens replaces the generalized other with what he calls the phantom community (constructed from past social experiences): "Since the phantom companions that constitute our phantom communities travel with us wherever we go, we can always avail ourselves, for better or worse, of their counsel, no matter what corporal communities we may be inhabiting at the time" (Athens, 1997, p. 139). Violent careers, with either escalating or de-escalating paths, are constantly filtered through the changing lens of the phantom community.

In a similar existential vein, Jack Katz (1988) contends that there is an overriding emotional context to crime commission – a "seductive" component – which is rarely recognized as worthy of empirical study. "Because of its insistence on attributing causation to material conditions in personal and social backgrounds," Katz explains, "modern social thought has been unable either to acknowledge the embrace of evil by common or street criminals, or, and for the same reason, develop empirical bite and intellectual depth in the study of criminality by the wealthy and powerful" (1988, p. 10). These controversial interactional readings of violence point towards a more complex sense of deviantization to a general framing of cultural meaning construction.

Cultural criminology and the carnival of deviance

For over half a century, the process of deviantization has been central to interactionist perspectives in the field. Stigmatization, labeling, disavowal, moral panics – these and other concepts are specific applications of deviantization-as-meaning-creation. As described above, the scenario is an explicit attempt to frame deviantization in the context of media culture: narrative images of stigma (i.e., disvaluing of persons, groups, subcultures) mix and mingle with those of conformity, crime, and morality. These stories are a major component of popular culture, blurring the content distinction between information and entertainment (Dotter, 2004).

The emerging field of cultural criminology – broken off from the mainstream, positivist variety – extends a critical perspective on deviantization, updating its context to the present time of late modernity: "a world always in flux, awash in marginality and exclusion, but also in the ambiguous potential for creativity, transcendence, transgression, and recuperation" (Ferrell, Hayward, & Young, 2008, p. 6). Crime and deviance, mediated through televised, cinematic, and virtual processes, represent dominant themes of the stigma movie – related to earlier productions, but possessing a contemporary distinctive life of their own. "If the subcultural theorists of the 1950s and 1960s understood something of group marginalization and its cultural consequences," Ferrell, Hayward, and Young ask rhetorically, "what are we to understand of such consequences today, when globalized marginalization intermingles with crime and creativity, when national authorities unknowingly export gang cultures as they deport alleged gang members, when criminal subcultures are packaged as mainstream entertainment" (2008, p. 7)?

Thus the deviantization process is characterized by mediated images, most often two, three, or more times removed from the original generation of the event in space

and time. Scenarios are layered with multiple meanings – factual, emotional, predictive, and so on; they represent commodities to be consumed by audiences. In the context of the stigma movie, deviantization becomes a “narrative about narratives” and tenuously marks the space “between self-as-subject and mediated cultural politics” (Dotter, 2004, p. 285).

A key image of mediated deviantization is that of the carnival (Dotter, 2011; Presdee, 2000). As a metaphor for the communication of meaning in mass society, carnival encompasses endless types of events and situations, providing a context to deviantization that is at once complex and also highly transitory. Most often the concept is traced to Russian literary and cultural critic Mikhail Bakhtin (1984, p. 122). He situates carnival historically in the folk culture of the Middle Ages, as the periodic subversive rendering of traditional social hierarchies and norms: “a pageant without footlights and without a division into performers and spectators.” Carnival is unplanned and spontaneous, performed dynamically as the “carnivalistic life.” Drawn out of its usual routine, it represents “life turned inside out,” “the reverse side of the world” (Bakhtin, 1984, p. 122). Furthermore, Bakhtin critiques the “carnivalization” of literature: the eventual displacement of the *direct* experience of the carnival life by literary representations of it.

The concept of carnival, imported into cultural criminology, has theoretical implications for the deviantization process. Societal reaction in media-generated scenarios loses the familiar right/wrong binary character of legal and moral judgments, replacing them with a dynamic fluidity of definitions. Labels are continuously negotiated on multiple mediated levels as transgressions of boundaries and experience, characterized as a propensity “to extend, exceed, or go beyond the margins of acceptability or normal performance” (Jenks, 2003, p. 8). Increasingly, scenarios of deviantization are marked by uncertainty, ambivalence, and anxiety. Indeed, “in postmodern society it is no longer enough to ‘do’ carnival once, twice or three times a year. Under the ‘unbearable’ rationality of modern life, acts of carnival become a daily need for social survival” (Presdee, 2000, p. 33).

Conclusion

In mass-mediated society the idea of transgression is vital to describing the deviantization process. Transgressive behavior “does not deny limits or boundaries, rather it exceeds them and thus completes them. Every rule, limit, boundary or edge carries with it its own fracture, penetration or impulse to disobey. [Transgression] is a dynamic force in cultural reproduction” which “opens up chaos and reminds us of the necessity of order” (Jenks, 2003, p. 7). Public and private, rational and emotive, self and other – these experiential edges are inverted, transgressed, and exploited in the “second life” of the carnival. The carnivalized second life “is expressed through excess, obscenity and degradation..., lived in the cracks and holes in the structures of official society.” Moreover, the carnivalesque celebrates “the unpunishable whilst official society seeks to dam up the holes and fill in the cracks, criminalizing as it does and making punishable the previously unpunishable” (Presdee, 2000, pp. 8–9).

Marked by excess, deviance-as-carnival links at least two important characteristics of meaning-generation. First is the idea of multiple realities of deviantization. Mediated scenarios (i.e., stigma movies detailing dramatic tales of deviant events and emergent situations) arguably represent a mode of reality that tends to overwhelm the existence of individual acts occurring in everyday space and time. As a cultural commodity, deviance is most often experienced vicariously or indirectly by audience members, across time and space, rather than as actual participants in real-time events. This “substitution” marks the transmutation of the traditional labeling process into the wider context of transgression and is not confined to scenarios of deviance; rather, the communication of media culture content, in general, represents “postmodern story-telling and is predicated on the transformative quality of all cultural meaning as narrative stories” (Dotter, 2011, p. 107).

Second, in media culture the deviantization process trends toward extreme events and scenarios. Extreme deviance is characterized as “behavior, beliefs, or physical traits that are so far outside the norm, so unacceptable to a wide range of different audiences, that they elicit *extremely* strong negative reactions. For many of the people who know about these behaviors, beliefs, and traits, ordinary, routine interaction becomes almost impossible” (Goode & Vail, 2008, p. xi). Examples include, but are not limited to, extreme tattoos and other types of body alteration; belief in and/or advocacy for UFOs and extraterrestrial life; endorsement of adult-child sexual relations; or extreme environmental activities.

Framed as instances of transgression (mainly behaviors, beliefs, and physical characteristics), extreme deviance encompasses much more complex terrain for deviantization than merely stigmatized stereotypical behavior, criminal or otherwise. There is a juxtaposition of competing scenarios of stigmatization in media coverage, resulting in the near-constant expansion of normative as well as personal boundaries. For example, talk-show culture and reality shows erase the traditional distinction between drama and real-life experience to produce an emotional spectacle where “we gain all we know about our ‘world’ from experience rather than thought” (Presdee, 2000, p. 77).

An important component of extreme deviance scenarios is the inversion of mainstream culture to account for paranormal images and explanations; “paranormal claims or stories invoke or make use of forces, factors, dynamics, or causes that scientists regard as inconsistent with a satisfying naturalistic or materialistic cause-and-effect explanation” (Goode, 2012, p. 19). Transgressive paranormal knowledge challenges mainstream science, especially its reliance on the ongoing method of theory construction, empirical testing, and reformulation. Two paranormal themes suffusing media culture, especially since the new millennium, are apocalypse and conspiracy (Dotter, 2011). End-of-the-world narratives are often intertwined with “theories” of shadow groups of elites controlling world events, unseen and unknown to citizens in the street. Events such as 9/11 are incorporated into the ongoing expansion of these themes for contemporary life. Over time, conspiracy narratives move from the purely political to millennial eschatologies, “apocalyptic images are politicized and conspiracy narratives skirt the boundaries of the paranormal” (Dotter, 2011, p. 111). As “stigmatized knowledge” such paranormal narratives percolate throughout media culture; their Internet web-lives portray thoroughly contemporary versions of historical extremes. Thus, “the interpretive perspective of cultural criminology, informed by the

concept of scenario, allows for an appreciation of deviance creation in the wider terrain of media culture. On this electronic and virtual stage, deviance and crime are occasions for celebration” (Dotter, 2011, p. 112).

As I have portrayed it, deviantization is both an enduring and a changeable process. It remains a central theme in both the study of deviance and in the understanding of contemporary cultural dynamics. Commencing in the 1990s and continuing, a debate has developed over the contemporary relevance of deviance as an academic specialty (Ben-Yehuda, 2012, p. 214). The theoretical context of this debate is located in the deviantization process: the multilayered, transgressive meaning-generation of the carnival, coupled with the increasingly extreme images of stigmatization in the mass media, frame the study of deviance going forward into the new century. Deviance – either empirical evidence of it or the academic study of those phenomena – is very much alive and well. Viewed from an institutional societal point of view, deviantization is all about who controls the ability to define deviance. We remain in the midst of “a fervent interdisciplinary struggle between sociology, psychology, criminology, and medicine over the ownership of deviance as a social problem” (Adler & Adler, 2006, p. 138). Ironically, the playing out of this struggle is yet another glimpse of transgression: stigmatization is no longer simply a matter of narrow definitions of wrongdoing or crime, but extends to myriad institutional and ideological dialogs.

References

- Adler, P.A. & Adler, P. (2006). The deviance society. *Deviant Behavior*, 27 (March–April), 129–148.
- Athens, L.H. (1997). *Violent Criminal Acts and Actors Revisited*. Urbana: University of Illinois Press.
- Bakhtin, M. (1984). *Problems of Dostoevsky's Poetics* (Ed. & trans. C. Emerson). Minneapolis: University of Minnesota Press.
- Becker, H.S. (1963). *Outsiders: Studies in the Sociology of Deviance*. New York: Free Press.
- Becker, H.S. (1973). *Outsiders: Studies in the Sociology of Deviance* (enlarged ed.). New York: Free Press.
- Ben-Yehuda, N. (1985). *Deviance and Moral Boundaries: Witchcraft, the Occult, Science Fiction, Deviant Sciences and Scientists*. Chicago: University of Chicago.
- Ben-Yehuda, N. (1990). *The Politics and Morality of Deviance: Moral Panics, Drug Abuse, Deviant Science, and Reversed Stigmatization*. Albany: State University of New York Press.
- Ben-Yehuda, N. (2012). Deviance: A sociology of unconventionalities. In G. Ritzer (Ed.), *The Wiley-Blackwell Companion to Sociology* (pp. 212–228). Malden, MA: Blackwell.
- Braithwaite, J. (1989). *Crime, Shame and Reintegration*. Cambridge: Cambridge University Press.
- Cohen, S. (1972). *Folk Devils and Moral Panics: The Creation of the Mods and Rockers*. London: MacGibbon & Kee.
- Cohen, S. (2002). *Folk Devils and Moral Panics: The Creation of the Mods and Rockers* (3rd ed.). London: Routledge.
- Dotter, D. (2004). *Creating Deviance: An Interactionist Approach*. Walnut Creek, CA: AltaMira Press.
- Dotter, D. (2011). Cultural criminology and the carnival of deviance: An interactionist appreciation. In H. Peters, & M. Dellwing (Eds.), *Langweiliges Verbrechen [Boring Crime]* (pp. 103–114). Wiesbaden: VS Verlag für Sozialwissenschaften.

- Douglas, J.D. (1971). *American Social Order: Social Rules in a Pluralistic Society*. New York: Free Press.
- Douglas, J.D., & Waksler, F. (1982). *The Sociology of Deviance: An Introduction*. Boston: Little, Brown.
- Erikson, K.T. (1966/2005). *Wayward Puritans: A Study in the Sociology of Deviance*. New York: John Wiley & Sons/Boston: Allyn & Bacon.
- Ferrell, J., Hayward, K., & Young, J. (2008). *Cultural Criminology: An Invitation*. Thousand Oaks, CA: Sage.
- Goffman, E. (1963/1986). *Stigma: Notes on the Management of Spoiled Identity*. Englewood Cliffs, NJ: Prentice-Hall/Spectrum/New York: Touchstone.
- Goode, E. (2012). *The Paranormal: Who Believes, Why They Believe, and Why it Matters* (2nd ed.). Amherst, NY: Prometheus Books.
- Goode, E., & Ben-Yehuda, N. (2009). *Moral Panics: The Social Construction of Deviance* (2nd ed.). Malden, MA: Wiley-Blackwell.
- Goode, E., & Vail, D.A. (Eds.) (2008). *Extreme Deviance*. Thousand Oaks, CA: Sage/Pine Forge Press.
- Jenks, C. (2003). *Transgression*. London: Routledge.
- Katz, J. (1988). *Seductions of Crime: Moral and Sensual Attractions of Doing Evil*. New York: Basic Books.
- Matza, D. (1969/2010). *Becoming Deviant*. Englewood Cliffs, NJ: Prentice-Hall/New Brunswick, NJ: Transaction.
- Mills, C.W. (1943). The professional ideology of social pathologists. *American Journal of Sociology*, 49 (2), 165–180.
- Presdee, M. (2000). *Cultural Criminology and the Carnival of Crime*. New York: Routledge.
- Schur, E.M. (1979). *Interpreting Deviance: A Sociological Introduction*. New York: Harper & Row.
- Schur, E.M. (1980). *The Politics of Deviance: Stigma Contests and the Uses of Power*. Englewood Cliffs, NJ: Prentice-Hall/Spectrum.
- Sunderland, E.H. (1939). *Principles of Criminology* (3rd ed.). Philadelphia: Lippincott.

Changing Definitions of Deviance

John Curra

At the beginning of the last century, my paternal grandparents came to the US from Italy and settled in Pennsylvania. They eventually had three children, my father being the oldest. Like many immigrants to this country, my grandfather wanted to assimilate as quickly as possible, and he expected his children to do the same. Part of that project required – or so my grandfather believed – that his children be as much like mainstream, conventional Americans as was humanly possible.

Although my grandfather's ambitions for his family were understandable enough, his plans – or at least their implementation – fell on the hard rocks of human diversity. My father was born left-handed, while both of his siblings were right-handed. Though my grandfather was a loving father, he brooked no opposition. His oldest son had to be right-handed, just like most everyone else. My grandfather insisted that his eldest son do everything with his right hand, using both verbal commands and corporal punishments to ensure that he would. My grandfather even went so far as to tie his son's left hand behind his back so that he would have to do everything right-handed. "We live in a right-handed world," my father would say to me, something that I, a natural righty, neither fully understood nor appreciated. Interestingly, Lombroso, the central figure in the School of Italian Positivism, considered left-handedness as one of the stigmata of the born criminal (Devroye, 2010, p. 12). Although my father reached a point where he could do most everything right-handed, he did express some bitterness over his childhood experiences.

As a post-mature adult, he developed a passion for the game of golf, which he played whenever he could. Though he owned a set of left-handed clubs, he used his right-handed clubs, and so always hit the ball right-handed. I once asked him why he didn't play left-handed, thinking he would probably play a better game of golf if he used a more natural swing. He replied that the reason he didn't is because it would make him look "stupid." I have met other left-handed people, and very few of them had socialization

experiences remotely comparable to my father's. As this anecdote shows, definitions of deviance are built on the facts of human diversity, and as we shift our gaze from place to place, from one situation or context to another, and through historical time, these definitions vary substantially. Goffman (1963) insisted that "normal" and "stigmatized" are not inherent qualities of individuals but perspectives on them (p. 138); overwhelmingly, sociologists of deviance concur with this principle.

Definitional Relativity

Almost all deviance fits into what Adler and Adler (2014, p. 13) refer to as the *ABCs of deviance*: beliefs (*attitudes*), acts (*behaviors*), or traits (*conditions*). Certain *expressions* or manifestations of attitudes, behaviors, or conditions are not necessarily revealed to others, while some are routine features of how we present ourselves in public. Social groups or audiences may have a particular collective or agreed-upon judgment of someone's attitudes, behaviors, and conditions, with which that individual strongly disagrees. The huge number of potential combinations between and among attitudes, behaviors, and conditions tells us that definitions of deviance can develop and change for multiple reasons. Why don't parents of all left-handed kids try to make them right-handed? In the US, very few do. One feature that makes deviance so fascinating is the enormous diversity of definitions that define what is deviant.

Courses and textbooks on deviance discuss *audience relativity*, *actor relativity*, and *situational relativity*. The first term tells us that the way collectivities or "audiences" define and react to a given individual's attitudes, conditions, or traits varies enormously. We also find definitional variability even when we move from one individual observer to another in the *same* group or collectivity. We also find this variability from one collectivity to another in the same society, as well as from society to society. Different audiences define deviance in different ways. Another factor in the deviance equation is *who* is being judged and evaluated – that is, *actor relativity*. High-status people, for example, are usually given more leeway – they are likely to get away with things that others cannot – though, interestingly and contradictorily, it sometimes also works in the opposite direction. The *setting* within which a particular ABC is evaluated is yet another consideration; this is what the field refers to as *situational relativity*. Even when we hold audience and actor constant, alterations in setting with respect to time and place can produce differences in definitions and reactions. What is proper at a beach is improper at a shopping mall; what one can do in private is taboo in public. In short, the sociologist of deviance must explore what Edwin Schur referred to as the *variability* of the labeling/definitional processes (1975, pp. 286-287), making our central focus the *characterizations* of attitudes, behaviors, and conditions, rather than on the intrinsic nature of the attitudes, behaviors, and conditions themselves.

Howard Becker (1963) was one of the first analysts and theorists to realize the importance of varying definitions in the study of deviance. Earlier work had treated negative definitions of the ABCs largely as a function of their objective characteristics – that is, how harmful, pathological, disruptive, or inherently offensive they were. The early researchers viewed "deviance" through the perspective of individual pathology or

abnormality rather than a certain kind of definition or label. Becker changed this by insisting that “*social groups create deviance by making the rules whose infraction constitutes deviance*, and by applying those rules to particular people and labeling them as outsiders.” He continued his argument by insisting that “deviance is *not* a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an ‘offender’” (p. 9). Becker was saying something important, but precisely what his statement means remains in dispute.

Traditional sociological perspectives regarded deviance as the violation of social norms. Practitioners of even the earliest approaches recognized that deviance and crime were violations of a socially constructed code or set of rules and regulations. Becker (1973) retained the traditional notion of the norm – albeit somewhat modified in form – but he transformed the field’s thinking with respect to responsibility. It was no longer the rule-breaker who was at “fault” or whose behavior was in need of an explanation. The agents responsible for defining the quality of deviance were the conventional audiences who witnessed and reacted to the behavior by identifying rule violators, and defining and treating them as outsiders (1963, p. 163). Becker challenged the notion that we can locate something “inherently deviant” or “qualitatively distinct” in attitudes, behaviors, or conditions that violate social norms. He emphasized the *variability, relativity, and changing nature* of definitions or labels that get attached to the ABCs of deviance. Becker credited Tannenbaum (1938), Lemert (1951), and Kitsuse (1962) with informing sociology with a constructionist, interactionist, and labeling approach to deviance. Schur (1975, p. 293) concurred when he said that “we should always keep in mind that a genuine reactions analysis must inevitably and centrally be concerned with social *definition* (at various levels) and not merely with specific control efforts taken *on the basis of those definitions*.”

Traditional positivist sociologists critiqued Becker’s approach (Akers, 1968; Gibbs, 1966), but he could have avoided much of this criticism if he had added a few qualifying words to his statement, making it less dogmatic and therefore less objectionable. For example, he could have said something like the following: “deviance is not *only* a quality of the act the person commits but rather *also* a consequence of the application by others of rules and sanctions to an offender.” Had Becker chosen words that allowed for some exceptions, or qualified his statement to emphasize that labeling imparts to behavior *its specifically deviant quality*, few observers would have had any trouble accepting the truth of his statement that “social applications” are one more element that must be considered in addition to harms, pathologies, and norms. However, if he had done that, he would have lost the dramatic advantage that came from adopting an unorthodox sensibility (Best, 2004, p. 27).

Becker (1963, pp. 34–38) discussed the *self-fulfilling prophecy*, citing Ray’s (1961) study of heroin addicts as his inspiration – though Ray neither used the term nor cited anyone else who did. Becker carried away the idea from Ray that social reactions that define a deviant as generally rather than specifically deviant can produce the very problems that control agents are trying to eliminate. Labeled deviants are denied those ordinary and conventional means of carrying on everyday routines of life to which most people have regular access. Because of this, “the deviant must of necessity develop illegitimate routines” (Becker, 1963, p. 35). Decades before Becker,

Tannenbaum (1938, pp. 19–20) had cautioned agents of control to be wary of “tagging” the delinquent because it would *dramatize the evil*, thereby separating the defined individual from conventional groups. The outcome would make the individual into the object he or she was said to be. Tannenbaum and Becker were describing specific examples of what Matza (1969, pp. 69–70) called irony. *Irony* describes a possible outcome of the relationship between good and bad in sequence, or cause-and-effect. As Matza says, “bad things could result from highly treasured and revered aspects of social life, and good could be born of what was conventionally deemed evil” (1969, p. 69). One manifestation of this process is that correctional efforts to eliminate deviance can actually produce more of it. The existence of irony is what has generated much of the interest in the relationship between definitions of deviance and the direction that deviance takes.

How does social control create deviance? One way is by naming, labeling, or categorizing some attitudes, behaviors, or conditions as types of deviance, separating them from other attitudes, behaviors, or conditions that are considered to be proper or even desirable (Kitsuse, 1962, p. 248). A second possibility is that the *reactions* of other people to an individual’s initial or primary deviance – what these others say, do, or believe – can powerfully impact the nature and form of all subsequent deviant behavior. We start, Edwin Lemert says, “with the idea that persons and groups are differentiated in various ways, some of which result in social penalties, rejection, and segregation. These penalties and segregative reactions of society or the community are dynamic factors which increase, decrease, and condition the form which the initial differentiation or deviation takes” (1951, p. 22). According to Lemert’s (1948, 1951, 1972) *secondary deviance* proposition, an individual’s deviant behavior can evolve to the point where it is constructed *principally* as a means of defense, attack, or adaptation to the problems created by the real or anticipated disapproving, degrading, or isolating reactions of others.

Robert Merton’s 1948 essay on the self-fulfilling prophecy was based on “the Thomas theorem” – named after William I. Thomas whose quote in *The Child in America* (Thomas & Thomas, 1928, p. 572) reads as follows: “If men define situations as real, they are real in their consequences.” Merton referred to this proposition as the *self-fulfilling prophecy*, whereby unsupported fears translate into reality. The point of the Thomas theorem, as Merton noted, is to show that definitions have real-world consequences for the definers. The beginning part of the theorem reminds us that humans respond to the meanings or definitions of some situation, not necessarily (or even) to its objective characteristics. The second part of the theorem concludes that “once they have assigned some meaning to the situation, their consequent behavior and some of the consequences of that behavior are determined by the ascribed meaning” (Merton, 1948, p. 194). Merton concluded that Thomas had missed something important. Definitions can affect and then actually change objective reality.

Though most of us can readily appreciate the relevance of the Thomas theorem and Merton’s self-fulfilling prophecy for the study of deviance, Merton’s hypothetical examples came from elsewhere – the worlds of banking and college. Merton created a scenario in which a rumor runs rampant that the Last National Bank, a flourishing institution, is insolvent. As a result, depositors withdraw their savings – and the bank quickly fails. In a similar fashion, a student who worries more about failing an exam than

studying for it actually does fail. Merton's examples only illustrated the *possibility* that in the beginning a false definition of a situation could evoke a new behavior that makes the originally false conception come true. They neither demonstrated that a self-fulfilling prophecy would actually occur nor specified the conditions under which it might occur. Merton himself knew that prophecies do not always fulfill themselves. In a footnote, he defined, but did not investigate, its opposite – the *suicidal prophecy*. This exists when a definition so alters human behavior from what it would have been had the prophecy not been made that it fails to be borne out (p. 196). Here, the “suicide” in its title does not refer to the self-destruction of a human life but the self-destruction of the original definition of reality. Merton's analysis of self-fulfilling prophecy was founded on an actor relativity in which the same behavior is evaluated differently according to *who* is performing it: “I am firm. Thou art obstinate. He is pigheaded” (p. 201). He also argued that, with the rejection of social fatalism on which the self-fulfilling prophecy is based, “the tragic circle of fear, social disaster, and reinforced fear can be broken” (Merton, 1957, p. 436) – and the self-fulfilling prophecy does not take place.

Becker's discussion would have benefitted from Merton's work on both self-fulfilling and suicidal prophecies. In fact, Becker neither cited Merton's essay on self-fulfilling prophecies nor used any ideas from it. It would have provided Becker with a more effective way of conceptualizing and discussing how changing definitions of deviance could affect a labeler's attitudes, behaviors, and conditions. Becker's use of Merton's work would have clarified some of the ways in which deviance is not a quality of what the individual does, but is, instead, an outcome of how it is defined and regulated. Sometimes changing definitions will produce more deviance (self-fulfilling prophecy), and sometimes they will produce less (suicidal prophecy). And in some deviance careers, social construction and labeling are not decisive because other social or individual factors operate simultaneously to produce either escalation or desistance.

Defining Deviance Up and Down

Practically anything that humans can do has been done, either as a source of individual pleasure or as a matter of group custom – by somebody, somewhere, at some time. This indicates that an incredible diversity exists in human attitudes, behaviors, and conditions. An even greater diversity exists in judgments and evaluations that humans *make* of these attitudes, behaviors, and conditions (Cohen, 1974). All of this indicates that deviance is relative – in the eyes of the beholder (Curra, 2014; Simmons, 1969).

Over time, deviance may be defined *up* or *down* (Krauthammer, 1993; Moynihan, 1993). Moreover, Becker (1963, p. 20) noted, deviant behavior could be hidden – *secret deviance* – that is, is enacted in private and so is not perceived as deviant. He also noted the existence of *falsely accused* deviance: someone is *not* engaged in “improper action” but is labeled as having committed it anyway. Becker indicated, then, that definitions may be spurious, unjustified, or what Lemert called *putative*. “The putative deviation is that portion of the societal definition of the deviant which has no foundation in his [or her] objective behavior” (1951, pp. 56). The societal reaction is unwarranted, either because it is disproportionate to the attitudes, behaviors, or conditions with which it is

associated, or because it is flat-out wrong – that is, it is a false accusation. All of these factors – changing definitions, engaging in secret deviance, being falsely accused – add up to the fact that sociologically, what or who is deviant is not *simply* a quality of an action, to be explained by a particular theory, but an attribute of a label, present or absent.

The fact that no universal consensus exists on how wrongful or harmful a certain attitude, behavior, or condition has to be before sociological observers define it as deviant does not mean that an arbitrary relationship necessarily exists between the objective qualities or characteristics of ABCs and definitions of them. Lemert (1972, p. 22) lamented the “unfortunate impression” that almost any meaning can be assigned to human attributes and actions. Social interaction, he insists, is limited by biological, psychological, ecological, and technological factors. These factors explain why certain kinds of behavior are more likely to be deemed undesirable regardless of when and where they occur or by whom they are expressed – for instance, willfully causing the death of another, consuming large quantities of alcohol over long periods of time, willfully spreading infectious diseases, and losing one’s eyesight. Lemert concluded it is not so much that these things violate rules as it is that they threaten or destroy values that are universal in nature (p. 22).

Mankoff (1976, pp. 241–242) concluded that two types of deviance exist: ascribed and achieved. *Ascribed deviance* exists if a rule breaker is defined or labeled as having a physical or visible impairment, and the individual can acquire that status regardless of his or her behavior or wishes. With ascribed deviance, an individual’s attitudes, behaviors, or conditions are less important in accounting for definitions of them than are the needs and interests of the social audience that witness them. This is the type of deviance that most closely fits the processes examined by Becker and other labeling theorists where definitions of deviance are constructed by reactors to further their own interests and applied to some hapless group or individual. In this case, deviance is in the eye of the beholder and is not really a quality of any attitude, behavior, or condition of the labelee. It is also possible, however, to find examples in which the changing attitudes, behaviors, or conditions of an individual are the principal cause of changing definitions and audience reactions, which is what Mankoff meant by *achieved deviance*. Ascribed deviance would cover the situation of individuals who are rejected for their physical disabilities, while achieved deviance would cover embezzlers or marijuana users. Unlike ascribed deviants, achieved deviants have had to attain rule-breaking status to a major extent on the strength of what they do.

Definitions of deviance *can* change even if a labelee’s attitude, behavior, or condition does not. In this sense, *all* deviance has an ascriptive quality to it, though different analysts will disagree over how much ascription or achievement characterizes any given incident of social deviance. Moynihan (1993) discussed the situation in which members of a society no longer notice and regulate behavior that had heretofore been noticed and regulated. His discussion of *defining deviancy down* concluded that for the past generation – that is, between the 1960s and the 1990s, when he wrote – the amount of behavior in American society that was previously regarded as wrongful or deviant had increased to such an extent that the community developed a kind of tolerance for it. The examples Moynihan used were mental illness (the mental hospitals have

been emptied out and the disordered now wander the streets), unwed motherhood (out-of-wedlock births are no longer stigmatized), and crime (which has become so common, much of it is ignored). The result is that behaviors that *would have* been defined as abnormal by earlier standards are defined as the new normal. (Actually, crime in the Western world, especially in large cities, *decreased* substantially after the early 1990s, when Moynihan wrote, and definitions or adjudications of crime have likewise declined.) It is also possible to have a case of *defining deviancy up*. “Large areas of ordinary behavior hitherto considered benign have had their threshold radically redefined up, so that once innocent behavior now stands condemned as deviant” (Krauthammer, 1993, p. 20). The supposed wrongfulness of a given act, according to Krauthammer, is amplified, imagined, or invented – for instance, child abuse, date rape, and politically incorrect speech. In fact, in large measure, deviance has been defined both “up” and “down” – for different behaviors, beliefs, and characteristics. Whether deviancy is defined down or up, the particulars of the ABCs have not changed a great deal but tolerance levels have, and subsequent reactions become increasingly accepting or condemnatory, as the case may be.

In her exploration of what it takes to become a scandal, Laura Kipnis (2010) demonstrates that a dynamic relationship exists between definitions, harms, and the ABCs of deviance. Individual scandals, as opposed to organizational ones, are stirred up by people who are already famous or at least well known. They are willing to divulge personal information of the unwholesome variety that turns out *not* to be in their own best interests. While scandal may open up a world of hurt for scandalizers, they are not in the game by themselves. Whether an “internal cringe meter” (Kipnis, 2010, p. 3) goes off in a social audience because a scandalizer’s acts are so outlandish, or simply that tolerance levels change, scandals would be impossible without groups ready, willing, and able to be scandalized over and over again.

Scandals are usually based on the unsurprising and mundane features of human experience that most scandalized people really can’t profess ignorance about: people are corrupted by power and money; some people are greedy to the neglect of everything else; some people will do practically anything they can in the pursuit of sex, regardless of what it costs or whom it hurts; families don’t always get along; people scorned often try to settle the score; some people are extravagantly delusional about their own importance and indispensability; friends and family members may be protected even if they have broken the law; some people persist in engaging in acts of public indecency or lewdness; and some people are short-run hedonists who either cannot or will not consider the consequences of their actions. The scandalized are probably more surprised over *who* is responsible for the scandalizing behavior than over what that behavior is.

With respect to scandal, we see the existence of a kind of split consciousness. Scandalizers forge their actions with little or no attention to the consequences of those actions, and the scandalized forget how ordinary and commonplace these actions really are, overlooking that they have probably seen things like this before. Scandals are a central part of social life, and they are an important social purification ritual (Kipnis, 2010, pp. 13–14). Scandals reveal the normative contours of social life by what they punish and what they leave alone. The social construction of scandal can have a putative

quality. Though an individual may have done something to aid in his or her own destruction, without an audience willing to pay attention and then mete out some punishment, the scandal would quickly wither and die on the vine.

Even violence has definitional relativity to it. We have no precise or simple way to measure violence, nor do we have widespread agreement on how to define it or know it when we see it (Brownstein, 2000, p. 169). Violence, Black tells us (2011, p. 3), is sometimes a crime and sometimes a punishment. Police officers use “roughness” in their jobs, and so do football players, wrestlers, and animal trainers. Most people commit acts of violence at some point in their lives – most of them more than once – and practically everyone has the opportunity to use violence in a variety of ways and for a variety of reasons. The boundary that separates violence from non-violence is fuzzier and more permeable than most people think (Eller, 2006, p. 13). Definitions of violence, Brownstein (2000) insists, simplify what is inherently complex to explain what is intrinsically enigmatic.

Even if it were possible to agree on what kind of attitudes, behaviors, or conditions qualify as violence, it would still be difficult to know whether it is the kind of violence about which we ought to be concerned and define as a social problem. As Goode notes (2015, p. 107), saying murder is a crime everywhere is no different from saying a dog is a mammal. “*Of course*, murder is always and everywhere considered wrong, deviant, and a crime – that is how it is defined. But is the taking of human life – that is to say, *killing* – always and everywhere a crime?” His answer is straight and to the point: “Of course not.” Murder is wrong by definition, but the taking of human life – a killing – is often normative and, when it is, is not considered murder, is not labeled as deviant, and is not judged to be criminal.

Ideology, Sociocultural Change, and Definitions of Deviance

Deviance, Schur concludes (1971, p. 26) is a *sensitizing concept*. Definitive concepts identify what is common to a class of objects in terms of specific attributes or fixed benchmarks, but sensitizing concepts only give the user a general sense of reference and guidance in approaching empirical instances (Blumer, 1969, pp. 147–148). Whereas definitive concepts provide prescriptions about what to see, sensitizing concepts merely suggest where to look. Sensitizing concepts, however, are far from useless; in fact, they are one of the building blocks of systematic, rigorous thinking. They allow an identification of what is to be investigated. Sensitizing concepts can be refined through careful study and logical analysis. They can be used to illuminate and clarify things that would have heretofore been ignored or unappreciated. Schur (1971, p. 26) maintained that in social settings that are fluid and in which actors can transform their environments, sensitizing concepts are more useful than concepts whose meaning is fixed and widely shared.

Mills’ (1943) analysis of the professional ideology of social pathologists demonstrated that definitions of social deviance and social problems *always* reflect some specific group’s view of what is proper or improper; norms reflect the power, interests, and outlooks of the groups that create them. Under Mills’ gaze, not only do norms

exist to produce efficiency and predictability in human behavior, they also serve as smokescreens to hide the wellspring of power and class interests. Norms are “propaganda for conformity,” embodying and demanding adherence to standards that are biased, reflecting a confluence of class, status, and power (p. 179). Mills’ principal criticism of the social pathologists of his time was that they failed to explain deviations from norms in terms of the norms themselves, and they did not fully appreciate the implications of the fact that *any* social change was going to involve normative changes as well (p. 169). The inclination of these moralistic observers was to despair over anything that departed from a rural ideal of social order and stability, of hard work and frugality, of self-restraint and self-reliance.

The insistence by marginalized groups that they be left alone, free from prejudice and discrimination, regardless of how deviant or harmful they were in any objective sense, had an impact on how “deviance” and “deviant” were defined (Best, 2006). It also had an impact on how these marginalized groups were treated, as well as on the development of scientific explanations of them. Becker recognized that the study of deviance had to be founded more thoroughly on an appreciation that sides existed; *outsiders* or *the other side* was an idea whose time had come. He defined *sentimentality* as a disposition on the part of a researcher to leave certain variables in a research problem unexamined or to refuse to consider alternative views of some social happening or distasteful possibilities (Becker, 1964, pp. 4–5). If an error is to be made, however, Becker concludes that it is best to be *unconventionally sentimental*, siding with the defined and labeled instead of with the definers and exemplars of propriety, order, and orthodoxy. Definitions of deviance were nudged even more in the direction of relativity, making it even more difficult to use them analytically and definitively (Konty, 2006, p. 629).

Best (2006, p. 535) maintains that analysts who used terms like social problems, social disorganization, deviance, or social pathology could not agree on how to define their concept. The role of changing definitions in the construction of social deviance can be seen with the experiences of gays and lesbians. “Homosexuality” and “homosexual,” like “heterosexuality” and “heterosexual,” are culture-bound and historically specific terms, and they can mean different things to different groups at different points in time. They are not homogeneous categories of human experience, and they do not include humans who are alike in all ways (Jordan-Young, 2010, p. 168). Furthermore, the *deviancy* of homosexuality varies a great deal. Homosexuality at one time and place is condemned, and homosexuals are persecuted; at another time and place, homosexuality is deviant for only the “passive” partner; at still other times and places, homosexuality is a *required* act for both partners, ensuring that they will both develop appropriate levels of masculinity (Carrier, 2007). Why, Goode wonders, is the sex of one’s partner such a crucial part of one’s own identity? Why does the categorization as gay or straight have such a powerful evaluative component when we could make other distinctions among humans, such as between egg-eaters and individuals who do not eat eggs (Goode, 2011, p. 201)?

At one time in the US, public opinion, law, and medical opinion were generally condemnatory of gays and their sexuality. Homosexuals were defined as immoral, sick, mentally disordered, antisocial, and criminal. Homosexuality seemed to suggest that one could be something *other* than masculine or feminine, male or female (Davies, 1982).

The search for clarity and certainty is often correlated with a persecution of a category of humanity that appears to subvert that clarity and certainty (Moore, 2009).

Sexologists and physicians in the US early in the twentieth century took it for granted that the world was naturally divided into two mutually exclusive categories of masculine and feminine, male and female, and that heterosexuality was more normal than homosexuality. In the late nineteenth and early twentieth centuries, sexologists used the term, "sexual invert" to refer to homosexuals: males who were female-like in preferences, manner, and behavior. This rigid view of sexual differentiation allowed experts and practitioners to seize control of the sex-gender-sexuality complex, deciding what was normal and what was not. This gave them the opportunity to offer "fixes" or "cures" for the sex-related problems that they had a central role in defining. Their view of sex, sexuality, and sexual differences, particularly with its appeal to the naturalness and superiority of certain kinds of sexual being and sexuality, offered advantages to these early sexologists and physicians that a more dynamic, relativistic view of sex, gender, and sexuality never could have offered (Irvine, 1990, p. 285).

Whatever makes heterosexuality more "normal" than homosexuality – if it is – is not intrinsic to any kind of sexual attitude, behavior, or condition. It has to do with who does it, when, where, why, and how; it also matters a great deal who knows about it and what they think and do about it. When we consider the wide range in individuals, experiences, and objects that humans have found sexually arousing, it should come as no surprise that some people in every society have found members of the same sex more attractive and sexually appealing than they have members of the opposite sex (Shneer & Aviv, 2006).

Gay people are continually in a process of constructing and reconstructing their collective identity, both in terms of what it is and its relationship to dominant or majority groups (Taylor, Kimport, Van Dyke, & Andersen, 2009). The success of efforts to further gay rights and opportunities is affected by how threatening the general public perceives an issue to be, how threatening politicians *think* the general public perceives it to be, and the political environment at a given place and time. What is most beneficial for gay people and their interests is whether influential politicians will publicly support them and whether the judicial branch will play a proactive role in advancing their interests (Barclay, Bernstein, & Marshall, 2009; Mucciaroni, 2008). An intolerance of homosexuality seems to be more likely in persons who hold a traditional belief system, making them more rigid and less open to new ideas and experiences (Shackelford & Besser, 2007). Deviant minorities are accepted more readily if they can demonstrate that they support the status quo and its core values (Gusfield, 1967).

The 2012 presidential election was historic for gay equality, at least as far as marriage is concerned. Though most states in the US have laws or constitutional amendments that define marriage as legal only between opposite-sex individuals, both the times and the definitions are changing. The electorate in three states (Maryland, Maine, and Washington) voted to legalize same-sex marriages. The electorate in a fourth state, Minnesota, while not voting for marriage equality, did vote against a measure that would have amended the state constitution to read that marriage can take place only between a man and a woman. Though a minority of states already permitted civil union, this is the first time that same-sex marriage was approved of in any state by a

popular vote. In 2013, Governor Chris Christie of New Jersey dropped his appeal of a law to allow same-sex marriage, making it the 14th state to allow it. The Illinois House of Representatives passed legislation in favor of marriage equality, which was signed by Governor Pat Quinn. This made Illinois the 15th state to legalize gay marriage, and shortly thereafter Hawaii became the 16th state to do the same; at the time of writing the total is now up to 19, and that number will almost certainly grow. Opponents of same-sex marriage predict that legalizing it will increase homosexuality in schools, as well as endanger the entire fabric of the nation. Only the passage of time and further research will allow us to know how same-sex marriage will affect the country, but the dramatic legalization of gay marriage represents one of the most significant transformations in the history of American law.

Attitudes regarding homosexuals and gay relationships are moving in the direction of greater tolerance or even acceptance (Saad, 2012). Gallup data indicate that 40% of respondents in 2001 believed homosexuality was morally acceptable; by 2012, 54% did. In 1986, 32% stated that gay/lesbian relations between consenting adults should be legal; by 2012, 63% did. Attitudes toward gays have reached the point where a majority of respondents "agree strongly" or "agree somewhat" that homosexuality is morally acceptable, that consenting sexual relationships between gays ought to be legal, and that homosexuals should have the right to marry. The public support is high enough that President Barak Obama's support of gay marriage is far less controversial than it would have been earlier in American history.

In short, homosexuality is "departing from deviance" (Minton, 2002). The American Psychiatric Association (APA), by way of a 1973 referendum, removed homosexuality from the psychiatrists' list of mental illnesses (Bayer, 1981). The APA was not saying that homosexuality was normal, nor was it saying that homosexuality was as healthy or as good as heterosexuality. It simply wanted to do something to end the persecution that gays experienced because of psychiatry's view of homosexuality as disease. In 2003, the US Supreme Court ruled in a case brought before it that Texas sodomy laws were unconstitutional, a decision that eliminated all remaining sodomy laws throughout the country (*Lawrence v. Texas*). Goode (2011, p. 202) concludes that homosexuality is moving from the occupancy of a deviant status into a halfway house that exists between deviance and almost-conventionality. He predicts that the deviancy of homosexuality will continue to erode until within a generation it will reach the point where it will no longer be a form of social deviance at all (p. 209; see also Dennis, in this volume).

Though it is easy enough to see that certain attitudes, behaviors, and conditions are departing from deviance and being defined down, some of them are going in the opposite direction. One of the more provocative examples in every sense of the term is cybersex. Though most cybersex represents little more than an exaggerated form of conventional sexuality, the fact that virtual communities can go global may give even minor sexual trespasses an ominous quality. Some cybersex, however, is something other than exaggerated conventional sexuality. It represents a sexuality that is so extreme and unconventional that it is most unlikely that any actual face-to-face community would have developed with the same breadth and depth (Jenkins & Thomas, 2004).

The speed, anonymity, and reach of the Internet give sexual deviants of all stripes unprecedented opportunities for sexual excitement and vicarious titillation (Holmes &

Holmes, 2009, p. 169). The Internet offers access to websites, chat rooms, discussion groups, newsletters, contacts, parties, names of potential participants/partners, and photos/videos, covering an incredible array of sexual interests and unusual turn-ons (Durkin, Forsyth, & Quinn, 2006). The Internet has an openness and accessibility that is lacking with other parts of culture, with an almost unlimited capacity to expand its coverage of things sexual (Streeter, 2011). It is one of the most unregulated social domains that has ever existed, and it offers quick access to the dark side of human sexuality to practically anyone who wants it (Sandywell, 2006). In fact, the more extreme or bizarre the sexual deviance is, the more valuable the Internet becomes (Adler & Adler, 2006, pp. 144–145). One region of the Internet – called the Dark Web or the Darknet—offers complete and total anonymity to its users, something that is not guaranteed in other parts of the Internet. The Dark Web offers a virtual stomping ground where deviance can develop in a way that is impossible in the non-virtual world (Grossman & Newton-Small, 2013).

Maratea (2011) collected data from an Internet message board oriented toward a discussion of *zoophilia* (sexual desire for, and emotional attachment to, non-human animals) and *bestiality* (sex with non-human animals devoid of any emotional attachment). Although the study is based on a non-random sample with unknown characteristics, it offers insight into who participates in bestiality and why. Sex with animals is justified in many ways, but most of these accounts claim that no harm is done to the animals. Some practitioners of bestiosexuality have even declared that *the animals* themselves cause these interspecies liaisons, making them – at least in the human participants’ minds – consensual *and* positive for these non-human creatures.

Participants in bestiality portray their sexual interests and activities as more normal and ordinary than they might otherwise appear to non-participants. They endeavor to convince others that they are misunderstood and doing nothing harmful to their non-human consorts. Participants on this message board condemn their critics for themselves doing cruel things to animals. Most participants in bestiosexuality establish limits beyond which they will not go, which also helps in the normalization process. *Fence hopping*, which refers to having sex with another individual’s non-human pet without the consent of the owner, and *hot swapping*, where several humans have sex with the same non-human animal in rapid succession over a short period of time, are both widely condemned within the bestiosexuality community. Anyone advocating either of these in chats on the message board was likely to receive severe reprimand from others.

The Internet plays another role in the construction of sexual deviance. It gives social audiences abundant opportunities to find something new, disturbing, and seemingly out of control to define up and condemn. In other words, the Internet and what it makes possible is fertile ground for the origination of new moral crusades and moral panics (Goode & Ben-Yehuda, 2009). The “threat” of cyberporn, for example, can be used by moral entrepreneurs to show yet another example of the risks that youth face. This new threat can then be used to substantiate the claim that youngsters are growing up too fast in a climate of self-indulgence and irresponsibility that can only be interrupted by strong parental monitoring of youngsters’ leisure time and

government oversight (Potter & Potter, 2009). Cyberporn can now be added to the list of threats to the purity and innocence of childhood. Public definitions and reactions to this ever-changing world of cybersex are dependent on how pathological some attitude, behavior, or condition is defined to be, as well as considerations of how socially organized a virtual community seems to be (Durkin *et al.*, 2006, p. 603; Quinn & Forsyth, 2005).

Summary and Conclusions

Definitions of deviance are not only relative, dynamic, and ever-changing – they embody how deviance is socially constructed and sustained. Just as attitudes, behaviors, and conditions can change over time and vary from group to group, so can definitions of them. The reasons that definitions vary may have little or nothing to do with any features of attitudes, behaviors, or conditions to which they attach, though it may have a lot to do with them. Deviance is defined up or down by different audiences for a wide range of different reasons.

Definitions of deviance almost always represent some group's outlooks and interests more than those of other groups. In this sense, definitions are ideological, embodying a culture-bound, historically specific view of good and bad. Hierarchies of credibility exist, which serve to make some views, narratives, or positions seem more legitimate and correct than all others (Becker, 1967). Turk (1969, 1976, 1982) explained how the powerful (including political officials and authorities) are able to exert control of a society through their ability to influence the lives of the majority. Once the legislatures adopt and implement the laws and legal procedures that are the most beneficial to the powerful, the passage of time helps to ensure that their definitions of reality and their interests are less likely to be challenged or subverted. In this social construction of reality, some images and understandings become harder and firmer over time (Berger & Luckmann, 1966, pp. 58–59). The fact that laws were originally created as a matter of convenience or coercion is soon forgotten. However, deviance continues to be a contested terrain, and some definitions of deviance continue to be challenged and changed. Homosexuality is being defined down while other kinds of sexuality – such as cybersex – are being defined up. Other attitudes, behaviors, and conditions – love of parents or protection of children – continue to be defined much as they always have. The lines between deviance and conventionality are continually in flux, changing as society changes.

Note

1. This volume was formally coauthored with Dorothy Swaine Thomas but, in response to an inquiry from Robert Merton (1995), she stated unequivocally in a letter to him that the Thomas theorem was entirely her husband's idea, not hers. Merton suggests that her modest denial of attribution may have been due to sexism, but that is an issue for another discussion.

References

- Adler, P., & Adler, P. (2006). The deviance society. *Deviant Behavior*, 27 (2), 129–148.
- Adler, P., & Adler, P. (2014). Defining deviance. In P. Adler, & P. Adler (Eds.), *Constructions of Deviance: Social Power, Context, and Interaction* (7th ed.) (pp. 11–15). Belmont, CA: Thomson/Wadsworth.
- Akers, R.L. (1968). Problems in the sociology of deviance: Social definitions and behavior. *Social Forces*, 46 (4), 455–465.
- Barclay, S., Bernstein, M., & Marshall, A.-M. (Eds.). (2009). *Queer Mobilizations: LGBT Activists Confront the Law*. New York: New York University Press.
- Bayer, R. (1981). *Homosexuality and American Psychiatry: The Politics of Diagnosis*. New York: Basic Books.
- Becker, H.S. (1963). *Outsiders: Studies in the Sociology of Deviance*. New York: Free Press.
- Becker, H.S. (1964). Introduction. In H. Becker (Ed.), *The Other Side: Perspectives on Deviance* (pp. 1–6). New York: Free Press.
- Becker, H.S. (1967). Whose side are we on? *Social Problems*, 14 (Winter), 239–247.
- Becker, H.S. (1973). Labelling theory reconsidered. In H. Becker (Ed.), *Outsiders: Studies in the Sociology of Deviance* (pp. 177–212). New York: Free Press.
- Berger, P., & Luckmann, T. (1966). *The Social Construction of Reality*. Garden City, NY: Anchor.
- Best, J. (2004). *Deviance: Career of a Concept*. Belmont, CA: Thomson/Wadsworth.
- Best, J. (2006). Whatever happened to social pathology? Conceptual fashions and the sociology of deviance. *Sociological Spectrum*, 26 (November), 533–546.
- Black, D. (2011). *Moral Time*. Oxford: Oxford University Press.
- Blumer, H. (1969). What is wrong with social theory? In H. Blumer (Ed.), *Symbolic Interactionism: Perspective and Method* (pp. 140–152). Englewood Cliffs, NJ: Prentice-Hall.
- Brownstein, H. (2000). *The Social Reality of Violence and Violent Crime*. Boston: Allyn & Bacon.
- Carrier, J. (2007). Homosexual behavior in cross-cultural perspective. In J. Macionis, & N. Benokraitis (Eds.), *Seeing Ourselves: Classic, Contemporary, and Cross-cultural Readings in Sociology* (7th ed.) (pp. 204–214). Upper Saddle River, NJ: Pearson/Prentice Hall.
- Cohen, A.K. (1974). *The Elasticity of Evil: Changes in the Social Definition of Deviance*. Oxford: Basil Blackwell.
- Curra, J. (2014). *The Relativity of Deviance* (3rd ed.). Thousand Oaks, CA: Sage.
- Davies, C. (1982). Sexual taboos and social boundaries. *American Journal of Sociology*, 87 (March), 1032–1063.
- Devroye, J. (2010). The rise and fall of the American Institute of Criminal Law and Criminology. *Journal of Criminal Law and Criminology*, 100 (1), 7–32.
- Durkin, K., Forsyth, C.J., & Quinn, J.F. (2006). Pathological Internet communities: A new direction for sexual deviance research in a post modern era. *Sociological Spectrum*, 26 (November), 595–606.
- Eller, J.D. (2006). *Violence and Culture: A Cross-cultural and Interdisciplinary Approach*. Belmont, CA: Thomson/Wadsworth.
- Gibbs, J.P. (1966). Conceptions of deviant behavior: The old and the new. *Pacific Sociological Review*, 9 (Spring), 9–14.
- Goffman, E. (1963). *Stigma: Notes on the Management of Spoiled Identity*. Englewood Cliffs, NJ: Prentice-Hall/Spectrum.
- Goode, E. (2011). *Deviant Behavior* (9th ed.). Upper Saddle River, NJ: Prentice Hall Pearson.
- Goode, E. (2015). *Deviant Behavior* (10th ed.). Boston: Pearson.
- Goode, E., & Ben-Yehuda, N. (2009). *Moral Panics: The Social Construction of Deviance* (2nd ed.). Oxford: Wiley-Blackwell.

- Grossman, L., & Newton-Small, J. (2013). The Deep Web: Where drugs, porn, and murder live. *Time*, November 11, 26–33.
- Gusfield, J. (1967). Moral passage: The symbolic process in public designations of deviance. *Social Problems*, 15 (Fall), 175–188.
- Holmes, S.T., & Holmes, R. (2009). *Sex Crimes: Patterns and Behaviors* (3rd ed.). Thousand Oaks, CA: Sage.
- Irvine, J.M. (1990). *Disorders of Desire: Sex and Gender in Modern American Sexology*. Philadelphia: Temple University Press.
- Jenkins, R., & Thomas, A. (2004). *Deviance Online: Portrayals of Bestiality on the Internet*. Oneonta, NY: Center for Social Science Research.
- Jordan-Young, R.M. (2010). *Brain Storm: The Flaws in the Science of Sex Differences*. Cambridge, MA: Harvard University Press.
- Kipnis, L. (2010). *How to Become a Scandal: Adventures in Bad Behavior*. New York: Metropolitan/Henry Holt.
- Kitsuse, J. (1962). Societal reaction to deviant behavior: Problems of theory and method. *Social Problems*, 9 (Winter), 247–257.
- Konty, M. (2006). Of deviance and deviants. *Sociological Spectrum*, 26 (November), 621–631.
- Krauthammer, C. (1993). Defining deviancy up. *New Republic*, 209 (November 22), 20–25.
- Lemert, E.M. (1948). Some aspects of a general theory of sociopathic behavior. *Proceedings of the Pacific Sociological Society. Research Studies, State College of Washington*, 16 (1), 23–29.
- Lemert, E. (1951). *Social Pathology: A Systematic Approach to the Theory of Sociopathic Behavior*. New York: McGraw-Hill.
- Lemert, E. (1972). *Human Deviance, Social Problems, and Social Control* (2nd ed.). Englewood Cliffs, NJ: Prentice-Hall.
- Mankoff, M. (1976). Societal reaction and career deviance: a critical analysis. In W. Chambliss, & M. Mankoff (Eds.), *Whose Law? What Order?* (pp. 240–256). New York: Wiley.
- Maratea, R.J. (2011). Screwing the pooch: Legitimizing accounts in a zoophilia on-line community. *Deviant Behavior*, 32 (10), 918–943.
- Matza, D. (1969). *Becoming Deviant*. Englewood Cliffs, NJ: Prentice-Hall.
- Merton, R.K. (1948). The self-fulfilling prophecy. *Antioch Review*, 8 (Summer), 193–210.
- Merton, R.K. (1957). *Social Theory and Social Structure* (rev. & enlarged ed.). Glencoe, IL: Free Press.
- Merton, R.K. (1995). The Thomas theorem and the Matthew effect. *Social Forces*, 74 (December), 379–424.
- Mills, C.W. (1943). The professional ideology of social pathologists. *American Journal of Sociology*, 49 (September), 165–180.
- Minton, H. (2002). *Departing from Deviance: A History of Homosexual Rights and Emancipatory Science in America*. Chicago: University of Chicago Press.
- Moore, R.I. (2009). *The Formation of a Persecuting Society: Authority and Deviance in Western Europe, 950–1250* (2nd ed.). Malden, MA: Blackwell.
- Moynihan, D.P. (1993). Defining deviancy down. *American Scholar*, 64 (Winter), 25–33.
- Mucciaroni, G. (2008). *Same Sex, Different Politics: Success and Failure in the Struggles Over Gay Rights*. Chicago: University of Chicago Press.
- Potter, R.H., & Potter, L.A. (2009). The cyberporn and child sexual predator moral panic. In P. Adler, & P. Adler (Eds.), *Constructions of Deviance: Social Power, Context, and Interaction* (6th ed.) (pp. 176–183). Belmont, CA: Thomson Wadsworth.
- Quinn, J.F., & Forsyth, C.J. (2005). Describing sexual behavior in the era of the Internet: A typology for empirical research. *Deviant Behavior*, 26 (3), 191–207.
- Ray, M. (1961). The cycle of abstinence and relapse among heroin addicts. *Social Problems*, 9 (Fall), 132–140.

- Saad, L. (2012). *US Acceptance of Gay/lesbian Relations in the New Normal*. Retrieved from <http://www.gallup.com/poll/154634/acceptance-gay-lesbian-relations-new-normal.aspx>
- Sandywell, B. (2006). Monsters in cyberspace: Cyberphobia and cultural panic in the information age. *Information, Communication & Society*, 9 (1), 39–61.
- Schneer, D., & Aviv, C. (Eds.) (2006). *American Queer, Now and Then*. Boulder, CO: Paradigm.
- Schur, E.M. (1971). *Labeling Deviant Behavior: Its Sociological Implications*. New York: Harper & Row.
- Schur, E.M. (1975). Comments. In W.R. Gove (Ed.), *The Labeling of Deviance: Evaluating a Perspective* (pp. 285–294). New York: Sage/Wiley/Halstead.
- Shackleford, T., & Besser, A. (2007). Predicting attitudes toward homosexuality: Insights from personality psychology. *Individual Differences Research*, 5 (2), 106–114.
- Simmons, J.L. (1969). *Deviants*. Santa Barbara, CA: Glendessary Press.
- Streeter, T. (2011). *The Net Effect: Romanticism, Capitalism, and the Internet*. New York: New York University Press.
- Tannenbaum, F. (1938). *Crime and the Community*. Boston: Ginn.
- Taylor, V., Kimport, K., Van Dyke, N., & Andersen, E.A. (2009). Culture and mobilization: Tactical repertoires, same-sex weddings, and the impact on gay activism. *American Sociological Review*, 74 (December), 865–890.
- Thomas, W.I., & Thomas, D.S. (1928). *The Child in America: Behavior Problems and Programs*. New York: Alfred Knopf.
- Turk, A.T. (1969). *Criminality and Legal Order*. Chicago: Rand McNally.
- Turk, A.T. (1976). Law as a weapon in social conflict. *Social Problems*, 23 (February), 276–291.
- Turk, A.T. (1982). *Political Criminality: The Defiance and Defense of Authority*. Beverly Hills, CA: Sage.

The Medicalization of Deviance

From Badness to Sickness

Joseph Schneider

In 1980 Peter Conrad and I published *Deviance and Medicalization: From Badness to Sickness* with the medical publisher Mosby. Peter's dissertation, then article, then book, in which he examined the medical diagnosis and treatment of hyperkinesis in misbehaving school children, mostly boys, formed the basis of that larger, collaborative project (Conrad, 1975, 1976). Peter, more a medical sociologist than one focused on deviance and social problems, and I, who came to both lines of work as a novice, proposed to look at how, as the book's subtitle announces, various categories of conduct and persons that were or who had been seen initially as "bad" were redefined and treated as primarily sick. This "medicalization," we argued, following Talcott Parsons' (1951) notion of the sick role, lessened the burden of blame and stigma attached to such "deviant" conduct and persons, and shifted primary professional and institutional oversight from the church (sin) and the state (crime) to medicine, with what we called both "bright" and "dark" consequences. In exchange for this shift away from moral opprobrium, the sick, Parsons theorized, would give themselves over as cooperative patients to a regime of medical expertise toward becoming well and, thus, conforming members of society.

Our book offered substantive and historically dense – though now of course dated – chapters on mental illness, alcoholism, opiate addiction, children, homosexuality, and crime, the last of which was contributed by Richard Moran. These substantive discussions were framed by theoretical chapters detailing our arguments about deviance, medicalization, and medical social control. We said the brighter side of these changes includes a more humanitarian response, the lessening of personal responsibility for the condition designated, the possibility of amelioration and the hope inherent in the therapeutic, and the positive effects of the prestige and the flexibility of medicine in definition and treatment. However, we also saw a darker side to the medicalization of deviance as well: minimizing or backgrounding of responsibility for a given condition

or behavior, an obfuscation or blurring of the morality of the medical definition of deviance and the intervention of scientific, medical, and technical discourse, the monopolization, domination, and *ownership* of the issues at hand by experts, and the individualization and depoliticization of conflict, now translated into collective, structural, and political causes. We ended the book with several generalizations based on the cases examined: First, both medicalization and demedicalization are cyclical phenomena. Second, such designations are typically offered in opposition to the more morally freighted categories of religious dogma and the law. Third, a relatively small segment of the medical profession was actively involved as champions or, in Howard Becker's (1963, 1973) terms, "moral entrepreneurs" of these designations. Fourth, medical labels that were applied to "bad" behaviors often propose a compulsive or addictive mechanism. And fifth, such designations are, to underscore the point, political and moral achievements.

When we first wrote about medicalization, the historical moment enabled us to see and describe, as well as to anticipate, a range of changes across late modernity that traced the rise in power and prestige of medical and scientific definitions, knowledge, professions, institutions, practices, and personnel for naming and owning definitions and treatment of putatively problematic persons and behaviors. The essence of what we called medicalization is the creation, rise, dispersion, and sometimes decline of pivotal language categories, or what Michel Foucault (1977, 1978) called "discourse." We sought to locate such language use as historically situated and thus always moved by real people in real time and space. In this we followed Foucault's interests in genealogy and his discursive *practices* in and through which the meaning of language moves (Dreyfus & Rabinow, 1983). Similarly, we drew centrally on the interactionist work in deviance and social problems theory by Becker (1963, 1973) and by Malcolm Spector and John Kitsuse (1977/2001).

The book won the Charles Horton Cooley Award in 1981 from The Society for the Study of Symbolic Interaction, for its contribution both to understanding the particular substantive case of the medicalization of deviance, but also for its specification and elaboration of what was being called a "social constructionist" analysis – then a relatively new theoretical argument – which foregrounds the process-oriented, pragmatist-influenced tradition in sociology for which that organization is named (Weinberg, 2014). The Cooley Award committee made particular note of how we drew upon interactionist and interpretive or "micro" sociology – then often seen as less able to engage historical questions – to examine "macro," institutional and organizational actors as champions for and against these illness designations, calling into question the value of that very micro–macro distinction.

In that book, and subsequently in my own writing and teaching, the conception of deviance and, more broadly, morality, as an attribution that is the result of social and symbolic interactional processes, is and remains central. To use the terms "deviant," "problem," and "illness," is, in each case, to highlight how negatively-valued meanings and qualities are consequentially attached to, even constituting, the being, phenomenon, or entity so marked. This perspective aims to underline the particular sociocultural processes of judgments made and their consequences as distinct from what are conventionally referred to as "objective" qualities thought to cause the judgment itself or, more

consistent with Talcott Parson's sociology, how that which is referred to as "deviant" marks a non-conformity that is treated more or less as given in the material and conceptual world. Spector and Kitsuse distill their focus on attribution most forcefully in their use of the word "putative" in reference to these conditions and behaviors that commonly have been the focus of sociological writing on deviance and social problems. To wit, their definition of social problems is: "the activities of individuals or groups making assertions of grievances and claims with respect to some putative conditions" (Spector & Kitsuse, 1977/2001, p. 75).

The term "putative" here announces that the perspective remains agnostic as to whether such conditions and behavior exist in the material world. It restricts our interest and attention to how those involved in making such claims deploy these "grounds" in the arguments, claims, and activities that they pursue (Hewitt & Hall, 1973). The social reality that this approach addresses, then, is limited to these empirical matters and not what might "really exist" independent thereof and from an untheorized, somehow Archimedean (that is, in an essentialistic, objectivistic, scientific, and/or religious) certainty. This understanding of deviance is the one I use here and the one Peter and I drew on – even if less consistently than we might have done – in our original argument.

Deviance and Medicalization was reissued in 1992 with a new preface, has been translated into Japanese and Spanish and is still in print more than 35 years after it first appeared. Peter, alone and in collaboration with colleagues and graduate students, has gone on to write a long list of scholarly papers and books on medicalization – both of deviant behavior and beyond – many of which I cite here, and he arguably has become the primary scholar of medicalization studies in sociology. My own relevant work turned to the constructionist arguments in deviance and social problems, and to an ongoing interest in caregiving and illness experience as moral phenomena (Schneider, 1988, 1993; Schneider & Conrad, 1980, 1983; Schneider & Wang, 1993, 2000).

The arguments that we and others have made about the medicalization of deviance have had a quite remarkable viability across a wide range of scholarship in the social sciences, not to mention the attention received from journalists, social analysts, and cultural critics outside the academy. What we saw then as an emerging trend has not abated, even if it has become more complex than we then described, and a wide variety of problematic behaviors, conditions, and categories of persons have been defined in terms of medical discourse and treated by medical and health professionals (Conrad, 2007; Davis, 2010). Since our early collaboration, attention to medicalization, both of deviance and life, has stimulated a wide range of salient questions for public policy and institutional, professional, and political practice as well as a large body of research and writing.

But no concepts or theories can remain viable without close attention to changes in the actual worlds they aim to understand and critique. To be sure, the organization, economics, technoscience, and politics of medicine, health, and illness in the US have all changed significantly since medicalization generally, and the medicalization of deviance specifically, were introduced as concepts in 1970s and 1980s American sociology. Professional debates about the continuing utility and relevance of medicalization theory in the twenty-first century have offered a range of conclusions, from claims that

it no longer contains interesting ideas; that it is hopelessly “modern” and thus unfit for the current “postmodern” time; that the concept now obfuscates rather than enlightens the phenomena it claims to understand; and that it has been eclipsed by other related processes named “biomedicalization” and “pharmaceuticalization.” Susan Bell and Anne Figert (2012) review these and various counter-claims that have emerged early in the new century. They conclude that while today’s medicalization is not and cannot remain the same as that originally proposed – something that Conrad and his co-authors have also written – the concept and directions for inquiry it offers are still relevant to understanding how health and illness name powerful definitional practices, both domestically and across the globe.

Mental Disorder and Medicalization

As Conrad and Slodden (2013, p. 62) have recently written, and as Conrad and Bandini detail in the present volume, the history of the definition of mental disorder or mental illness is arguably the defining example of the medicalization of deviant behavior. In Conrad’s early work and then in our initial collaboration, we drew on Foucault’s (1965) *Madness and Civilization* to help us see the history of medicine as a set of cultural practices and technologies – ways of seeing, opening up, and intervening in bodies and minds – that emerged as part of the modern period (see also Foucault, 1963/1973). Foucault’s is a story of how madness, as a category of strange, undesirable, and frightening behavior, came to be defined as “mental illness.” Gradually, and by no means in a simple linear process, persons so seen who had been shunned, excluded, and punished under civil and legal authority came to be marked as patients who suffer from illnesses, rather than, say, Satanic possession or evil, and so deserved not punishment and mockery, but rather compassion, care, and treatment. As part of that gradual process, and central to it, a rising cadre of medical experts emerged who were increasingly skilled and authorized as professionals by state endorsement and licensure to offer these patients treatment and care.

In that initial argument on the medicalization of deviance, we also drew on more immediate sociological and historical work by Jesse Pitts (1968), Irving Zola (1972, 1975), David Rothman (1971), and Eliot Freidson (1970), along with the forceful writing by critics of psychiatry Thomas Szasz (1961, 1970) and Ivan Illich (1976), among others. We argue, building on this work, that medicalization is a process that involves *medical personnel*, especially but not exclusively physicians; *medical institutions*; *medical culture*; and *medical social control*, underwritten by growing professionalization and an increasingly powerful state, as the primacy of the church and its discourse of sin waned.

Part of our initial argument in the very nominalization of the word “medical” as “medicalization” was that we were witnessing a process of medical expansion – if not imperialism – that deserved the critical attention of scholars and citizens alike. The discourse and culture of medicine and psychiatry is one of therapeutics and treatment toward melioration, rather than punishment, incarceration, and correction, words that are historically more congenial to discussions of crime and deviance (Rieff, 1966/1987).

As Foucault (1977, 1978) elsewhere pointed out, power masked as knowledge and wisdom in the name of health and wellbeing faces less popular skepticism and resistance, and thus is likely to operate all the more effectively. The scholarly discourse on medicalization in this tradition – of deviance and beyond – was and remains mostly one of critique of domination with an implied or explicit call for resistance.

We noted that Sigmund Freud, writing in the early decades of the twentieth century, did not focus his psychoanalysis on more severely disturbed persons (that is, persons suffering what came to be called schizophrenia and, today, bipolar disorder), but nevertheless contributed importantly to the expansion of behaviors and persons thought to be fitting objects of medical attention. His theory and intervention, although surely medical, focused more on how illness emerged from what he saw as the inherently difficult conjoining of human body and society, rather than on biological and chemical explanations, accounts that were to rise to prominence in American psychiatry by mid-century. Freud specified and treated a long list of neurotic conditions and patients suffering various obsessions, compulsions, anxieties, hysterias, putative sexual deviations, as well as depressive states.

If mental illness is the original case of the medicalization of deviance, Conrad's work on hyperkinesis (1975, 1976, 2006) is arguably paradigmatic of the analyses that subsequently emerged and the expansion of medical labels to include more and more behaviors and people. It involved what experts, authorities, and other relevant parties referred to as "troublesome" behavior that is seen as widespread in society; certain enterprising physicians issuing a diagnostic medical label or labels to explain this putative problem; a drug that seemed to reduce the behavior and a drug company interested in expanding markets and profit; and interested non-medical advocacy groups – often made up mostly of parents of those troublesome children – calling for medical intervention and treatment. The behavior in question was children's – and especially boys' – overly active, disruptive, agitated actions, which became grounds for excluding them from various institutionally-sited routines, especially at school. Hyperkinesis or hyperactive behavior or "hyperkinetic impulse disorder" was first used as a diagnosis in the late 1950s (Laufer, Denoff, & Solomons, 1957; Mayes & Horwitz, 2009, pp. 44–69). Conrad argued that the availability of a stimulant drug, Ritalin (approved in 1961 by Ciba Geigy), that seemed to have the paradoxical effect of calming some children brought for treatment, was key in the popularity and success of the diagnosis and treatment. The diagnosis appeared in the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders*, or *DSM-II* (1968) with the observation that such behavior "usually diminishes in adolescence." By the end of the 1970s, hyperkinesis or hyperactivity was the most common psychiatric diagnosis for children in the US, and the drug Ritalin and other similar stimulants the most commonly prescribed medications (Conrad & Slodden, 2013, p. 64). Today, increasing numbers of very young children are diagnosed as they fail to meet the expectations of preschool for performance and focus, and this especially so for those from the poorest families (Schwarz, 2014). In subsequent editions of the DSM, the APA revised the diagnosis of hyperkinesis to focus more on problems in attention than exclusively on disruptive behavior, and consequently more children were taken to physicians for treatment with the drugs of choice. The idea that children would "outgrow" this problem was also revised, as

research uncovered adolescents and even adults suffering an inability to focus their attention. *DSM-III* contains language clearly relevant beyond childhood: “often acts before thinking” and “is easily distracted” (Conrad & Slodden, 2013, p. 64). The 1990s saw the emergence of “adult ADHD” in patients reporting at physicians’ offices with the self-diagnoses they had learned from pharmaceutical advertisements in popular media (Conrad & Potter, 2004). A professional literature grew around this now-chronic diagnosis, and laypersons organized the advocacy group Children and Adults for Attention Deficit Disorder (CHADD). Such lay advocacy groups of parents had earlier been important in bringing public and professional attention to the initial diagnosis for children, a phenomenon commonly seen in other medicalization research. Citing the results of a study directed by Joseph Biderman of Harvard in 2004, Conrad (2007, p. 61) noted an estimate of eight million adults affected (Schwarz, 2014).

Homosexuality, Demedicalization, and the *DSM*

The APA’s *Diagnostic and Statistical Manual of Mental Disorders*, published in various numbered editions since 1952 (*DSM-I*) with the most recent edition published in May 2013 (*DSM-V*), name all the diagnoses officially recognized by the American psychiatric profession. It is possible to trace the outlines of a politics of diagnosis within psychiatry by following the detailed history of changes in the labels and categories across the volumes. This history has been an increasingly contentious one, with controversy apparent around not only the expansion of new diagnoses in each subsequent edition, but over the nature of these new disorders as well. Critics, both inside and outside the profession of psychiatry, have expressed concern over the seeming medicalization of arguably normal but devalued behavior (Frances, 2013; Mayes & Horwitz, 2005).

The early versions of *DSM* (I and II) reflect the then greater influence of psychoanalytic theory in American psychiatry, while volume III (1980) subsequently evidenced the shift toward a more biochemical and now molecular and genetic focus thought more amenable to pharmaceutical intervention. Behind these changes, analysts see a complex and dynamic history involving not only physicians in debate with one another, but the growing influence of insurance industry decisions on which treatments for what conditions will be reimbursed and at what levels; of pharmaceutical companies in the creation and marketing of new drugs for both on- and off-label use; and of non-medical advocacy politics both for and against the inclusion of a given diagnostic category (Conrad, 2007; Conrad & Leiter, 2004; Conrad & Potter, 2004; Conrad & Slodden, 2013).

The complexity of the politics of diagnosis is illustrated by the demedicalization of homosexuality, which culminated in the 1973 vote by the APA membership to remove that diagnosis, *per se*, from the subsequent published volume, *DSM-III* (1980). Although now more than four decades old, the story continues to highlight the complex relationship between conventional sociocultural morality on the one hand and medical morality on the other that is central to the argument that the medicalization of deviance makes.

Homosexuality had been included in the *DSM* since its first edition in 1952, reflecting its presence also in the *International Classification of Diseases*, *ICD-6* (1949), which was

then something of a model for the American psychiatric profession. There, it had been named as a “sexual deviation” and thus an instance of “sociopathic personality disturbance.” The diagnostic label appeared in *DSM-II* in 1968 similarly as a personality disorder and sexual deviation. The story of the demedicalization of homosexuality focuses on the political confrontations from “gay liberation” activists both inside and beyond psychiatry, energized by the widespread radical politics of the late 1960s and early 1970s in the US.

Popular and professional understandings of same sex–gender desire were then in flux. The very notion of “sexual deviant” itself – clearly also a *sociological* concept – was a site of struggle, and psychiatry’s *DSM* designation for homosexuality became a prime target for change, a piece of the “liberation” that activists sought. The details of the case, set forth in our book, make it clear that gay activists who were psychiatrists and their non-gay supportive colleagues within the profession made strategic use of the long and sad history of ineffective and egregiously invasive treatments that psychiatry had brought to gay and lesbian patients. Not only were gay people then increasingly not defining themselves as ill or deviant, and were functioning as full members of society despite significant prejudice and discrimination, but they and their non-psychiatric supporters asked, what kind of medicine is it that could offer those gay patients who came to them in pain no effective treatments toward the “cure” of becoming heterosexual? Was it not the case – given this history – that this medical diagnosis was little more than a professional reiteration of a popular and pernicious prejudice? Where was the vaunted objectivity of medical science in this case, and what had happened to the ethical injunction of medicine to “do no harm”?

To bring the story into the new century – in the US at least – we have witnessed what can only be called a dramatic destigmatization of same sex–gender desire around the question of marriage equality and various enactments and manifestations of what is regarded as a family, such as adoption and childrearing. Today in the US, the claim that gay, lesbian, and transgender people are pathological or “sick” sounds archaic (although it surely is not the case that stigma and discrimination against them are gone). Instead, we read recent news stories of lawsuits filed by gay and lesbian couples against business owners who refused to provide services for weddings on grounds of religious freedom; and of Jan Brewer, the governor of the politically conservative state of Arizona, vetoing a state bill, with wide political support behind her, that would have allowed such owners to do precisely that in the name of “freedom” (Paulson & Santos, 2014).

In a series of other court rulings and state legislative enactments across the country, legislation seems to be running too fast to keep up with shifting public opinion in favor of equal treatment for people of different sexualities. The slogan “marriage is between a man and a woman” now can quite simply be said not to be the case in a growing number of states. The term “lifestyle,” which emerged in the 1970s, along with the widely accepted view that our sexualities are with us at birth, have significantly removed the “deviance” premise on which the medicalization of deviance argument rests. Despite attempts by various religious fundamentalists to maintain the age-old stigma; despite the horrific effects of the AIDS epidemic and the attempts to paint it as the “gay plague” and punishment from an angry God; and notwithstanding the ongoing yet unsuccessful attempts to find a “gay gene” or biophysiological cause, at least in the US and in

some other parts of the world, same sex–gender desire and behavior offer diminishing deviance to be medicalized (Conrad & Angell, 2004).

At the same time, the recently passed Draconian laws against homosexuals in Uganda and in India, to name only two current cases, that harshly criminalize same sex–gender desire, behavior, and even the support thereof, offer new yet unfortunate opportunities to test whether or not the theoretical claim that medicalization can override the morality of stigmatizing state and religious discourse is the case. So far, in Uganda at least, supposed solicited medical input on the question of the origins of homosexuality have not been sufficient to prove it other than a choice, and hence punishable under the legal doctrine of a “free will” transgression of convention (Cowell, 2014; Hamer, 2014). It would not be the first instance in which evidence is at least equivocal for the prediction by medicalization theory that the label “sick” significantly diminishes stigma relative to “sin” and/or “crime” (Room, 2005; Schneider & Conrad, 1980).

Pharmaceuticalization? Biomedicalization?

Scholars have raised the question of whether the shifts in medicine, science, and biotechnology are such that the topic of study should be renamed “pharmaceuticalization” or “biomedicalization” (Abraham, 2010; Bell & Figert, 2012; Clarke & Shim, 2011; Clarke, Shim, Mamo, Fosket, & Fishman, 2003; Conrad, 2005). These changes have brought a medical enterprise that is less physician-centered, where the doctor’s authority is comparatively limited or dispersed. Increasingly, physicians are employees of organized, corporate entities larger than themselves rather than self-employed owners. Insurance companies and the federal government have imposed disbursement limits for their increasingly varied services (often indexed as “managed care”). And, since 1980, new products are marketed directly to would-be patients or consumers by the drug companies (Conrad, 2005; Conrad & Leiter, 2004; Figert, 2011). Moreover, everywhere, especially in more economically developed countries, technoscience is assuming an increasingly important place across the terrain of health and illness care. Physicians and medical personnel today share prerogatives for decision and action on health and illness with a variety of other professionals and interests, and that has changed the way healthcare operates in the US and the power of the doctor’s voice. That, of course, is not to say that the individual physician’s voice is in any sense silent or unimportant, and especially so when spoken by elite specialists compared with the general practitioner, but crucial, life-and-death decisions are now being distributed among a wide range of personnel.

Pharmaceutical companies, surely, have become much more important in shaping what is defined as an illness or health condition and what the treatment of choice might be. Conrad and his colleagues have written on several cases that call attention to this shift, quite aside from how one names the process. How a pattern of arguably normal, if idiosyncratic, behavior becomes the basis for a medical diagnosis is the story of social anxiety disorder (SAD), detailed by Christopher Lane (2007) in *Shyness: How Normal Behavior Became a Sickness* (Horwitz and Wakefield, 2007, 2012). Lane writes about the anxiety and discomfort some people – those sometimes called “bashful,” “quiet,”

“reserved,” and “shy” – feel as a result of routine social interaction with strangers or from being in and especially “speaking in public.” He details how the work of a small group of elite psychiatrists and the campaign of drug development and marketing created a new illness label. Lane shows how these key players, in the context of American cultural gregariousness, crafted a new and more restrictive normality for what could be called one’s “style” of engaging with others. Emerging out of the labels “social phobia” and “avoidant personality disorder” contained in the infamously expansive 1980 *DSM-III*, social anxiety disorder is further distinguished from more general anxiety problems detailed in *DSM-IV*. Lane (2007, pp. 5–6) noted a popular media report that by the early 1990s, in the wake of the pharmaceutical marketing campaigns for several drugs, the SAD diagnosis was “the third-most-common psychiatric disorder, behind only depression and alcoholism.”

What stands out in this case is the highly effective “constructionist” work done through pharmaceutical marketing, not only of a drug to treat this condition but, arguably, the elaboration, if not the creation, of the very diagnosis itself. From intensely competitive research, development, and marketing by big pharma around selective serotonin reuptake inhibitors (SSRIs) for the treatment of depression beginning in the late 1980s, the company SmithKline Beecham, now named GlaxoSmithkline, drew on these emerging but vague anxiety disorders within psychiatry to imagine a new market for their drug Paxil, whose generic name is paroxetine hydrochloride (Dumit, 2012; Lane, 2007, p. 105). As Conrad and Slodden (2013, p. 66) note, “The first thing on the agenda was to convince physicians and the general public that social anxiety disorder is an illness and not just a personality trait.” The strategy here was to avoid contesting with already-established drugs like Prozac and Zoloft for depression, but rather to market the existence of a separate and serious illness, social anxiety disorder, from which they and their product offered relief.

Conrad (1992) and Davis (2010, pp. 228–231) identified another set of cases of medical intervention aided by drug companies and the development of surgical technologies that is aimed at what might be called enhanced normalization or even hyper- or super-normalization. Cosmetic surgery (Sullivan, 2001), using human growth hormone to increase height in children (Conrad & Potter, 2004), and pharmaceutical performance enhancement (Wolpe, 2002), including the improvement of cognitive performance (Greely *et al.*, 2008; Outram, 2010), provide examples. Such examples foreground the arguably universal vulnerability of human life to what Foucault (1977), perhaps echoing Emile Durkheim, referred to as *normalization*. It demonstrates again that conditions or measures that might be considered “within the normal range” can become ever-more specific objects of judgment and targets for desired change. New medical and biomedical, neurological, and genetic technologies come not only to serve that end, but even to create it as a possibility, inextricably wedding technology and desired change (Barad, 2007; Cartwright, 1995).

Foucault’s writings (1991, 2003) on biopower and governmentality help us connect these developments not only to the treatment of individual human bodies but to notions of the health and wellbeing, if not the “quality,” of populations and “society.” Writing on medicalization, at least in American sociology, has not often engaged questions framed in these terms. With the increased importance of molecular genetics and

the neurosciences, not to mention emerging synthetic biology, where the unit of analysis is, surely, at the sub-individual level far beyond questions of the “intention” or “will” of the human being involved, we should think of medicalization also in these terms.

Biotechnology, Risk, and the Protection of Society

Adele Clarke and her colleagues and students (2003, 2010) have written in counterpoint to Conrad's view that “medicalization” remains the preferred characterization of the topic of study. They argue that while the insights from the 1980s writing are foundational, they now should be supplemented by the recognition of how medicine and health and indeed life have been transformed by biotechnology.

Clarke and Shim (2011, pp. 179–180) characterize the history of American medicine as divided into three periods: its origin and rise, from about 1890 to 1945; a time of “medicalization,” from 1940 until about 1985, which saw an expansion of the boundaries of the medical, corresponding closely to what Conrad and I called the medicalization of deviance and social control; and the period since 1985, which they name “the biomedicalization era,” characterized by a significant presence of cutting-edge biotechnology “not only for treatment but increasingly also for health maintenance, enhancement and ‘optimization’” (Clarke & Shim, 2011, p. 180; Burri & Dumit, 2007, p. 5). Nikolas Rose (2007a; Rose & Abi-Rached, 2013) has called the last of these aims part of each person's individual responsibility to “make the best of” our human being that we can.

Rose's (2007b, p. 700) argument, like Clarke's, is that we have moved “beyond medicalization” and its unmitigated critique of the medical profession's expansion, fueled, if not led, by biotechnology and biocapital's search for new markets and more profits (Dumit, 2012). The issue is not solely a matter of corporate interests in biotechnology, nor is it primarily about more and bigger markets and profits to the exclusion of health. But here, we lack the tone of political and ideological critique that characterized what Clarke and Shim call the period of medicalization. Without denying the force of a “new biology of control,” Rose (2007a, p. 248) recommends hesitation before too easily seeing capital and technology as bad and an unmitigated resistance to them as good. In *The Politics of Life Itself: Biomedicine, Power, and Subjectivity in the Twenty-First Century*, he examines instances of the overlapping of biology, medicine, science, politics, technology, and control as they appear at the beginning of this new century, a century that rather quickly became not that of the gene but rather of molecularization and even neuromolecularization to underscore a thoroughgoing material pluralism, constant contingency, and modulation of the object of medicalization research. Indeed, it is here, as Rose and Abi-Rached (2013, p. 209) suggest in *Neuro: The New Brain Sciences and the Management of the Mind*, that we may see one sense in which questions collected under the terms medicalization and biomedicalization become “postmodern” in the backgrounding of the individual or subject of humanism. That subject suffers an additional humiliation at the hands of these developments in that she or he is subdivided into sub-individual capacities, potentials, and vulnerabilities that become the bases for future practices of intervention and policy (Clough, 2007).

Rose gives attention to a familiar but still relevant supposed link: the alleged, claimed, and challenged connection between crime and brain as seen in the new biological criminology. While he has called this field “one key site for the biologization of the human soul,” he also argues that there is no evidence that these new biological sciences of the brain or body are likely to unseat the cultural doctrine of “free will” and the conception of individual responsibility for wrongdoing (Rose, 2007a, p. 225). While research and popular media give much attention to the relevance of this work for policy, courts historically and still have been quite resistant to accepting the details of this science as grounds for the exculpation of criminal responsibility. They have been more open to its relevance in sentencing and in the criminal justice practices that surround adjudication (Morse, 2010).

Where Rose (2007a, pp. 241–248) and Rose and Abi-Rached (2013, p. 190) see a more potentially consequential relevance of the biology of social control, it is mainly in its contribution to the larger discourse and practice of risk identification, assessment, and reduction, and to “social protection” (Rose, 2007a, pp. 241–248; Rose & Abi-Rached, 2013, p. 190), that the issue takes on its most substantial political and ideological relevance. Congenial to Foucault’s characterization of strategies and practices to ensure and protect the security or “good order” of society, this arguably updates the “classic” approach to medicalization – and the medicalization of deviance in particular – that Conrad and I helped launch. And in this, Rose tweaks Foucault’s argument away from a focus on the control, oversight, and health of populations. Although the aims of biopower that Foucault describes – the health and regulation of society – remain, these authors argue that in this new neurobiology of control and the reduction of risk, we can see a return of the clinical gaze to the individual or, in fact, to biophysiological, chemical, electrical, and physical capacities of the human being that, in entwinement with social and cultural location and experience, are thought to produce the self or subject who is or becomes “a problem,” not only for him- or herself, but for those in his or her social surround.

Rose and Abi-Rachid underline how this concern with the identification and management of risk linked to biology, genetics, and neurobiology focuses attention on the future. This is also a central theme of Joseph Dumit’s (2012) *Drugs for Life: How Pharmaceutical Companies Define Our Health*. Through their use and control of clinical trials (Cooper & Waldby, 2014), pharmaceutical companies pursue ever-expanding markets for blockbuster drugs and their “me too” clones in search of expanding profits. Similar to but apparently considerably more developed than the search for what Rose and Abi-Rached (2013, p. 167) call “pre-criminals” and “pre-delinquents” with neurological biomarkers for violent and impulsive behavior, the drug companies that Dumit studied have succeeded where the neuroscientists have not. Their resources have been anxieties about risks to health; direct-to-consumer advertising; unimpeachable objective data from their clinical trials; and ever-more compliant and constrained general practice physicians to create and market diseases for which they then offer the perfect drug. “Talk to your doctor about your number. Turn it up,” advises a television commercial for AndroGel, a product to help men with “Low-T” or low testosterone levels. A website (www.androgel.com) for the drug offers “a Low-T symptoms quiz” to help viewers diagnose. And, Dumit (2012, p. 81) notes, when patients do ask their doctors about a brand name drug for a condition they may well have self-diagnosed,

again with big pharma's help, doctors typically comply. Here, the normal is objectively redefined as "predisease" and properly in need of treatment.

In the case of such "risky individuals" or "individuals at risk," even unbeknownst to themselves, Rose imagines the responsibility of "officials" to identify persons who have been flagged as carrying potential for impulsive or violent – or perhaps only troublesome – behavior and then moving to intervene before this prediction comes true, completing the "screen and intervene" logic that has emerged in the "risk society" in which we live (Beck, 1992). For those at high risk for such presumably biologically-based behavior or for those who have demonstrated it, depending on its severity, it becomes the protection of society from these individuals that is the aim. And, indeed, Rose has called proposed mass screenings of this sort by medical and therapeutic personnel using cutting-edge technology "crime control as public health" (Rose, 2007a, p. 249; Rose & Abi-Rached, 2013, p. 190). In the parallel case of otherwise healthy people who have been identified as carrying various and often heritable "risk factors" for future serious health problems, Dumit (2012) describes how this responsibility has in fact already become that of the "expert patient" him- or herself to take matters into hand to self-medicate. Health increasingly means, Dumit argues, taking drugs for life even in the absence of symptoms or diagnosis. Here is a "new normal," for sure.

A brief consideration of recent events in the US involving mass shootings, bombings, and the lurking figure of the terrorist broadly and regularly covered in the media, would seem a context ripe for Rose's informed speculations. In casual public conversations, for instance, about greater control of guns in the wake of such events, mental illness or disorder is offered by various interested parties to account for the badness. It is, as one forceful lobby insists, after all, "people who kill other people, not guns." What we must do, the argument goes, is to develop policies and practices that find those who are at and in risk of such violent and destructive acts, who suffer such abnormalities of brain, body, genome, protein, chemical, electrical functioning, and so on, and contain this risk.

The complexity of the circumstances described in this work does not productively yield to simple critiques of biological determinism or reductionist explanation, arguments that Rose insists are, for the most part, also rejected by the molecular geneticists, neuroscientists, and medical experts who actually do the research that grounds biological criminology and parallel sciences. Instead of a too-facile critique, Rose urges careful and open consideration of who benefits and who is threatened by these practices and the technologies involved; a careful review of "gains" and "costs" for, and to, whom. To paint all of these developments with too broad a brush and with a disagreeable color only serves to cloud our understandings of how science and medicine work. Ideally, science and medicine help build a future in which human difference in all of its contradictions – and often its unavoidable pain and suffering – can coexist, prevail, and even flourish.

Thinking Deviance in the Wake of Medicalization

Rose's claims that "medicalization" today points to no singular process or logic, and that medicine and medical technology or biomedical technology have become inseparably entwined with the lives we lead, seem sound. Given the history of medicine,

however, some conceptualizations of medicalization may leave out crucial developments (Rose, 2007b, pp. 701–702). Moreover, Rose notes, physicians and other medical personnel, with a few important exceptions, “do not force diagnostic labels on resistant individuals” (Rose, 2007b, p. 702). Even in the case of pharmaceutical company marketing, Rose insists, our understandings are not deepened by seeing patient–consumers as hapless and passive “victims” of either capitalist behemoths or self-serving, entrepreneurial physicians. Indeed, as Dumit’s analysis shows, patients are surely “active” in their “jobs” as consumers, crafted, or as Louis Althusser (1984) might say, “hailed” as the expert patients that big pharma asks them to become.

“In the molecular biopolitics of our present,” Rose (2007a, p. 253) writes, “many aspects of our human vitality have already become technical, opened up to manipulation and modification in the operating theater, the clinic, the schoolroom, the military, and in everyday life.” Much of what once was taken as a given, considered “natural” and “biological,” as “normal” and “pathological” – even the very concept of life itself – has been opened to reconsideration. The interest in biological risk, its molecularization and neuromolecularization, and the specification of entities demonstrating or subject to it, surely, not a story with one theme. The enabled biotechnological intervention to “repair or even improve an organism, and hence a life, that would otherwise be painful, short, or suboptimal” is as much a part of the promise here as are horror stories of questionable treatments with iatrogenic or interventionist-caused results (Rose, 2007a, p. 253).

Every such intervention, however, requires multiple judgments around shifting standards of normalization, and hence seems relevant to the kinds of questions Conrad and I originally raised with our writing on deviance and medicalization. It seems apparent that scholarly and critical attention to the complexities of such moments of decision and judgment, and to the question of who benefits and who loses from such decisions and how (see Starr, 1991), is more than worthwhile. As Rose notes, we live in a time when our fleshly bodies in all of their minute detail and connections beyond our skin are open to new intentional modulations in which “questions of judgment have become inescapable.” It is an age, he says, of “biological citizenship, of ‘somatic ethics,’ and of vital politics” (Rose, 2007a, p. 254).

As for the relevance of these developments to a sociology of deviance, Foucault’s well-known argument about the centrality of normalization in modernity through and in which biopower flows can perhaps breathe life into and broaden what some critics have seen as a subfield of academic sociology sagging in its popularity. Foucault’s view of normalization and its ubiquity is congenial to the sociological traditions of interactionist and constructionist theory I noted at the beginning of this chapter and that grounded our early work. Medicalization invites a link between deviance and the sociology of science and science studies, which focuses attention precisely on how knowledge and facts are produced, and how the thresholds and lines are drawn in the clinical trials that Dumit, Cooper and Waldby describe in the endless hopes of screening for risk in the fantasy of achieving ever-more fine-grained control, regulation, and security. Whether this tradition of work is best called medicalization, pharmaceuticalization, biomedicalization, or neuromolecularization seems somewhat beside the point. What seems clear is that the general form of the original argument of the medicalization of deviance, which I take to be how “normalization” is socially constructed and achieved, is very much alive and well.

References

- Abraham, J.W. (2010). Pharmaceuticalization of society in context: Theoretical, empirical, and health dimensions. *Sociology*, 44 (4), 603–622.
- Althusser, L. (1976/1984). Ideology and Ideological State Apparatus (Notes Toward an Investigation). *Essays on Ideology*. New York: Verso.
- American Psychiatric Association. (1952). *Diagnostic and Statistical Manual of Mental Disorders*. Washington, DC: American Psychiatric Association.
- American Psychiatric Association. (1968). *Diagnostic and Statistical Manual of Mental Disorders* (2nd ed.) (DSM-II). Washington, DC: American Psychiatric Association.
- American Psychiatric Association. (1980). *Diagnostic and Statistical Manual of Mental Disorders* (3rd ed.) (DSM-III). Washington, DC: American Psychiatric Association.
- American Psychiatric Association. (1994). *Diagnostic and Statistical Manual of Mental Disorders* (4th ed.) (DSM-IV). Washington, DC: American Psychiatric Association.
- American Psychiatric Association. (2013). *Diagnostic and Statistical Manual of Mental Disorders* (5th ed.) (DSM-V). Washington, DC: American Psychiatric Association.
- Barad, K. (2007). *Meeting the Universe Halfway: Quantum Physics and the Entanglement of Matter and Meaning*. Durham, NC: Duke University Press.
- Beck, U. (1992). *Risk Society: Towards a New Modernity* (trans. M. Ritter). London: Sage.
- Becker, H.S. (1963). *Outsiders: Studies in the Sociology of Deviance*. New York: Free Press.
- Becker, H.S. (1973). *Outsiders: Studies in the Sociology of Deviance* (exp. ed.). New York: Free Press.
- Bell, S.E., & Figert, A.E. (2012). Medicalization and pharmaceuticalization at the intersections: looking backward, sideways, and forward. *Social Science and Medicine*, 75 (5), 775–783.
- Burri, R.V., & Dumit, J. (Eds.) (2007). *Biomedicine as Culture: Instrumental Practices, Technoscientific Knowledge, and New Modes of Life*. New York: Routledge.
- Cartwright, L. (1995). *Screening the Body: Tracing Medicine's Visual Culture*. Minneapolis: University of Minnesota Press.
- Clarke, A.E., Fosket, J.R., Mamo, L., Shim, J., & Fishman, J.R. (Eds.) (2010). *Biomedicalization: Technoscience and Transformations of Health and Illness in the U.S.* Durham, NC: Duke University Press.
- Clarke, A.E., & Shim, J. (2011). Medicalization and biomedicalization revisited: Technoscience and transformations of health, illness and American medicine. In B.A. Pescosolido, J.K. Martin, J.D. McLeod, & A. Rogers (Eds.), *Handbook of the Sociology of Health, Illness, and Healing: A Blueprint for the 21st Century* (pp. 173–199). New York: Springer.
- Clarke, A.E., Shim, J.K., Mamo, L., Fosket, J.R., & Fishman, J.R. (2003). Biomedicalization: Technoscientific transformations of health, illness, and US biomedicine. *American Sociological Review*, 68 (April), 161–194.
- Clough, P.T. (2007). Introduction. In P.T. Clough, & J. Halley (Eds.), *The Affective Turn: Theorizing the Social* (pp. 1–33). Durham, NC: Duke University Press.
- Conrad, P. (1975). The discovery of hyperkinesis: Notes on the medicalization of deviant behavior. *Social Problems*, 23 (1), 12–21.
- Conrad, P. (1976). *Identifying Hyperactive Children: The Medicalization of Deviant Behavior*. Lexington, MA: D.C. Heath.
- Conrad, P. (1992). Medicalization and social control. *Annual Review of Sociology*, 18 (1), 209–232.
- Conrad, P. (2005). The shifting engines of medicalization. *Journal of Health and Social Behavior*, 46 (1), 3–14.
- Conrad, P. (2006). Introduction to Expanded Edition. In *Identifying Hyperactive Children: The Medicalization of Deviant Behavior* (exp. ed). Aldershot: Ashgate.

- Conrad, P. (2007). *The Medicalization of Society: On the Transformation of Human Conditions into Treatable Disorders*. Baltimore: Johns Hopkins University Press.
- Conrad, P., & Angell, A. (2004). Homosexuality and remedicalization. *Society*, 41 (5), 32–39.
- Conrad, P., & Leiter, V. (2004). Medicalization, markets, and consumers. *Journal of Health and Social Behavior*, 45 (extra issue), 158–176.
- Conrad, P., & Potter, D. (2004). Human growth hormone and the temptations of biomedical enhancement. *Sociology of Health and Illness*, 26 (2), 184–215.
- Conrad, P., & Schneider, J.W. (1980/1992). *Deviance and Medicalization: From Badness to Sickness*. Philadelphia: Temple University Press.
- Conrad, P., & Slodden, C. (2013). The medicalization of mental disorder. In C.S. Aneshensel, J.C. Phenal, & A. Bierman (Eds.), *Handbook of the Sociology of Mental Health* (2nd ed.) (pp. 61–73). New York: Springer.
- Cooper, M., & Waldby, C. (2014). *Clinical Labor: Tissue Donors and Research Subjects in the Global Bioeconomy*. Durham, NC: Duke University Press.
- Cowell, A. (2014). Uganda's President signs antigay bill. *New York Times*, February 24.
- Davis, J.E. (2010). Medicalization, social control, and the relief of suffering. In W. Cockerham (Ed.), *The New Blackwell Companion to Medical Sociology* (pp. 211–241). Oxford: Wiley-Blackwell.
- Dreyfus, H.L., & Rabinow, P. (1983). *Michel Foucault: Beyond Structuralism and Hermeneutics* (2nd ed.). Chicago: University of Chicago Press.
- Dumit, J. (2012). *Drugs for Life: How Pharmaceutical Companies Define Our Health*. Durham, NC: Duke University Press.
- Figert, A.E. (2011). The consumer turn in medicalization: Future directions with historical foundations. In B.A. Pescosolido, J.K. Martin, J.D. McLeod, & A. Rogers (Eds.), *Handbook of the Sociology of Health, Illness, and Healing: A Blueprint for the 21st Century* (pp. 291–307). New York: Springer.
- Foucault, M. (1965). *Madness and Civilization: A History of Insanity in the Age of Reason* (trans. R. Howard). New York: Bantam Books.
- Foucault, M. (1963/1973). *The Birth of the Clinic*. London: Tavistock.
- Foucault, M. (1977). *Discipline and Punish: The Birth of the Prison* (trans. A. Sheridan). New York: Vintage Books.
- Foucault, M. (1978). *The History of Sexuality. Volume I: An Introduction*. New York: Pantheon Books.
- Foucault, M. (1991). Governmentality. In G. Burchell, C. Gordon, & P. Miller (Eds.), *The Foucault Effect: Studies in Governmentality* (pp. 87–104). Chicago: University of Chicago Press.
- Foucault, M. (2003). Eleven. 17 March 1976. In M. Bertani, & A. Fontana (Eds.), "Society Must Be Defended." Lectures at the Collège de France, 1975–1976. New York: Picador.
- Frances, A. (2013). *Saving Normal: An Insider's Revolt against Out-of-Control Psychiatric Diagnosis, DSM-V, Big Pharma, and the Medicalization of Ordinary Life*. New York: Harper-Collins.
- Friedson, E. (1970). *Profession of Medicine*. New York: Harper & Row.
- Greely, H.T., Sahakian, B., Harris, J., Kessler, R.C., Gazzaniga, M.S., Campbell, P., & Farah, M.J. (2008). Toward responsible use of cognitive enhancing drugs by the healthy. *Nature*, 456 (18 December), 702–705.
- Hamer, D. (2014). An open letter on homosexuality to my fellow scientists in Uganda. *New York Times*, February 20. Retrieved from <http://kristof.blogs.nytimes.com/2014/02/20/an-open-letter-on-homosexuality-to-my-fellow-ugandan-scientists/>
- Hewitt, J.P., & Hall, P.M. (1973). Social problems, problematic situations, and quasi-theories. *American Sociological Review*, 38 (June), 367–375.

- Horwitz, A.V., & Wakefield, J.C. (2007). *The Loss of Sadness: How Psychiatry Transformed Normal Sorrow into Depressive Disorders*. New York: Oxford University Press.
- Horwitz, A.V., & Wakefield, J.C. (2012). *All We Have To Fear: Psychiatry's Transformation of Natural Anxieties into Mental Disorders*. New York: Oxford University Press.
- Illich, I. (1976). *Medical Nemesis*. New York: Pantheon.
- Lane, C. (2007). *Shyness: How Normal Behavior Became a Sickness*. Princeton, NJ: Princeton University Press.
- Lauffer, M.W., Denoff, E., & Solomons, G. (1957). Hyperkinetic impulse disorder in children's behavior problems. *Psychosomatic Medicine*, 19 (1), 38–49.
- Mayes, R., & Horwitz, A.V. (2005). DSM III and the revolution in the classification of mental illness. *Journal of the History of the Behavioral Sciences*, 41 (3), 249–267.
- Mayes, R., & Horwitz, A.V. (2009). *Medicating Children: ADHD and Pediatric Mental Health*. Cambridge, MA: Harvard University Press.
- Morse, S.J. (2010). Lost in translation? An essay on law and neuroscience. In M. Freeman (Ed.), *Law and Neuroscience*, Vol. 13 (pp. 529–562). New York: Oxford University Press.
- Outram, S. (2010). The use of methylphenidate among students: The future of enhancement? *Journal of Medical Ethics*, 36 (4), 198–202.
- Parsons, T. (1951). *The Social System*. New York: Free Press.
- Paulson, M., & Santos, F. (2014). Religious Right in Arizona cheers bill allowing businesses to refuse to serve gays. *New York Times*, February 21.
- Pitts, J.R. (1968). Social control: the concept. In D. Sills (Ed.), *International Encyclopedia of Social Sciences*, Vol. 14 (pp. 381–396). New York: Macmillan.
- Rieff, P. (1966/1987). *The Triumph of the Therapeutic: Uses of Faith after Freud*. Chicago: University of Chicago Press.
- Room, R. (2005). Stigma, social inequality and alcohol and drug use. *Drug and Alcohol Review*, 24 (March), 143–155.
- Rose, N. (2007a). *The Politics of Life Itself: Biomedicine, Power, and Subjectivity in the Twenty-First Century*. Princeton, NJ: Princeton University Press.
- Rose, N. (2007b). Beyond medicalisation. *The Lancet*, 369 (February 24), 700–702.
- Rose, N., & Abi-Rached, J.M. (2013). *Neuro: The New Brain Sciences and the Management of the Mind*. Princeton, NJ: Princeton University Press.
- Rothman, D.J. (1971). *The Discovery of the Asylum*. Boston: Little, Brown.
- Schneider, J. (1988). Disability as moral experience: Epilepsy and self in routine relationships. *Journal of Social Issues*, 44 (1), 63–78.
- Schneider, J. (1993). Family care work and duty in a 'modern' Chinese hospital. In P. Conrad, & E. Gallagher (Eds.), *Health and Health Care in Developing Countries: Social Science Perspectives* (pp. 154–179). Philadelphia: Temple University Press.
- Schneider, J.W., & Conrad, P. (1980). In the closet with illness: Epilepsy, stigma potential, and information control. *Social Problems*, 28 (1), 32–44.
- Schneider, J.W., & Conrad, P. (1983). *Having Epilepsy: The Experience and Control of Illness*. Philadelphia: Temple University Press.
- Schneider, J., & Wang, L. (1993). Home care for the chronically ill elderly in China: The family sickbed in Tianjin. *Journal of Cross-Cultural Gerontology*, 8 (4), 331–348.
- Schneider, J., & Wang, L. (2000). *Giving Care, Writing Self: A 'New' Ethnography*. New York: Lang.
- Schwarz, A. (2014). Report says medication use is rising for adults with attention disorder. *New York Times*, March 12.
- Spector, M.E., & Kitsuse, J.I. (1977/2001). *Constructing Social Problems*. Menlo Park, CA: Cummings/New Brunswick, NJ: Transaction.

- Starr, S.L. (1991). Power, technology, and the phenomenology of conventions: On being allergic to onions. In J. Law (Ed.), *A Sociology of Monsters: Power, Technology, and the Modern World* (pp. 26–56). Oxford: Blackwell.
- Sullivan, D.A. (2001). *Cosmetic Surgery: The Cutting Edge of Medicine in America*. New Brunswick, NJ: Rutgers University Press.
- Szasz, T. (1961). *The Myth of Mental Illness*. New York: Hoeber-Harper.
- Szasz, T. (1970). *The Manufacture of Madness*. New York: Harper & Row.
- Weinberg, D. (2014). *Contemporary Social Constructionism: Key Themes*. Philadelphia: Temple University Press.
- Wolpe, P.R. (2002). Treatment, enhancements and the ethics of neurotherapeutics. *Brain and Cognition*, 50 (3), 387–395.
- World Health Organization. (1949). *Manual of the International Statistical Classification of Diseases, Injuries, and Causes of Death. Sixth Revision (ICD-6)*. Geneva: World Health Organization.
- Zola, I.K. (1972). Medicine as an institution of social control. *Sociological Review*, 20 (4), 487–504.
- Zola, I.K. (1975). In the name of health and illness: On some socio-political consequences of medical influence. *Social Science and Medicine*, 9 (2), 83–87.

Decriminalization

John Dombink

In 2014, numerous American political, religious and legal groups justifiably celebrated the passage of the Civil Rights Act of 1964. Most Americans now regard that hard-fought victory for civil rights – coming after years of legally enforced, and often codified, racial discrimination – as a turning point in our country’s eradication of the stain and devastating impact of slavery and institutionalized racial discrimination during the Jim Crow years. That the semicentennial commemoration took place during the presidency of America’s first African-American president made the festivities and the symbolism all the more celebratory.

The remembrance of this progressive and widely-lauded piece of legislation inevitably raises the question of the law’s place in controlling behavior – in encouraging behavior we all regard as good and discouraging harmful, bad, or dangerous behavior. What is legislation’s place in ensuring public safety? Does the government have the right to outlaw immoral acts or invoke “coercion to virtue” (Skolnick, 1968)? Are there behaviors that are *not the law’s business* (Geis, 1972)? American progressives applauded the strategic use of the law, most often federal law, against states that had been mired in racist legislation and practices, whose supporters proclaimed the legitimacy of such regressive custom by invoking “state’s rights” above federal intervention. The combination of committed civil rights activists (often putting themselves in harm’s way), innovative and persistent legal reformers, and the raising of American consciousness about injustices perpetrated by the strong against the weak was a successful coalition that succeeded to bring about progressive changes.

At approximately the same time as the civil rights movement, another crusade for legal reform was taking place in another context. A group of American sociologists and legal scholars were arguing that the country needed to reform its laws governing the personal morality of essentially harmless conduct. In their various ways, these academics, scholars, intellectuals, and progressives followed the dictum of the nineteenth-century British

philosopher John Stuart Mill (1859/1956) that citizens of an enlightened society should be allowed to “go to hell in their own way” if their actions were only harming themselves and no other members of society.

Echoing Mill – and often using his wording – several legal scholars stood out among these critics as most forceful and outspoken in their writings and speeches. Herbert Packer warned about the “limits of the criminal sanction” (Packer, 1968). Sanford Kadish (1967) warned of the “crisis of overcriminalization.” Gilbert Geis (1972) allowed as to how there were certain illicit activities that were in fact “not the law’s business.” A generation later, criminologist Robert Meier teamed up with Geis, systematizing some of his earlier volume’s central ideas (Meier & Geis, 1997). Jerome Skolnick (1968) used Mill’s term in arguing against a societal “coercion to virtue.” And Edwin Schur (1965) introduced the concept of “crimes without victims,” arguing that drugs, abortion and homosexuality were activities that had no victims in the sense of common crimes and hence should not be criminalized – a remarkably prescient argument, given subsequent developments.

Over the intervening five decades, there has been great movement back and forth in the legal treatment of these activities. It has not been uniform, or even in one direction. Not all acuties have been subjects for reform at the same rate and toward the same end, or with the same ease. In 2014, a person, if so inclined, could take a tour of the US and assess for Schur and his colleagues whether and to what extent the American legal system and society as a whole had progressed in our treatment of supposed “victimless crimes.” In Colorado and Washington State, purchasing marijuana for recreational purposes in state-sanctioned shops is legal, as is simply possessing the substance. There are limits to its use, of course; marijuana may not be consumed in public, it may not be purchased or consumed by a minor, and one is not permitted to drive under the influence. Legislators nonetheless regard legal marijuana as an experiment that could fail if it causes too much harm. In many ways, the current fate of the use of the herb marijuana may be contrasted with that of tobacco cigarettes. In 1963, after decades of growing popularity, the use of tobacco cigarettes reached a peak – 4,306 cigarettes consumed per adult for that year, and over half a *trillion* consumed by the country as a whole. In the following year, 1964, the US Public Health Service issued the Surgeon General’s Report, *Smoking and Health*, which indicated that inhaling tobacco smoke inflicted catastrophic chronic or long-term harm on the human body. From then on, smoking plummeted among Americans, and in 2011 the per capita consumption of cigarettes stood at 1,232, less than 30% of what it had been. In 1963, 53% of American adults smoked; in 2012, that figure was only 18%. Clearly, over time, many Americans got the message – that tobacco kills and maims. Moreover, most state and local jurisdictions have banned smoking in a wide range of public settings, including hospitals, restaurants, airplanes and buses, offices and other work locations, classrooms, lounges, and even bars. The ban has widened, and public tolerance for smoking has shrunk substantially. To a major extent, in contrast with marijuana possession and sale, cigarette smoking has become increasingly *deviantized*.

In comparison with other countries, America has been slow to reform its laws in the sphere of private morality. But these comparisons vary by the behavior in question. According to knowledgeable observers, American abortion law since *Roe v. Wade*

places America among the more lenient category. Similar to other Western, industrialized countries, the US permits abortion on demand; all nations disallow abortion in the third trimester, except in cases where the mother's life is threatened by continued pregnancy or the resultant delivery. Virtually no fetuses are viable before the 21st week; nearly all are viable after the 27th week. Of the world's 152 countries, 60% permit abortion without restriction – taking into account the viability codicil – and 25% of them prohibit abortions under nearly all circumstances (Rahman, Katzive, & Henshaw, 1998; Guttmacher Institute, 2014). According to the relevant surveys, in 2009 we observed a measureable uptick in persons who refer to themselves pro-life; lost in the analysis, one of the low responses to polls soon after the Obama election and inauguration was public support of the removal of the global gag rule. The gag rule, imposed by the Ronald Reagan administration at a 1984 United Nations conference, denied foreign funding to organizations receiving US family planning funds to use them to refer clients to abortion services. The gag rule was rescinded by the Bill Clinton administration, then reinstated during the regime of George W. Bush, then rescinded again by Barak Obama's administration. Then there is also the methodological problem of measuring pro- and anti-abortion stances, since a substantial percentage of respondents (41%) in a 2012 poll conducted by the Public Religion Research Institute (Public Religion Research Institute, 2012) described themselves as both pro-life *and* pro-choice. Rachel Laser, Director of The Culture Project, in a memo released in January 2006, "Winning the Abortion Grays," described as "A strategy to win the battle of reasonableness and appeal to moderates," declared that abortion reduction is "the new progressive ideal." "Abortion grays" are defined as people who are ambivalent about abortion (Skolnick, 1988). To further muddy the waters, consider the firestorm that surrounded Indiana Republican Senatorial candidate Richard Mourdock in 2012 when he claimed that pregnancies from rape are "something that God intended" (Voorhees, 2012). In the case of abortion, the alternatives are not nearly as clear-cut as many pollsters let on, and the line between liberal and conservative is fuzzy and difficult to determine.

The order of the activities in this chapter has been selected with a particular argument in mind. Drugs comprise the first topic, in part because of the issue's status with respect to social change. Notably, as I stated, Colorado and Washington State legalized marijuana in 2012. This could not have been the case even five years ago, when the issue would have been the stubbornness of American states and federal policy in joining the example of other Western industrialized countries which have decriminalized marijuana – not to mention the matter of harm reduction in countries like The Netherlands and Germany in making intravenous drug use safer and less subject to criminal prosecution.

Another approach would have been to start with the activity that is the most normalized and legalized in America – gambling. Legal gambling has so set itself apart from the other activities that Schur (1965) and others considered 50 years ago that it almost warrants a separate discussion. Several observers have been surprised that it still merits inclusion in the "crimes without victims" category. Many, perhaps most, types of gambling have been allowed if they take place in a state-sponsored or casino setting. Today, wherein lies the "crime"?

What is not on the list? Assisted suicide and stem cell research would not have made this list 20 years ago, and yet today they are hotly debated policy issues. And there was

a time that most sociologists would have included prostitution and pornography in any list for consideration in this chapter. But prostitution, while still illegal in 49 states (and the populated parts of Nevada), has been a mainstay of writing about the propriety and utility of the law. Still, it has remained, of all the victimless crimes, that which has ceased to be a major subject for legal reform or alternative legislation. Instead, despite attempts in the US (Jenness, 1993) and occasionally proposed decriminalization models (Weitzer, 2012), prostitution in the US has remained the classic “vice” crime, with neither concerted calls for its increased criminalization, nor robust or successful movement for its decriminalization. Calls for emphasis on human trafficking have kept it in the limelight, but freely consensual prostitution that entails no human trafficking has ceased to be an issue whose decriminalization is debated. Pornography, with its rapid spread through the Internet, has been dramatically reshaped in recent decades. It remains of interest in the criminal sphere primarily because of efforts to curtail child pornography, an effort that began during the Reagan Administration when the Meese Commission (Attorney General’s Commission on Pornography, 1986) chose to draw a bright line between child pornography and other forms of pornography. Smoking might be an interesting addition, since it has become more “vice-like.” While still legal for purchase above a certain age, smoking is increasingly restricted in terms of place of use. Even control of sugar and salt – consider Mayor Bloomberg’s attempts to limit large sugary drinks in New York City as an example – could be considered candidates. For a period in the mid-2000s decade, the issue of the moral worth of stem cell research appeared to join these issues as an included “victimless crime” issue – as it was so denoted by religious activists, and was the subject of a federal funding prohibition by the George W. Bush administration. But, as the frame of disease-fighting began to dominate, and as public polls confirmed, the American public did not have much interest in making this one of the special “culture-war” topics. Even with its parallel issues to abortion and euthanasia, certainly in the view of pro-life activists, the issue of stem cells faded from centrality as an issue.

This chapter, then, will focus on five activities: drugs, gambling, abortion, gay rights, and the right to die (or “physician-assisted suicide”). All are worthy for inclusion in a discussion on decriminalization because they have been, either historically or in recent years, the focus of rancorous debates over the advisability of the use of the criminal law. Nonetheless, there are a few sticking points. Gambling is largely legal, though some forms (Internet gambling, sports bookmaking) continue to be performed illegally in the US. Since the Supreme Court ruling in *Roe v. Wade* in 1973, the vast majority of abortions are conducted legally in the US. But this remains probably the most contested of the activities contained in this chapter, since several states have recently attempted to limit access to abortion. Drug use, possession, and sale remain illicit, although occasional cries for across-the-board decriminalization emanate from intellectuals, social critics, and crusaders. Moreover, the humane treatment of addicts – increasing enrollment in drug maintenance programs, research for alternatives to methadone, the distribution of clean needles, immediate and effective medical attention for sick addicts, and a host of harm reduction strategies addressed to treatment rather than punishment – remain on the table as debatable issues. The battle for gay rights is largely won, at least on the legal front, but discrimination in the social and occupational

spheres remains an ongoing concern. The debate over assisted suicide, while of limited scope, continues to roil the ideological waters, especially since it taps into the issue of the value of a human life.

Drug Use, Possession, and Sale

As a graduate student in 1978, I was fortunate enough to co-author an article in which my mentor professor, Jerome Skolnick, and I, following the zeitgeist of the 1970s, foresaw that the US was ready to embrace drug decriminalization, as well as the progressive treatment of drug users and offenders. This was not unrealistic pie-in-the-sky optimism, but reflected the fact that, in the 1970s, several states, including several “red” or conservative states, had decriminalized the possession of small amounts of marijuana.

In that article, Skolnick and I predicted that: “We are progressing from an era of the attempted prohibition of social deviance – really sin and criminality – to a more permissive era of legalization.” However, we also boldly predicted that “experiments with the decriminalization of heroin, cocaine, and prostitution will be proposed in several jurisdictions, and even adopted in a few” (Skolnick & Dombrink, 1978, p. 74). We were not alone in advancing these proposals. The 1976 elections had featured the two major candidates, Democrat Jimmy Carter and Republican incumbent Gerald Ford, both promising to decriminalize marijuana at the federal level. Little did we know that the wave of drug decriminalization sentiment and action that had characterized forward-looking thinking in the US during the 1970s would recede so rapidly by the 1980s.

Why hasn’t drug decriminalization followed the path that gambling has taken? The fact is there has been a persistent tension in the treatment of illicit drugs in the US over the last 40 years. This should surprise very few, since dealing with certain psychoactive substances has generated numerous serious crises in the public and policy spheres for more than a century.

A variety of factors have been linked to the emergence of criminal sanctions against the possession and sale of various drugs. Scholars such as Musto, (1973, 1999), Bonnie and Whitebread (1974), Kaplan (1970), and Himmelstein (1983) have noted the racial and other social stigma that became associated with marijuana and contributed to its criminalization during the first part of the twentieth century. Race and class issues also have been implicated in the heavy penalization of other drugs, notably crack-cocaine in the 1980s (Duster, 1997; Reinerman & Levine, 1997).

The “war on drugs” (meaning, in particular, on importation and sales or distribution of heroin, cocaine and crack, and marijuana) has been a feature of the federal government and most state governments, coinciding with the rise of mandatory prison sentences, increased use of the death penalty, a steep rise in the use of imprisonment (and prison overcrowding accompanying it), and a reduction in emphasis on the rehabilitative ideal, the use of probation and parole, and attempts to address the root causes of crime. During that time, there has been an active debate among sociological scholars, policymakers, and influence-makers of liberal, libertarian, and even conservative bent (such as George Schultz and Milton Friedman) for legalization. Even conservative

jurists, such as former California Chief Justice Malcolm Lucas, have called for more attention to be paid to early intervention, treatment, education, and investigation of the basic cause leading to the proliferation of drug use.

Few of the vices have proven to be as contested or as protractedly problematic as that of drug policy in the US. With the work of 1960s socio-legal scholars, policy observers and activists, American drug policy was placed under societal consideration for reform of legal treatment. Marijuana was the first to be singled out, as large numbers of middle-class youth began smoking marijuana in the 1960s, creating greater social awareness of the Draconian nature of American drug laws (Bonnie & Whitebread, 1974; Kaplan, 1970).

The 1960s were a time of cultural contestation regarding drug laws in American society. As Himmelstein (1983) described, marijuana was the locus of this contestation, and the change in the using population of the drug, from minorities to Anglo, middle-class youth and college students, caused a re-examination of American policy in this area. Other “hard” drugs were not the focus of the legal reform efforts, even as they were analyzed by legal scholars and activists.

Galliher and others have described in detail the ways in which these perceived policy misfits – or moral dissonance, as DiChiara and Galliher (1994) argued – led to decriminalization. In the 1970s and 1980s, several states decriminalized marijuana possession, so that, in California, for instance, possession of less than an ounce of marijuana is treated as a citation offense, with a \$100 fine. Other regulations related to public use affect the use of marijuana. As part of this reform, the cultivation and distribution of marijuana remained criminalized.

If the 1970s witnessed some decriminalization support for at least soft drugs, the 1980s were the era of the War on Drugs and the *recriminalization* of drugs. As Nadelman (1989) and Reinerman and Levine (1997) have noted, the 1980s witnessed a dramatic increase in the American societal consideration of drugs and drug policy. At one level, this was driven by the expansion of the federal government’s presence in drug interdiction, to which authorities gave a high priority in the border areas of Florida, Texas, and California. The symbolic importance of the topic was significant, and President Reagan used the bully pulpit and the First Lady led the “Just Say No” campaign to wage a cultural war against drugs. As Massing noted, the Reagan administration gave voice and preference to anti-drug groups, such as parent groups, who were alarmed at increased youth drug use and the liberalization of drugs laws in the 1970s (Massing, 2000).

The federalization of drug control was a major development during this decade. The expansion of the legal net came in 1986, with passage of the crack provisions in the Anti-Drug Abuse Law of 1986. As Reinerman and Levine (1997) and others have illustrated, the short debate over the wisdom of creating a new category of enhanced penalties for crack, a particular form of cocaine, embodied the moral panic over drugs at the time, generally reflecting racial overtones.

As MacCoun and Reuter (2001) note, drug arrests grew nationally from 581,000 in 1980, to 811,000 in 1985, 1,090,000 in 1990, and to 1,350,000 in 1994. At the same time, the number of state prison inmates incarcerated for drugs rose from 39,000 in 1985 to 202,000 in 1994, and in the federal system from 9,500 to 51,800. Tonry (1996) characterized today’s over-incarceration policies that these levels represent – largely directed at drug offenses – as a moral panic, and predicts that Americans 50 years from now will

look back at this much in the same way as we look back now at the Salem witch trials. Into the second decade of the twenty-first century, both the number of drug arrests and the prison population have declined slightly, year by year.

In past decades, many analysts have commented on the fact that several states had begun to rethink their emphasis on incarceration as the primary response to certain crimes. After two decades of passing ever-tougher sentencing laws and prompting a prison-building boom, state legislatures facing budget crises were beginning to rethink their costly approaches to crime control. These states had modified their laws and policies, arguing that instead of “tough on crime,” it is more effective to be “smart on crime.” Some states passed laws eliminating portions of the lengthy mandatory minimum sentences so popular in the 1980s and 1990s, restoring early release for parole and offering treatment instead of incarceration for some drug offenders. Perhaps, as Joan Petersilia has observed, a declining economy (and especially fiscal strains in state budgets) could encourage what reformers and criminologists have struggled to achieve: political support for alternative sanctions (2003):

In the last ten years, the monolithic nature of the punitive approach toward drugs in the United States has been challenged step-by-step in some locales. The issue of medical marijuana has emerged as one of several fronts where American drug policy has been challenged. Several states have considered policy changes – often through citizen-sponsored referenda – to allow for the merciful use of marijuana to help those with certain medical problems or undergoing chemotherapy for cancer treatment. And California led the way, with a treatment on demand model from 2000 forward. Reformers have been active, in their words (if not always successful), in challenging existing regimes of drug control, drafting ballot initiatives, lobbying for legislation, litigating issues in courts, engaging the media and shaping public opinion. Efforts to emphasize, as one organization described it, policies that embrace a “just say know” philosophy were promoted to replace the “just say no” emphasis of the Reagan years.

These measures of legal reform and program implementation have paralleled those instituted in several European countries. Notable among these has been the long example of the Netherlands, where a philosophical (and some say national characteristic) bent toward pragmatism has guided the Dutch as they have created a policy that is “hard on drugs, soft on users.” Supporters of this approach point to the lower incidence of drug use among youth, and to the lowering of drug-related disease and injury. The Portuguese have responded to high heroin use rates by shifting national drug policy in 2000 to a policy rooted in harm reduction principles. Several other European countries have acted to liberalize their marijuana laws.

It has been half a century since sociologist Alfred R. Lindesmith analyzed drug policing and prosecutions (1965), and argued that longer sentences and greater expenditure of funds spent on drug law enforcement only ensured that the illicit trade would continue and that associated violence would increase. This has been a key argument in the proposals of many for drug liberalization since then, but this argument – unlike in other areas of the law – has not gained the traction one might expect, as America embarked on the creation of a series of laws and policies that embraced greater use of incarceration. Comedian Seth Meyers captured some of the discordant images among

this change when he observed in a routine during 2014: “A new poll has found that 75% of Americans believe marijuana legalization is inevitable... That’s right, 75% of Americans think marijuana eventually will be legal, while the other 25% said, ‘What – it’s illegal?’” (Meyers, 2014).

Gambling

If drugs have been the victimless crime with the longest and, to date (with the exception of marijuana), least fully realized arc toward legal reform, gambling in America has enjoyed the opposite journey. As the first candidate of the victimless crimes to shed the veneer of seriousness and harm (Geis, 1972), legal gambling has become ubiquitous in American life. The American Gaming Association estimates that, in 2012 in the US, the revenues earned in commercial casinos totaled over \$37 billion; Wikipedia estimated that the total figure for all forms of gambling came to well over \$92 billion. This includes the earnings of not only commercial casinos but also lotteries (\$25 billion), legal book-making (\$170 billion), and charitable games and bingo (\$2 billion). In addition, in 1987, in *California v. Cabazon Band of Mission Indians*, the Supreme Court overturned existing laws restricting gaming and gambling on United States Indian reservations, thus allowing Native American nations to offer on-site gambling activities, which in 2012 generated revenues totaling \$26 billion for tribal peoples. According to the National Gambling Impact Study Commission, as well as numerous polls, including a Gallup poll, over 85% of Americans have gambled or wagered bets for money at least once in their lifetimes, and roughly two-thirds have done so in the past year. More money is spent on gambling than on recorded music, theme parks, video games, spectator sports, and movies combined.

And states looking for revenues have increasingly fixed on legal gambling as a relatively painless form of revenue-raising. States earn approximately 5% of their budgets from gaming revenues; in 2012, for instance, New York State earned \$3.2 billion from gambling. Gambling offers states a reliable and constant revenue stream that flows in without their governments having to raise taxes, which is unpopular with taxpayers. In fact, gambling revenues represent a kind of “sin tax” that is levied only on the sinner, though the lives of sinners’ intimates are affected as well. The advent of Internet gambling has opened a fresh and potentially abundant revenue stream, although early estimates of its size have proven to be overly optimistic. An early study of the impact on New Jersey’s revenues from Internet gambling estimated that the state would reap a billion dollars in its first year; instead, according to an audit firm, Morgan Stanley, the reality was closer to \$200 million (www.citizen’svoice.com, May 19, 2014). In 2014, Econsult Solutions issued a report sponsored by the Legislative Budget and Finance Committee of Pennsylvania, estimating that in its first year of operation the state would earn revenues of roughly \$307 million. Clearly, states have a strong incentive to exploit this revenue stream for budgetary reasons.

It is not unusual for the governor of a state to champion gambling. In the expansion of legal gambling that has taken place over the last 40 years in the US, many governors of both major parties have supported the expansion of gambling, mostly for either

revenue enhancement or for economic development possibilities, or a combination of the two. Certain vocal critics have viewed gambling expansion skeptically. Some questioned the economic development and revenue potential of the state plans, as in generally liberal Massachusetts in the last decade (Maguire, 2007). Others have warned of the possible deleterious effects upon vulnerable populations, such as youth. In the many considerations of gambling policy by state and federal entities over the past 40 years, several factors have combined to produce a contemporary American approach where gambling is widespread, participated in by many, increasingly seen as a common form of entertainment (often in combination with its “RDE” components – retail, dining, and entertainment), sought out by states and localities for its economic development boost, and relied upon for states as a steady stream of tax revenue separate from property and sales taxes.

Gambling, an activity that most cultures contain and many encourage, has been in many ways the least likely of the classic “victimless crimes” (such as prostitution, illegal drug use, pornography, abortion and homosexuality) for the state to choose to limit through the strict use of the criminal sanction. It moved steadily from a largely tolerated but legally “underground” activity, to an increasingly legalized activity in America after 1967, with a growing legal revenue base, public participation and destigmatization. It has established itself, in its breadth and societal consideration, as the most “normalized” and least contested of these activities.

Marriage Equality

It’s hard to imagine a significant issue in which the center of gravity is shifting faster than gay marriage in this country. (Democratic pollster Geoff Garin, 2010)

When Harvey Milk, the San Francisco supervisor and first elected openly gay or lesbian public official, was murdered in San Francisco in 1978, he and other activists and reformers had recently succeeded in prevailing against a California statewide initiative to prohibit gays and lesbians from serving as classroom teachers. Not too far removed from a time when the policing of gay and lesbian public activity in bars and other locales had been a source of friction in San Francisco (and remained so in other cities), the rejection of the Briggs Initiative was notable – even former Governor Ronald Reagan opposed. It was an indication that hard-won successes in the gay rights area were possible, when coalitions could be built and the concepts of tolerance and equality summoned from among the general population. Still, the state had only decriminalized sodomy a few years before, a social movement push and legal reform that had prompted the backlash of the Briggs Initiative. Milk had been instrumental in San Francisco adopting an anti-discrimination ordinance on the basis of sexual orientation, one of the first cities and counties that did so. In 1975, when that ordinance was passed, there were few other municipalities in the US that had passed similar laws. By 2013, over 174 counties and cities comprised the list, along with 21 states that prohibited discrimination on the basis of sexual orientation or sexual identity (<http://www.hrc.org>).

Harvey Milk did not live to see the eventual successes of a movement that he, several of his peers, and their predecessors – Harry Hay and the Mattachine Society in the 1950s, and the New York activists at the Stonewall Inn in 1969 – had launched. The 1980s era, as historian John D’Emilio (2000) and others have described, was a sorrowful setback to this movement, as AIDS spread and the federal government, spearheaded by the then-President Ronald Reagan, failed to respond appropriately.

The 1990s, in the post-Reagan era, can be seen in part as a continuation of the anti-discrimination and civil rights approaches of the 1960s and 1970s, as well as in response to the separations caused in hospitals and other institutions because of dominant heterosexual definitions of partners and families. In this context, efforts to reform American state marriage laws to permit same-sex marriage began, sometimes in the courts (where it would be first successful in Massachusetts in 2003) and sometimes in legislatures (where “civil unions” and “domestic partnerships” were a more common result). Not until 2012, when three states legalized same-sex marriage through direct referendum, had a marriage-equality popular vote succeeded at the ballot box.

As Milk and others in the gay rights movement had emphasized, “coming out” individually and increasing the visibility of gays and lesbians was a strategy that would lead to greater acceptance and support for equal rights. In 1975, only 24% of Americans polled in a *Los Angeles Times*/Harris poll indicated that they had friends, family or co-workers who had told them personally that they were gay or lesbian. The Pew Research Poll asked a sample of respondents, “Do you personally know anyone who is gay or lesbian?” In 1993, 61% answered yes; by 2013, this figure had climbed to 87%.

As these hard-fought societal changes were taking place in several settings, one avenue gained high societal notice. Newly inaugurated President Bill Clinton signed an executive order promulgating what became known as the “Don’t Ask, Don’t Tell” (DADT) policy in 1993. His characteristic “triangulated” compromise steered a middle ground between outright acceptance, and the previous policy of discharge. Despite criticisms from both gay and lesbian activists, and social conservatives (perhaps the sign that Clinton had successfully divined a suitable path), the DADT policy remained in place for over a decade. By 2009, polls showed strong support for repealing DADT. In response to the survey question, “Federal law currently prohibits openly gay men and women from serving in the military? Do you think this law should be repealed or not?”, 55% answered yes, and only 35% said no. With Democratic President Barack Obama in place (albeit criticized for moving too slowly on marriage equality issues), the American military completed their discussion and efforts to bring sexual orientation equality into the armed forces. When Admiral Michael Mullen, then the Chair of the Joint Chief of Staffs, testified at a Congressional hearing in 2010 that “devaluing them [gay and lesbian military] in that regard is just inconsistent with us as an institution,” it announced that a major American societal institution – and certainly not a leading progressive one – had changed, as had the entire society.

By 2014, 19 American states (and the District of Columbia) had legalized same-sex marriage. A smaller number were in flux, with courts considering that the 2013 United States Supreme Court decision in *Windsor* invalidated the federal DOMA (Defense of Marriage Act) law. Family issues, and the uneven development of such rights and protections in conservative states, still prevent equality for many who are part of a LGBTQ

community. Still, the inevitability of marriage equality is accepted by all but the most strident social conservative groups in America – and increasingly by the electoral forces within the Republican Party, which now fear being portrayed as bigoted for any significant opposition to this rapidly normalized activity.

In 2013, as the end of the process signaling Britain's legal reform embracing marriage equality, Queen Elizabeth II offered her assent, as the British system mandates. For the Queen, whose family had enjoyed much-celebrated royal weddings in 1981 and 2011, celebrated in the United States as well, her assent was a powerful symbol, however symbolic and expected, of how far marriage equality has come in that country. Newly installed Catholic Pope Francis had made similar notice, when he spoke to reporters after a trip to South America in 2013, and explained that he had no problem with gay priests: "Who am I to judge a gay person of goodwill who seeks the Lord? You can't marginalize these people" (Meichtry, 2013; Spadaro, 2013). Together with Admiral Michael Mullen, then the Chair of the American Joint Chief of Staffs, who had articulated in 2010 that "devaluing them [gay and lesbian military] in that regard is just inconsistent with us as an institution," these statements represent the sea change that Garin and others have spoken of, and D'Emilio (2000) and Hirshman (2012) have presented as a steady evolution toward societal normalization.

This "trifecta" of opinions captures well the breadth and depth of global changes in marriage equality, and gay rights generally. It is difficult to consider what more evocative triumvirate of symbolically powerful figures than Queen Elizabeth II, the Pope, and the American Admiral who was the Chair of the Joint Chiefs of Staff could bring to this issue – except perhaps the observation, begrudgingly, by conservative icon Rush Limbaugh that marriage equality was inevitable (Dombrink, 2015).

Reproductive Rights

Of the five activities discussed in this essay, abortion lays claim to the longest period of legalization in contemporary American society – 41 years, dating back to the January 1973 decision by the US Supreme Court, in a 7-2 ruling in the *Roe v. Wade* case. This legally and socially significant action followed a decade of liberalization successes in several American states, in a development that affirmed the views of the earlier mentioned socio-legal scholars and reform-oriented activists. Though arguably the longest legalized – and thus decriminalized – of the activities considered in this essay, abortion and reproductive rights generally has remained the most contested of the topics.

The landscape of American social and political discussion of abortion and reproductive rights has continued to be a dominant social issue since the Supreme Court's ruling. Since that ruling in *Roe*, abortion had enjoyed a central position as a divisive topic in American politics, the quintessential "wedge issue" utilized in national party platforms, framing battles and nomination contests (Craig & O'Brien, 1993). Soon after *Roe*, the response by religious and social conservative groups and organizations led to the emergence of Jerry Falwell's "Moral Majority," and the competition for socially conservative but economically liberal "Reagan Democrats." That group fueled a good part of the Republican Party's electoral success over the subsequent three decades.

Americans continue to represent what Jerome Skolnick has referred to as the deep ambivalence (Skolnick, 1988). One explanation, following poll data, indicates that a majority of the country falls into the “pro-choice but” or “pro-life but” categories, more than the staunchly pro-choice or pro-life categories. This means that a sizeable percentage of Americans are generally pro-choice, but are wary of teenage abortion access, or late-term abortion (issues that pro-life activists have previously successfully spotlighted). In the other direction, there is a sizeable percentage of Americans who are generally pro-life, but draw the line at rape and incest provisions, in the interests of compassion.

When Gallup, Pew and other polling organizations reported in 2009 and 2010 that Americans’ self-description as “pro-choice” had fallen to its lowest level since *Roe* – and, most importantly, had crossed the line to where more than 50% of Americans described themselves as pro-life – it was not surprising that social conservatives found that data to be supportive of a reading of American society that was now trending toward pro-life positions.

Social conservatives like evangelical leader and Baptist theologian Albert Mohler have expressed their support for this concept:

The pro-life movement must also reflect on the 40th anniversary of *Roe v. Wade*, and there is cause for much humble thankfulness... There has been a great and measurable shift in public opinion on abortion. The extremism of the abortion rights movement has not been appreciated by the American people, who do not see abortion as just any other medical procedure. Younger Americans are more likely than their parents to be pro-life in a general sense. The generation that knows ultrasound pictures on the refrigerator is not going to accept the fact that their unborn sibling is a non-person. (Mohler, 2013)

Following on from the success of the use of the concept of “partial birth abortion” to undercut support for choice positions among the American public (Dombrink & Hillyard, 2007), a flurry of activity in mostly Republican states has taken place over the last several years to pass laws that restrict reproductive rights. Currently, the move by several states to support a ban on abortions after 20 weeks, using the concept of “fetal pain,” has given hope to social conservatives, who also see the decline in youth self-identifying as pro-choice. Bills that mandate hospital privileges for abortion providers (thus limiting those who fly or drive in regularly from other states), and mandating that freestanding reproductive rights clinics meet more stringent hospital requirements, are also common. “Personhood” measures have fared less well to date, but seek to introduce the concept of life beginning at conception, a construct that has characterized abortion politics since *Roe*.

The number of states that have passed laws limiting abortion access has grown steadily in the past 15 years. In 2013 alone, 22 states passed 70 laws restricting abortion (Nash, Rowan, Rathbun, & Vierboom, 2014). The number of states with restrictive abortion laws has doubled since 2000. The reproductive rights organization the Guttmacher Institute concluded that, “With the addition of these new laws, 59 percent of women of reproductive age live in a state that has enacted targeted regulation of abortion providers” (Viebeck, 2014).

Still, the paradox of ambivalent individual views, and the moral and medical complexity of the topic, prevents easy predictions of a pro-life upsurge. For those conservatives and Republicans who have utilized abortion (and, decreasingly so, same-sex marriage) as an important wedge issue, the issues of reproductive rights have also shifted in the past few years. Even as conservative states have passed restrictive legislation, discussion has often veered away from an area where they might have held an advantage – late-term abortions, and even funding for Planned Parenthood (Lepore, 2011), issues where they hoped to frame the discussion to their advantage, and to the detriment of Democrats and progressives. Instead, the issue frame of campaign 2012 became focused on rape and contraception – one of which is abhorrent, and the other which has been a settled issue for some time. The Catholic Bishops made the forced mandatory coverage of contraception in the employee health plans of many Catholic hospitals and colleges under the Affordable Care Act an important campaign issue in 2012. They encouraged those who felt that this issue could provide a “wedge” in the same way as gay rights and abortion had done for prior campaigns. However, in 2012, 89% of respondents to the Gallup Poll reported that contraception was morally acceptable, while only 8% opposed that statement. Importantly, fully 82% of Catholics responded similarly (Newport, 2012). This appeal for the primacy of “religious freedom” – another strongly held American tenet – has also recently seen a US Supreme Court decision in the *Hobby Lobby* case in 2014 which could serve to broaden that concept of religious conscientious objection.

The paradox that remains for social conservatives, and those who hope to use these results to challenge *Roe* or expand the 1992 limitation included in the US Supreme Court’s ruling in *Casey* (1992), is that Americans continue to respond that they favor keeping *Roe v. Wade* in place. In a 2013 poll, fully 70% of respondents to an NBC/*Wall Street Journal* poll said that they would favor keeping *Roe*. This level of support has generally been consistent since the ruling in *Roe* in 1973.

Assisted Suicide

Summarizing the Gallup polls, Justin McCarthy (2014) explains that “strong majorities” have supported the view that patients should legally be able to end their lives “by some painless means”. From the time that Dr Jack Kevorkian began illegally assisting people with incurable diseases to hasten their death in 1990, the issue of physician-assisted suicide, or “aid-in-dying,” began to be associated with other victimless crimes, a position it had not enjoyed during the 1970s era consideration by Packer and colleagues. In the spirit of John Stuart Mill, the British legal scholar Glanville Williams had argued in the 1950s for greater autonomy within the criminal law for persons to have their lives ended (Williams, 1957). At that time, despite some forays, no movement existed in the US with chances at legal reform, and the topic was shunted into the heretical and fringe categories.

That changed in the 1970s, when the nature of death changed, with long and fraught hospitalizations, and the capacity of medical machinery to extend life. Coinciding with an abortion rights movement that stressed the primacy of autonomy and control over

one's body, the 1970s saw the first determined efforts at legal reform by American medical ethicists and patient advocates, resulting in the passage by all 50 states of laws like California's Natural Death Act (1976). Doctors and medical facilities in modern times are the usual locales for dying, far more so than throughout even recent history. What Kevorkian and his fellow "death with dignity" activists did was try to wrest the control from doctors and medical institutions and give it to the suffering patients and their loved ones. When Kevorkian committed his first physician-assisted suicide in 1990, doctors were still reluctant to treat death as a natural part of life, and not consider it a failure. By 1990, half of Americans responded to a poll by supporting a person's right to end their lives when incurably ill, a number that would grow in the next two decades, attributable to a growing rights consciousness in part activated by Kevorkian.

In his time, and because of his efforts, this end-of-life intervention changed from being described as "mercy killing" to "physician-assisted suicide" to "death with dignity" to "aid-in-dying" to "end-of-life choices" (while social conservatives would see camouflage in that framing evolution). In this all, Dr Kevorkian became well known in America. He was on the cover of *Time* magazine in 1993, and celebrated at that magazine's party showcasing the newsmakers and society shapers of the twentieth-century. Microsoft's spell-check program will offer a correct spelling of his name, if misspelled.

From there, it was a logical step to expand the legal reform sought to actively assisting those who were nearing death. A 1991 Washington State initiative that led in the polls, but eventually failed, presaged the first successful referendum vote, which occurred in Oregon in 1994. By 2014, despite the poll numbers mentioned at the top of this section, only four states permit physician-assisted suicide: Oregon (1994), Montana (2009), Washington (2008), and Vermont (2013). Nor has there been a worldwide trend towards similar laws, even as several countries have formally legalized it. In Oregon, only a small percentage of the deaths in the state (341) utilized the Oregon Death With dignity processes, amidst the over 85,000 Oregonians who died otherwise in the first 10 years of the law.

At the occasion of Oregon's 10-year anniversary of the Oregon Death With Dignity Act, a colleague and I made an observation that is still true today: "What the recently intense national discussion demonstrates is that below the radar of politicians, political strategists and analysts, such change has slowly but surely come through the many conversations that have taken place in family kitchens, hospital hallways and church offices over the last 30 years" (Hillyard & Dombrink, 2008)

Conclusion

By 2014, the reforms that the scholars and reformers of the 1960s had argued for in the area of personal morality laws were enjoying a far different picture from even a decade ago. Drug laws in America earned the first mention in this essay – because of their rapid and imminent change, and dramatic shift in measured American public policy preferences (Keefe, 2013). But marijuana decriminalization also had false starts 40 years ago (DiChiara & Galliher, 1994), and the path to large-scale decriminalization has been stubborn, resulting in the long-term imprisonment of many Americans, a

large number of them people of color (Tonry, 1996). Still, it appears, at least with public support of the legalization of marijuana for recreational purposes, that a corner has been turned on that drug. What that predicts for societal treatment of meth, cocaine, crack, heroin, ecstasy, and prescription drugs remains to be seen. As was mentioned above, even conservative groups (like “Right on Crime”) have focused on the enormous fiscal costs – and allied incursions into liberty – of such a dominant incarcerative approach to drug policy.

The reasons why each of these activities was decriminalized varies. For some, autonomy was the most important factor – that certainly would characterize abortion law reform from the 1970s. There was, at the same time, a clearly articulated concern for the individual woman caused to risk her health and life by seeking an illegal (or “back-alley”) abortion (Solinger, 2005). The autonomy argument on drug use had limited reach, and encountered a serious push-back in the 1980s, with the critique of marijuana decriminalization and the rise of crack and strict penalties (Massing, 2000; Reinerman & Levine, 1997). Now with 40 years of the federalized “war on drugs” having displayed its fiscal costs, ineffectiveness and limitations, and racialized results, the variety of supports for shifts in policy are converging. For assisted suicide laws, a blend of autonomy and compassion for the dying person possible approaching a predictable and painful death was often used. Gambling law reform cared less about the fate of the individual gambler, and more about the discordance between public acceptance of this vice, and the millions of dollars that states and local economies could gain through legalization and expansion.

Over those 40 years, reform groups like the Drug Policy Alliance (formerly the Lindesmith Center) and its director Ethan Nadelmann (Nadelmann, 2008), along with other critics (Gray, 2011; Reinerman & Levine, 1997), have conducted a consistent critique of the American drug wars. State-based reform groups have made inroads into state sentencing policy, as with California’s Proposition 36 in 2000 (a Drug Policy Alliance effort that averted the incarceration of first-time and second time non-violent drug offenders). It seems possible that America will move towards the harm-reduction and non-moral panic approach to illegal drugs that has characterized our Western European counterparts for at least two decades (MacCoun & Reuter, 2001).

But gambling was the first, the farthest and the fastest in achieving a level of public familiarity, public involvement, and public support. In 1984, legal gambling revenues were less than \$15 billion in the US. By 2007, they were over \$92 billion (and the various sectors of the gaming industry were touting the economic development and allied aspects – retail, dining and entertainment, or “RDE” – of their enterprises). Gambling had become a normalized, legitimate leisure-time activity. True, there were still two states (Utah and Hawaii) that did not permit legal gambling. True, the federal legislative and enforcement block on Internet gambling has kept America from resembling European countries that do allow the form.

Reproductive rights remain a contested topic in American society. While it was surprising in many quarters to see contraception emerge as a topic of discussion and framing in the 2012 presidential campaign year, the results of that election should not be read to infer that Americans are solidly pro-choice. On the abortion issue, Americans remain solidly ambivalent. This stance would disappoint those who point to 2009 and

later polls and the emergence of “pro-life” self-identification in polls as finally greater than “pro-choice.” It would give encouragement to those who had prepared or arranged the passage of restrictive legislation of late.

Aid-in-dying remained a formally legally reformed topic in few states, but the support of many Americans indicated that it remained ripe for further expansion. In addition, the grueling spectacle of Congress involved in the Terri Schiavo case displayed the lack of support by Americans for greater government involvement in deciding the timing and means of dying for those so situated (Dombrink & Hillyard, 2007).

Even as marijuana law reform has emerged in 2014 as a popular issue supported by an increasing number of Americans, it does not rival the rapid ascendance of marriage equality as a core reflection of the evolving definitions of equality and acceptance in American society. It has been 11 years since the first state (Massachusetts) ruled in favor of marriage equality, but only 10 years since that ruling was used as a wedge issue by social conservatives in the 2004 presidential election. Their focus on state-level “defense of marriage” acts (DOMAs) to bring voters to the polls to support conservative candidates has now shifted, as the support for marriage equality among all Americans – but especially the young or “Millennial” voters – has grown dramatically. Marriage equality does not have the revenue-raising capacity to parallel gambling in its legal growth.

A contemporary analysis finds a demonstrably changed America in 2014, after a series of “sea changes” in the individual activities described – some settled, some contested, some in flux. The issues of framing, social movement strategies, adaptation to changing social environments, a deep connection with electoral politics, responses to backlashes, and changing levels of religiosity and the role of religion in society, have all shaped this societal reaction. They are suggested at or woven into the analysis above (and whose full treatment, usually on each of the individual topics, can occupy several bookshelves)

This evolution should please socio-legal scholars and reformers of 40 and 50 years ago. But they would also have been dismayed that their clarion call for rationality and liberty in the criminal law treatment of personal morality issues did not succeed sooner (the late-arriving case of drug policy), or failed to result in a bedrock of societal support for the reform (abortion laws). At the same time, some reforms in American law (marriage equality) – however protracted and hard-fought – exemplified the values of justice and autonomy they argued for.

References

- Attorney General's Commission on Pornography. (1986). *Final Report*. Washington, DC: US Government Printing Office.
- Bonnie, R.J., & Whitebread, C.H., II. (1974). *The Marihuana Conviction: A History of Marihuana Prohibition in the United States*. Charlottesville, VA: University Press of Virginia.
- Craig, B.H., & O'Brien, D.M. (1993). *Abortion and American Politics*. Chatham, NJ: Chatham House.
- D'Emilio, J. (2000). Cycles of change, questions of strategy: The gay and lesbian movement after fifty years. In C. Rimmerman, *et al.* (Eds.), *The Politics of Gay Rights* (pp. 31–53). Chicago: University of Chicago Press.

- DiChiara, A., & Galliher, J.F. (1994). Dissonance and contradictions in the origins of marihuana decriminalization. *Law and Society Review*, 28 (1), 41–77.
- Dombrink, J. (2015). *The Twilight of Social Conservatism: American Culture Wars in the Obama Era*. New York: New York University Press.
- Dombrink, J., & Hillyard, D. (2007). *Sin No More: From Abortion to Stem Cells, Understanding Crime, Law and Morality in America*. New York: New York University Press.
- Duster, T. (1997). Pattern, purpose and race in the drug war: The crisis of credibility in criminal justice. In C. Reinerman, & H.G. Levine (Eds.), *Crack in America: Demon Drugs and Social Justice* (pp. 260–287). Berkeley, CA: University of California Press.
- Geis, G. (1972). *Not the Law's Business: An Examination of Homosexuality, Abortion, Prostitution, Narcotics, and Gambling in the United States*. New York: Schocken Books.
- Gray, J.P. (2011). *Why Our Drug Laws Have Failed and What We Can Do About It: A Judicial Indictment of the War on Drugs* (2nd ed.). Philadelphia: Temple University Press.
- Guttmacher Institute. (2014). *Facts on Induced Abortion Worldwide*. Washington, DC: The Guttmacher Institute. Retrieved from <http://www.guttmacher.org>
- Hillyard, D., & Dombrink, J. (2008). Oregon's death with dignity hits 10 years. *Seattle Post-Intelligencer*, March 25.
- Himmelstein, J.L. (1983). *The Strange Career of Marihuana: Politics and Ideology of Drug Control in America*. Westport, CT: Greenwood Press.
- Hirshman, L. (2012). *Victory: The Triumphant Gay Revolution*. New York: HarperCollins.
- Jenness, V. (1993). *Making It Work: The Prostitutes' Rights Movement in Perspective*. New York: Aldine De Gruyter.
- Kadish, S. (1967). The crisis of overcriminalization. *Annals of the American Academy of Political and Social Science*, 374, 157–170.
- Kaplan, J. (1983). *The Hardest Drug: Heroin and Public Policy*. Chicago: University of Chicago Press.
- Keefe, P.R. (2013). Buzzkill: Washington State discovers that it's not so easy to create a legal marijuana economy. *The New Yorker*, November 18. Retrieved from <http://www.newyorker.com>
- Laser, R. (2006). *Winning the Abortion Grays. The Third Way Culture Project*. Washington, DC: The Third Way.
- Lepore, J. (2011). Birthright: What's next for Planned Parenthood? *The New Yorker*, November 14. Retrieved from <http://www.newyorker.com>
- Lindesmith, A.R. (1965). *The Addict and the Law*. Bloomington, IN: Indiana University Press.
- MacCoun, R.J., & Reuter, P. (2001). *Drug War Heresies: Learning from Other Vices, Times, and Places*. New York: Cambridge University Press.
- Maguire, K. (2007). Some warn Mass. casino plan brings risk for college students. *Boston Globe*, October 14. Retrieved from <http://www.boston.com>
- Massing, M. (2000). *The Fix*. Berkeley, CA: University of California Press.
- McCarthy, J. (2014). Seven in 10 Americans back euthanasia: Support strong for past two decades. GallupPolitics, June 18. Retrieved from <http://www.gallup.com>
- Meichtry, S. (2013). Pope signals openness to gay priests. *The Wall Street Journal*, July 30.
- Meier, F.R., & Geis, G. (1997). *Criminal Justice and Moral Issues*. Beverly Hills, CA: Roxbury Publishing.
- Meyers, S. (2014). *Late Night With Seth Meyers*. New York: National Broadcasting Corporation, April 2.
- Mill, J.S. (1859/1956). *On Liberty*. Indianapolis: Bobbs-Merrill.
- Mohler, A. (2013). Losing ever since Roe? – TIME sounds the siren for abortion rights. Retrieved from <http://www.albertmohler.com>

- Musto, D.F. (1973). *The American Disease: Origins of Narcotic Control*. New Haven, CT: Yale University Press.
- Musto, D.F. (1999). *The American Disease: Origins of Narcotic Control* (3rd ed.). New York: Oxford University Press.
- Nadelman, E.A. (1989). Drug prohibition in the U.S.: Costs, consequences and alternatives. In C. Reinerman, & H.G. Levine (Eds.), *Crack in America: Demon Drugs and Social Justice* (pp. 321–333). Berkeley, CA: University of California Press.
- Nadelmann, E. (2008). Let's end drug prohibition. *Wall Street Journal*, December 5.
- Nash, E.R.B.G., Rowan, A., Rathbun, G., & Vierboom, Y. (2014). *Laws Affecting Reproductive Health and Rights: 2013 State Policy Review*. Washington, DC: Guttmacher Institute. Retrieved from <https://www.guttmacher.org>
- Newport, F. (2012). Americans, including Catholics, say birth control is morally OK. Gallup, May 22. Retrieved from <http://www.gallup.com>
- Packer, H. (1968). *The Limits of the Criminal Sanction*. Stanford, CA: Stanford University Press.
- Petersilia, J. (2003). Prisoner reentry and criminological knowledge. *The Criminologist*, 28 (March/April).
- Public Religion Research Institute. (2012). *Public Religion Research Institute Survey: Religion, Values, and Experiences: Black and Hispanic American Attitudes on Abortion and Reproductive Issues*. Public Religion Research Institute.
- Rahman, A., Katzive, L., & Henshaw, S.K. (1998). A global review of laws on induced abortion, 1985–1997. *International Family Planning Perspectives*, 24 (June).
- Reinerman, C., & Levine, H.G. (Eds.) (1997). *Crack in America: Demon Drugs and Social Justice*. Berkeley, CA: University of California Press.
- Schur, E. (1965). *Crimes Without Victims*. Englewood Cliffs, NJ: Prentice-Hall/Spectrum.
- Skolnick, J.H. (1968). Coercion to virtue: The enforcement of morals. *Southern California Law Review*, 41 (7), 588–641.
- Skolnick, J.H. (1988). The social transformation of vice. *Law and Contemporary Problems*, 51 (1), 9–29.
- Skolnick, J.H., & Dombrink, J. (1978). The legalization of deviance. *Criminology*, 16 (2), 193–208.
- Solinger, R. (2005). *Pregnancy and Power: A Short History of Reproductive Politics in America*. New York: New York University Press.
- Spadaro, Fr. A. (2013). Interview with Pope Francis. *Libreria Editrice Vaticana*, September 21.
- Tonry, M. (1996). *Malign Neglect: Race, Crime, and Punishment in America*. New York: Oxford University Press.
- Viebeck, E. (2014). Analysis: States passing fewer anti-abortion laws. *The Hill*, July 8. Retrieved from <http://www.thehill.com>
- Voorhees, J. (2012). GOP Senate candidate suggests pregnancy from rape is 'something that God intended.' *Slate*, October 24. Retrieved from <http://www.slate.com>
- Weitzer, R. (2012). *Legalizing Prostitution: From Illicit Vice to Lawful Business*. New York: New York University Press.
- Williams, G. (1957). *The Sanctity of Life and the Criminal Law*. New York: Alfred Knopf.

What is Homosexuality Doing in Deviance?

Jeffery P. Dennis

Is homosexuality a form of deviance? Consider its current status. In May 2012, President Obama announced his support of same-sex marriage, which, today, is legal in most states of the US, as well as in Canada, Mexico, Argentina, New Zealand, and many European nations. About 40% of the world's Protestants belong to denominations that admit LGBT (lesbian, gay, bisexual, transgendered and transsexual) members, and some 2,000 local congregations have gone on record as welcoming LGBT members regardless of denominational policy.

Hundreds of colleges offer courses in LGBT history and culture, and about 30 offer majors in the subject. Harvard has an endowed chair of LGBT Studies. In 2014, hundreds of cities in over 50 countries around the globe, including Cape Verde, Croatia, Mauritius, Nepal, Peru, and Turkey, held parades and festivals that honor gay pride. The largest attracted more than half a million participants and spectators.

With so much evidence that LGBT people are achieving equality in so many social arenas, it is not surprising that homophobic bias receives strong condemnation. In 2012, Franciscan University, a small Catholic college in Steubenville, Ohio, came under fire for a three-line course description in its catalog. *Deviant Behavior*, in the Social Work Department, listed *homosexuality* among its topics of discussion, alongside rape and murder (Brady, 2012). The Franciscans argued that it was using the term *deviant* not in a judgmental fashion, but “in its sociological sense as different from the norm.” After a media blitz and an investigation by its accrediting agency, the Council on Social Work Education (which forbids homophobia in training), it deleted *homosexuality* from the course description, along with the other examples. Today, social acceptance of LGBT persons is at an all-time high – so widespread is it in Western countries that individuals are more likely to be punished for homophobic bias than for being gay.

Since its beginnings in the early 1960s, the sociological study of deviance has featured homosexuality as prototypical of the central principles of the discipline, and

dozens, perhaps hundreds of colleges continue to include *homosexuality* as one of the topics to be covered in deviance courses. At the University of Nevada, the course description for *The Sociology of Deviance* includes prostitution, *homosexuality*, drug and alcohol abuse, and violence. At Onondaga Community College in Syracuse, New York, the deviance course description lists, as major examples, *homosexuality*, prostitution, suicide, and alcoholism. The University of Pittsburgh pairs *homosexuality* with mental illness.

Even when catalog course descriptions fail to include *homosexuality* in its list of deviant acts to be covered, professors often include it in the syllabus. In a sample of 50 syllabi from courses in deviance taught at a variety of colleges and universities, nearly half (23) devoted one or more class sessions to the topic of *homosexuality*. At the University of Utah, *Sociology of Deviant Behavior* devotes two weeks to it, just after violence, substance abuse, and debt, and before prostitution. At the University of Wisconsin, *Deviant Behavior* devotes one week to “Homosexuality and Deviance,” but then counters with “Sexual Diversity.” At Rutgers University, a single class session is devoted to “Contrasting Perspectives: Homosexuality.”

Deviance courses may be the only place, on campus or off, where students hear the words *homosexuality* and *homosexual*. Scholars in Gay Studies, Gender Studies, and most other fields of the social sciences and humanities think of the terms as outdated, relics of a bygone era, equivalent to referring to African-Americans as “Negroes”; they generally prefer *same-sex*, *gay*, *sexual minority*, or *queer*. According to the Worldcat database, between 2003 and 2013, 6,500 nonfiction books were published in English with the word *gay* in the title, 3,185 with *queer*, and only 493 with *homosexual*, mostly in a historic or homophobic context. Similarly, LGBT individuals themselves find the terms offensively pathologizing, and prefer *gay*, *lesbian*, *queer*, or LGBT (or LGBTQQA). There are currently some 5,000 gay organizations in the US, and no homosexual ones, except for a homophobic ex-gay group.

Has homosexuality exited or departed from deviance (Minton, 2002)? In the sociology of deviance, it has not. Hence, the question becomes: why not? Moreover: why did homosexuality become so beloved of the sociology of deviance in the first place? Why hasn't the field transformed its approach in the same way that most academic and intellectual observers have?

Gays before Deviance

Although throughout history many people have experienced same-sex desire or engaged in same-sex behavior, often with the indifference or respect of their communities, most scholars agree that the classification of people into *heterosexual* and *gay/lesbian* (and later *bisexual*) in the West arose in the late nineteenth century as part the flurry of binary medico-legal taxonomic activity that also classified people into white/non-white, European/colonial, male/female, and child/adult (Blank, 2012; Foucault, 1990; Katz, 1997). The newly-defined term *homosexual* entered common parlance through Richard Von Krafft-Ebing's *Psychopathia Sexualis* (1903) and was popularized by Sigmund Freud, who theorized that everyone goes through a period of homoerotic

attachments before moving into “mature” heterosexual desire, but some people get stuck, and become gay or lesbian (Terry, 1999).

Other literary and medical discourses portrayed gay people as “inverts,” acquiring the interests, traits, and passions of the opposite sex through biological or psychological error. Though “mistakes of nature,” they were harmless, deserving of pity, not wrath. During the 1920s, actors in silent movies and in vaudeville often posed as “feminine” gay men and “masculine” lesbians to elicit laughter rather than disgust from the audience (Chauncey, 1995, p. 239).

But by the decade of the 1930s, the era of relative tolerance had come to an end. In 1937, FBI head J. Edgar Hoover declared “war on the sex criminal,” by which he meant the *homosexual*. Not only were same-sex acts criminalized in every state of the US; gay people were virtually the sole targets of laws prohibiting solicitation and lewd conduct, and they were forbidden from engaging in many non-sexual acts, such as dancing and purchasing alcoholic beverages. Even using the term *homosexual* in print could lead to an arrest. Sexual offenses engaged in mostly by heterosexuals, such as fornication, adultery, cohabitation, miscegenation, and contraceptive use, were enforced less and less as the criminal justice system concentrated on gay people. The medical and psychiatric establishment justified this criminalization by proclaiming, with increasing urgency as World War II approached, that “inversion” was not the subject of an in-joke or a lascivious wink, but rather a dangerous psychosis. They reasoned that the *homosexual* was compelled to commit many other crimes, from relatively minor acts such as shoplifting to the most atrocious acts of violence, including rape and murder. The *homosexual* was a fellow-traveler with the Bolsheviks, then the Nazis, and then the Communists – whoever was currently being accused of plotting the downfall of civilization. By the 1940s, *homosexuality* was being presented as the most significant agent that divided the world into good and evil, civilized and uncivilized, masculine and feminine, and healthy and depraved (Corber, 1997; Leon, 2011; Terry, 1999, pp. 329-342).

During the 1930s and 1940s, social disorganization theorists argued that entire neighborhoods became criminogenic, primarily due to their transient populations and ethnic minorities and immigrants, the latter of which, according to the racist theories of the era, were predisposed to lewd and dangerous sexual profligacy (Blumer, 1937; Hawley, 1944). Researchers quickly saw the utility of the new model of the depraved *homosexual*, and began looking for same-sex behavior in criminal life histories, making *homosexuality* a cause, consequence, or attendant circumstance of most criminal careers (Hulbert, 1939; Schmideberg, 1947; Allen, Bennett, & Dillon, 1946; Tomsen, 1997). Well into the 1970s, case studies of criminals commonly referenced same-sex behavior, and case studies of *homosexuals* commonly included a laundry list of criminal offenses – as if most gay people were criminals and most criminals were gay (Glaser, Lander, & Abbott, 1971).

The Birth of Deviance

As Joel Best points out (2004, pp. 3–4), deviance as a distinct concept did not yet exist in the 1930s and 1940s, so sociological discussions of non-normative behaviors drew on the phraseology of “social problems, degeneracy, social disorganization, and social

pathology.” In his influential and widely-cited 1938 article, “Social Structure and Anomie,” Robert Merton used the terms “deviate behavior,” “antisocial behavior,” and “aberrant conduct.” These terms referred to behavior that was not only statistically uncommon, but destructive, dangerous, immoral, unseemly, and objectively wrong. For examples of such behavior, sociologists commonly drew on the taxonomy of the FBI’s *Uniform Crime Reports*, first compiled in 1930: Violent Crime, Property Crime, Drug and Alcohol Offenses, and Public Order Offenses. Since *homosexuality* did not fit into any of the categories, sociologists mentioned the subject only occasionally, in a few offhand comments, such as Pitirim Sorokin’s bewailing of “the third sex” in his jeremiad, *The Crisis of Our Age* (1941).

The contemporary definition of social deviance as non-normative behavior that may or may not be criminal, but tends to receive informal punishment, arose in the early 1960s when several sociologists, especially Howard Becker (1963) and Erving Goffman (1963a), tried, as far as possible, to remove the moral onus from the term “deviance.” Acts themselves were objectively neutral. It was up to observers, socialized into the norms of their culture or subculture, to add a moral context and label them deplorable, normal, or noble. Christians had no qualms about eating pork, but to Jews and Muslims, such behavior was abhorrent; the Hebrew Bible called it an abomination worthy of death by stoning. Roman Catholics found nothing amiss with a glass of wine at dinner, but to Baptists and Pentecostals, alcohol use was a monstrous act that warranted an eternity of hellfire. For the next 50 years, introductory sociology classes were invited to name acts that were labeled deviant universally across all cultures and time periods. Such acts proved extremely hard to find.

Sociologists also wished to distinguish the term “deviance” from the statistically atypical. Many acts, beliefs, statuses, and identities are statistically unusual – they encompass only a small percentage of the population – but are not considered deviant: having a PhD, speaking three languages, bench-pressing 300 pounds. Likewise, some commonplace acts, like reading pornographic magazines, nevertheless would be punished or condemned by most people in the mainstream culture, and therefore should be classified as deviant.

This new sociological delineation of deviance was so completely different from the usual, structural-functionalist view of non-normative behavior as rare, universally despised, and objectively wrong, that it had to be “sold” with a good example. It had to be a form of behavior that was common enough as to not require extensive explanation. It had to be something that most colleagues and students would find disgusting, but not so disgusting that they couldn’t stomach hearing or reading about it. It had to be something disputed: there must be a subculture where the “aberrant behavior” was deemed normal, even praiseworthy. And, most importantly, it had to be “sexy,” interesting enough to draw the reader’s attention.

The usual “aberrant behaviors,” notably crimes in the *Uniform Crime Reports*, did not meet the criterion of dispute. Criminals might argue that robbery, larceny, and assault were necessary evils, but rarely that they were normal or praiseworthy. After all, as St. Augustine said, even a thief does not want to be robbed (400/1963, p. 45). The mentally ill rarely argued that their conditions were normal or praiseworthy, though in *The Myth of Mental Illness* (1961), Thomas Szasz stated that sanity and insanity are social

constructs, dependent upon cultural norms. That left sexual behaviors. Fetishes and paraphilias would require too much explanation, fornication and adultery would not elicit enough disgust, and bestiality and pedophilia would elicit too much disgust. But *homosexuality* was perfect: it was commonplace – according to the Kinsey Report, nearly half of adult men had engaged in at least one same-sex act since adolescence – it elicited just the right amount of disgust, it was disputed (there were a number of active homophile groups), and it was “sexy,” redolent of blackmail, scandal, intrigue, and sophistication (think of Tennessee Williams, Cole Porter, Noel Coward, and Truman Capote).

Neither Howard Becker nor Erving Goffman, the two main founders of the sociology of deviance, was a stranger to discussions of *homosexuality*. Howard Becker alluded to it briefly in his ethnography of medical school students, *Boys in White* (1961), and Erving Goffman gave it more substantial attention. In *The Presentation of Self in Everyday Life* (1956), he discusses the process of “gradual guarded disclosure” of two *homosexuals*, neither of whom wants to disclose without assurance that the other is also gay. In *Asylums* (1957), he discusses same-sex dating and courtship in mental hospitals. In *Behavior in Public Places* (1963b), he complains that gay men “abuse” public social interactions by using them for sexual liaisons. But the seminal texts on the sociology of deviance would find *homosexuals* everywhere.

Howard Becker begins his foundational volume, *Outsiders: Studies in the Sociology of Deviance* (1963), by using the *homosexual* as one of the most significant, interesting, and important of all deviant actors. On page 3 he cautions that his new value-free definition of deviance does not mean that we must accept and allow everything. Some acts are dangerous, destructive, and objectively wrong, even though they may be normative in some groups. We can still condemn drug addicts and *homosexuals*, for instance, in spite of their “full blown ideologies explaining why they are right and those who punish them are wrong” (Becker, 1963, p. 3).

Becker continues to argue that societal labeling creates and maintains deviance, and uses *homosexuality* to illustrate primary deviance – what happens in the absence of the deviant label: male prostitutes engage in many same-sex acts, yet do not “become” gay. He uses it to explain how the deviant label is self-perpetuating: the gay person who is discovered cannot get a respectable job, and so is forced farther into the criminal demi-monde. He discusses the factors that lead many people to “casual experimentation” with same-sex behavior, but only a few, by choice or necessity, to make *homosexuality* “a way of life.” In all, Becker uses the drug addict as an example eight times, the criminal six times, and the mentally ill four times, but the *homosexual* over 30, so often and so extensively that the book might easily be titled *Homosexuals: Studies in the Sociology of Deviance*.

Erving Goffman’s *Stigma: Notes on the Management of Spoiled Identity* (1963a) relies on several groups for examples, especially “cripples,” prostitutes, and drug addicts, but again, the *homosexual* appears so often, and in so many contexts, that the book might as well be entitled *Homosexuals: Notes on the Management of Spoiled Identity*. According to Goffman, stigma occurs when a deviant label is so harsh, derogatory, and disdainful that it becomes a master status, the sole means by which others – and often the deviant actors themselves – evaluate their talent, ability, worth, and position. For instance, when a *homosexual* is discovered, no one cares about his academic degrees, hours spent

volunteering in soup kitchens, or singing ability; he is still regarded as a pervert. If the stigma can be hidden, the deviant tries to “pass” as normal; the gay man may adopt a masculine facade, use feminine pronouns for his romantic partner, even get married. Deviants often try to avoid taking responsibility for their condition; they argue that they are not *homosexual* due to any personal shortcoming or desire to do evil, but due to improper parenting or a tragic trick by Mother Nature. And most importantly for future studies, deviants often try to escape punishment by seeking out others, carving out their own enclaves, invisible to the “normal” world but not to the “wise,” such as bars that cater to a gay clientele off hours. Sometimes they even develop well-organized but hidden subcultures, like the gay community of Greenwich Village. The concept of generating collectivities who accept and convey a subculture – norms and practices – pertaining to people who share their identity became crucial for the sociological approach to deviance generally, and to *homosexuality* in particular.

The Gay/Deviant Connection

During the early 1960s, there were indeed gay communities, entire neighborhoods throughout the US, Canada, Latin America, and Europe, where LGBT people lived freely and openly. Many of the residents were drawn from the youth counterculture, had worked in the civil rights movement, and knew how to organize for social justice. As the 1960s progressed, members of these collectivities formed political action groups, student groups, churches, bookstores, and even community centers. Their activism led to a re-evaluation of homophobic policies in several social institutions. The Quakers began admitting LGBT members. The American Civil Liberties Union began taking on cases of homophobic discrimination. The New Jersey Supreme Court invalidated a law that prohibited serving alcoholic beverages to “known homosexuals” (D’Emilio, 1983).

These newly organizing LGBT communities might seem a fertile ground for sociological investigation, but academics tended to shy away from them; these researchers were either too homophobic to spend much time with gay informants, or worried that they would be fired for researching such a “controversial” topic. Those few who did produce LGBT scholarship drew strongly from the new sociology of deviance. For instance, in their influential essay, “Homosexuality: The formulation of a sociological perspective” (1967), William Simon and John Gagnon discussed the gay person’s “deviant commitment” to the LGBT subculture in the light of both the severity of the stigma and the extent of conventional roles and commitments, such as job, family, and heterosexual relationships.

In “Sexual deviance in contemporary America” (1968), Gagnon and Simon typified non-normative sexual behavior from the vantage point of the sociology of deviance as dependent on social sanctions, which can affect both the incidence of the behavior and the social structures available to support the deviant actor. Strong sanctions usually lead to low incidence and few ties with social structures; Gagnon’s examples include pedophilia, rape, and “hardcore pornography.” But inexplicably, in spite of the strong sanctions it elicited, *homosexuality* was associated with both high incidence and ties to numerous social structures.

Although deviance scholars in the 1960s and 1970s failed to conduct much research in LGBT communities, they almost invariably continued the Becker/Goffman tradition of using *homosexuality* as their primary example, establishing it as the most important and most interesting type of deviance, inadvertently giving generations of students and future scholars the impression that *homosexuality* and deviance were nearly the same thing. For instance, in "Moral passage: The symbolic process in public designations of deviance" (1967), Joseph Gusfield analyzed how self-presentation affects the way that the deviant is characterized by normal society, as sick, repentant, or an enemy. The *homosexual* is usually categorized as "sick," suffering from a dangerous and destructive psychosis, but if he sees a psychiatrist to "rid himself of his habit," normal society eases the stigma and deems him "repentant." On the other hand, if he becomes "militant" and attempts to decrease the stigma himself by participating in political protests, normal society deems him even worse, "an enemy."

In "Images of man and social control" (Stoll, 1968), agents of social control use their occupational ideology to determine how to respond to the deviant behavior. So all judges presumably have the same attitude "toward a certain crime, such as homosexuality" (1968, p. 127) and respond accordingly. But what if no occupational consensus has been reached? Will a judge, "passing judgment on a homosexual," use his personal ideology, or the ideologies of other occupations, such as psychiatry or psychology?

John Lofland's *Deviance and Identity* (1969) applied conflict theory to deviant labels, arguing that elite groups use ascriptions of deviance to maintain their social position and replicate structures of institutional oppression. Thus, upper-class drug use is portrayed as normal and unproblematic, but lower-class drug use as degrading and morally abhorrent. The observer could easily argue that heterosexual elites normalize their own behavior by stigmatizing the behavior of powerless gay people, thus locating them in the ranks of other historically oppressed groups, such as African-Americans and Jews, but in fact Lofland did not make the connection. Instead, he replicated the Becker-Goffman argument: persons who suffer from psychological maladies like same-sex desire are abused, abraded, and condemned as "crucially defective" by indignant onlookers (1969, p. 305), who award them the loathsome label *homosexual*.

In *Becoming Deviant* (1969), David Matza mentioned *homosexuals* only six times, but in crucial parts of his argument about how one "becomes" deviant. After you are awarded the deviant label, you can no longer function as a "normal." For instance, you cannot be a *homosexual* and a successful businessman because you will be unemployed, or if self-employed, you will not attract any clients. You cannot make "normal" friends because they will always keep you at arm's length out of fear or disgust. You cannot become socially prominent because people believe that if you can break the essential rule about sexual behavior, you will have no qualms about breaking others.

Anthologies of articles on the sociology of deviance began to appear in the late 1960s, again with an emphasis on homosexuality as the most significant, obvious, and telling example. Howard Becker's ground-breaking book of readings, *The Other Side* (1964), contains two articles that focus entirely on homosexuality, including John Kitsuse's "Societal reaction to deviant behavior" (pp. 87-102), which takes reactions to homosexuality as paradigmatic of reactions to deviance as a whole. *Deviance: Studies in the Process of Stigmatization and Societal Reaction* (Dinitz, Dynes, & Clarke, 1969), classified

deviant behavior into “Crime, Victimless Acts” (such as prostitution), “Pathology” (mental illness), “Alienation” (the youth counterculture), and “Status Offenses,” which refer to behavior that lacks “the criminal ingredient of willfulness” (p. 215); you don’t choose your deviance. The last of these categories is represented in five articles, one each on drunkenness and drug abuse, and three on homosexuality. In this volume, homosexuality is also discussed in 11 articles that focus on other categories of deviance.

In *Deviance and Respectability: The Social Construction of Moral Meanings*, homosexuality is introduced as “one of the more glamorous and exciting forms of deviance” (Douglas, 1970, p. 37). As such, it appears in every conceivable context: in explanations of the difference between primary and secondary deviance; in analyses of gay subcultures and militant groups; in descriptions of the “situational homosexuality” of prisons; and in evocations of the agencies that try to punish, control, and rehabilitate the homosexual deviant.

Even critiques of the sociology of deviance did not omit the increasingly strong connection between *the homosexual* and deviance. In 1972, Alexander Liazos famously argued that the sociology of deviance ignores giant corporations and bloated government bureaucracies that cause untold suffering, to concentrate on the relatively harmless “nuts, sluts, and perverts.” He used *perverts* as a facetious synonym for *sexual deviants*, which everyone understood to mean *homosexuals*. In “Imputations of deviance” (1975), Prudence Rains used homosexuality to critique the ontological basis of labeling theory, with a *reductio ad absurdum* argument. If deviance resides only in the observation and punishment of an audience, not in the act itself, then isn’t it possible that millions of people engage in same-sex acts but aren’t labeled *homosexual*, and millions of people are labeled *homosexual* yet never engage in a same-sex act?

Deviance and the Gay Rights Movement

The Stonewall Riots of 1969 galvanized LGBT communities, resulting in the formation of hundreds of activist groups in every major city and many small towns across North America and Europe, plus thousands of mainstream allies, heterosexual family members, friends, and supporters who no longer believed that to be gay was to be deviant. The Gay Rights movement had a well-articulated agenda based on the struggles and successes of other disenfranchised groups: an end to LGBT pathologization by the psychiatric establishment; an end to criminalization and institutionalized discrimination; an end to religious discourse that framed gay people as inherently evil; and an end to the invisibility or negative stereotyping of gay people in education and the mass media (Marcus, 2002; Bronski, 2002).

During the next two decades, the Gay Rights movement enjoyed an unparalleled success. The American Psychiatric Association eliminated their classification of *homosexuality* as a mental disorder in 1973 (the World Health Organization did so two decades later, in 1993). Sodomy laws were repealed or invalidated in 34 states and many countries, including Austria, Costa Rica, Germany, Norway, and Yugoslavia. Reform Judaism, as well as the Episcopal Church, the Unitarian-Universalist Association, and several other Christian denominations, began admitting gay members. Courses in gay

studies were offered at a dozen colleges and universities. Positively portrayed gay characters appeared regularly on television and in movies. In 1977, Billy Crystal's Jody became the first gay character in a starring role on network television, on the soap opera spoof *Soap* (1977–1981).

The number of people who believed that being gay was deviant decreased tremendously, especially among the well-educated, so academics enjoyed a new freedom to research LGBT people and communities without fear of being fired, and books and articles began to appear. Most were in the fields of the humanities, where scholars could analyze texts instead of trying to track down gay informants. Those few social scientists working with LGBT people generally asked the question "What causes it?" and answered through the lens of social deviance, attributing the creation of gay identities to external hostility (Levine, 1979). For instance, Plummer (1981, p. 20) stated that "no adequate understanding of deviant experiences (for example, homosexuality) is possible without a consideration of the stigmatizing meanings in which these experiences become enmeshed."

The sociology of deviance heretofore had little to say about hidden deviance, presuming that stigma only occurs when the deviant fails to pass; as long ago as 1962, John Kitsuse said "the differentiation of homosexuals from the normal population is a consequence of the fact that the former are 'known' to be homosexuals by some individuals, groups, or agencies" (1962/1996, p. 14-15). But now deviance scholars were wondering about closets – could someone self-label as a *homosexual* without a recoiling audience, through a mere awareness of social disapproval? The consensus was that they could, thus allowing researchers to ignore the increasingly visible gay neighborhoods that were drawing thousands of gay people; in the 1990s, one scholar (Weston, 1998) estimated that 50% of adult lesbians and 66% of gay men lived within the confines of a gay neighborhood. Instead, researchers presumed that almost all *homosexuals* led quiet, solitary lives, trying hard to "pass" in a hostile world. While passing, the best you could hope for was a contingent, informal, clandestine, and scattered grouping to solve practical problems, such as how to locate potential partners and how to hide your activities from the "normals." Rubington argued that "most deviants live in connection with other deviants and 'sympathizers,' even if this be only half a dozen people in a little Midwestern town" (1996, p. 251). Troiden agreed that many gay people did pass, living as solitary actors, or experiencing a sort of vague "disembodied affiliation" with LGBT communities (1988, p. 53), but argued that most "successful" gay people accomplished a "fusion of sexuality and emotion" and were able to "adopt homosexuality as a way of life."

When they mentioned the Gay Rights movement, scholars typically expressed a mixture of fascination and dread. Why would a *homosexual* invite scorn by marching down the street with a sign proclaiming his deviance? Was this a new phenomenon, tertiary deviance, identity politics? Unfortunately, their information was increasingly outdated. In *Perspectives on Marginality: Understanding Deviance* (McIntosh, 1974), homosexuality is mentioned in seven articles, including discussions of "what causes it," LGBT subcultures, and radical "militant organizations" like the Gay Liberation Front and SIR (the Society for Individual Rights), both of which had disbanded by 1974. In *Demystifying Social Deviance* (1980), Stuart Hills located gay people not among

African-Americans and women, but among drug addicts, rapists, and the Mafia, and he condemned “militant groups” such as the Gay Liberation Front (long since disbanded). Rejecting (or unaware) of the various planks in the agenda of the Gay Rights Movement, Hills assumed that gay people want only the freedom to have sex; and rejecting (or unaware) of the essentialist argument of an innate, unchangeable gay identity, he suggested that greater sexual freedom could spell the end of “the homosexual role” in favor of a “polymorphous potential” (p. 192).

Because the authors’ information was outdated, many of the books and articles that discussed homosexuality during the 1970s and 1980s continued to assume an intensity of social stigma more closely aligned to the 1930s war on the sex criminal than the performance of Jody on the previous night’s episode of *Soap*. In 1979, the inaugural issue of *Deviant Behavior*, soon to become the most significant journal devoted to the sociology of deviance, printed five articles. Two were specifically about LGBT people, with a presumption of both intense fear of discovery and intense social disapprobation after discovery: “Postoperative male transsexuals and the courts” and “Heterosexual and homosexual activity among gay men.” Two others use *homosexuals* as examples of intense stigma: “Deviance without deviants: The temporal quality of patterned behavior” and “Conceptions of crime and criminal acts.” The fifth, “Rapists’ talk: Linguistic strategies to control the victim,” was about heterosexual rapists.

Soon it was possible to make a sharp, though decidedly curious, distinction between two types of scholarly discourses. In the humanities, fine arts, and some social sciences, gay men and lesbians were noble victims, members of an oppressed minority group being unjustly subjected to discrimination (e.g., Cohn & Gallagher, 1984). Indeed, the bulk of the research shifted from *homosexuality* to homophobia, or as Dana Britton stated (1990, p. 423), from “organism deficiency” (what personality defects cause people to become gay, and what should we do to help?) to “social deficiency” (what personality defects cause people to dislike gays, and what should we do to help?).

In most articles and books in sociology of deviance, however, *homosexuals* remained tawdry, disorganized, psychotic, lumped together with drug addicts, prostitutes, hobos, and miscellaneous ne’er-do-wells of the twilight fringes of respectable society (Harry, 1982; Winters, 1979). Weightman evoked “forbidden fruitlands” where “activities, normally considered illegal, such as gambling, prostitution, and overt homosexual behavior, cluster” (1981, p. 107) and wondered whether there is “a tipping point where straights flee” (p. 108). In “The normative erosion hypothesis” (1984), Erickson, Stafford, and Galiher investigated how juvenile delinquents become used to rule-breaking, and begin to consider most deviant acts – even those acts in which they don’t participate – as less reprehensible than their law-abiding peers (for example, *homosexuality*).

In “The homosexual escort agency” (1989), Salamon looked at techniques of deviance disavowal among patrons of an escort agency for gay and bisexual men. She assumed implicitly that the patrons would want to hide their “deviant” same-sex desires, or make “avowals” to defer responsibility. As evidence, she quoted Frank Tannenbaum’s *Crime and Community* (1938): public knowledge of one’s sexual identity will only result in a “dramatization of the evil” (Salamon, 1989, p. 2). She also made the astonishing statement that public approval is “only marginally more accepting” in 1989 than at the time

of Oscar Wilde's trial in 1895 (p. 1). During that trial, as Berkowitz notes (2012, p. 384), "everyone tried to outdo his neighbor in expressions of loathing and abhorrence". For instance, *The Daily Telegraph* said "he has been the means of inflicting ... as much moral damage of the most hideous and repulsive kind as no single individual could well cause" (Berkowitz, 2012, p. 385). Although there was a conservative retrenchment and reduction in gay rights during the Reagan/Thatcher 1980s, not even the most extreme voices came anywhere close to the virulent outrage and pale-faced horror expressed in 1895.

The Gay 1990s and 2000s

During the 1990s and early 2000s – after some setbacks related to the AIDS epidemic and the conservative retrenchment of the Reagan–Thatcher years – the Gay Rights movement became stronger than ever. Countries, states, universities, and municipalities began prohibiting discrimination in employment and housing, aggravating the penalties for anti-gay hate crimes, and legalizing same-sex adoption and surrogacy. Dozens, then hundreds, of gay people were elected to political office, including members of Congress and the parliaments of many countries, mayors of cities including Paris and Berlin, and the prime minister of Iceland. Eventually even children's media, the last bastion of homophobic exclusion, began to fall, with the introduction of gay teen Kevin Keller to the insular world of Archie comics (2010), a gay teen character in the children's animated movie *Paranorman* (2012), and a toddler with two moms on the Disney Channel's *Good Luck Charlie* (2014).

The percentage of Americans and Europeans who considered same-sex acts "always wrong" plummeted, and even the remainders generally interpreted "always wrong" as mildly salacious, not monstrous. Pollsters no longer asked whether gay people should be imprisoned (the answers would be too predictably negative to be worth asking about), but whether they should be permitted marriage: in 2014, 56% of the American population agreed, and most of the others favored "domestic partnerships" with the same legal rights as marriage.

Gradually homophobic bias, not *homosexuality*, became the deviant condition. In 1973, while appearing on the television game show *The Match Game*, comedian Dick Gauthier was asked to fill in the blank in the statement: "Doris just got married and found out that her husband was a ____." He answered "fag." There was an enormous uproar, and the episode was never shown again, not because of the slur but because it was taboo to acknowledge the existence of gay people. If he used such a slur in 2013, Gauthier would face immediate censure, probably a cancellation of his contract, and be forced to meet with representatives of GLAAD: expressions of homophobic bias are no longer acceptable in public discourse. A group that was once the epitome of deviance had become so mainstream that people rushed to protect it from denigration.

In *Victory: the Triumphant Gay Revolution* (2013), Linda Hirschman argued that the Gay Rights movement was over. There were a few issues left to face, like the draconian anti-gay laws of sub-Saharan Africa and the Middle East, homophobic bullying of gay juveniles, and shopkeepers who wanted to legally refuse service to gay customers, but that was just mopping-up. Gay people were citizens. Gay was normal.

How did academe respond to the increasing normalization of LGBT identities? Queer theory, which looks at subtextual expressions of same-sex desire, became the “big thing” of the 1990s literary scene, and soon began to inform textual analysis in the fine arts, history, and the social sciences; Amazon.com lists 264 books with “queering” in the title, including *Queering the Middle Ages*, *Queering the Nonhuman*, *Queering Jewish-American Culture*, and *Queering the Public Sphere in Mexico and Brazil*.

In most of the social sciences, scholarship on sexuality moved far away from the “what causes it?” and “what do we do about it?” rhetoric, to studies of heterosexism, homophobia, and heteronormativity, such as “Normalizing heterosexuality: Mothers’ assumptions, talk, and strategies with young children” (Martin, 2009). Scholarly articles continued to appear on LGBT parenting, religious activism, and hate crime victimization, but most often sexual orientation was simply a demographic variable, like race, class, and gender. For instance, “Gender and time for sleep among U.S. adults” (Burgard & Ailshire, 2013) analyzes the antecedents of sleeping patterns, with results categorized by gender, sexual orientation, and partnership status.

Still Deviant after All These Years

In the sociology of deviance, we see a different pattern. Most of the articles published in *Deviant Behavior* in 2012 and 2013 followed the lead of other social sciences, using sexual orientation as a demographic variable in studies of cyberbullying, autoerotic activity in prison, substance abuse, and delinquency. However, two articles discussed heterosexual men who engage in same-sex liaisons “on the downlow.” A third, “The complexity of deviant lifestyles,” carefully excluded gay men and lesbians from its taxonomy of “deviant lifestyles,” but drag queens did not get off so easily: transvestism was defined as “basically a sexual deviation used for sexual arousal and attainment of orgasm within cross-dressing” (Bryant & Forsyth, 2012, p. 513). This statement negates 30 years of research into cross-dressing, as well as the anecdotal evidence of anyone who has ever been to a drag show.

Textbooks on the sociology of deviance are gradually moving from “gay as deviant” to “gay as victim of homophobia.” Alex Thio’s chapter in the bestselling *Deviant Behavior* changed from “Homosexuality” to “The victims of homophobia” to “Gays and other victims of stigma” in the 11th edition (2012). Marshall Clinard’s *Sociology of Deviant Behavior* changed its chapter title from “Homosexuality” to “Homosexuality, lesbianism, and homophobia” to “Gays, lesbians, and homophobia” in the 14th edition (2010). J.A. Humphreys removed his chapter on *homosexuality* altogether from the 10th edition (2013). The first six editions of Goode’s text, *Deviant Behavior* (1978–2001), included a chapter on *homosexuality*; in the seventh edition, that chapter was gone, and the chapter on sexual deviance in the most recent edition (2015), the tenth, included a discussion on “Correlates of homophobia” as a form of deviance (pp. 213–214).

Many scholarly books being published in the sociology of deviance, however, continue to discuss *homosexuality* with the disapprobation of a 1960s pundit. *Sex, Crime, and Morality* argues that while all crimes have a moral basis, in “modern democratic nations,” these offenses “bear the brunt of the labeling”: prostitution, sex trafficking,

pornography, *homosexuality*, incest, and child sexual abuse (Hayes, Carpenter, & Dwyer, 2012, p. 3). But in “modern democratic nations,” homosexuality is not a crime, and social disapprobation about homophobia is far more common. The authors also mention gay bars as public subcultural spaces, ignoring or unaware of the gay churches, community centers, retail outlets, college classes, and gay pride celebrations that have been part of gay communities since 1969.

Indeed, some sociologists of deviance go to great lengths to insist that *homosexuality* is “still” deviant. In *Images of Deviance and Social Control: A Sociological History* (2009), Stephen Pfohl argues that, while there may be tolerance in other social institutions, religious disapproval of homosexuality is still strong. His evidence: “In June 1992... 18,000 delegates from Southern Baptist congregations (the largest Protestant denomination in the United States), meeting in Indiana’s Hoosier Dome, voted to both bar homosexuals and withdraw from ‘fellowship’ with churches that permitted the participation of gay and lesbian members” (2009, p. 42). Notice the outdated reference (in a rapidly changing social environment, events from 1992 can hardly be considered current), and the piling on of superlatives: a *really big* denomination, a *huge number* of delegates, so many that they had to meet in a sports arena, and they *all* refuse to admit gay and lesbian members. Thus he implies an anti-gay religious consensus, whereas some Southern Baptist congregations admit gay and lesbian members (that is what the fuss was about), as do Episcopalian, Lutheran, Presbyterian, United Methodist, Congregationalist, and a number of other churches, plus several major world religions.

Another strategy for attempting to demonstrate the continuing deviance of *homosexuality* is to select a homophobic outlier and present it as representative of a general pattern of social disapproval. The article on “Homosexuality” in *The Routledge Handbook of Deviant Behavior* (Newmahr, 2011) offers four pieces of evidence: the slang phrase “that’s so gay,” ex-gay therapy, anti-gay hate crimes, and the homophobic protests of the Westboro Baptist Church. Of course these suggest that some people are homophobic. Some people are also anti-Semitic, but the presence of the slang phrase “jew him down,” attempts to convert Jews to Christianity, swastikas painted on synagogue walls, and the “Jewish conspiracy” rants of Aryan Nation are never used as evidence that being Jewish is deviant. Anti-Semitic and homophobic acts are both subject to punishment; they are therefore deviant. Being Jewish and being gay were previously punished, but not now, at least not by the majority of the population, or by the elites, whichever you want to use as a stand-in for “mainstream society.” They are therefore *not* deviant.

Perhaps the most extended attempt to keep gay people deviant – and, by implication, the concept of deviance itself intact – may be found in *The Politics of Deviance* (2002), by Anne Hendershott, a professor at the University of San Diego. The author bemoans the ways in which deviants aggressively “market” themselves in order to normalize their behavior, often with the complicity of normal allies who pride themselves on their “anything goes” philosophy. The result is a “dumbing down” of the concept of deviance, so it applies to everything from bird-watching to being overweight, and in the end a disastrous decay in society’s moral fiber. She discusses the marketing strategies of four types of deviants: the mentally ill, sexually active teenagers, pedophiles, and gays. Due primarily to the complicity of their allies, the mentally ill and sexually active teenagers

have had remarkable success; hardly anyone looks at them as innately evil anymore. The other two groups, more evil to begin with, have had less success; but still, pedophile advocates are “invisibly changing the way we see pedophilia” (2002, p. 75), and gay advocates have successfully achieved a number of capitulations, such as LGBT student organizations and anti-discrimination laws. Hendershott discusses, with significant disapproval, the case of a professor at a Catholic college whose contract was not renewed, simply because he refused to allow a LGBT “safe space” sign to be placed on the door of the office he shared with some pro-gay faculty. In spite of the capitulations forced by gay activists and their allies, Hendershott argues, the general public still hates gays. As evidence, she cites “the most recent” General Social Survey (actually, from a decade prior) and a study by political scientist Alan Wolfe, in which respondents were clearly “made uncomfortable by the subject [of *homosexuality*], and didn’t want to talk about it.” Although the scholar she chose was also conservative, she got his position wrong. In the mid-1990s, he conducted an ethnography of 150 middle-class Americans, presumably heterosexual, from eight suburbs. This was obviously not a representative sample. In fact, suburbs are less likely to have gay residents, and more likely to be socially conservative, than large or medium-sized cities. But even the socially conservative suburban heterosexuals of 20 years ago were mostly gay-positive. When asked what should be taught about gay and lesbian “lifestyles” in schools, 52% favored “teaching tolerance” and only 28% “teaching condemnation” (Wolfe, 1999, p. 130). Hendershott’s use of *homosexuality* as an instructive example of deviance is not only intolerant and biased – it is empirically erroneous. Anne Hendershott’s position in sociology generally and in the sociology of deviance is distinctly marginal – itself somewhat deviant.

Leaving Gay People Alone

There are many reasons for the continuing association of homosexuality and deviance. Some sociologists in the field of deviance are homophobic, and *want* gay people to be deviant. Others are not homophobic *per se*, merely isolated from the immense literature on sexual identity accumulating in other fields, and from the tremendous successes of LGBT communities, so they think of gay people in terms of 40-year old references to clandestine gay bars, the Gay Liberation Front, and the *homosexual psychopath*. Still others have been trained in the gay-heavy deviance tradition of Goffman, Becker, and Lofland, and instinctively link deviance with homosexuality.

However, it is imperative that homosexuality exits the sociology of deviance. When the contributions of gay people to the world are being celebrated in classes in literature, fine arts, political science, and history, to walk into a sociology classroom and hear that you, your best friend, your mother, the resident advisor at your dorm, or your state senator is “dark, dangerous, deviant” is not only jarring: it is destructive. It encourages gay and gay-positive students to drop the class, select another major, or transfer to another university, and it contributes to an atmosphere of intolerance that leads to homophobic bias incidents and hate crimes (Epstein & Johnson, 1996; Eyre, 1993; Neisen, 1993; Yep, 2003).

During the 1960s, scholarship in the sociology of deviance framed members of the youth counterculture as dark, dangerous, and deviant. During the 1930s, immigrants and ethnic minorities were deemed part of the criminogenic makeup of disorganized neighborhoods. Today no sociologist would think of writing a book about the deviance of youth protests or being black. It's time they left gay people alone, too.

References

- Allen, C., Bennett, E.A., & Dillon, F. (1946). Homosexuality. *British Medical Journal*, March 23, 449–451.
- Augustine of Hippo. (400/1963). *The Confessions of St. Augustine* (trans. R. Warner). New York: Mentor.
- Becker, H.S. (1961). *Boys in White: Student Culture in Medical School*. Chicago: University of Chicago Press.
- Becker, H.S. (1963). *Outsiders: Studies in the Sociology of Deviance*. New York: Free Press.
- Becker, H.S. (Ed.) (1964). *The Other Side: Perspectives on Deviance*. New York: Free Press.
- Berkowitz, E. (2012). *Sex and Punishment: Four Thousand Years of Judging Desire*. Berkeley, CA: Counterpoint.
- Best, J. (2004). *Deviance: Career of a Concept*. Boston: Cengage.
- Blank, H. (2012). *Straight: The Surprisingly Short History of Heterosexuality*. Beacon Press.
- Blumer, H. (1937). Social disorganization and individual disorganization. *American Journal of Sociology*, 42 (6), 871–877.
- Brady, J. (2012). College course lumps homosexuality, rape, murder. National Public Radio. Retrieved from <http://www.npr.org/2012/09/10/160763549/college-course-lumps-homosexuality-rape-murder>
- Britton, D.M. (1990). Homophobia and homosociality: An analysis of boundary maintenance. *Sociological Quarterly*, 31 (3), 423–439.
- Bronski, M. (2002). *A Queer History of the United States*. Boston: Beacon Press.
- Bryant, C.D., & Forsyth, C.T. (2012). The complexity of deviant lifestyles. *Deviant Behavior*, 33 (7), 525–549.
- Burgard, S.A., & Ailshire, J.A. (2013). Gender and time for sleep among U.S. adults. *American Sociological Review*, 78 (1), 51–69.
- Chauncey, G. (1995). *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890–1940*. New York: Basic Books.
- Clinard, M.B. (2010). *Sociology of Deviant Behavior* (14th ed.). Boston: Cengage.
- Cohn, S.F., & Gallagher, J.E. (1984). Gay movements and legal change: Some aspects of the dynamics of a social problem. *Social Problems*, 32 (1), 72–86.
- Corber, R.J. (1997). *Homosexuality in Cold War America: Resistance and the Crisis of Masculinity*. Durham, NC: Duke University Press.
- DeCecco, J.P. (1984). *Homophobia: An Overview*. New York: Psychology Press.
- D'Emilio, J. (1983). *Sexual Politics, Sexual Communities: The Making of a Gay and Lesbian Movement, 1940–1970*. Chicago: University of Chicago Press.
- Dinitz, S., Dynes, R.R., & Clarke, A.C. (Eds.) (1969). *Deviance: Studies in the Process of Stigmatization and Societal Reaction*. New York: Oxford University Press.
- Douglas, J.D. (1970). *Deviance and Respectability: The Social Construction of Moral Meanings*. New York: Basic Books.

- Epstein, D., & Johnson, R. (1996). On the straight and narrow: the heterosexual presumption, homophobia, and schools. In D. Epstein (Ed.), *Challenging Lesbian and Gay Inequalities in Education* (pp. 35–63). Buckingham: Open University Press.
- Erickson, M.L., Stafford, M.C., & Galliher, J.M. (1984). The normative erosion hypothesis: The latent consequences of juvenile justice practices. *Sociological Quarterly*, 25 (3), 373–384.
- Eyre, L. (1993). Compulsory heterosexuality in a university classroom. *Canadian Journal of Education*, 18 (3), 273–284.
- Foucault, M. (1990). *The History of Sexuality, Volume 1*. New York: Vintage.
- Gagnon, J.F., & Simon, W. (1968). Sexual deviance in contemporary America. *Annals of the American Academy of Political and Social Science*, 376 (March), 106–122.
- Glaser, D., Lander, B., & Abbott, W. (1971). Opiated addicted and non-addicted siblings in a slum area. *Social Problems*, 18 (4), 510–421.
- Goffman, E. (1956/1959). *The Presentation of Self in Everyday Life*. New York: Anchor.
- Goffman, E. (1957). The patient as a 'normal deviant': Problems of stigma and isolation. In M. Greenblatt, D.J. Levinson, & R.H. Williams (Eds.), *The Patient and the Mental Hospital* (pp. 507–510). Glencoe, IL: The Free Press.
- Goffman, E. (1963a). *Stigma: Notes on the Management of Spoiled Identity*. New York: Simon & Schuster.
- Goffman, E. (1963b). *Behavior in Public Places*. Glencoe, IL: The Free Press.
- Goode, E. (2015). *Deviant Behavior* (10th ed.). Upper Saddle River, NJ: Pearson.
- Gusfield, J. (1967). Moral passage: The symbolic process in public designations of deviance. *Social Problems*, 15 (2), 175–188.
- Harry, J. (1982). Derivative deviance. *Criminology*, 19 (4), 546–564.
- Hawley, A.H. (1944). Ecology and human ecology. *Social Forces*, 42 (4), 398–405.
- Hayes, S., Carpenter, B., & Dwyer, A. (2012). *Sex, Crime, and Morality*. Gloucester: Willan.
- Hendershott, A. (2002). *The Politics of Deviance*. San Francisco: Encounter Books.
- Hills, S.L. (1980). *Demystifying Social Deviance*. New York: McGraw-Hill.
- Hirschman, L. (2013). *Victory: The Triumphant Gay Revolution*. San Francisco: Harper Perennial.
- Hulbert, H.S. (1939). Constitutional psychopathic inferiority in relation to delinquency. *Journal of Criminal Law and Criminology*, 30 (1), 3–21.
- Katz, J. (1997). *The Invention of Heterosexuality*. Chicago: University of Chicago Press.
- Kitsuse, J. (1962/1996). Societal reactions to deviant behavior: Problems of theory and method. *Social Problems*, 9 (Winter), 247–256.
- Kitsuse, J. (1964). Societal reaction to deviant behavior. In H.S. Becker (Ed.), *The Other Side: Perspectives on Deviance* (pp. 87–102). New York: Free Press.
- Leon, C.S. (2011). *Sex Fiends, Perverts, and Pedophiles: Understanding Sex Crime Policy in America*. New York: New York University Press.
- Levine, M. (1979). The gay ghetto. In W.R. Dynes, & S. Donaldson (Eds.), *The Sociology of Homosexuality* (pp. 196–204). New York: Garland.
- Liazos, A. (1972). The poverty of the sociology of deviance: Nuts, sluts, and perverts. *Social Problems*, 20 (Summer), 103–120.
- Lofland, J. (1969). *Deviance and Identity*. Englewood Cliffs, NJ: Prentice-Hall.
- Marcus, E. (2002). *Making History: The Half-Century Struggle for Gay and Lesbian Rights*. San Francisco: Harper Perennial.
- Martin, K.A. (2009). Normalizing heterosexuality: Mothers' assumptions, talk, and strategies with young children. *American Sociological Review*, 74 (2), 190–207.
- Matza, D. (1969). *Becoming Deviant*. Englewood Cliffs, NJ: Prentice-Hall.
- McIntosh, J.R. (1974). *Perspectives on Marginality: Understanding Deviance*. Boston: Allyn & Bacon.

- Merton, R.K. (1938). Social structure and anomie. *American Sociological Review*, 3 (5), 672–682.
- Minton, H.L. (2002). *Departing from Deviance: A History of Homosexual Rights and Emancipatory Science in America*. Chicago: University of Chicago Press.
- Neisen, J.H. (1993). Healing from cultural victimization: Recovery from shame due to heterosexism. *Journal of Gay & Lesbian Psychotherapy*, 2 (1), 49–63.
- Newmahr, S. (2011). Homosexuality. In C.D. Bryant (Ed.), *The Routledge Handbook of Deviant Behavior* (pp. 253–260). New York: Routledge.
- Pfohl, S. (2009). *Images of Deviance and Social Control: A Sociological History* (3rd ed.). Long Grove, IL: Waveland Press.
- Plummer, K. (1981). Building a sociology of homosexuality. In K. Plummer (ed.), *The Making of the Modern Homosexual* (pp. 17–29). Totowa, NJ: Barnes & Noble Books.
- Rains, P. (1975). Imputations of deviance: A retrospective essay on the labeling perspective. *Social Problems*, 23 (1), 1–11.
- Rubington, E. (1996). Mixed nutters, Looney Tuners, and Daffy Ducks. In E. Rubington, & M. Weinberg (Eds.), *Deviance: The Interactionist Perspective* (pp. 248–260). Boston: Allyn & Bacon.
- Salamon, E.D. (1989). The homosexual escort agency: Deviance disavowal. *British Journal of Sociology*, 40 (1), 1–21.
- Schmideberg, M. (1947). Psychological factors underlying criminal behavior. *Journal of Criminal Law and Criminology*, 37 (6), 458–476.
- Simon, W., & Gagnon, J.H. (1967). Homosexuality: The formulation of a sociological perspective. *Journal of Health and Social Behavior*, 8 (3), 177–185.
- Sorokin, P.A. (1941). *The Crisis of Our Age: The Social and Cultural Outlook*. New York: Dutton.
- Stoll, C.S. (1968). Images of man and social control. *Social Forces*, 47 (2), 119–127.
- Szasz, T. (1961/2010). *The Myth of Mental Illness*. 50th anniversary edition. San Francisco: Harper Perennial.
- Tannenbaum, F. (1938). *Crime and the Community*. Boston: Ginn.
- Terry, J. (1999). *An American Obsession: Science, Medicine, and Homosexuality in Modern Society*. Chicago: University of Chicago Press.
- Thio, A. (2012). *Deviant Behavior* (11th ed.). Upper Saddle River, NJ: Pearson.
- Tomsen, S. (1997). *Was Lombroso a Queer? Criminology, Criminal Justice, and the Heterosexual Imaginary*. Sydney: Hawkins Press, Australian Institute of Criminology.
- Troiden, R.R. (1988). *Gay and Lesbian Identity: A Sociological Analysis*. Dix Hills, NY: General Hall.
- Von Krafft-Ebing, R. (1886/1903). *Psychopathia Sexualis* (trans. F.J. Rebman). New York: Rebman.
- Weightman, B. (1981). Commentary: Towards a geography of the gay community. *Journal of Cultural Geography*, 1 (2), 106–112.
- Weston, K. (1998). *Long Slow Burn: Sexuality and Social Science*. New York: Routledge.
- Winters, C. (1979). The social identity of evolving neighborhoods. *Landscape*, 23, 8–14.
- Wolfe, A. (1999). *One Nation, After All: What Americans Really Think About God, Country, Family, Racism, Welfare, Immigration, Homosexuality, Work, The Right, The Left, and Each Other*. New York: Penguin.
- Yep, G.A. (2003). From homophobia to heterosexism to heteronormativity. In E. Cramer (Ed.), *Addressing Heterosexism and Homophobia on College Campuses* (pp. 163–176). New York: Routledge.

Part III

Studying Deviance

Quantitative Methods in the Study of Deviance and Crime

Jeff Ackerman

Social and behavioral scientists agree that *quantitative methodology* involves analyzing numerical data to detect, understand, and summarize various phenomena of interest (Babbie, 2001). They also agree that quantitative methods closely relate to the field of statistics, and that the two terms overlap considerably. Beyond these basic statements, however, it is difficult to find consensus in the deviance literature about the exact goals of quantitative methods and the value of quantitative studies relative to their qualitative counterparts for studying crime and deviant behavior.

Contrasting quantitative and qualitative methods has the potential to facilitate discussions about the values and goals, as well as the pros and cons, of these two approaches (Bryman, 2012). Published contrasts, however, are often more acrimonious than assistive (Higgins, 2009; Tewksbury, 2009), and their authors sometimes use flawed logic or broad and oversimplified summaries. Incorrect, contradictory, imprecise, or misleading statements about these comparisons are common in the deviance literature, particularly from Internet sources. A quick Internet search of *qualitative versus quantitative research* produces hundreds of sites, many of them making claims that contradict others about the comparison. We frequently find the claim that the two methods can be distinguished by the form of reasoning they employ – inductive versus deductive. A major problem with this contrast, however, is that these sources do not agree with one another as to which method uses which type of reasoning. One Internet site suggests that qualitative studies use inductive reasoning, while other sites explain that quantitative methods are *inductive*, and qualitative, *deductive*. Both sources cannot be correct. Many methodology textbooks claim that quantitative uses deductive reasoning simply because such methods typically test hypotheses, but admit at the same time that both methods sometimes use elements of both reasoning styles (Bryman, 2012). Confusion intensifies when we consider that some scholars argue that both

methods equally accomplish identical goals using alternative techniques, yet also suggest that the two methods have altogether different objectives (Creswell, 1994).

Although some scholars suggest the choice of quantitative versus qualitative approaches can be determined only after proper articulation of goals for a given study (for instance, Tewksbury, 2009a), until more recently, when mixed or combined methods have become more prevalent, most social and behavioral scientists consistently relied upon one method over the other (Vogt & Johnson, 2011). This suggests that authors relying solely on one methodology may be biased by their methodological preference.

Quantification is uneven across subject as a methodology used by researchers of deviance. Insofar as the sociology of deviance is a field of study, its practitioners incline more toward qualitative methods than quantitative. In contrast, if we conceptualize criminology as a subset of the sociology of deviance – and many criminologists would not – clearly, the study of crime is an exception to that rule. It is not difficult to see why: the units of criminology and criminal justice are less ambiguous and more readily lend themselves to quantification than is true of most of the subfields of deviance. Moreover, criminologists tend to formulate their questions in a more positivistic mode than do, say, sociologists who study sexual unconventionality, mental disorder, alcoholism, or physical characteristics as deviance. Some of the applications of quantitative methodologies discussed in the *Handbook of Quantitative Criminology* (Piquero & Weisburd, 2011) include spatial crime analysis, hotspots of crime, social network analysis, measuring treatment effects, estimating the costs of crime, experimental criminology, and the life-event calendar method – all subjects amenable to quantification. In contrast, consider the topics discussed in Adler and Adler (2012), the leading book of readings in the field of deviance, whose selections rely mainly on qualitative or ethnographic methods: constructing deviance, deviant identity, the social organization of deviance, structure of the deviant act, deviant careers – in a like fashion, topics that lend themselves more readily to “soft” methodologies. In important ways, research methodology shapes the subject matter investigated by the sociologist of deviance.

The Goals of Quantitative Research in the Study of Deviance

Quantitative and qualitative scholars are alike in that they “think they know something about society worth telling to others” (Becker, 1986, p.10), and therefore believe that what they know and write about contributes something useful to their field. The most obvious of differences between quantitative and qualitative research, and the most evident values of each, include the facts that quantitative methods use numbers and tend towards larger sample sizes, while qualitative studies emphasize revealing more in-depth characteristics and patterns that cannot easily be measured numerically.

Here I will discuss some of the most misunderstood and confusing aspects of quantitative methods and their differences from qualitative designs as they apply to the study of crime and deviant behavior. My discussion will not suggest one method as best, but rather I will expand upon what each can and cannot show, and when. I will endeavor to note the strengths and weaknesses of each method and common

misperceptions, while adhering to the advice of Travis Pratt who convincingly stated: “The qualitative–quantitative dichotomy strikes many as, at best, an empty debate and at worst, utterly foolish – much like debating whether a hammer or monkey-wrench is better” (Pratt, 2011, pp. 1–2).

Idiographic versus nomothetic approaches

In some scholars’ views, the most fundamental, but perhaps most commonly misunderstood, difference between qualitative and quantitative approaches parallels the distinction between idiographic and nomothetic approaches to knowledge. Although the distinction is critical, these terms infrequently appear outside introductory methods textbooks and are often ignored. Psychologists have most thoroughly discussed these concepts, the meanings of which have changed just slightly since their introduction by German philosopher Wilhelm Windelband in the early twentieth century (Robinson, 2011).

Contemporary scholars describe an ideographic approach as one that documents distinctiveness among individuals by providing a full explanation for the uniqueness present in each person (or group of people). In contrast, nomothetic approaches detect patterns across a group of individuals without specific intent to enumerate all factors influencing any particular individual (Luthans & Davis, 1982; Neuman, 2009). Qualitative research commonly employs ideographic approaches, while quantitative scholars most commonly use nomothetic ones.

These distinctions, even when the actual terms ideographic and nomothetic are not used, are consistent with statements made by several proponents of qualitative methods, such as Richard Tewksbury, who stated: “Qualitative methods are the approach that centralizes and places primary value on *complete understanding*” (2009, p. 39). Tewksbury is undoubtedly correct on this point, even if quantitative scholars such as myself quibble with certain of his other claims. Unlike qualitative methods, a single quantitative study, especially one found in the social and behavior sciences, and particularly one involving the study of deviant behavior, is simply not intended to provide a complete understanding of any single case or even group of cases.

The fact that quantitative methods do not provide a complete understanding is easily seen when examining the statistics reported in quantitative research. These studies typically measure the purported degree of their completeness in the form of a statistic called the *coefficient of determination* or R^2 (or sometimes *coefficient of multiple determination*). This indicator shows just how little the typical quantitative study of deviant behavior actually explains. The R^2 is a number ranging from 0 to 1 – essentially equivalent to the proclamation that the study provides an explanation of the studied phenomena that is between 0 and 100% complete. The fact that most social science research has R^2 values less than 0.3 (30%), and often less than 0.1 (10%), clearly indicates that quantitative methods do not provide complete explanations. This is often not understood by the readers of quantitative scholarship and can sometimes elude understanding by authors themselves. Nevertheless, it is a critically important matter to understand if one truly wishes to grasp the main points of quantitative scholarship.

The issue of complete versus partial understandings takes on greater importance when we consider two additional facts. First, quantitative scholarship generally focuses on finding differences between and among various social categories rather than attempting to explain all cases within each category. Second, there is a fundamental statistical principle that the larger the study's sample size, the smaller the group differences the study can detect. For these reasons, quantitative studies with large samples often detect group differences so small that the identified differences, although statistically significant, may not be practically meaningful.

The use of the word *significant*, commonly found in quantitative studies, contributes to confusion about whether findings in a quantitative study are substantively important. In common usage, *significant* implies *large*, *important*, or *of consequence*. In statistics, however, this word has a different and more specific meaning – colloquially, that meaning is closer to what we might call *real* or *genuine*, but more precisely it implies the ability to generalize beyond the studied cases to the population of cases from which the studied cases were drawn. A quantitative study noting a *statistically significant* pattern does not necessarily imply a pattern that is important, large, or meaningful. Conversely, however, it is difficult to imagine an important pattern that is not statistically significant.

Generalization

If quantitative research regarding deviance is not intended to provide complete understandings and can sometimes overemphasize small group differences, one might legitimately wonder about its advantages. Although different authors might list different benefits, I suggest that two are primary. First, a quantitative study, unlike its qualitative counterpart, is able to specify the completeness of its explanation in numerical terms. This was illustrated in the prior point about the coefficient of determination, which indicates completeness (more precisely, explained variance) as a number between zero and 100%. Second, most quantitative studies are intended to provide results that apply to people and situations beyond those from whom data were collected and can specify how much evidence exists about whether the findings will actually apply to (or are generalizable to) those unstudied cases (Boeije, 2010).

The ability of quantitative methods to be generalized starts with the realization that it is typically impossible to study every person (or other analysis unit) of interest. Instead, time and financial constraints usually dictate studying a sample that is chosen from a particular population of interest. Ideally, quantitative methods strive to study samples that are representative of the population of cases to which a generalization is intended.

As a routine aspect of the investigation, quantitative studies calculate the amount of evidence about generalization in the form of a *p-value*, which essentially represents the probability that similar results might be found in a *different* sample. More precisely, a *p-value* is a number between 0 and 1 (essentially 0 to 100%) representing how likely it would be that we might observe the study's results if the results were not *real* or were simply a result of chance – in other words, how likely is it that we might find a particular pattern in our sample if that pattern was not truly present in the population from which

the sample was drawn? For example, a p-value of 0.02 obtained in a hypothetical study indicating that women score higher than men on a particular test suggests that we would expect to find this result by chance in only 2 out of 100 similar samples drawn from a population where women and men in reality have *equal* scores. A p-value of 0.05 or less (5 errors out of 100) traditionally has been associated with a sufficient amount of evidence to proclaim that the result is real or generalizable, although some studies use other evidentiary thresholds.

A p-value is also called a *significance value*. Again, recall that a quantitative finding deemed statistically significant does not necessarily imply the finding is practically *meaningful* – only that the finding is deemed real or generalizable. Notice that the 0.02 figure implies nothing about how large or meaningful the gender difference might be in the hypothetical study mentioned above.

As I mentioned earlier, large samples can find small group differences (effects) that may or may not have practical importance. Whether these differences are important is a more subjective judgment, largely up to those who might read or attempt to use the research findings. It is crucial to note, however, that even small differences or effects can sometimes be quite important. For example, for many years gamblers have known that a very small increase in the proportion of face-cards left in a partially-dealt deck increases a player's chance of winning the game of blackjack in a very meaningful way. Although the number of ten cards increased the player's probability of winning the hand from roughly 50% to a maximum of around 55% under very unusual situations, these individuals were able to win fortunes by increasing bet sizes when their chances of winning increased for this reason (Thorp, 1962). Although the ten-card proportion is far from a perfect or complete predictor of winning, knowledge about the number of ten cards in a deck is extremely useful to blackjack players.

While a precise measure of the amount of evidence about generalizability is an integral part of most quantitative research, opinions differ about whether or not it is appropriate for *qualitative* methods to generalize about cases not actually studied. Some scholars feel that qualitative studies should not attempt to generalize their results to unexamined cases, but rather should focus on understanding in great depth those cases that are important for one of a variety of reasons (e.g., Patton, 1999). Another team of scholars suggests that generalizations are appropriate under some conditions (Denzin & Lincoln, 2011), while a third suggests that generalization should be done sparingly, by the reader of the research and not the author, while using the term *transferability* rather than generalizability (Lincoln & Guba, 1985). In all instances, however, qualitative studies – by definition – do not provide a numerical indicator about the purported accuracy of generalizations that we find in quantitative scholarship.

The concept of sample *representativeness* is often forgotten or ignored in discussions about generalization. Regardless of the ability of quantitative methods to report precise numerical values about the ability to generalize, those values are nearly meaningless unless the sample upon which the study relied was representative of the population about which the study intends to make a generalized statement (or the representativeness differed in a known and quantifiable way). In other words, if the studied individuals do not look, act, or think like a larger population of individuals (they were not representative of these individuals) – at least in terms of the phenomena which the research is

investigating – it would be unwise to attribute findings about the studied individuals to other individuals who were not examined.

A simple *random sampling* method (for example, by choosing names randomly from a hat) is the most straightforward way to maximize representativeness, but it is not the only way. Alternative methods can accomplish similar goals if they provide the researcher the ability to understand how the sample differs from the population, so that the researcher can account for these differences in an appropriate way. For example, in a population where the number of females and males is equal, a researcher might have good reason to choose two women for every man when selecting the sample and compensate for this two to one ratio during data analysis.

While representative samples are commonly associated with quantitative studies, there is no reason why qualitative studies cannot be performed in the same way. Several well-regarded qualitative studies have used representative samples chosen using random selection (Feagin, Vera, & Imani, 1996).

Although a sample representative of the population on one or more important factors is not the only requirement for generalization, it is a primary and necessary one. Calculating the p-values mentioned earlier assumes a representative sample, and large violations of that assumption render these calculations questionable. The representativeness assumption is seldom perfect in practice, however. Chief reasons include the fact that although someone is selected to participate in a study, their selection does not ensure that the individual actually participates. Because different types of people are likely to choose to participate in a study – or refuse to do so – quantitative scholars are unlikely to achieve 100% representativeness. This is particularly problematic in the study of deviant behavior where individuals who behave in socially unacceptable ways are asked to reveal information about their behaviors. In many cases, deviant individuals are less apt to participate in a study than individuals who more consistently behave in socially acceptable ways. Therefore, we are likely to find proportionally fewer deviant individuals in a typical randomly selected sample than in our population of interest. At the same time, the deviant individuals who do participate may be different in some meaningful way from deviant individuals who choose not to participate.

In practice, quantitative scholars must often make logical arguments as well as statistical ones for why readers should consider their findings generalizable beyond the group of individuals actually studied. These arguments would take a similar form to that used by a qualitative scholar who wished to generalize his or her findings beyond their sample. Issues such as the degree to which the sample differs from the population on important factors of interest, the similarity or variability among the research participants, the sample size, and the size of the difference between groups or effect of treatment, are factors involved in these arguments.

Whether the desire to generalize is necessary or not is yet another matter, and is intertwined with the distinction between ideographic and nomothetic methods and also between complete versus partial explanations. Imagine a university student who wished to know how to improve his or her personal scores in future exams. Quantitative (and nomothetic) research might answer that question by finding factors associated with high test scores among a large group (or sample) of university students that are less frequently found among those with lower scores. These may include items such as

regular lecture attendance, adequate study, and sufficient sleep before exams. There would certainly be instances, however, when students perform well without adequate sleep, attending lectures, and studying. The fact that there are exceptions to the general pattern indicates that these three factors alone do not provide a complete explanation of why students have different exam scores. This does not mean, however, that we should ignore these patterns, no matter how incomplete, if our goal is to score well on exams. Instead, we should realize that there are additional factors that also affect test performance (Babbie, 2002).

Now imagine a student with a different goal – a more complete explanation of poor performance on *one particular* exam already taken. The complete explanation may include factors unique to this one student and one exam. Perhaps the student lost her notes or textbook. Perhaps she was sick or her thoughts were preoccupied by upcoming job interviews. Any number of additional factors could be present in a complete explanation for this one student, while being inapplicable to other students or other exams taken by the same student. Only through in-depth interview or observation – the type of analyses we find in qualitative (and ideographic) research – might one uncover the complexities and uniqueness involved in the student's poor score.

The fact that these multiple factors do not apply (or are not generalizable) to other students or other exams taken by the same student does not matter for this purpose, and does not imply that qualitative methods are “worse” than quantitative ones. Instead, this method may be ideal if the goal is to explain to a parent or instructor why this one test score by one student was poor, while the more generalizable (but less complete) patterns from quantitative methods might be better suited for other purposes. In this case, the nature of the goal dictates the proper choice of quantitative versus qualitative and ideographic versus nomothetic methods.

The Advent of Quantitative Methodology in the Study of Crime and Deviance

Quantitative methods to record crime and deviant behavior have been used at least since the time France began to publish annual national crime statistics in 1827. Shortly thereafter (between 1829 and 1833), Andre-Michel Guerry published what is often considered among the first works in scientific quantitative criminology (Morris, 1958; Vold, Bernard, Snipes, & Gerould, 2009). At roughly the same time, Adolphe Quetelet began to examine similar crime statistics as well as information from newly developing forms of quantitative data, like the birth and death records that we take for granted in the modern era (Beirne, 1993; Vold *et al.*, 2009). These efforts came about as a result of two major developments in France early in the nineteenth century: fear by government representatives and by the more well-favored strata of the society of the possible harm to them from “dangerous classes”, as well as the recognized failure to control these unruly masses, and the growing precision of mathematical and statistical techniques to express and analyze empirical findings (Beirne, 1987, p. 1144).

The very existence, says Piers Beirne, “of a large group of poor, semiproletarian thieves (*les misérables*) – a separate nation within the French nation – whose continued

presence among them represented a fearful affront to the sensibilities of the law-abiding citizenry” (p. 1144) – particularly in Paris – made an understanding of how they got there and what the state should do to control them *imperative* to a sector of French administrators, intellectuals, and scientists. The population of Paris doubled in the half-century after 1800, and along with it came a cognate increase in obvious social and community problems and offensive deviancies: “infant mortality and problems of sanitation and sewage, accommodation, food supplies, employment, public order and crime.” The fear of crime “turned to panic and terror” (p. 1145). The rise of felony offenses “quickly became an unquestioned tenet of middle-class thought that crime and revolution were symptoms of the same disease” (p. 1145). At the same time, the “carceral institutions had failed to normalize the dangerous classes,” which, in turn, generated “a vast corpus of studies, instigated both by state bureaus and private researchers, that sought to uncover the vital statistics of the dangerous classes” (p. 1146). Both the Minister of Justice and a coterie of statisticians felt that gathering relevant quantitative data, in the form of tables, on the nature of these pathological conditions and the dangerous behavior they produced – crime foremost among them – “could one day be used to perfect legislation in civil and moral matters” (p. 1148). As we saw, two major figures in particular set this task for themselves: Adolphe Quetelet (1796–1874), a Belgian mathematician and astronomer, and Andre-Michel Guerry (1802–1866), a lawyer and amateur statistician. And their primary weapon to defeat the dragon of vice and “unhealthy morality” – which included illiteracy, prostitution, violence, incest, out-of-wedlock births, pauperism, suicide, family dissolution, and above all crime against both persons and property – was a weapon then widely referred to as *moral statistics*. Both men were positivists; that is, they believed that the methods of natural science could be applied directly to social phenomena; and that rigorous, quantitative data can be used to test and verify an argument, theory, or hypothesized explanation.

Quetelet and Guerry gathered arrest and court data for each department of France and arrondissement of Paris, and the social characteristics of the offenders – age, sex, income, education, employment – and drew generalizations about the causes of criminal behavior. Quetelet contrasted the vices and criminality of “vagabonds, vagrants, primitives, gypsies, the ‘inferior classes,’ certain races with ‘inferior moral stock,’ and ‘persons with low moral character’” with the virtues of the average man, who abstained from crime (Beirne, 1987, pp. 1159–1160). His reasoning embodied “a positivistic discourse that fostered a rigid binary opposition between [statistical] normality and deviation” (p. 1165). Guerry, one of the founders of the empirical, quantitative study of crime, went so far as to develop a mechanical device, the “*ordon-nateur statistique*” that could, he claimed, precisely calculate the crime rate, given a series of social facts about a given jurisdiction. His *Essai sur la Statistique Morale de la France*, published in 1833, demonstrated that rates of crime and suicide varied systematically from one department in France to another. “This regularity of numbers created the possibility to conceive, for the first time, that human actions in the social world were governed in social laws, just as inanimate objects were governed by laws in the physical world” (Friendly, 2007, p. 368). Guerry’s last published work, which appeared in 1864, compared moral statistics in England with those of France; its analysis

“contemplated multivariate explanations of relations among moral variables, at a time well before the development of correlation and regression” (p. 368).

Several decades later, Emile Durkheim, one of sociology’s founders, published his classical work *Suicide* (1897/1951). Durkheim insisted that social facts be treated as “things” and that covariation, as measured by quantitative data, gives the social scientist a clue to causality. George Simpson, the editor and co-translator of *Suicide*, called the study “among the very first modern examples of consistent and organized use of statistical methods in social investigation” (1951, p. 9). “At the time,” Simpson stated, “statistical techniques were little developed, and Durkheim was forced at given points to invent them as he went along. The elements of simple correlation were unknown except among pathfinders in statistical technique like [Francis] Galton and [Karl] Pearson, as were those of multiple and partial correlation, yet Durkheim establishes relationships between series of data by methodological perseverance and inference” (p. 10).

These early quantitative scholars relied upon the quite limited administrative data available at this early time, and were therefore seriously restricted in the types of questions they might hope to answer. When the Chicago School expanded crime and deviance scholarship after the turn of the next century, they did so primarily using qualitative rather than quantitative methods. In large part, their emphasis on qualitative research was certainly due to a lack of access to extensive quantitative sources of information. In contrast to the limited quantitative data available at the time, the Chicago sociologists’ qualitative data was certainly rich and clearly more able to answer a much wider array of interesting research questions.

Qualitative research of the form made popular by the Chicago School sociologists (primarily participant observation and other forms of ethnography) remained the dominant form of crime and deviance scholarship until after the mid-twentieth century. Two primary phenomena changed this trend. First, in the late 1950s, sociologists of deviance began to use and test systematic survey methods. Prior to this time, there was an assumption that self-reports from individuals about their own deviant and criminal behavior would be inaccurate. The seminal work of James Short and Ivan Nye altered these beliefs (1957). These scholars found that survey respondents’ reports about their own offending were internally consistent, related to official delinquency statuses, and had group differences predicted by research and theory (Hindelang, Hirschi, and Weis, 1981; Nye & Short, 1957).

Second, quantitative methodologists gradually came to believe that the very nature of crime and deviance was largely probabilistic rather than deterministic. In other words, unlike the propositions of Edwin Sutherland, which attempted to explain all cases of criminal activity by determining what all offenders had in common, the emerging belief was that multiple causes were responsible. This realization led to the acceptance among many that overarching theoretical frameworks of crime and deviance that evidenced a deterministic component were insufficient to fully advance the discipline.

The early survey-based research inspired by Short and Nye began to provide an alternative to the deterministic models that attempted to explain all cases of crime and deviance. The movement away from deterministic models occurred slowly, however, as

evidenced by the fact that early survey-based research was still strongly focused on finding and advocating for the single best explanation for crime and deviance. This focus can clearly be seen in the debates about theoretical competition versus theoretical integration during the 1970s (Bernard & Snipes, 1996; Elliott, Ageton, & Canter, 1979; Hirschi, 1979; Short, 1979). At this time, strain theory, social control theory, and cultural deviance theory (social learning) were predominant in mainstream quantitative research (Kornhauser, 1978). While some scholars favored integrating these theoretical perspectives in a way that described the conditions under which each might be most relevant (Messner, Krohn, & Liska, 1989), others advocated that integration was impossible – essentially arguing that the different perspectives were incompatible and therefore unable to be integrated (Hirschi, 1979). According to the latter view, the goal of quantitative scholarship was to find the single best theoretical perspective that would explain the largest portion of deviant behavior or apply to the highest percentage of cases (Warren & Hindelang, 1979). In this way, this early work was not dissimilar to the notion of finding complete explanations.

Antecedents of Quantitative Methodology in the Deviance Literature

We can more clearly observe the impact of the concepts of ideographic versus nomothetic, complete versus partial explanations, and the appropriateness of generalization, by exploring examples from the classical qualitative deviance writings of 75 to 100 years ago. Understanding some of this background helps to explain the incorporation of quantitative methodology into the field, and the contrast of quantitative with qualitative scholarship.

At the beginning of the twentieth century, scholars from the University of Chicago undertook some of the earliest ethnographic research ever conducted on deviance, crime, and delinquency (Thomas & Znaniecki, 1918; Wirth, 1928). Similarly, some of these early ethnographies focused on deviant occupations, epitomized by *The Jack-Roller* (Shaw, 1930), deviant lifestyles, exemplified by *The Hobo* (Anderson, 1923), and juvenile delinquency, illustrated by *The Gang* (Thrasher, 1927). Clearly, well before the field had become fully established, American sociology had placed deviant behavior at the center of its research agenda.

It was during this early period that *analytic induction*, a form of qualitative inquiry, emerged. Florian Znaniecki (1934) first described its objectives, which included the development of universal propositions that purported to explain human behavior. According to advocates of this method, when a theorist discovered exceptions to preliminary propositions, the theorist was tasked with modifying the framework to conform to the newly revealed exception. After extensive revision, the end result was the development of a general framework presuming an exhaustive understanding of the particular phenomenon of interest. In other words, the goal of analytic induction in Znaniecki's view was essentially a complete explanation for all known cases of a particular phenomenon such as deviant behavior.

This contrasts sharply with modern quantitative strategies that never claim to provide complete explanations of any social phenomena like deviant behavior. Instead,

these strategies use probabilistic reasoning and seek to provide information about the conditions or characteristics that make deviance more or less likely to occur. Researchers use probabilistic reasoning in quantitative methods because they believe that most human behavior, especially crime and deviance, is inherently probabilistic. In other words, they believe that not everyone behaves in the same way even if they have the same traits and live in identical circumstances. While certain traits and circumstances may make deviant behavior more probable, their presence does not necessitate it.

Unlike quantitative reasoning, analytic induction does not rely upon probabilistic reasoning. Instead, this reasoning assumes a *deterministic* model where various causal factors, alone or in combination, *always* lead to the same behaviors – there are no exceptions. Because the conventions of Znaniecki's methods require theoretical modification when the researcher becomes aware of exceptions to an initial proposition, scholars who believe in the probabilistic nature of human behavior would argue that Znaniecki's approach required proponents to express generalized theoretical frameworks in an abstract, imprecise manner, or to write in an extraordinarily detailed fashion whereby the scholar describes a comprehensive array of relationships and the conditions under which all associations are both observed and modified. Articulating a framework between these extremes would negate the usefulness of a general theory intended to provide full explanation of all aspects of deviance. Although contemporary examples exist within the quantitative literature of the successful application of an extraordinarily detailed theoretical framework (Kaplan & Johnson, 2001), the stringent requirements and lofty goals of the analytic induction methods of this early era very likely hindered scholars from articulating precise operationalized definitions for their key constructs.

We can see an excellent example of these issues in the crime and deviance literature by examining the work of Edwin Sutherland, an early and influential criminologist who obtained his PhD from the University of Chicago in 1913. Sutherland refined Znaniecki's methods and applied them in his study of deviant and criminal behavior (Robinson, 1951). Starting in the 1920s, Sutherland gradually developed his theory of differential association that essentially suggested that individuals commit crime because they learn how to from others. More specifically, Sutherland suggested that offenders differ from non-offenders by the quantity and quality of various pro- and anti-deviant definitions to which they are exposed. Although Sutherland modified his theory over several editions of his criminology text (Gaylord & Galliher, 1988), most contemporary scholars suggest that he was unable to fully operationalize his concept of definitions favorable to the commission of criminal behavior in a way that permitted others to test specific hypotheses adequately based upon his articulated framework (Matsueda, 1988; Pfohl, 1994).

The ambiguity of Sutherland's writing has precipitated the chief criticism of his theory of differential association. Even his co-author, Donald R. Cressey (1953), noted that Sutherland failed to precisely describe his pivotal concept, *definitions*.

Many scholars have strongly argued against dismissing Sutherland's differential association theory as excessively vague (Tittle, Burke, & Jackson, 1986) and would also caution that Sutherland's critics often misinterpreted his writings (Cressey, 1953). Even supporters like Akers (1998) suggest that we can attribute the sparse detail in

Sutherland's writings – and perhaps the writings of other early crime and deviance scholars as well – to the non-probabilistic nature of the analytic induction methods common to that era. Ironically, the fact that so many scholars have been accused of misinterpreting Sutherland's writings provides good evidence that criticisms about the vagueness of Sutherland's analytic induction methods are likely justified.

This matter is most evident in *The Professional Thief*, Sutherland's (1937) classic book produced collaboratively with Chic Conwell (a pseudonym), a professional criminal before and during the time Sutherland and Conwell wrote the book. We can gain insight into Sutherland's views about deterministic understandings most clearly in the book's introduction, where Sutherland speaks about the education a professional thief must obtain from fellow professional thieves:

Tutelage by professional thieves is essential for the development of the skills, attitudes, codes, and connections which are required in professional theft. If this interpretation is valid, recognition and tutelage explain the professional thief in all cases, not in 60 or 70 per cent of the cases. (Sutherland, 1937, p. viii)

The fact that Sutherland's views about the essential causes of deviant behavior were deterministic rather than probabilistic also tied into his assessment that findings from small, non-systematically chosen samples could generalize to a larger population of individuals (this assessment is found in most of his writings but not all). In other words, if certain phenomena, when present, are necessary and sufficient to cause deviant behavior, then the presence of those phenomena among one deviant group should necessarily be found among all others.

Sutherland expressed his views about generalizing and complete understandings elsewhere in the book's introduction. "The profession of theft is more than isolated acts of theft frequently and skillfully performed," he explains. "It is a group-way of life and a social institution. It has techniques, codes, status, traditions, consensus, and organization. It has an existence as real as that of the English language. It can be studied with relatively little attention to any particular thief. The profession can be understood by a description of the functions and relationships involved in this way of life. In fact," Sutherland emphasizes, "an understanding of this culture is a prerequisite to the understanding of the behavior of a particular professional thief. Also, an understanding of this culture is a prerequisite to the development of adequate policies of control of professional theft" (1937, pp. vii–viii).

Sutherland explained that he confirmed the book's conclusions by supplementing Conwell's observations in three ways: (a) having four other professional thieves along with two former detectives read the final manuscript; (b) by discussing the ideas in the book with several additional professional thieves; and (c) by comparing the book to the available published literature on the topic. Sutherland stated, "In general, these supplementary sources did not even hint at disagreement with the manuscript on fundamental issues" (p. vi).

To be clear, although the analytic induction of Sutherland's era relied principally upon deterministic logic, Sutherland included certain descriptions that were probabilistic in some sense. For example, in letters to various individuals and agencies about

the book's findings, Sutherland mentioned that most [but perhaps not all] professional thieves originated from middle- or upper-class backgrounds (Snodgrass, 1973). A section purportedly written by Conwell, although arguably written primarily by Sutherland himself (Snodgrass, 1973), stated that few professional thieves "came from the amateur thieves who are reared in the slums, for these youngsters seldom have the social abilities or front required of professional thieves" (Sutherland, 1937, p. 21).

What seems relatively clear from most portions of *The Professional Thief* is that Sutherland believed that his methods were appropriate for generalizing from a very small number of observed cases to cases not studied. It would be only appropriate to note, however, that the actual number of thieves about which Sutherland had information, at least indirectly, was quite large in the sense that he was relying upon his informants' observations of the thefts accomplished by colleagues and not just the thefts committed by Sutherland's informants alone. Regardless of the number of cases his study represents, it is clear that most of his writing fits within the analytic induction framework Sutherland intended as a comprehensive and universal description of the background, experiences, and shared culture among *all* professional thieves.

According to the principles of analytic induction, if Sutherland's original or supplemental sources noted an exception in his claims about all professional thieves, Sutherland would have two choices. First, he could alter the hypothesis. Second, he could redefine the phenomenon he wished to explain to exclude the cases that don't fit. We can see several instances of the second element – redefining or limiting the scope to which his descriptions apply – toward the end of the book where Sutherland notes: "The final definition of the professional thief is found within this differential association. The group defines its own membership. A person who is received in the group and recognized as a professional thief is a professional thief. One who is not so received and recognized is not a professional thief, regardless of his methods of making a living" (p. 207).

In common usage, *professional* can have varying meanings including: first, a person who receives pay for engaging in a career activity; and second, a person who belongs to a group defined by a specific expertise and codes of ethical or moral obligation. In this passage, Sutherland narrows the meaning of *professional*, thereby setting limits as to whom his theory should apply. He defines *professional* in the latter and more limited sense in a way that is almost tautological – all professional thieves belong to the same group who share the same culture. Accordingly, those who do not share that culture are not accepted into the group and are therefore not considered professional thieves. For this reason, if the patterns and descriptions mentioned by Sutherland are inapplicable to a *particular* thief, it is because the person is not a *professional* thief according to Sutherland's limited definition.

It is this type of complexity about the conditions under which patterns selectively apply that provided Sutherland's critics the most ammunition. Because the analytic induction methods of Sutherland's time mandated that he explain all instances within the scope of his explanation, he carefully limited that scope. This, of course, raised questions about his distinction between amateur and professional thieves, a distinction Sutherland considered critical – presumably because any thief who was observed as not conforming to the patterns Sutherland articulated must be an amateur.

Proponents of qualitative methods might suggest that Sutherland's descriptions conveyed immediate, direct, and visceral understandings of many aspects of the lives of professional thieves. Sutherland's skeptics, however, noted several potential problems largely centered around questions not only about whether Conwell's descriptions apply to *all* professional thieves, but also about whether Conwell himself was truly representative of the average or typical professional thief (Snodgrass, 1973; Vasoli & Terzola, 1974). For example, when other thieves were asked to comment on the manuscript, one stated that Conwell seemed to be a *small-time* criminal (Snodgrass, 1973). In sum, skeptics questioned Sutherland's arguments about the generalizability of the book's findings.

Another source of criticism was that Sutherland's writings sometimes could be viewed as contradictory or inconsistent, especially if we compare across Sutherland's other manuscripts. When examining generalizability, although most of *The Professional Thiefs* passages imply that the findings should generalize to other professional thieves, early on Sutherland noted, "this document is a description of the profession of theft as experienced by one professional thief" (1937, p. v). In contrast, in his later 1947 textbook Sutherland wrote, "the explanation of theft as a profession cannot be found in the life-history of one of the members of the profession" (p. 224).

A different type of criticism relevant to complete or deterministic models like Sutherland's arises if we consider the problem of induction, an issue often associated with philosopher David Hume. Hume was among those who pointed out that no number of confirming observations can verify a universal generalization (1739). For example, for many years, Europeans believed that all swans were white because no one had observed a swan of a different color among thousands of observations. Philosophers of science correctly noted that while additional white swan observations could not prove that all swans were white, a single black swan observation was sufficient to prove this generalization false. For this reason, they argued that inductive methods can falsify a hypothesis, but can never definitively prove one. Interestingly, Europeans eventually found black swans in the late 1700s after colonizing Australia (Latham, 1821). This falsified the once-believed generalization about white swans, something to which I can personally attest after recently immigrating to this beautiful country.

Of course, the qualitative methodologist who intends no generalizability beyond his or her sample of observations can certainly produce a valid and meaningful product that adheres to the scholar's stated goals more directly than a scholar intending to develop a framework purportedly capable of perfect and comprehensive explanation. This is particularly true when we consider behaviors as complex as crime and deviance. In other words, deterministic methods will not work well when the patterns associated with the subject matter are inherently probabilistic.

It was issues like these that led some scholars to repudiate Znaniecki's implication that theorists could develop comprehensive universal laws of human behavior (Robinson, 1951). Although qualitative scholars refined their views by developing alternative strategies for qualitative work, a belief emerged among other mid-twentieth century deviance scholars that an alteration of existing qualitative methods was insufficient to adequately advance the discipline. What was needed in their view was the incorporation of quantitative techniques, which are more probabilistic by nature and thus better matched to the probabilistic nature of deviance.

Contemporary Quantitative Methodology in the Study of Crime and Deviance

Unlike early quantitative work in the study of deviance, contemporary quantitative scholarship is generally more probabilistic rather than deterministic and more likely to integrate two or more theoretical perspectives, sometimes at multiple analytic levels (Hoffman, 2003). In other words, an individual characteristic may affect deviant behavior in different ways depending upon the characteristics of the individual's place of residence, school, or peer group. Contemporary quantitative methods are also intended to provide more detailed and formalized information about their applicability to cases beyond the analyzed sample, and concerned with providing a partial explanation for a particular phenomenon rather than a comprehensive and generalized account of all factors associated with deviant outcomes. In other words, contemporary quantitative methods are also nomothetic rather than ideographic as explained above.

Unlike most qualitative methods, uniqueness in one individual found absent in others is treated as unexplained error, randomness, or normal human variation by contemporary quantitative methods. Contemporary quantitative approaches typically emphasize a thorough examination of limited factors, a precise way to numerically measure these factors, and some form of mathematical technique intended to both quantify the degree to which each factor affects the phenomena of interest and the degree of evidence supporting the study's results and conclusions.

The famous Indian statistician C.R. Rao summarized this point nicely when he proclaimed that knowledge plus information about the uncertainty of that knowledge equals usable knowledge. By that he meant that contemporary quantitative methodology attempts to discover new knowledge by: (a) discovering patterns in numerically coded data; (b) recognizing that the new knowledge is uncertain; and (c) simultaneously determining the magnitude of uncertainty in the newly discovered knowledge (Rao, 1999). Knowledge of a pattern without concurrent information about how often the pattern applies, or to whom, is not useful.

The fact that analysts generally intend quantitative methods to provide knowledge about a limited portion of a complex question is often a source of misunderstanding about quantitative methods. Those unfamiliar with quantitative techniques sometimes criticize quantitative studies for failing to consider all potential causes of the phenomena in question. In other words, critics sometimes do not understand that a thorough examination of the effect of limited factors on a narrowly defined outcome, rather than a full and complete explanation of a more elaborate question, is the articulated goal of most quantitative work. Quantitative scholars, however, generally assume (often incorrectly) that readers understand that a single quantitative study will generally examine the relationships between a very limited number of factors and the phenomena of interest. In order to examine how additional factors relate to that phenomena, one would need to consider the results of additional studies.

A qualitative methodologist studying a small offender group, for example, might describe a wide variety of factors intended as relatively inclusive of the comprehensive influences upon the group's deviant behavior. In contrast, a quantitative methodologist is likely to examine patterns in a much larger sample of offenders and emphasize the

measurement of a few key factors hypothesized to distinguish between high-frequency offenders and those who offend on a limited basis. A quantitative investigation may examine issues related to socioeconomic status (SES) to determine whether low SES is more or less often found among offenders (Elliott & Ageton, 1980), while a different quantitative study might examine the relationship between parental attachment and offending (Rankin & Kern, 1994).

Unlike quantitative research, qualitative methodologists seldom emphasize formalized methods for gauging the degree to which the researcher's conclusions are reproducible in a different offender group. The result of the qualitative study will likely provide a thorough description of most aspects of the sampled offenders' lives in a way that permits the qualitative methodologist to explain the many ways each offender differs. That methodologist is likely to describe the reasons one offender acted in a particular way and how those reasons diverged from those underlying the behavior of other offenders.

One of the strengths of quantitative research is transparency and reproducibility. In other words, if a second scholar were to replicate a study, this second scholar should be able to reproduce the findings of the original if the second has access to the same data used by the first. This is a distinct contrast from most qualitative work, which generally emphasizes more subjective conclusions based upon arguments where the author carefully selects example observations to illustrate the strengths of his or her argument (Tewksbury, 2009).

The tools of contemporary quantitative methodology

Among the least complex forms of quantitative methodology are descriptive statistics, which deal with a single variable or measurement (univariate) obtained for each member of a group or sample of cases. These are considered *descriptive* because they describe or summarize more complex information.

The most common descriptive statistics are those describing *central tendency* such as the mean, median, and mode. The summary's objective is a synopsis of the group's basic features that researchers may use in place of presenting all available information for each group member. For example, rather than discussing the heights of all 100 individuals in an offender group, a quantitative methodologist might discuss the group's mean height (less precisely but frequently termed the *average*) as a single summary statistic. The benefits of doing so include the ability to present information in an understandable, useful, and parsimonious way, while the drawbacks include information loss. In this example, providing only the mean height of the group is easily understandable, however, the summary fails to provide detailed information about each of the 100 individual heights and the ways in which height differs across members. For example, a heterogeneous group of 100 individuals with mean height of 5 foot 6 inches may all be between 5 foot 4 inches and 5 foot 8 inches, while a more heterogeneous group may range between 5 foot 0 inches to 6 foot 8 inches. While the central tendency of both groups is equal, the heights of the second are more disperse.

Additional descriptive statistics such as the variance, standard deviation, and range report this dispersion. These statistics quantify the homogeneity of the group/sample

in related but alternative ways. In other words, they summarize the degree to which we might expect individual cases to deviate from each other or from the group's mean.

Descriptive statistics are the most basic type of quantitative methodology and form the foundation of inferential statistics, which extend description by reaching conclusions beyond the immediate data. Included in this overarching methodological category are techniques intended to determine whether patterns exist between two or more measurements/variables. Also included are techniques to gauge the dependability of conclusions and whether data patterns observed in a sample of cases are "real" (statistically significant) and therefore expected to be consistently found in similar data sources.

It is perhaps important to note that the use of statistical significance tests to determine whether observed data are consistent with existing theory is a traditional quantitative approach used in the social sciences. More recently, however, several scholars have advocated that we downplay this traditional approach in favor of an emphasis on calculating confidence intervals surrounding an estimate of how strongly one factor affects the magnitude of another (Ritchey, 2000).

Regardless of whether used to test hypotheses or produce confidence intervals around predicted population parameters, inferential statistics are the type that contain the probabilistic aspect previously described as intending to forecast to some imperfect but useful way the magnitude (or presence) of another measurement or characteristic. As illustrated above, even prediction models containing a great amount of error can be extremely useful and informative.

In sum, to produce useable knowledge, inferential statistics (and quantitative methodology more generally) attempts to discover new knowledge by: (a) discovering patterns in numerically coded data; (b) recognizing that the new knowledge is uncertain; and (c) simultaneously determining the magnitude of uncertainty in the newly discovered knowledge (Rao, 1999).

References

- Adler, P.A., & Adler, P. (2012). *Constructions of Deviance: Social Power, Context, and Interaction* (7th ed.). Boston: Cengage Learning.
- Akers, R.L. (1998). *Social Learning and Social Structure: A General Theory of Crime and Deviance*. Boston: Northeastern University Press.
- Anderson, N. (1923). *The Hobo: The Sociology of the Homeless Man*. Chicago: University of Chicago Press.
- Babbie, E.R. (2001). *Practice of Social Research* (8th ed.). Belmont, CA: Wadsworth.
- Babbie, E.R. (2002). *The Basics of Social Research* (2nd ed.). Belmont, CA: Wadsworth.
- Becker, H.S. (1986). *Doing Things Together*. Evanston, IL: Northwestern University Press.
- Beirne, P. (1987). Adolphe Quetelet and the origins of positivist criminology. *American Journal of Sociology*, 92 (5), 1140–1169.
- Beirne, P. (1993). *Inventing Criminology: Essays on the Rise of Homo Criminalis*. Albany: State University of New York Press.
- Bernard, T.J., & Snipes, J.B. (1996). Theoretical integration in criminology. *Crime and Justice: An Annual Review of Research*, 20, 301–348.

- Boeije, H. (2010). *Analysis in Qualitative Research*. Thousand Oaks, CA: Sage.
- Bryman, A. (2012). *Social Research Methods*. New York: Oxford University Press.
- Cressey, D.R. (1953). *Other People's Money: A Study in the Social Psychology of Embezzlement*. Glencie, IL: Free Press.
- Creswell, J.W. (1994). *Research Design: Qualitative and Quantitative Approaches*. London: Sage.
- Denzin, N.K., & Lincoln, Y.S. (Eds.) (2011). *The Sage Handbook of Qualitative Research* (2nd ed.). Thousand Oaks, CA: Sage.
- Durkheim, E. (1897/1951). *Suicide: A Study in Sociology*. Glencoe, IL: Free Press.
- Elliott, D.S., & Ageton, S.S. (1980). Reconciling race and class differences in self-reported and official estimates of delinquency. *American Sociological Review*, 45 (1), 95–110.
- Elliott, D.S., Ageton, S.S., & Canter, R. (1979). An integrated theoretical perspective on delinquent behavior. *Journal of Research in Crime and Delinquency*, 16 (1), 3–27.
- Feagin, J.R., Vera, H., & Imani, N. (1996). *The Agony of Education: Black Students at White Colleges and Universities*. New York: Routledge.
- Friendly, M. (2007). A.-M. Guerry's moral statistics of France: Challenges for multivariable spatial analysis. *Statistical Science*, 22 (3), 368–399.
- Gaylord, M.S., & Galliher, J.F. (1988). *The Criminology of Edwin Sutherland*. New Brunswick, NJ: Transaction.
- Higgins, G.E. (2009). Quantitative versus qualitative methods: Understanding why quantitative methods are predominant in criminology and criminal justice. *Journal of Theoretical and Philosophical Criminology*, 1 (1), 23–37.
- Hindelang, M.J., Hirschi, T., & Weis, J.G. (1981). *Measuring Delinquency*. Beverly Hills: Sage.
- Hirschi, T. (1979). Separate but unequal is better. *Journal of Research in Crime and Delinquency*, 16 (1), 34–38.
- Hoffman, J.P. (2003). A contextual analysis of differential association, social control, and strain theories of delinquency. *Social Forces*, 81 (3), 753–785.
- Hume, D. (1739). *A Treatise on Human Nature*. Oxford: Clarendon Press.
- Kaplan, H.B., & Johnson, R.J. (2001). *Social Deviance: Testing a General Theory*. New York: Kluwer.
- Kornhauser, R.R. (1978). *Social Sources of Delinquency: An Appraisal of Analytic Models*. Chicago: University of Chicago Press.
- Latham, J. (1821). *A General History of Birds*. London: Winchester.
- Lincoln, Y.S., & Guba, E.G. (1985). *Naturalistic Inquiry*. Beverly Hills, CA: Sage.
- Luthans, F., & Davis, T.R.V. (1982). An idiographic approach to organizational behavior research: The use of single case experimental designs and direct measures. *Academy of Management Review*, 7 (3), 380–391.
- Matsueda, R.L. (1988). The current state of differential association theory. *Crime and Delinquency*, 34 (3), 277–306.
- Messner, S.F., Krohn, M.D., & Liska, A.E. (1989). *Theoretical Integration in the Study of Deviance and Crime: Problems and Prospects*. Albany: State University of New York Press.
- Morris, T. (1958). *The Criminal Area: A Study in Social Ecology*. London: Routledge & Kegan Paul.
- Neuman, W.L. (2009). *Social Research Methods: Qualitative and Quantitative Approaches* (7th ed.). Boston: Pearson.
- Nye, F.I., & Short, J.F. Jr. (1957). Scaling delinquent behavior. *American Sociological Review*, 22 (3), 326–331.
- Patton, M.Q. (1999). Enhancing the quality and credibility of qualitative analysis. *Health Services Research*, 34 (5), 1189–1208.

- Pfohl, S.J. (1994). *Images of Deviance and Social Control: A Sociological History* (2nd ed.). New York: McGraw-Hill.
- Piquero, A., & Weisburd, D. (2011). *Handbook of Quantitative Criminology*. New York: Springer-Verlag.
- Pratt, T.C. (2011). *Advancing Quantitative Methods in Criminology and Criminal Justice*. New York: Routledge.
- Rankin, J.H., & Kern, R. (1994). Parental attachments and delinquency. *Criminology*, 32 (4), 495–515.
- Rao, C.R. (1999). *Statistics and Truth: Putting Chance to Work* (2nd ed.). Singapore: World Scientific.
- Ritchey, F. (2000). *The Statistical Imagination: Elementary Statistics for the Social Sciences*. Boston: McGraw-Hill.
- Robinson, O.C. (2011). The idiographic/nomothetic dichotomy: Tracing historical origins of contemporary confusions. *History and Philosophy of Psychology*, 13 (2), 32–39.
- Robinson, W.S. (1951). The logical structure of analytic induction. *American Sociological Review*, 16 (6), 812–818.
- Shaw, C.R. (1930). *The Jack-Roller: A Delinquent Boy's Own Story*. Chicago: University of Chicago Press.
- Short, J.F., Jr. (1979). On the etiology of delinquent behavior. *Journal of Research in Crime and Delinquency*, 16 (1), 28–33.
- Short, J.F., Jr., & Nye, F.I. (1957). Reported behavior as a criterion of deviant behavior. *Social Problems*, 5 (3), 207–213.
- Snodgrass, J. (1973). The criminologist and his criminal: The case of Edwin H. Sutherland and Broadway Jones. *Issues in Criminology*, 8 (1), 1–17.
- Sutherland, E.H. (1937). *The Professional Thief: Annotated and Interpreted by Edwin Hardin Sutherland*. Chicago: University of Chicago Press.
- Sutherland, E.H. (1947). *Principles of Criminology* (4th ed.). Philadelphia: Lippincott.
- Tewksbury, R. (2009). Qualitative versus quantitative methods: Understanding why qualitative methods are superior for criminology and criminal justice. *Journal of Theoretical and Philosophical Criminology*, 1 (1). Retrieved from <http://jtpcrim.org/archives.htm>
- Thomas, W.I., & Znaniecki, F. (1918). *The Polish Peasant in Europe and America* (Vol. IV). Boston: Gorham Press.
- Thorp, E.O. (1962). *Beat the Dealer: A Winning Strategy for Twenty-one*. New York: Random House.
- Thrasher, F. (1927). *The Gang: A Study of 1313 Gangs*. Chicago: University of Chicago Press.
- Tittle, C.R., Burke, M.J., & Jackson, E.E. (1986). Modeling Sutherland's theory of differential association: Toward an empirical clarification. *Social Forces*, 65 (2), 405–432.
- Vasoli, R.H., & Terzola, D.A. (1974). Sutherland's Professional Thief. *Criminology*, 12 (2), 131–154.
- Vogt, P.W., & Johnson, R.B. (2011). *Dictionary of Statistics and Methodology: A Nontechnical Guide for the Social Sciences* (4th ed.). Thousand Oaks, CA: Sage.
- Vold, G.B., Bernard, T.J., Snipes, J., & Gerould, A.L. (2009). *Theoretical Criminology* (6th ed.). New York: Oxford.
- Warren, M.Q., & Hindelang, M. (1979). Current explanations of offender behavior. In H.H. Toch (Ed.), *Current Explanations of Offender Behavior* (pp. 162–182). New York: Holt, Rinehart, & Winston.
- Wirth, L. (1928). *The Ghetto*. Chicago: University of Chicago Press.
- Znaniecki, F. (1934). *The Method of Sociology*. New York: Farrar & Rinehart.

Studying Deviance

Qualitative Methods

Richard Tewksbury

Qualitative social science research methods highlight a personal or emotional understanding of experiences rather than emphasizing frequencies, rates, correlations, and other detached, impersonal approaches. The most common types of data used in qualitative methods are interviews, particularly open-ended and informal, and observations, particularly participant observation. Both interviews and observation focus on experiential and processual aspects of behavior; qualitative methods emphasize the individual and social construction of *meaning* rather than reducing behavior and responses to questions to numbers, statistics, graphs, charts, and diagrams.

The great value provided by qualitative methods for the study of deviance is that they allow more personal and intimate understandings of the processes, experiences, and ways of thinking and feeling of how deviant acts occur, as well as insights that qualitative methods typically provide – understandings typically not accessible through the use of statistically-based research. Qualitative methods are approaches that prioritize a more extensive and well-rounded understanding of behavior. Often qualitative methods are used to investigate new areas of inquiry or previously unknown types of behaviors, groups, or contexts. Exploratory, introductory discussions of new forms of deviant activities and newly emerging identities, norms, and organizational structures associated with new forms of deviant behavior are especially appropriate for qualitative investigations. It is only after exploratory qualitative groundwork has established the relevant concepts and theoretical premises that empirically oriented, quantitative researchers can advance hypothesized correlates, causes, and consequences.

Qualitative research provides in-depth, detailed information that enables researchers to explore issues and contexts while simultaneously clarifying questions regarding what, how, when, where, and by and among whom the focused-upon actions and actors operate. Additionally, qualitative research provides detailed descriptions of actions, interactions, and the influence of environments on the presence, process, and organizational

aspects of behavior. As is the case with all of social science, qualitative studies of deviance and deviants pursue the goal of identifying and explaining patterns and themes across peoples and behaviors.

The outcomes (“findings” or “results”) of qualitative research can be presented in a variety of different ways. Qualitative deviance studies seek to provide a discussion and explanation of how a cultural world and the people who populate that world operate, highlighting forms of behaviors and how actions, interactions, and structural environmental elements contribute to the social construction of that world.

Qualitative research methods in the study of deviance offer a number of advantages for understanding meaning, process, and experiences. But, likewise, qualitative approaches to the study of deviance are accompanied by some important limitations and challenges. In the sections that follow, I will examine the use of qualitative social science research methods. First I will provide an overview of each of the major means of qualitative data collection (observation, document analysis, focus groups, and individual interviews) with a focus on the opportunities and challenges of using such methods for the study of deviance. Included in this discussion are examples of studies that have effectively used each method, as well as a discussion of how context and social settings must be accounted for in the design and implementation of each specific approach. Following this there is a discussion of the unique challenges that qualitative studies of deviance and deviants encounter when undergoing review by institutional review boards (IRBs). Overall, this chapter attempts to provide readers with an understanding of how qualitative methods can be effectively used to advance understandings of the meanings, processes and experiences of those involved and affected by deviance; it approaches the use of such methods with an understanding of the challenges such presents.

Varieties of Qualitative Methods for Studying Deviance and Deviants

When considering how one might be able to qualitatively study deviant activities and individuals who are involved in such activities, we can consider four primary modes of data collection: observations, analyses of documents, focus group interviews, and one-on-one interviews. Clearly, each of these approaches offers particular advantages as well as disadvantages. Different research questions, activities, and persons call for different methodological approaches. Sometimes the choice of a data collection method is obvious; for some questions, only one approach can provide relevant, valid, and reliable data. In the same way, there are some questions and particular settings where certain modes of data collection are not feasible, safe, or likely to be productive.

Let's begin by examining how observational methods – whether overt or covert – as a data collection method could be used in the study of deviance. Certain public gatherings, such as crowds at sporting events or concerts, construction workers on a job site, customers drinking in a bar or nightclub, street scenes, or clusters of people in public parks, enable a qualitatively-oriented scholar to observe the commission of minor forms of deviance, such as jaywalking, traffic violations, unauthorized smoking in a public place, unwanted and overly assertive advances by men toward women, public

urination, and so on. However, for some other forms of deviance, including many types that are only performed “behind closed doors,” observation may be considerably more difficult and challenging. For the most part, sexual activities are conducted in private, typically inaccessible to the public’s observation. But some researchers have observed certain forms of sexual deviance, such as men having sex with men in public places (“erotic oases”) or even in sex clubs (Douglas & Tewksbury, 2008; Hammers, 2009; Humphreys, 1970, 1975; Tewksbury, 1996, 2002). Still, many forms of deviance are either inaccessible to observational researchers or they would need to engage in covert observation in which they entered into a setting or subcultural world and self-presented as a participant (whether actually participating in setting activities or not), or as a potential participant (Tewksbury, 2001) in setting activities. In these ways observational data collection can inform us about deviants and their activities. Clearly there are costs and limitations as to who could do such work – for instance, a female researcher may not be able to conduct an observational study of sexual deviance in a gay male sex club.

Sometimes, the use of observational methods may also be highly inefficient. If a researcher tries to employ observational data collection methods but does not know when or even where deviant activities occur, he is likely to waste a great deal of time more or less wandering around looking for signs that something may be occurring. The researcher may know something is going on, but where it may take place may require a great deal of searching. But at other times, especially when the researcher is interested in certain types of deviance that is restricted as to locale, observations can be very productive. If one wants to study the way that heroin addicts cope with trying to “get clean,” observations at Narcotics Anonymous meetings can be a useful means of gaining insight and beginning to learn about addiction. Likewise, the adventurous researcher can position himself in a “shooting gallery” or other locations in which addicts are using heroin and crack. Philippe Bourgois and Jeff Schonberg (2009) located a San Francisco highway underpass where they documented homeless addicts using drugs and struggling for survival.

The important point about observational methods to study deviance is that sometimes it is the best way of studying deviance in its own setting, but sometimes settings can be sufficiently closed or hidden to make observation highly inefficient or simply unproductive. To observe deviance directly, first-hand, a researcher may not only have to be present but also appear to be interested in participating in the deviance, which may take place in a dangerous situation.

A second qualitative approach to studying various forms of deviance is to examine documents produced by a group or organization devoted to the practice or promotion of deviance. Official documents and artifacts can also be especially valuable when a researcher is seeking to explicate and understand the ways in which deviants are officially processed through criminal justice (and other) systems. So too can this approach be useful for insights regarding how others perceive particular types or groups of deviants and deviance. The interested sociologist may use a wide range of types of documents in the study of deviant persons and activities, including official court documents, prison, jail and community correction agencies’ records, diaries of involved persons, news media reports, historical documents, organizational records, or publications for and about a particular type of activity. The entertainment media

(music, movies, television shows, magazine stories) likewise serve to provide insights about how deviance is depicted and how such depictions exert an influence on observers. Here the work of Rader and Rhineberger-Dunn (2010), which used as their data a year's worth of episodes from four television crime dramas to examine the ways in which crime victims are portrayed on television, provides a good example.

Documents and artifacts can also be studied for the purpose of providing opportunities to examine changes over time in how particular types of activities and actors are depicted and viewed, how the particular form of deviance is defined, perceived, and both officially and unofficially responded to, and how changes in law, processes, social values, and other social variables may lead to changes in processes and perceptions of a particular form of deviance. Looking at changes in laws, perhaps including court transcripts for a lengthy period, for instance, would likely reveal changes in how some types of deviance are perceived and responded to by society. Consider marijuana. If we look at a variety of documents, including laws, newspaper accounts, entertainment media, and even memoirs and biographies of certain persons over the last century, we will find substantial changes in how marijuana use is perceived and defined as deviant, and whether and to what extent this definition has changed over time. In 1937, the federal government enacted the Marihuana Tax Act, which made the possession of any quantity of cannabis a federal offense. Today, eight decades later, recreational marijuana is legal in two states, legal as medicine in 23, and decriminalized in small quantities in 16. Federal officials are interested in marijuana possession and sale only if it entails substantial weight. Changes in attitudes and behavior over the past three-quarters of a century toward the wrongfulness of marijuana use would be fruitful, but chances are, such a research program would be better served by using qualitative rather than quantitative methods; in such an endeavor, meaning, interpretation, and context exercise more leverage than numbers, statistics, and precise quantities. Unfortunately, no systematic surveys were conducted on the matter in the 1930s, though the Gallup polling organization did conduct surveys beginning in 1969, and found that, during that stretch of time, support for marijuana legalization grew more or less steadily from 12% then to 58% in 2013.

In the twenty-first century the variety of documents that are available for study has expanded. Whereas until recently such a focus of research would be primarily on actual paper documents held in filing cabinets, today we can find documents not only on paper but also on film and even in electronic files. Not only has the Internet changed the way people communicate and conduct their daily lives, but so too has it introduced new potential sources of data for study. Take as one example the study of how people search for, find, and connect with romantic partners. For several decades very nearly the only way to do this was to post or read and respond to personal ads in newspapers. For some scholars these ads were highly intriguing, and seen as a way to try to understand mating behavior, as well as how individuals present themselves to others. As a result, many research studies examined these ads as a form of document analysis. Traditionally, this meant identifying different traits and characteristics that men and women were both more and less likely to offer in their ads and to be looking for in a partner (Darden & Koski, 1988; Goode, 1996). Today, however, if we were to see a personal ad in a print newspaper we would probably not recognize it. Such an activity in its own right might be seen as deviant; today such ads are at home on the

Internet. This does not just mean that the location of such ads is different, but if we were to examine some samples of these ads we might find that their content and even their purpose have dramatically changed. For instance, in the days when such ads were more or less exclusively printed, then located by someone who wrote a letter on paper and mailed it to the party who posted the ad, and waited for them to respond in a letter, the process often took a week or more. However, today, someone posting an ad on a website could be having a full conversation within minutes. This means that we can use such a communication means for different purposes today – such as seeking out partners to have sex with on the very day that the ad is posted. For instance, scholars in recent years have examined the use of online personal ads for married men seeking other married men for sexual relationships (Cheeseman, Goodlin-Fahncke & Tewksbury, 2012), persons interested in bondage-discipline and sadomasochism (Denney & Tewksbury, 2013), and even men seeking HIV-positive sex partners (Gro, 2004; Tewksbury, 2006). Online personal ads, though not printed on paper, are a type of document, and are more easily and widely available for viewing and studying than the personal ads in decades past that were posted in a newspaper or magazine and was usually available only in a limited geographic area and for only a short period of time.

A third important type of qualitative data that can be used for the study of at least some forms of deviance is interview data from multiple participants in a focus group. A focus group is an interview with a group of persons who share some significant status, experience, or relationship in which the discussion centers on a fairly narrow and concentrated topic. It might be possible to do a focus group with people who share a common form of deviance, such as overeating, or hoarding, or using a particular illegal drug. The idea of a focus group is advantageous in that it allows researchers to collect data from a group of people in a short period of time, and thus can be very efficient. Moreover, a focus group also provides each participating person opportunities to hear and respond to the comments of other focus group members. In the study of deviance and deviants, focus groups can be very productively used, but in using them the researcher must exercise caution so as not to cause emotional or psychological harm to participants. For some topics it may be potentially harmful for certain types of persons to be with others of similar persuasions and behaviors. For instance, if a researcher were to do a focus group with persons who make and collect child pornography, there is a serious likelihood that such individuals might pair up and continue their behavior, and subsequently harm even more children. Similarly, if a focus group of urban gang members were to be conducted and members of rival gangs were included in a single focus group, this might precipitate dangerous behavior.

Where focus groups may be most beneficial in studying deviance is in studying how such actions and persons impact upon others. So, a focus group of mothers of drug addicts could provide a great deal of information about the consequences of this form of deviance on others involved in the lives of the deviants themselves. Or, to study the effects of an open-air drug market in a community, a focus group of residents of that community could be very productive. For scholars interested in the experiences of deviants themselves, focus groups may be a difficult event to organize, and most criminal justice, victimology and mental health experts would argue that it could be

dangerous and inappropriate to gather a group of offenders together to discuss their offenses, victims, and other related issues.

A fourth way to study deviance and deviants with qualitative methods, and probably the most common method, is the use of one-on-one interviews. Interviews may also be the most productive way to study deviants and their behaviors, experiences, and perspectives, but the researcher should consider the setting in which they are conducted. Interviews offer both benefits and potential dangers. They offer opportunities to gain honest, complete and detailed understandings of the motivations, actions, plans, thoughts and reflections on the activities of deviant interviewees. Additionally, interviews allow researchers to uncover the ways that deviants identify, select, approach, and actually engage in their particular form of behavior.

The interview experience is one that is familiar to most of us, and as such when being the subject of a research interview, and so respondents are likely to find the experience comfortable and so are likely to be forthcoming. For many respondents the interview situation is enjoyable since the attention of another person is focused on them, giving them the opportunity to present themselves as an expert on the topic under discussion. Of course, to avoid influencing respondents' answers, the researcher should avoid communicating any sense of judgment about the respondent's answers. If someone believes they are being judged or being seen as bad in some way, they are likely to terminate the interview or at least alter their answers to try to avoid being seen in a negative light. Interviews are likely to be the qualitative method that produces the greatest understanding of deviants as well as their behaviors. The key to a good interview is planning, preparation, and the ability of an interviewer to adapt to the situation and personality of the person being interviewed. Interviews can be conducted in a wide range of settings, and the nature of the setting may influence the respondent's answers. Many interviews with criminals are conducted in an institution such as a prison. While access to deviants in such locations may be relatively straightforward, the researcher needs to recognize that prison interviewees do not represent offenders in general. Moreover, within the prison setting respondents are likely to be less forthcoming with certain information than they would be in a more naturalistic setting. Interviews conducted in the natural environments of deviants – such as their homes, their communities, or subcultural setting where they engage in their deviance – can be very informative. But at least in some cases, they can also be dangerous. If, for instance, the researcher wished to interview drug dealers on the street while they are working, the police, other dealers, and customers all present possible dangers.

Interview-based studies of deviants and deviance often face an initial stumbling block of finding and then gaining access directly to the individuals that researchers wish to interview. For instance, a researcher who is interested in the lives of prostitutes may face the problem of consent. A sample of potential interviewees could be obtained through the local police department or jail, or perhaps through a social service agency that serves prostitutes as clients. Or, a researcher could go to the streets, approach those they suspect are prostitutes, and try to get them to agree to an interview. This strategy is likely to be ineffective and it may be dangerous. When contemplating obtaining information, the researcher has to consider how this can be achieved and what sort of setting is likely to be most productive, but this leads to further questions about feasibility

of one method over others. Even if such questions have been solved, the issues of validity and reliability of the data collected must also be considered. Researchers often choose the most practical route of recruiting participants – from incarcerated populations.

As we saw, interviewing incarcerated offenders can be an efficient and effective approach to the study of some forms of deviance. However, some scholars have questioned the utility of data that come from incarcerated offenders, suggesting that the coercive nature of prison, and even perhaps community corrections, makes the data collected in these ways suspect (Jacques & Wright, 2010). In contrast, Copes and Hochstetler (2010) argue that careful consideration of how incarcerated offenders are approached and how interactions with them are guided can yield valuable data. The debate about the value of interviews with any types of offenders who are incarcerated is far from settled.

Interviews conducted with incarcerated offenders (or any variety) present some unique challenges to researchers. Simply gaining access to offenders in prison can be a difficult challenge, with numerous official hurdles to be cleared. Once approved for doing interviews inside a correctional facility, there are additional barriers, such as negotiating a prohibition on recording devices; such bans can be overcome, but it is an issue that needs attention. Once inside a facility, researchers are typically required to be escorted everywhere they go, and to be observed at all times. This can make activities difficult, and depending upon how a facility requires observation (for instance, in an open area visible and accessible to everyone, or in an office behind a closed door) will influence the value of information that can be gained from an interview. Time schedules and routines of institutional activities will take precedence over a researcher's needs, wants, or schedule. Both regular parts of the routine of prison life, as well as unanticipated events, can interrupt a researcher's work. Things such as counts and lockdowns may be fairly common and obviously impose limitations on how long interviews can be, how many can occur in a day, and even whether inmates will be available for interviews. At other times factors such as a shortage of staff on a particular day may prevent a researcher from coming in and working, or (as this author has experienced) a heavy fog may mean all inmates are restricted to housing units, and interviews cannot be done. The point here is that research done inside a correctional facility is in a setting and environment that is essentially out of the control of researchers. When interviewing offenders in jail or prison, the researcher is the guest of the facility, and must adjust his schedule and expectations to those of the setting.

Interviews conducted with socially designated deviants may also have some inherent challenges. In addition to the common challenges encountered by qualitative researchers of scheduling and missed appointments, so too are there challenges that are unique to the study of deviance and deviants. What may initially be seen as a simple decision about when and where to meet for an interview is a decision that can have important implications for a researcher and his data. Should interviews be done in an interviewee's home? This would assume that a researcher would be welcome in a deviant's home. This also assumes that a researcher would be safe in such a place. But what if your interviewee is a drug dealer who is selling controlled substances from home? Is it safe for a researcher to be there? What about a gang member's home? The home of a sex offender?

For the study of at least some types of deviants, it may well be that they reside in dangerous neighborhoods, and consideration of safety needs to be included in scheduling interviews. The field discourages conducting interviews in a researcher's home, as this may introduce certain potential dangers. Would it be wise to interview burglars in your home? Probably not. Interviews can be conducted in public places, although this may well limit the honesty and willingness of an offender or victim to discuss their experiences, attitudes and views. Public places, by definition, lack privacy, and are often places where others present can easily overhear an interview, see the interview, learn what they are doing, and thereby learn information that the interviewee may wish to control. In such a situation it is not unreasonable to expect the public nature of the interview to influence the flow, content, and value of an interview. Control over the situation is all but absent in public places, as in the home of an offender or victim. In a researcher's office or home, control may be more available, but can be offset by other considerations.

Why Qualitative Methods are Desirable in the Study of Deviance

Qualitative research is most often conducted in a naturalistic setting, which impacts on the behavior that takes place during the research and the nature of the data that may be collected there (Higgins, 2009; Tewksbury, 2009). In this way, the use of qualitative data and methods of analysis allows for and may facilitate understandings of experiences, behaviors, and social responses to particular types of people and actions in context, and from whose perspective they are being studied. In short, this means that the knowledge we gain from qualitative investigations is contextualized and grounded in the specific environments in which deviance occurs and deviant persons live, act, and interact. All of this increases the likelihood that we understand the variations in deviance more clearly.

A second reason why qualitative data and methods are especially well suited for the study of deviance is the fact that such approaches emphasize the understanding of experiences for actors. While it is important and useful to know how various forms of behaviors are acted out, and when, where, and how they occur, it is also valuable to understand how deviants themselves think, feel, and reflect on their actions. It is only through the acts of talking with and observing people engaging in their naturalistic behavioral repertoires that we can gain a more accurate and valid view and understanding of their feelings, beliefs, and rationales for what they do and how, when, where, and why they do what they do. Statistical studies cannot tell us much about what it is like to engage in deviant behavior, nor what types of personal benefits and rewards one may experience by engaging in particular deviant actions. However, talking with deviants and watching them engage in both normative and deviant actions can help us to get to this depth of understanding of experience.

A third important advantage and contribution of qualitative methods to the study of deviance is that understandings about a small group or sample of deviants can be used to generate theoretical explanations of particular actions and experiences. This theory,

then, can be used not only for trying to understand why a particular form of deviance takes place, but it can also provide concepts and variables that quantitative scholars can use to test the theoretical propositions established by qualitative investigations. The patterns and themes that the qualitative scholar finds in the data can subsequently be used as a basis for assessing theory. In this way, qualitative data may be seen as the foundation that provides both theory and variables for investigation by quantitatively oriented scholars.

Qualitative research methods offer some clear and obvious advantages over quantitative methods for scholars. Different types of information can be gained from qualitative methods than can be realized with statistical data and analyses. However, this is not to say that qualitative methods are necessarily superior to quantitative methods. But, in some instances, and most importantly for some research questions, qualitative methods can be more advantageous. However, there are certain situations, questions, issues, and populations for which qualitative methods may not be most desirable.

Limits on the Utility of Qualitative Data for Studying Deviance and Deviants

While we see multiple advantages and benefits of using qualitative methods for the study of deviance, there are also certain limitations on the use of qualitative methods for the study of deviance (Worrall, 2000). What may be the most obvious limitation is that some forms of deviance and groups or individual deviants may be very difficult to identify and access. By definition, many forms of deviance are semi-secret, hidden, kept from the observation of most members of the society. Especially when the researcher is interested in highly stigmatized, or statistically very rare, forms of deviance, it may be nearly impossible to locate, approach, and collect data from relevant parties. Also, because of their self-awareness of being stigmatized, or because their behavior is illegal, they may be especially leery and skeptical of outsiders, especially those who want to watch them carefully or ask them questions. In such cases, the researcher is very much an outsider and likely to be stigmatized in such a setting – essentially ostracized. In simple terms, some people do not want to be found out, and if they are, they do not want to acknowledge their status or behaviors, or may be too fearful of allowing a researcher to ask questions, watch their behavior, or even be present in their worlds.

The fact that some sectors of the population may not be amenable to being studied may mean that some research questions simply cannot be productively addressed by using qualitative methods. In a similar vein, some research questions cannot be addressed or answered with quantitative data. Even if a researcher is granted full access to the deviant circle and even allowed to participate in actions with a particular group of deviants, questions about why such persons engage in their particular form of deviance probably cannot be answered. Answering the “Why?” question may entail knowledge of a person’s background, and other sensitive, quantitatively oriented variables. Simply watching people and talking to them may reveal a cornucopia of

information, but certain factors may conspire to close off access to other, more sensitive avenues of inquiry. Qualitative methods are only appropriate when the questions under consideration are amenable to the varieties of data that can be generated through such methods.

In order to gain direct access to social circles of deviants, or individuals who practice deviant or unconventional behavior, one may join a group, organization, or society of deviants, either “undercover,” that is, without announcing one’s research intentions (“covert” observation), or one may actually belong to the membership one seeks to study or, if one does not, one may request access to observe the functions of the club or organization (“overt” observation). It is important to recognize that covert research is controversial among sociologists; many believe it to be unethical (Erikson, 1967), while others disagree, arguing that covert research is not *per se* unethical (Spiker, 2011). Once socially situated among insiders, the investigator can hear deviant attitudes and beliefs expressed or deviant behavior enacted. Such groups might include “swingers” or mate-swapper clubs, Alcoholics Anonymous, Narcotics Anonymous, Gamblers Anonymous (all of which have an “open” night, when non-members are welcome), organizations of sex workers (such as COYOTE – Call Off Your Old Tired Ethics), NAAFA – the National Association to advance Fat Acceptance – whose membership is made up of fat women and men who want to romance and have sex with fat women, motorcycle clubs (not recommended), organizations seeking equality for the LGBT cluster, groups made up of extreme environmentalists, creationists, political radicals, UFO abductees, or white supremacists (perhaps too risky). There is a “Deviant Club” in Los Angeles (“this is an organization for women whose purpose is to deviate from our normal patterns in ways that bring more passion, adventure, and spontaneity to our lives”). “Deviants” sponsors an intermittently-held Folsom Street Fair in San Francisco that promises a “debauched 11-hour extravaganza with an outdoor block party.” The Burning Man is an annual art event and “temporary community based on radical self expression and self-reliance” that takes place in the Black Rock Desert of Nevada. Some sociologists have engaged in literal participant observation of deviant activities. Howard Becker was both a marijuana smoker and a jazz musician, which gave him access to illicit behavior and enabled him to write his classic *Outsiders* (1963). Because Clinton Sanders was a tattooed man, he gained access to the world of tattooed persons and tattoo parlors (1989). Carol Rambo Ronai was an erotic table dancer and wrote about her experiences (Ellis & Ronai, 1989). Stacy Newmahr joined an S&M community and engaged in the sexual activities it advocated (2011). Matthew Lauder (2003) joined the Heritage Front, “a neo-National Socialist organization that adheres to a racial-religious worldview” (p. 185). Some deviant social circles are more accessible than others, while some are highly secretive; the researcher has to discover where his or her research subjects stand on the matter. Homeless men, graffiti artists, street addicts, alcoholics, buskers and street entertainers, juvenile gangs (Venkatesh, 2008) – even working at many legal jobs, such as factory worker, dish-washer, bouncer in a nightclub, waiter or waitress, construction worker, sales clerk, and so on – gives the researcher access to a great deal of illicit activities among one’s coworkers. The possibilities are practically endless, though all investigators should observe legal and ethical constraints in his or her research endeavors.

Ethical Issues in the Qualitative Study of Deviance and Deviants

Researchers typically consider qualitative social science, regardless of the specific topic of a study, more directly relevant to ethical problems and dilemmas than quantitative studies. This is especially the case when the aspect of deviance is added to the mix. Qualitative studies raise problems and questions about informed consent and confidentiality. These issues are especially relevant when the topic being studied is something that could get research subjects in trouble, hurt, socially stigmatized, or, by their very association with criminal and deviant others, can cause problems for friends, acquaintances, and peers. It is the responsibility of the qualitative scholar to ensure that the research process not cause undue harms, costs, disadvantages, or any negative impact on the parties under study. To be ethical, the qualitative scholar must ensure that their research process and activities do not cause major problems for their research subjects. However, at least on some occasions, this can be a steep challenge, for as Goode (2015) emphasizes, “Most qualitative work is spontaneous, unpredictable, evanescent, and substantially *sub rosa*.” Under such conditions, planning, anticipating, and immediately and correctly responding to emerging issues in the conduct of a study can be especially daunting.

The most clearly non-problematic ethical approach to using qualitative methods to study deviance and deviants is in the realm of public behavior. Many forms of deviance are conducted in public locations, in which persons and behaviors are visible to any observer. In such a setting, a researcher simply observing such actions has no ethical questions to answer; what she is watching is being watched (or could be being watched) by anyone else that would happen to be present. However, more typically, deviance, by its very nature, tends not to be a public action. So, such a situation tends not to be the norm.

Receiving informed consent (or “permission”) from the parties being studied can be difficult. With observational studies, it is typically not practical to enter a setting or place and ask everyone present if it is acceptable to them to watch them and record what they are doing. To ask them to sign a form saying that the researcher will watch them, observe their behavior, take notes and, very likely, write about what they do, is likely to be especially problematic. Getting informed consent from people in an organized focus group or in one-on-one interviews is not as much of a problem, however.

When talking with, observing, or studying the documents and artifacts of a deviant group, it is certainly possible that a researcher will learn of illegal, dangerous or otherwise compromising information. What the researcher does with such information can introduce ethical issues for the deviance scholar. In some instances, some types of “dirty knowledge” call for a clear-cut ethical response. If an interview subject tells a researcher that he is planning to kill himself, or to harm or kill someone else, or has been abusing a child, there is no question about what is ethical: such behaviors need to be reported to law enforcement or at least to medical authorities. If one fails to do so, one has violated the law oneself. But, what if an interviewee says that they are expecting to receive a large shipment of illegal drugs in the next week? What if, through a review of a group of documents, the researcher discovers that respondents are cheating on their taxes? Or what if, in a focus group, community members mention that they believe there is a house of prostitution

operating in a local residence? Even more so, what if the young women who work there appear to be minors? These issues are more debatable. Even before entering the field, the qualitative researcher needs to have some ideas of the limits on what can and should be tolerated. But some issues cannot be anticipated and need to be reacted to in the instance; the reaction to the ethical problem will have to be improvised on the spur of the moment. Acting in such a spontaneous fashion is likely to be quite difficult for the researcher. With the study of deviance, such instances are more likely to be encountered than in a study of how people shop in a supermarket, check books out of a public library, or how people decide for which political candidates they will vote.

Have qualitative researchers established acceptable, ethical ways of responding to ethically thorny situations? Yes and no. For the most part, research ethics cannot be clearly distinguished as acceptable and unacceptable, at least not in all instances. Different people may have different interpretations of what is right and wrong. It would be fairly easy to find qualitative deviance scholars who would vehemently argue that if the respondent is receiving a shipment of drugs, this should be reported to the police. On the other hand, perhaps just as many sociologists and criminologists would argue exactly the opposite – that observing and writing about the arrival, sale, and dispersal of a shipment of illicit drugs offers a practically unparalleled research opportunity which should be seized. The important point here is that in many instances, the answer to ethical problems presents the researcher with dilemmas, conundrums, and less than clear-cut solutions.

In some regards, the qualitative deviance scholar, as is the case with all social scientists, has assistance in determining what is and is not ethical research behavior. Social science is governed by ethical guidelines that have been promulgated by associations and organizations of scholars whose job it is to review and approve or disapprove of a scholar's planned research activities.

Institutional Review Boards (IRBs) and Qualitative Studies of Deviance

All studies that receive funding or are conducted by employees of an organization such as a university that entail collecting data from human subjects are required to be reviewed by an institutional review board (IRB) prior to the data collection itself. The purpose of such a review is to ensure that the rights of subjects are protected and that there are no unnecessary harms to which research participants are subjected. Qualitative studies have somewhat different and unique challenges when they undergo such reviews; perhaps most specifically, studies of sexual deviance and sex offenders may be looked at in certain unique ways (Goode, 2002; Stone, 2014).

IRBs originated out of concerns regarding medical research, and over time have been expanded to cover all research that involves human subjects. This means any qualitative research that collects data from people – hence, observations and interviews – must be reviewed to ensure the rights and protection of persons being studied. Central to the rights of research subjects that need to be protected are that subjects participate in a study voluntarily and that they must not be subject to foreseeable harms as a result of their participation in the research. When IRBs review the research protocols

of qualitative research methods, however, they often foresee difficulties that more quantitative, impersonal methodologies do not present.

Additionally, qualitative studies of deviance, and especially deviance involving sexual behavior, illegal actions, children or other subordinate or powerless categories of the population, and hidden behaviors that can only be accessed through special, gatekeeper-controlled channels, may be especially difficult to pass through an IRB (Johnson, 2008; Stone, 2014). These forms of deviance issues, and especially any related to illegal and harmful behavior (such as sex offenses), are among the more controversial social science research topics that IRBs encounter. Concerns for privacy, revelations of information that could be socially, politically or economically harmful to participants, and disclosure of illegal activities are all significant concerns that IRBs incorporate in their reviews and decision.

Studies with prison or jail inmates are explicitly considered a special class of research when reviewed by IRBs. Prisoners, including those under community corrections supervision, are recognized as being in an officially disempowered social status, and as such their participation in research requires additional assurances that they are participating voluntarily and that they will not be harmed in any way. For many scholars interested in deviance, the most convenient route to accessing a sample runs through departments of corrections. This is an efficient means of obtaining a sample of people who do engage in a particular form of deviance. However, a study drawing on prison or jail inmates is subject to additional scrutiny concerning coercion and harm. And, in order to be approved by most IRBs, a scholar proposing to conduct a study with inmates must show that this is more than just a matter of convenience, and that there is actually some reason for collecting data from these individuals.

For all researchers who have their proposed work reviewed by an institutional review board, one of the biggest frustrations is the lack of predictability of the outcome of the review process. In a revealing study designed to assess the uniformity of how IRBs view study protocols, one group of health services researchers submitted identical proposals for an observational study to IRBs at 43 different research sites (Green, Lowery, Kowalski, & Wyszewianski, 2006). Upon review, one site exempted the study from review, ten gave an expedited review, 31 required a full board review of the study, and one outright rejected the study from further consideration. Included in reviews of the study, 23 required additional language and sections to the consent form, and five required Health Insurance Portability and Accountability Act (HIPAA) consent in addition to subject consent. Three-quarters (76%) of the boards required at least one resubmission, with 15% of IRBs requiring three or more rounds of reviews prior to issuing a final decision, where “most resubmissions were editorial changes to the wording of the consent document” (Green *et al.*, 2006, p. 214). While the specifics of the required changes and decisions of the 43 IRBs are not critical here, the point is that there is significant variation in how IRBs view qualitative work, and what researchers can expect when submitting their proposed studies to such bodies.

The intricacies of the IRB review process and the issues that studies of deviance and deviants introduce to IRB review are numerous, and scholars on the verge of embarking on a study are urged to consult with their institution's IRB about specific requirements they will encounter.

Conclusion

The use of qualitative methods to study deviant behavior and deviant individuals and groups can be a productive, rewarding, and highly useful research exercise. Qualitative methods offer the best means for answering questions about the processes of deviant actions, motivations, experiences and attractions of particular activities for individuals and groups, and how socially stigmatized persons and behaviors fit into the larger context of a community. As with all research, different data collection methods are better suited to different foci and research questions, and researchers need to carefully match their goals with data collection methods. Just because an individual is attracted to the tasks and benefits of qualitative research methods does not mean that such methods can or should be used for all questions that individual may have.

The use of qualitative methods in the study of deviance is not without challenges and dangers, however. Here is where experience, consultation, and sometimes simply common sense are important for scholars. Carefully considering possible dangers and obstacles prior to entering the field is important, but is not a foolproof way to avert or avoid problems. Because it is a social activity, qualitative research can be unpredictable – for some scholars this is part of the attraction of using such methods, while for others it may represent a serious undermining of the attraction of such a method. Whether to use qualitative methods to study deviance is a decision for individual researchers, and a decision that should be based on the questions being asked, with a tempering based on the challenges and potential pitfalls.

References

- Becker, H.S. (1963). *Outsiders: Studies in the Sociology of Deviance*. New York: Macmillan.
- Bourgois, P., & Schonberg, J. (2009). *Righteous Dopefiend*. Berkeley, CA: University of California Press.
- Cheeseman, K., Goodlin-Fahncke, W., & Tewksbury, R. (2012). 'Looking for a married hookup': An examination of personal ads posted by men seeking sex with married men. *Journal of Men's Studies*, 20 (2), 144–157.
- Copes, H., & Hochstetler, A. (2010). Interviewing the incarcerated: Pitfalls and promises. In W. Bernasco (Ed.), *Offenders on Offending: Learning About Crime from Criminals* (pp. 49–64). Cullompton: Willan.
- Darden, D., & Koski, P.R. (1988). Using the personal ads: A deviant activity? *Deviant Behavior*, 9 (4), 383–400.
- Denney, A.S., & Tewksbury, R. (2013). Desired partner characteristics and self-presentation in an online BDSM community. *Deviant Behavior*, 34 (2), 153–168.
- Douglas, B., & Tewksbury, R. (2008). Theaters and sex: An examination of anonymous sexual encounters in an erotic oasis. *Deviant Behavior*, 29 (1), 1–17.
- Ellis, C., & Ronai, C.R. (1989). Turn-ons for money: Interactional strategies of the table dancer. *Journal of Contemporary Ethnography*, 18 (3), 271–298.
- Erikson, K.T. (1967). A comment on disguised observation in sociology. *Social Problems*, 14 (Spring), 366–373.
- Goode, E. (1996). Gender and courtship entitlement: Responses to personal ads. *Sex Roles*, 34 (3/4), 141–169.

- Goode, E. (2002). Sexual involvement and social research in a fat civil rights organization. *Qualitative Sociology*, 25 (Winter), 501–534.
- Goode, E. (2015). Ethical issues in the qualitative study of deviance and crime. In H. Copes, & J.M. Miller (Eds.), *The Routledge Handbook of Qualitative Criminology*. New York: Routledge.
- Green, L.A., Lowery, J.C., Kowalski, C.P., & Wyszewianski, L. (2006). IRB and methodological issues: Impact of Institutional Review Board practice on observational health services research. *Health Services Research*, 41 (1), 214–230.
- Grov, C. (2004). 'Make me your death slave': Men who have sex with men and use the Internet to intentionally spread HIV. *Deviant Behavior*, 25 (4), 329–349.
- Hammers, C.J. (2009). An examination of lesbian/queer bathhouse culture and the social organization of im/personal sex. *Journal of Contemporary Ethnography*, 38 (3), 308–335.
- Higgins, G.E. (2009). Quantitative versus qualitative methods: Understanding why quantitative methods are predominant in criminology and criminal justice. *Journal of Theoretical and Philosophical Criminology*, 1 (1). Retrieved from <http://jtpcrime.org/archives.htm>
- Humphreys, L. (1970). *Tearoom Trade: Impersonal Sex in Public Places* (orig. ed.). New York: Aldine.
- Humphreys, L. (1975). *Tearoom Trade: Impersonal Sex in Public Places* (enlarged ed.). New York: Aldine.
- Jacques, S., & Wright, R. (2010). Apprehending criminals: The impact of law on offender-based research. In W. Bermasco (Ed.), *Offenders on Offending: Learning About Crime from Criminals*. Cullompton: Willan.
- Johnson, T.S. (2008). Qualitative research in question: A narrative of disciplinary power with/in the IRB. *Qualitative Inquiry*, 14 (2), 212–242.
- Lauder, M.A. (2003). Covert participant observation of a deviant community: Justifying the use of deception. *Journal of Contemporary Religion*, 18 (2), 185–196.
- Newmahr, S. (2010). *Playing on the Edge: Sodomasochism, Risk, and Intimacy*. Bloomington, IN: Indiana University Press.
- Rader, N.E., & Rhineberger-Dunn, G.M. (2010). A typology of victim characterization in television crime dramas. *Journal of Criminal Justice and Popular Culture*, 17 (1), 231–263.
- Sanders, C.R. (1989). *Customizing the Body: The Art and Culture of Tattooing*. Philadelphia: Temple University Press.
- Spiker, P. (2011). Ethical covert research. *Sociology*, 45 (1), 118–133.
- Stone, M.M. (2014). Institutional Review Boards and studying deviance. In H. Copes, & C.J. Forsyth (Eds.) *Encyclopedia of Social Deviance* (pp. 377–379). Thousand Oaks, CA: Sage.
- Tewksbury, R. (1996). Cruising for sex in public places: The structure and language of men's hidden, erotic worlds. *Deviant Behavior*, 17 (1), 1–19.
- Tewksbury, R. (2001). Acting like an insider: Studying hidden environments as a potential participant. In J.M. Miller, & R. Tewksbury (Eds.), *Extreme Methods: Innovative Approaches to Social Science Research* (pp. 4–12). New York: Allyn & Bacon.
- Tewksbury, R. (2002). Bathhouse intercourse: Structural and behavioral aspects of an erotic oasis. *Deviant Behavior*, 23 (1), 75–112.
- Tewksbury, R. (2006). 'Click Here for HIV': An analysis of Internet-based bug chasers and bug givers. *Deviant Behavior*, 27 (4), 379–395.
- Tewksbury, R. (2009). Qualitative versus quantitative methods: Understanding why qualitative methods are superior for criminology and criminal justice. *Journal of Theoretical and Philosophical Criminology*, 1 (1). Retrieved from <http://jtpcrim.org/archives.htm>
- Venkatesh, S. (2008). *Gang Leader for a Day*. New York: Penguin Books.
- Worrall, J.L. (2000). In defense of the 'Quantoids': More on the reasons for the quantitative emphasis in criminal justice education and research. *Journal of Criminal Justice Education* 11 (2), 353–360.

Explanatory Paradigms in the Study of Deviance

Robert F. Meier

Social scientists have established a reliable methodology that stipulates how they should conduct research. These methods have proven useful in thinking about and building theory to explain deviant behavior. In this chapter, I'd like to describe a theoretical paradigm for thinking about deviance. It borrows from a methodology that enables the researcher to think about and conduct research, but we can conceptualize it more properly and accurately as a theoretical method (Meier, 1985). It provides a starting point for considering individual and group differences among deviants, as well as between deviants and non-deviants, possible causes of deviant behavior, and, perhaps, possible public policy with respect to undesirable or harmful conduct.

Positivist Theories of Crime and Deviance

Social scientists define positivism as the natural science approach to the study of social life. This refers to the methods by which scientists study the world of biology, chemistry, and physics and how they can be applied – taking their different subject matter into account, of course – to the social, economic, and political worlds. Aside from the obvious differences in the degree to which social researchers are able to control experimental and quasi-experimental conditions, positivism determines what is valid and true by examining empirical data. Positivism is objective and empirical; it is also both specific and general – specific in its observations, and general in its conclusions and explanations.

The underlying theme of positivist approaches to deviance involves differences in characteristics, conditions, and circumstances, to determine observable differences in deviant and criminal behavior; when sociologists and criminologists observe substantial differences in enacting non-normative behavior among those individuals who possess a

given characteristic versus those who do not, those who live under certain circumstances or conditions versus those who do not, other things being equal, the cause of the behavior may be those characteristics, conditions, or circumstances. Social scientists refer to a factor that causes something to happen as an independent variable; they call something that is acted upon or caused the dependent variable. The attractiveness and power of this approach is unmistakable. If criminals and non-criminals are different from one another, this suggests several implications. If certain factors exert an influence that produces criminal or deviant behavior, this suggests a certain theory or explanation of crime or deviance. So, one implication of this sort of comparative research strategy is that it can lead to a theory of crime causation. For example, if certain personality traits are more likely to be found in criminals than in non-criminals, it could be that these traits caused the criminal behavior. Since criminology is a multidisciplinary discipline, criminologists will look for a range of possible causes. Biologists will look for physical differences, such as body type or chromosomes, as the causal agent or independent variable that could cause criminality. Psychologists will look for differences with respect to personality traits or other dimensions of mental functioning. Sociologists are more likely to look for differences in patterns of group membership or peer group influences or certain other environmental factors, including certain circumstances or conditions – anonymity, for instance – that may be more likely to encourage or elicit normative or legal transgressions. For Robert Merton, a society characterized by anomie is more likely to produce deviant (or “aberrant”) behavior than societies free of anomie; for Edwin Sutherland, it is being exposed to definitions favorable to committing crime that is the causal or independent variable; for Clifford Shaw and Henry McKay, this factor was disorganized neighborhoods; for Michael Gottfredson and Travis Hirschi, it was insufficient, poor, inconsistent, and inadequate parenting. For all of these theories or explanations, the outcome – the dependent variable – is the same: higher rates of normative violations, wrongdoing, criminal and delinquent behavior.

A second implication of using this comparative method of reasoning is that if the differences in certain conditions cause or can predict criminality and criminal behavior, this can have an enormous impact on policy: the relevant factor that causes the criminal offending or the criminal tendency should be controlled, minimized, and, if possible, eliminated. Very much like a medical analogy, positivist criminologists have often thought about the causes of crime as analogous to the causes of illnesses. So once the difference in the conditions that cause crime can be determined and there is a theory devised to explain this difference, such findings would suggest a policy strategy, that is, to remove that difference, thereby eliminating criminal offending. If personality traits cause crime, for example, those offenders should be put into therapy to alter those traits; if peer pressure causes crime, those offenders should be encouraged to seek different friends. In a like fashion, the physical circumstances of residential and commercial areas can be contrived in such a way that illicit behavior is minimized – lighting, walls, line-of-sight landscaping, and so on. Some social conditions (capitalism, anomie, materialism) may be too substantial and deeply entrenched to change, and hence policy-makers will have to seek more small-scale or palliative measures. It is important to note, as Michael Gottfredson and Travis Hirschi did (1990), that there is a difference

between *crime* and *criminality*. “Crime” is the commission of an illegal act. Even people who do not routinely engage in criminal behavior may do so if an especially attractive opportunity arises. In contrast, “criminality” is the *tendency* or the *proclivity* to commit crime. Some people are more likely to commit illegal acts under the same circumstances that most people would abstain from them. Hence, theories that focus more on opportunity or society-wide conditions are different from those that stress individual and group characteristics.

Clearly, there is more to the scientific method than comparing categories in the population or social, societal, or structural conditions to see how they differ. Yet, this simple and surprisingly fruitful approach to the study of deviance has yielded some of the most interesting and powerful explanations in the field. Since criminology involves a multidisciplinary approach, criminologists with different interests and backgrounds can study crime according to this model and produce different, even contradictory findings.

In sum, an explanatory or positivist approach can be simply put and entail three steps: (1) empirically locate criminogenic conditions in the population and among social conditions and circumstances (research); (2) argue that the observed difference is what caused the deviance or criminal offending in the first place (theory); and (3) attempt to eliminate the difference to reduce the offending (policy).

There are at least three positivist approaches to deviance, but they share the same underlying method. One approach attempts to explain the behavior of individuals (why do they do it?). The other approach attempts to explain group differences in deviance (why do people with certain characteristics do it while others do not?). And the third focuses on structural differences: how do the circumstances of people differ such that some tend to encourage offending behavior more than others? (How do societies or social structures make them do it?)

Theories of Individual Differences

Cesare Lombroso (1835–1909), who was interested in explaining individual differences in crime, is widely considered to be the “father of criminology.” Virtually all criminology courses discuss his theories, but not usually for the substance of his research findings, which argued that pathological biological conditions cause crime, but because he changed the way people thought about crime and criminals. Lombroso was a physician, not a methodologist, and his interest in physical differences between criminals and non-criminals was entirely understandable; indeed, the crux of medicine is to seek out illnesses so that they may be cured. Many criminologists today are interested in such differences. But few today recognize Lombroso for his most important contribution – his positivist methodology which spells out a scientific program of how research can identify differences between criminals and non-criminals and, hence, how the criminologist can explain what causes certain kinds of people to commit criminal behavior while others do not.

Lombroso was neither trained nor accomplished in the use of the scientific method. He was a physician who was impressed with the experience of conducting autopsies on

noted Italian criminals. He observed that the physical characteristics of criminals on which he conducted autopsies differed from those of non-criminals, and he believed that those physical differences were instrumental in leading these individuals to their illegal and predatory behavior. Criminals possessed what Lombroso called *stigmata*, which he believed were the result of atavisms, or manifestations of an earlier stage of human evolutionary development. In other words, he believed that criminals were not fully evolved; they represented “throwbacks” to an earlier period of human evolution. Hardly any criminologists believe this today, and so Lombroso’s main contribution was his method, not his findings; his contribution was that he introduced the scientific method into criminology.

One of the earliest criminologists to recognize Lombroso’s contribution, Enrico Ferri (1856–1929), began his own book, *Criminal Sociology*, with an introduction that described the positivist school of criminal anthropology as an approach substantially different from the classical viewpoint of Cesare Beccaria (1738–1794). Positivism, argued Ferri, is an approach that is empirically and scientifically grounded rather than based on the philosophical reasoning that Beccaria employed. Ferri’s (1897) defense of Lombroso rests largely on pointing out that while Lombroso originally wrote only about “congenital criminality and moral insanity,” by the fourth edition of his book he corrected this defect by being concerned “with the epileptic and idiotic criminal ... whether occasional or subject to violent impulse.”

Although he strongly admired his work, even Ferri was more impressed with Lombroso’s method than his conclusions. Ferri noted that anthropology studies the natural history of humans, just as zoology studies the natural history of animals. Conceived of in this fashion, Ferri noted, criminal anthropology studies the natural history of the criminal man, his physical, psychological, and sociological characteristics. But most importantly, the criminal anthropologist must do so not from the comfort of one’s favorite armchair, but from the reality of the physical world through the use of empirically defined research methods.

Still other observers have recognized the many problems with Lombroso’s conclusions, not least of which was Charles Goring (1870–1919), an English physician who worked as a prison medical officer, whose research was reported in his masterwork, *The English Convict* (1913/1972). Goring compared the physical measurements of thousands of convicts with a group of college students of roughly the same age. He used the same method as Lombroso in comparing “criminals” and “non-criminals” to see how these groups differ from one other. Goring’s conclusions were clear and straightforward: “Our results nowhere confirm the evidence, nor justify the allegations of criminal anthropologists. They challenge their evidence at almost every point. ... [T] here is no such thing as a physical criminal type” (Goring, 1913/1972, p. 97).

While subsequent work seemed to affirm that a relationship does exist between body type and crime (Glueck & Glueck, 1950), as noted decades ago, there are several alternative explanations, including the possibility of a spurious relationship between physical characteristics and criminality: “very powerful men usually have large jaws. So the mountain has borne a mouse; and what it amounts to is this: among murderers we find a relatively large number of muscular people. One might say indeed: to be aware of that one need not be a criminal anthropologist” (Bonger, 1936, p. 71).

The same empirical approach has been used in the psychological study of deviance, such as in the work of Sigmund Freud (1856–1939), a physician who asserted that normal personality development differed from the abnormal, which was characterized by mental conflicts and behavior that often violated accepted standards. Like Lombroso, there were those who needed treatment and those who did not. And just as physicians distinguish the sick from the well, the goal is to cure the sick. Freud's protegee, August Aichhorn, affirmed this approach to delinquency in his 1925 book, *Wayward Youth*, even to the point of bearing the following chapter titles: "Analysis of a Symptom," "Some Causes of Delinquency." Delinquency was not the illness; it was the manifestation of the illness, and to cure the illness would eliminate the symptoms.

Theories of Group Differences

The idea of comparing group differences to determine their influence on offending takes the analysis to a broader, higher level. Sociologists have studied deviance in a similar manner, by looking for differences in the social or environmental differences that produce differing rates of normative violations. If biologists and psychologists have looked for the cause of crime within humans, sociologists looked for causes outside humans, looking to their environment, their experiences, their surroundings, the groups and social and physical circumstances that influence them – peer groups, communities, neighborhoods, cities, region of the country in which they live, even entire societies.

Sociological positivist theories that attempt to explain or account for normative violations include, but are not limited to, social disorganization theory, anomie theory, learning theory, social control theory, and self-control theory. Implicit in each of them is the same method that Lombroso used, namely to compare the factors that produce deviants (such as criminals) versus non-deviants (or non-criminals) in an attempt to detect what factors differentiate offenders from non-offenders, other than the crime itself.

One of the earliest attempts to explain deviance in this manner was made by the French sociologist Emile Durkheim (1858–1917). His study of suicide, published in 1897, involved a comparison of groups that had relatively high rates of suicide to those who did not. Durkheim used rather crude official data on suicide rates by religion, level of education, country, marital status, age, and military membership. He concluded that the groups with the lower rates of suicide (Catholics, married people, younger people, less well-educated, and military members) were more integrated into their groups than their counterparts with the higher suicide rates. The method was entirely Lombrosian: compare two groups to see how they differ, identify the difference as a possible cause of the condition or behavior under study, and then intervene to attempt to eliminate the cause and, hence, the undesirable behavior itself. This was done in much the same way that physicians cure a disease, by eliminating its causes and hence its symptoms.

During the 1920s, the sociology faculty at the University of Chicago developed a perspective that has come to be called the Chicago School, or social disorganization theory. Led in criminology by Clifford Shaw (1895–1957) and Henry McKay (1899–1980), these researchers contributed to the "zonal hypothesis," which held that growth

in the city of Chicago was related to ecological development. Members of particular social classes and ethnic groups residentially congregated in certain neighborhoods. Shaw and McKay found that rates of delinquency were higher near the center of the city, and lower as one moved away from the center. This relationship was found to hold for other social problems as well, such as prostitution, alcoholism, infant mortality, truancy, suicide, and even mental disorders.

These researchers sought the cause of deviance in the instability of entire neighborhoods and communities. Clearly, rates of deviance were higher in some places than others, and Shaw and McKay sought the explanation of these differences in residential patterns. The neighborhoods that had higher rates of deviance were characterized by higher rates of poverty and physical mobility (residential turnover among residents) as well as substantial ethnic heterogeneity. These neighborhoods were, in the language of Shaw and McKay, socially disorganized. Regardless of their individual characteristics, such as age or gender, people who live in such communities have higher rates of non-normative behaviors than persons residing in more stable communities. Rates of delinquency, adult criminality, alcoholism, truancy, suicide, and mental disorders, along with other cognate behaviors, were higher in neighborhoods that were socially disorganized.

Moreover, Shaw and McKay documented that rates of deviance remain high regardless of who lives in socially disorganized neighborhoods. So, rates of deviance were high when the neighborhood residents were Irish, but these rates declined among the Irish as that group moved to more stable communities (thereby achieving the "American Dream"). They would be replaced by another immigrant group (Italians and Poles) whose rates of deviance were likewise high, again regardless of the personal characteristics of the individuals. High rates of deviance, in other words, persisted in the disorganized communities, regardless of the characteristics of the individuals in the neighborhoods, while when the very individuals who had lived in those communities moved to more stable communities, they evidenced lower rates of offending.

One consequence of unstable or disorganized communities that seemed to account for this is a lack of social control by neighborhood residents that would monitor and sanction the disapproved-of behavior. The neighborhoods were, in other words, ineffective in guiding the behavior of their residents towards law-abiding behavior. It wasn't that Irish (or Italians or Polish) people had something within their makeup that caused crime, deviance, and delinquency; it was that they were living in communities that failed to influence their behavior to conform.

Early in his career, Robert Merton (1910–2003) developed the anomie perspective, a structural theory of crime, delinquency, and social deviance. Merton drew a comparison between societies that are characterized by a disjunction between the cultural values it inculcates (specifically the achievement motive) and its opportunity structure (namely, whether and to what extent it provides avenues for occupational mobility) and those that are not so characterized. Modern societies, Merton reasoned (1938), especially the US, offer their residents substantial economic opportunities. But while status goals, like materialism and wealth, are stressed, access to these goals is limited, and legitimate ways to achieve those goals tend to be underemphasized. So while some groups will be successful in achieving goals, others will be frustrated in their search for success. As a

result, some will turn to illegitimate means by which to reach their success goals. They will do so because they experience greater social strain, or anomie, a term that describes American society where there is an imbalance between the push to success but not using the legitimate means to achieve these goals. Merton emphasized that some social structures, such as the US, *strongly* emphasize the goal of material success without providing the adequate means to achieve that goal, thereby structurally generating the condition of anomie, which leads to high rates of non-normative or deviant behavior that seeks success through illicit means. In other words, Merton's theory is *primarily* an explanation of differences between and among *societies* with respect to their degree of anomie, and hence the commission of deviance among their members. Merton's theory is only secondarily an explanation of why individuals within the same society commit deviance.

The American Dream suggests that one succeeds materially by preparing (education) and participating (working hard) in the legitimate occupational structure. So, it follows that the greatest strain will be experienced by those who are socially and economically disadvantaged, that is, lower-class, minority, inner-city males. Ironically, those who turn to illegitimate means to achieve desired goals (whom Merton referred to as called "innovators") desire the same goals as those who conform. So, while the innovators improvise in their behavior, they are conforming in desiring the same thing as conformists. Similar arguments have been made by Messner and Rosenfeld (2007) and Robert Agnew (2006), although in each case, while the basic theory of anomie is presented, it is amplified and extended.

Most of us would predict that criminality is greater among those who are more tempted or deprived. However, anomie theory takes this logic a step further by arguing that the forces generating the tendency to commit deviance lie not within actors who commit crime, but from very broad social forces *outside* the control of these individuals. Anomie theory does not clarify the question as to whether or not engaging in deviance is a choice. While all mentally competent individuals make choices, the fact is that some people have more options available to them than others do. Rich people, for example, have more alternatives than the poor. Anomie predicts that deviance would be greater among people who are more limited in their behavioral alternatives. The ones who seek illicit means to achieve a goal we all desire – material success – cannot do so legally, through the usual conventional means: studying hard, getting good grades, and becoming an occupational success. With this avenue of success blocked off, they seek the same thing we all want, except that they manage to obtain it through illicit or illegal means.

Learning theory is also an important explanatory approach to criminal behavior. There are a number of learning theories of deviance, but one of the most respected is the differential association theory of criminologist Edwin Sutherland (1883–1950). Here, crime and other forms of deviance are the result of learning criminal norms, behavior that one should or should not do. If Merton is comparing people who are strained with those who are not – or social structures that generate varying degrees of strain – Sutherland (1947), like other learning theorists, is comparing the learning experiences of persons exposed to definitions favorable to the violation of the law versus those who are not; the former is more likely to engage in criminal acts than the

latter. He believed that the most powerful learning takes place in small, intimate groups among people who know one another well, such as close friends. An example of a definition favorable to violation of law might be "Everyone cheats on their taxes"; an example of a definition unfavorable to violation of law might be "Breaking the law is wrong." In other words, the content of the learning was a justification or motivation to commit a crime. Crime is neither inherited nor inevitable, Sutherland argued; rather, it is acquired from others in a process of communication and interaction. The content of what they have learned produces differences in criminal offending. Just as in anomie theory, the cause of deviance is not to be found within the individual deviant or criminal but from forces outside the individual, that is, in the learning environment of the social circles and collectivities of a given person, and the definitions of right and wrong communicated by the persons with whom they had contact.

Differential association, like all positivist approaches, views deviance as something not freely chosen. It is determined, or at least heavily influenced, by forces outside an individual's control. One does not choose one's biology, personality, society, family, friends – at least, not entirely – or the content of the learning experiences to which one is subjected. People who engage in criminal behavior are people who have learned things that are different from those that non-criminal or conventional people have, and the reason they have learned different things is that they have associated with intimates who taught them definitions of behavior that are favorable to the commission of criminal behavior.

Social control theory, or more conventionally just control theory, asserts that deviance is not so much learned or the result of societal pressure as it is simply not controlled. One of the most influential statements of this theory was formulated by Travis Hirschi. Hirschi's (1969) control theory follows the same logic as that found in Shaw and McKay's notion of social disorganization and Durkheim's earlier conceptualizations. The nature of the control in Hirschi's theory, much like Durkheim's analysis of the factors that put some individuals at more risk of suicide, is found in the individual's relationship or bond with society. Durkheim called this bond "integration." The closer the bond, Hirschi reasoned, the less likely that person would be to commit a deviant act. So stated, lacking a nurturing bond with conventional society or having a bond that is weak or broken is more likely to lead to violating the law than possessing that bond.

There are several elements of the bond, including attachment, commitment, involvement, and belief. Attachment refers to the extent to which a person feels bound to specific groups through affection, respect, and socialization to group norms. Commitment describes the degree of importance of a person's stake in conforming behavior, so that acts of deviance jeopardize other, more valued conditions and activities. Concerns about one's reputation or losing one's job are examples of commitment. Involvement refers to non-deviant physical activities. At the simplest level, an adolescent can spend little time in delinquent acts if he or she spends much time playing basketball, for example. Continued involvement in conventional activities strengthens commitment. Belief refers to personal allegiance to the dominant value system in a group. These values may assume the importance of moral imperatives for the individual, rendering violations unthinkable acts.

In this sense, deviants are less connected with the larger society. This may have happened for a number of reasons, including the fact that some groups have been unable to reap the benefits of the conforming society. They have not been able to obtain well-paid jobs, to buy homes in good neighborhoods, or to have the luxury of having strong conforming role models. It is hard to develop strong feelings of attraction and affection with the conforming world under these circumstances. Persons who lack social control are more likely to take pleasures that are more immediate and short-term, regardless of the negative consequences of such behavior. The use of alcohol or drugs and engaging in criminal acts, while not done all the time, become more probable because there is less restraint on such people and their behavior.

Low self-control theory, developed by Michael Gottfredson and Travis Hirschi (1990), is a theory with both learning and control elements. Low self-control theory emphasizes the importance of an individual's lack of personal or individual self-control. The theory posits that the weaker the socialization process, or failure of one's parents or caretakers to monitor or sanction illicit behavior, the greater the likelihood that one will fail to develop self-control over one's wrongful behavior. Such people are therefore more likely to engage in risky acts, including crime and other forms of deviance, and behavior that ignores or neglects the long-term consequences of continuing to engage in that behavior.

Gottfredson and Hirschi explain the origins of low self-control in the functioning of the family and early childhood socialization and development. They assert that the major cause of low self-control appears to be ineffective, inappropriate, or absent child-rearing. Parents do not raise their children to become criminals, but they may not give proper care, failing to provide a nurturing family atmosphere, or they may neglect to properly supervise or sanction their children's behavior. This may suggest to the child that self-indulgent, impulsive behavioral choices the child is making are acceptable, even though the child may not be able to realistically attend to the long-term outcomes of the behavior. Children often behave "in the moment." Such immediate hedonism may dominate a child's behavior choices in the absence of parental guidance which, more than likely, would provide a better balance of immediate and longstanding points of view.

Gottfredson and Hirschi (1990, p. 90) describe criminals by saying that "people who lack self-control will tend to be impulsive, insensitive, physical (as opposed to mental), risk-taking, short-sighted, and nonverbal, and they will tend therefore to engage in criminal and analogous acts." The same could be said for other deviants with such risky behavior as alcohol abuse, drug addiction, or risky, dangerous, impulsive, or inappropriate sexual behaviors.

What matters to the actor with low self-control is the immediate gratification he or she derives, not the long-term consequences of such behavior. Even some behavior that some observers may not consider deviant fits this model. Smoking tobacco, for example, whose long-term negative medical consequences have been amply documented, still brings the smoker immediate satisfaction and relief from the desire to smoke. Gottfredson and Hirschi also explain white collar crime, a non-normative behavior in which the seemingly privileged engage. They agree that white collar individuals have lower rates of criminal behavior overall than the poorer strata of society, but they also

critique “poverty–pathology–inequality” theories, insisting that corporate and other white collar crime fit their own model because, like all crime, white collar offenses “provide relatively quick and certain benefits with minimal effort” (p. 190). As with all criminals, perpetrators of white collar offenses are people “with low self-control, people inclined to follow momentary impulse without consideration of the long-term cost of such behavior” (p. 191).

Being raised to have little regard for the long-term penalties of certain behaviors leads to an increased probability that one will engage in risky behavior that includes behavior that is both defined as deviance and “acceptable” depending on the circumstances. Consuming one bottle of beer by someone of legal age, for example, would be considered deviant and illegal if one then attempts to drive while under the influence. But someone with more personal self-control who consumes the same amount of alcohol but who then takes a taxi to their destination would not be so labeled. While they deny that their theory is positivist (1990, p. 49), Gottfredson and Hirschi’s self-control theory, perhaps the most often-cited contemporary explanation for deviance and crime, follows the same logic I spelled out above. The researcher notes an empirical or observable difference between persons who engage in non-normative, deviant, or criminal behavior and those who do *not* engage in such behavior, or do so much less frequently, and hence is presented with a puzzle: *Why do they do it?* As a result, the researcher devises a plausible, satisfying account or explanation of the difference. Gottfredson and Hirschi’s explanation is this: persons who violate society’s more serious norms do so because they lack self-control, and they lack self-control because their untoward behavior was not monitored or sanctioned by their parents or caregivers when they were children. All other theories of crime causation – biological theories, personality differences, anomie theory, differential association or learning theory – are empirically wrong, Gottfredson and Hirschi assert. Not one of them fits the facts of crime. Of prior theories of crime causation, only social disorganization theory is correct, since in a socially disorganized community, it is the *community* that fails to monitor and sanction the miscreant’s behavior and thereby fails to discourage crime. At the same time, it is important to note that Gottfredson and Hirschi’s “general theory of crime” also takes account of opportunity structure, as many theories of criminality do not. They refer to opportunities to commit crime as “minimal elements necessary ... for a crime to occur” (p. 22). In other words, a theory of the enactment of a crime and a theory of criminality, or the propensity to commit crime, say Gottfredson and Hirschi, must be “consistent” with one another (p. 23). Self-control theory, the authors assert, is consistent; it is, they say, the only explanation of crime that is complete, coherent, and empirically valid.

Conclusion

The central characteristic of positivist or explanatory approaches in the investigation of deviance and crime is the method of comparing the factors that make for deviant or criminal behavior among designated sectors, groups, or environments, in order to infer the causes of such behavior. All explanatory theories of deviance and crime

examine evidence to determine important and significant empirical *differences* in the characteristics of persons who engage in wrongful behavior and those who do not, or the conditions within which they act. Such differences point to the possibility that specific variables, factors, mechanisms, circumstances, or antecedents account for or explain the reason *why* they engage in such behavior. In other words, all explanatory theories ask the questions: “Why do they do it?” and “What factors or conditions make them do it?” The explanation or *theory* supplies an answer to the “Why?” question.

References

- Agnew, R. (2006). *Pressured into Crime: An Overview of General Strain Theory*. Los Angeles: Roxbury.
- Bonger, W.A. (1936). *An Introduction to Criminology*. London: Methuen.
- Durkheim, E. (1897/1951). *Suicide*. New York: Free Press.
- Ferri, E. (1897). *Criminal Sociology*. New York: D. Appleton and Company.
- Glueck, S., & Glueck, E. (1950). *Unraveling Juvenile Delinquency*. Cambridge, MA: Harvard University Press.
- Goring, C. (1913/1972). *The English Convict: A Statistical Study*. Glen Ridge, NJ: Patterson Smith.
- Gottfredson, M., & Hirschi, T. (1990). *A General Theory of Crime*. Stanford, CA: Stanford University Press.
- Hirschi, T. (1969). *Causes of Delinquency*. Berkeley, CA: University of California Press.
- Meier, R.F. (1985). An introduction to theoretical methods in criminology. In R.F. Meier (Ed.), *Theoretical Methods in Criminology* (pp. 11–19). Beverly Hills: Sage.
- Merton, R.K. (1938). Social structure and anomie. *American Sociological Review*, 3 (October), 672–682.
- Messner, S.F., & Rosenfeld, R. (2007). *Crime and the American Dream*. Belmont, CA: Wadsworth.
- Sutherland, E.H. (1947). *Criminology* (4th ed.). Philadelphia: Lippincott.

Part IV

Approaches, Explanations, Factors

Critical Criminology

Walter S. DeKeseredy

The current era is deeply troubling for many students of crime and deviance, but perhaps most for critical criminologists, who focus on what is wrong with the big picture. For them, there is not much to be optimistic about in a neoliberal climate characterized by corporate greed, a history of assaults on indigenous sovereignty, ongoing depredations of the natural environment, the promulgation of racist and xenophobic state policies thinly disguised as “national security measures,” and a widespread culture of sexism and homophobia.

Critical criminologists do not think alike, follow a party line, or speak with the same voice. What they have in common, says the pioneering progressive Elliott Currie, “is a willingness to apply a critical line not only to the work of their more conventional counterparts in the discipline but their own as well” (2008, p. vii). This chapter’s central objective is to provide a brief overview of critical criminology, which has undergone many changes since its birth in the late 1960s.

Definition of Critical Criminology

What is currently known as critical criminology used to be labelled “radical criminology” and was rooted in Marxist theory; its central missions comprised an analysis of the criminogenic processes of contemporary capitalist society, an attempt to transform the criminal justice system, and a critique of, and the exposition of an alternative to, mainstream, positivistic criminology. Ultimately, critical criminologists sought to dismantle the hegemonic exploitative social order and contribute to the building of a more just society, a more just criminal justice system, and to contribute to a more meaningful analysis of crime – one that no longer cemented the hegemon but dismantled it. The name “critical criminology” was formally created in the United Kingdom by

Ian Taylor, Paul Walton, and Jock Young in 1975 with the publication of their anthology *Critical Criminology*, but its definition and meaning continue to be a subject of substantial debate. Critical criminology constitutes a polyglot of concepts, theories, and interpretations of crime, deviance, and social control; nonetheless, guided by Young's discussion (1988), I regard critical criminology as a perspective that views racial, social class, and gender inequality as the major sources of crime. Indeed, "there are as many types of critical criminology as there are writers and teachers in the area" (Schwartz & Hatty, 2003, p. ix), and this chapter reflects this diversity.

Critical criminologists seek answers to several fundamental questions that address inequality (Lynch & Groves, 1989, p. viii). Even scholars outside the tradition raise questions such as these, and these do not exhaust the troubling issues that critical criminologists raise. Still, these six questions taken together indicate the general direction that critical criminologists take:

- Who has the real power in society?
- Do those who wield power and authority get away with murder – both literally and figuratively?
- What do social class and poverty have to do with crime and deviance?
- Why do affluent people commit so many crimes?
- Are people well informed or deluded about the nature of crime?
- What do racism and sexism have to do with crime and deviance?

Many critical criminologists are interested in the same questions as other criminologists: why do some people rape, commit robbery, beat up women they are intimate with, and steal cars? Moreover, some critical criminologists borrow concepts from mainstream theories, such as relative deprivation and subculture (Cohen, 1955; Merton, 1938). An important difference between orthodox and critical criminologists, however, is that the latter focus on the flaws in the fabric of societies that breed, create, and sustain criminality, rather than flaws in the makeup of individuals who commit crime (DeKeseredy & Dragiewicz, 2012b). Another key distinction is that critical criminologists broaden the definition of crime to incorporate the "crimes of the powerful" (Pearce, 1976), such as human rights violations, corporate price fixing, and political corruption (Friedrichs & Rothe, 2012; Reiman & Leighton, 2013; Rothe & Mullins, 2011).

All critical criminologists reject repressive policies and unjust criminal justice practices such as "zero tolerance policing" (e.g., criminalizing incivilities like panhandling), wide-net police "stop and frisk" practices that target suspects primarily on the basis of race and social class, "three-strikes and you're out" sentencing, private prisons, and coercive counselling therapy. In contrast, they regard major structural and cultural changes within society as essential steps to reduce crime and to promote justice. Of course, critical criminologists also endorse certain piecemeal reforms of the criminal justice that more conventional criminologists emphasize, such as greater citizen monitoring and accountability of illegal police actions.

In addition to stressing that radical social transformation is essential to reducing the crime rate and calling for reform in the criminal justice system, critical criminologists also propose progressive short-term policies that target the major political, cultural,

and economic forces that propel people to crime, such as poverty, sexism, and deindustrialization. Critical criminologists are not the only ones who call for such strategies. Some initiatives informed by strain theorists (for instance, Cloward & Ohlin, 1960; Merton, 1938) are also designed to maximize people's educational and employment opportunities. One type of critical criminology to be examined later in this chapter, left realism, is well known in the field for advancing strategies such as a higher minimum wage and state-sponsored, affordable, and quality healthcare (Currie, 2009, 2013; DeKeseredy & Schwartz, 2012).

Critical criminologists use a variety of research methods to study a myriad of crimes, ranging from woman abuse, to predatory street crime, to state and corporate crime. Even so, not all critical criminologists are based in universities or colleges. Many are practitioners, work for non-profit organizations, are consultants, or work in government agencies. Furthermore, over the past 35 years, critical criminology as a discipline has influenced many international organizations that struggle for social justice, including the Sentencing Project in the US and Penal Reform International in the UK (Currie, 2008).

Critical criminology would strongly agree with Jock Young's statement that "If there ever was a need for a new criminology, it is now" (1998, p. 293). Globally, we face an alarmingly long list of problems, including the proliferation of violent, racist pornography (DeKeseredy, Muzzatti, & Donnermeyer, 2013; Dines, 2010; Jensen, 2007), serious post-industrial violence in streets and homes (Currie, 2012), genocidal rape (Mullins, 2009), child labor and violations of children's rights (Olsson, 2012), and the rise of "disaster capitalism" (Klein, 2007). Today, more American citizens die of homicide every three months than the number of people killed by the September 11 terrorist attacks on the World Trade Center (Currie, 2009; DeKeseredy, 2011). For critical criminologists, staying the course and doing mainstream criminology has done little, if anything, to make the world safer from violence and related harms. What is to be done about crime? I will address this question near the end of this chapter. It is first necessary to examine the major theoretical variants of critical criminology that inform progressive policy proposals.

Critical Criminological Research

Critical criminology has a long history of focusing on the "usual suspects," which are crimes of the powerful – for the most part, corporate and state crime – media constructions of crime, the penal or carceral state (Garland, 2013), women and girls in conflict with the law, violence against women, drugs, youth subcultures, policing, and progressive alternatives to the current criminal justice system (DeKeseredy & Dragiewicz, 2012a, 2014a). Historical developments call for methodological innovations. Walter DeKeseredy and Martin Schwartz, feminists who have studied the harmful effects of pornography for two decades, have shifted their methods to examine the widespread consumption of Internet pornography (DeKeseredy & Schwartz, 2013b). We now live in what Jensen (2007) refers to as a "post-*Playboy* world" in which Internet material is increasingly dominated by one of the biggest money-makers for the porn industry – "hard-core, body-punishing sex in which women are demeaned and debased" (Dines, 2010, p. xi).

DeKeseredy and Schwartz still use surveys and semi-structured interviews, but the questions they ask about pornography must be tailored to address today's new technology. Critical criminologists who study other social problems, such as corporate or white collar crime, must also take into account the role of the Internet and other new technologies.

Historically ignored, rural crime is a fast growing area of empirical inquiry among scholars in criminology. As a result of studies by critical criminologists on topics such as the "dark side" of mining development in Australia (Carrington, 2013), violence against women in the Appalachian region of the US (DeKeseredy & Schwartz, 2009), and land theft in Brazil, the criminological community is starting to recognize that crime manifests itself in rural localities in ways that both conform to and challenge conventional research and theory (Donnermeyer & DeKeseredy, 2014). Related to the surfacing of new critical scholarship on rural crime is the emergence of new studies of crime in indigenous communities, especially in Australia (Cowlshaw, 2013; Hogg & Carrington, 2006; Tauri, 2013). Race and ethnicity have long been subjects of critical criminological inquiry, but until recently, there was very little progressive work on social problems experienced by indigenous populations.

Other recent areas of inquiry include crimes of globalization – for instance, harms caused by major international financial institutions (Friedrichs, 2009), harm to and exploitation of animals (Berry, 2012), human trafficking (Troshynski, 2012), private prisons (Leighton & Selman, 2012), the post-9/11 war on terror (Welch, 2012), the international criminal court (Rothe & Mullins, 2012), and the corporatization of institutions of higher learning (DeKeseredy, 2013a, 2013c). For the most part, the topics examined by progressive scholars have been ignored by mainstream criminologists. Regardless of why progressive scholarship receives limited attention in traditional academic circles, it definitely has much to offer and reflects thoughtful attempts to advance a rigorous scientific understanding of social problems.

Critical Criminological Policy Proposals

Howard Becker (1967) asks sociologists "Whose side are we on?" Not surprisingly, critical criminologists are on the side of the socially and economically marginal and disadvantaged. The same can be said about certain strain theorists and symbolic interactionists, such as Becker, Merton (1938), and Cloward and Ohlin (1960). In fact, some of the policies advanced by critical criminologists parallel those promoted by these theorists. However, unlike these theorists, critical criminologists advocate truly fundamental change in society – a transformation of the economy from capitalism to socialism, and of a culture and social order from patriarchy to feminism. Critical criminologists recognize that that is unlikely to happen in the near future – if anything, globally, capitalism remains ascendant, although, by measurable indicators, patriarchy seems to be declining in hegemony, at least in the industrialized West. Critical criminologists recognize that change is unlikely to be immediate, and endorse a number of short-term, progressive policy proposals that "chip away" at the political-economic status quo (Messerschmidt, 1986).

Critical scholars call for criminal justice reforms, but they also have what William Julius Wilson (1996) refers to as a “broader vision.” This entails suggesting policies targeting the key social, cultural, and economic forces that propel people into crime, such as family violence, poverty, and unemployment. Given that these conditions stem from fundamental causes, eliminating them requires a top-to-bottom transformation of society’s economy and political system. Hence, this approach would be far too radical for mainstream criminologists and conservative politicians because it shifts the discussion of crime prevention and control out of the realm of criminal justice into that of social and economic policy (Walker, 2011).

Some major examples of critical criminological policies are:

- full and quality employment;
- a higher minimum wage;
- quality healthcare and affordable higher education;
- eliminating the physical punishment of children;
- integrating families into a network of kin and community;
- promoting racial/ethnic and gender equity in the workplace;
- housing subsidy and refurbishment programs;
- improved public transportation; and
- quality, state-sponsored childcare.

How to achieve these changes? Again, the progressive approach seeks prioritizing small-scale, immediate reforms, but maintains a vision of more fundamental change for the long term. Critical criminologists are constantly changing with the times and now use new technologies to help achieve social justice. Many progressives rely on Facebook, Twitter, and other social media to stage protests, foster social movements, and to make more people aware of various harms done by governments and corporations. For instance, several critical criminologists have advocated boycotting stores, hotels, and companies that profit from selling or renting pornography (DeKeseredy & Schwartz, 2013b).

Some scholars have dubbed the comparatively unfettered free-market economic system of the US “turbo-charged capitalism,” and from that perspective, its status-quo advocates regard major government regulations as radical (Luttwak, 1995). However, in the Nordic nations of Finland, Norway, Denmark, and Sweden such regulations are normative, taken for granted, and progressive. Scandinavians have a long history of social democracy, and as a result their incomes are substantially more equitable than is true of the US and Canada (DeKeseredy & Dragiewicz, 2014b). However, as with all countries of the world, these small northern European nations are plagued with serious problems, perhaps growing racism being chief among them (Virtanen, 2013). Violence in the Nordic countries is extremely low, less than a tenth of that of the US, but consider the mass murder committed by Anders Breivick near Oslo in July 2011, which some observers have argued was motivated by the impulse to “save Norway from the perils of mass immigration” (Pratt & Eriksson, 2013, p. 65). Still, it is much safer to walk Norwegian streets than it is to go for a stroll in impoverished parts of Detroit, St. Louis, and other major US cities (Currie, 2009).

Left Realism

Strongly influenced by the writings of Karl Marx, left realism was born in the mid-1980s in the UK and the US. In its infancy, left realism was primarily concerned with predatory street crime (for example, mugging) because most critical criminologists at that time ignored the causes and possible control of crimes committed by members of the working class against other members of the working class. To be sure, there were exceptions to this sweeping generalization, chief among them being the critical studies of violence against women, children, and members of certain ethnic groups. Still, the general failure to acknowledge working-class crime came at a great price to the left. It indirectly helped conservative politicians in several countries to claim opposition to street crime as their own issue, giving them room to generate ideological support for harsh “law and order” policies. Moreover, the left’s minimization of the seriousness of the inner-city crime and/or drug problems helped “to perpetuate an image of progressives being both fuzzy-minded and, worse, unconcerned about the realities of life for those ordinary Americans who are understandably frightened and enraged by the suffering and fear crime brings to their communities and families” (Currie, 1992, p. 91).

Left realists suggest progressive criminal justice and social reforms to curb predatory street crime and intimate violence, but they also construct and test theories. While few traditional criminologists borrow from critical perspectives, one variant of left realist theory draws from those developed by Merton (1938) and Cohen (1955). For instance, Lea and Young (1984) argued that relative deprivation – not absolute deprivation – causes political discontent that leads to crime. Also, they maintained that working-class people lacking legitimate means of solving the problem of relative deprivation may come into contact with other frustrated, disenfranchised people and form subcultures, which, in turn, encourage and legitimate criminal conduct.

DeKeseredy and Schwartz (2010) build upon this theory and contend that in this current neoliberal era, criminogenic subcultural development in advanced Western societies is strongly shaped by the devastating effects of right-wing free-market economic policies, and marginalizing men’s attempt to live up to the principles of what Connell (1995) defined as hegemonic masculinity (e.g., show toughness and aggression, avoid all things feminine, and so on). Although writings on the abuse of women in intimate relationships is absent in the work of left realist theorists (e.g., Lea & Young, 1984), engaging in the issues raised by the perspective (see DeKeseredy & Schwartz, 1991a, 1991b; Schwartz & DeKeseredy, 1991) places gender and other feminist issues center-stage in any meaningful theoretical developments.

The most important point to consider here is that left realists are involved in ongoing theoretical projects and see intellectual endeavors to be as important as policy work (DeKeseredy & Schwartz, 2013a). Due in large part to the corporatization of higher learning, such thinking about criminological theory is increasingly becoming rare in many North American institutions of higher learning (DeKeseredy, 2012; Hall & Winlow, 2012).

Feminist Criminology

Most early critical criminologists applied versions of Marxist theory to a sociological understanding of crime and its control. Much of this work was done in the 1970s and early 1980s, and while important and ground-breaking, these perspectives were “gender-blind” (Gelsthorpe & Morris, 1988). Even Taylor, Walton, and Young’s (1973) *The New Criminology*, perhaps the most important work of its generation, ignores women and gender. Actually, this criticism can just as easily be levelled against the overwhelming majority of mainstream criminologists, including theorists and researchers who are considered pioneers in the field. Yet the picture is changing. As Renzetti observes, there is no doubt that the picture has changed “and for the better” (2013, p. 2). Feminism and the study of gender and sexuality are now major features of the critical criminological project, and feminist criminologists such as Renzetti continue to make a significant impact in academic and political circles.

It is misleading to paint all feminists with the same brush. In fact, there are at least 12 distinct brands of feminism, and there are major debates within each one (Maidment, 2006; Renzetti, 2012), yet they are tied together by commonality. Kathleen Daly and Meda Chesney-Lind define feminism as “a set of theories about women’s oppression and a set of strategies for change” (1988, p. 502). What brings all types of feminists together is prioritizing gender. Gender is “the socially defined expectations, characteristics, attributes, roles, responsibilities, activities and practices that constitute masculinity, femininity, gender identity, and gender expressions” (Flavin & Artz, 2013, p. 11). In contrast, sex refers to the biologically based categories of “female” and “male,” which are stable across history and cultures (Dragiewicz, 2009).

Most feminists also agree that the US, the UK, Canada, and many other countries are patriarchal (DeKeseredy, 2011; Renzetti, 2013). There are conflicting definitions of patriarchy, and it is a heavily contested concept (Hunnicut, 2009). For simplicity, patriarchy is defined here as “a sexual system of power in which the male possesses superior power and privilege” (Eisenstein, 1980, p. 16). While the bulk of feminists prioritize patriarchy in their analyses of crime, deviance, and social control, many of them now emphasize *intersectionality*. According to Crenshaw (2000, p. 8), intersectionality “addresses the manner in which racism, patriarchy, class oppression, and other discriminatory systems create background inequalities that structure the relative positions of women, races, ethnicities, classes, and the like.” Intersectionality is front and center in feminist criminological literature on the lives of African-American girls and women (Chesney-Lind & Morash, 2013). One prime example is Nikki Jones’ (2010) work on how girls of color in Philadelphia manage the threat of daily interpersonal and gendered violence (e.g., sexual violence) in their neighborhoods. Her offering shows that, contrary to the popular racist belief, inner-city African-American girls are “resourceful, normal women” who are trying to negotiate and cope with brutal socioeconomic conditions in their communities.

Feminist criminologists have conducted extensive theoretical work on a myriad of important problems, including female gangs, violence against women, women and girls’ pathways to crime, drugs, and moral panics about female youth violence

(Renzetti, Miller, & Gover, 2013). Moreover, feminist researchers and theorists alike have had a major impact on criminal justice policy (Lilly, Cullen, & Ball, 2011). Yet, since feminist theoretical work challenges “male-centered” ways of explaining deviance, crime, and social control, it is constantly challenged and often ridiculed by conservative students, practitioners, and academics.

Masculinity Theories

Masculinity theories offer a gender-linked way of thinking about crime and deviance (Messerschmidt, 2014). They contend that, like girls and women, the behavior of men and boys is gendered and, though there is no uniform or simple standard of being a man that guides all male behavior, including crime (Messerschmidt & Tomsen, 2012), for many men, crime or deviance is the only perceived available technique of expressing and validating their masculinity.

Raewyn Connell (1987, 1995) developed the basic vocabulary that most masculinity theorists use. She argues that in most areas there is one *hegemonic masculinity*, which is the dominant form. The basic components of this masculinity are: (1) avoid all things feminine; (2) restrict emotions severely; (3) show toughness and aggression; (4) exhibit self-reliance; (5) strive for achievement and status; (6) exhibit no relational attitudes toward sexuality; and (7) actively engage in homophobia (Connell & Messerschmidt, 2005; DeKeseredy, 2011; Schwartz & DeKeseredy, 1997; Weitzer & Kubrin, 2009). Masculinities studies show that although men are encouraged to live up to these ideals and are often sanctioned for not doing so, crime is one of many ways of “doing gender” in a culturally specific way (Messerschmidt, 1993; Sinclair, 2002; West & Zimmerman, 1987). Also, masculinities theorists remind us that the decision to commit certain crimes is affected by class and race relations that structure the resources available to accomplish what men and boys feel provides their masculine identity (DeKeseredy & Schwartz, 2005; Messerschmidt, 2014).

For instance, many boys living in socially and economically marginal urban communities cannot accomplish masculinity at school through academic achievement, participation in organized sports, or involvement in other extracurricular activities (Messerschmidt, 1993). This problem results in some boys experiencing status frustration, dropping out of school, and creating a subculture with other boys who share their frustration (Cohen, 1955). This subculture grants members status based on accomplishing gender through violent and other illegitimate means (DeKeseredy & Schwartz, 2010).

Corporate masculinity is distinct from masculinities situated in schools, on the street, on assembly lines, in the family, and in other social settings. Instead of relying on violence, being a corporate “real man” entails “calculation and rationality as well as a struggle for success, reward, and corporate recognition” (Messerschmidt, 1993, p. 136). Male executives compete with each other and measure masculinity according to their success in the business world. Corporate crime, such as price fixing and false advertising, are two of many techniques for advancing this “gendered strategy of action.” Uncertain and competitive markets, fluctuating sales, government regulations, and relations with unions all obstruct corporate attempts to increase profits legitimately (DeKeseredy, Ellis, & Alvi, 2005). James Messerschmidt (1993) asserted that these

obstacles threaten white corporate masculinity. Hence, corporate crime is a solution to both of these problems; that is, illegal and unethical practices are techniques of re-establishing or maintaining a particular type of masculinity, as well as profit margins.

Masculinities play a role in facilitating men's crime in many more arenas. Actually, there are various forms of masculinities (Connell, 1995; Messerschmidt & Tomsen, 2012), which helps to explain the wide range of responses to the contemporary crises facing men. However, some masculinities theorists do not only focus on men. Messerschmidt (1995, 2014), for instance, contends that crime can be a resource for some women and girls to construct particular femininities. Consider girls in violent inner-city street gangs. While some might define their actions as "attempts to act like boys" (Renzetti, 2013, p. 54), Messerschmidt (1995, p. 183) views their conduct as "bad girl femininity" and claims that these girls "are doing femininity in terms of activities appropriate to their sex category and in a specific social situation."

In addition to influencing criminologists to devote more careful attention to the gendered nature of male crime, masculinities theorists draw attention to how intersectionality shapes men's involvement in crime and deviance (Lilly, Cullen, & Ball, 2011). Nevertheless, in the words of Connell (2000, p. 82), "masculinities are not the whole story" about crime. Obviously, there are many other determinants of crime. Mullins (2006, p. 19) reminds us that to simply argue that crime "is a way for men to 'do gender' or construct a masculine identity is of no theoretical import for understanding the etiological connections between masculinity and crime, and often obscures more than it illuminates." Still, crime and deviance cannot be fully understood and explained without an in-depth understanding of masculinities (DeKeseredy, 2011; Messerschmidt, 2005).

Peacemaking Criminology

Coined by David Friedrichs (2009, p. 213) as a "heretical challenge to the dominant assumptions of mainstream criminological perspectives," peacemaking criminology is informed by anarchism, humanism, Christian socialism, liberation, theology, Eastern meditative thought, penal abolitionism, feminism, and Marxism (DeKeseredy, 2011; DeKeseredy & Schwartz, 1996; Pepinsky & Quinney, 1991). Although they draw on a wide variety of thinkers and philosophies to develop their analyses, as Harold Pepinsky (2012), one of the pioneers in the field, puts it, "The thread that unites all of us who write as peacemaking criminologists is the quest to replace the inherent negativity of criminology – the study of what not to do and how to prevent crime and criminality – with studies of what *to* do" (p. 186). Furthermore, peacemaking criminologists tend to agree on or generally advance a perspective that includes the following principles outlined by ground-breaking critical criminologist Richard Quinney (1991, pp. 11–12):

- Crime is suffering, and crime can only be eliminated by ending suffering.
- Crime and suffering can only be ended through the achievement of peace.
- Human transformation will achieve peace and justice.
- Human transformation will occur if we change our social, economic, and political structure.

For peacemaking criminologists, the current criminal justice system is a failure because it is rooted in the very problem it is ostensibly designed to eliminate – violence. A “war on crime,” a “war on drugs,” and all of the other “wars” we fight are based on the presumption that we can “stamp out,” “eradicate,” “push back,” or otherwise do something violent to crime. Consider, for example, the assumption that the criminal justice system can eradicate crime by enacting that call for, and applying, even harsher sanctions, even for relatively minor incivilities such as panhandling (Kelling & Coles, 1997). When this does not work, the assumption is that the legal system increases penalties further (DeKeseredy & Schwartz, 1996). Peacemaking criminologists do not believe that we can end violence through violence; such tactics only lead to violent reactions to our own violence (Pepinsky, 2012).

Peacemaking criminology shares some ideas with other progressive criminological perspectives, including anarchic or abolitionist criminology and restorative justice (de Haan, 2009; Fuller & Wozniak, 2006). However, the restorative justice movement is also embraced by some mainstream criminologists and has been co-opted by the criminal justice system (Friedrichs, 2009). Following Ptacek (2010, pp. ix), restorative justice is defined as an approach that seeks to “decrease the role of the state in responding to crime and increase the involvement of personal, familial, and community networks in repairing the harm caused by crime.” Abolitionism, on the other hand, is anti-conservative because it seeks the complete elimination of prisons, the death penalty, and solitary confinement, as well as a formal government and its laws (de Haan, 2009; Morris, 1995).

In sum, what makes peacemaking criminologists stand apart from others is that they want to “make peace on crime.” They call for a non-violent criminology that simultaneously rejects punitive measures (e.g., prisons) and embraces human, progressive, community-based strategies such as mediation, reconciliation, alternative dispute resolution, and other non-penal means of making our society safer (Pepinsky, 2012). Many people view peacemaking criminology as a utopian school of thought that has no chance of making radical change to this current neoliberal political climate. Still, as Schwartz (1991, p. 123) observes, at the very least this perspective can help us to think through “our facile acceptance of violence against others.”

Convict Criminology

Prisoners and ex-convicts have long been subjects of criminological inquiry. Even so, the bulk of the researchers who study them were never incarcerated. Work conducted by these researchers fails to address the real experiences of convicts and ex-convicts (Friedrichs, 2009). Convict criminology is made up of the work of researchers and authors who have served time in correctional facilities and some progressive scholars who have not done so. According to Ross, Richards, Newbold, Lenza, and Grigsby (2012, pp. 161), “Convict criminologists’ collective intention is to carry out research that incorporates the experiences of prisoners and prison workers, in an attempt to balance the conventional representations of media and governments.” Not to be confused with penal abolitionism, convict criminology involves the use of ethnographic

studies of prison experiences. Convict criminologists are highly qualified experts in their field and offer unique “inside perspectives” on prison life. Further, these scholars are among a large group of progressives that point to the destructive nature of prisons and their inability to promote peace, reduce crime, and foster social justice.

Some critical criminologists assert that it is premature to consider convict criminology as an actual theoretical perspective. Some critics wonder whether it is anything novel except for the fact that a sizeable portion of convict criminologists publicly reveal their status as “ex-cons” (DeKeseredy, 2011). Nonetheless, since convict criminology is a relatively new school of thought, it is destined to generate new ways of thinking critically about crime, law, and social control.

Cultural Criminology

Truly an international project, cultural criminology has roots in the writings of labeling theorists (Lemert, 1951; Becker, 1963, 1973), British youth cultural and subcultural theorists (Hall & Jefferson, 1976; Willis, 1977), moral panic theory (Cohen, 1980; Young, 1971), and the “new criminologists” of the early 1970s, such as Taylor, Walton, and Young (1973). Social constructionism, postmodernism, and media/content analysis also inform cultural criminology (Ferrell, Hayward, & Young, 2008; Muzzatti, 2012). As stated by Jeff Ferrell (2003), one of the founders of this school of thought, cultural criminology “critically investigates the ways in which the dynamics of media and popular culture, the lives and activities of criminals, and the operations of social control and criminal justice come together in everyday life” (p. 71). Cultural criminologists, he says, “emphasize the role of image, style, and symbolic meaning among criminals and their subcultures, in the mass media’s representation of crime and criminal justice, and in public conflicts over crime” (p. 71).

Cultural criminologists offer detailed descriptions of people who live at the edge of conventional society, such as drug users, skydivers, and graffiti artists (Ferrell, Hayward, & Young, 2008; Muzzatti, 2012). Some critics, though, assert that cultural criminology “overemphasizes” subcultures and the significance of other “outlaw” groups and thus lacks a solid appreciation of the legitimate concerns of those responsible for responding to and preventing their activities, such as the police, teachers, counsellors, social workers, and the like (Friedrichs, 2009). There are other criticisms (see DeKeseredy, 2011), but cultural criminology continues to attract new proponents and those working in the field continue to generate scores of articles, book chapters, and books that reveal “the energy of everyday life whether in the transgressive breaking of rules or in repressive nature of conformity and boredom” (Hayward & Young, 2010, pp. 108).

Postmodern Criminology

With origins mainly in France (Milovanovic, 2012), postmodern thought has had a significant impact on many academics, especially those based in university English departments, more particularly those who specialize in literary criticism (Curran &

Renzetti, 2001; DeKeseredy, 2011). However, it was not until the late 1980s and early 1990s that postmodernism began to influence a few critical criminologists (Henry & Milovanovic, 2005). Yet, as Friedrichs (2009, p. 213) argues, it is important to note that “postmodern thought itself is by no means necessarily linked with a progressive agenda; on the contrary, much postmodernist thought is viewed as either consciously apolitical or inherently conservative and reactionary.” Some sources of inspiration of postmodernism thought in criminology and the study of crime and justice include chaos theory, dynamic systems theory, discourse analysis, and catastrophe theory. Recent research on “edgework” – that is, voluntary extreme risk-taking – has developed along parallel lines (Milovanovic, 2012) and has persuaded sociologists of deviance to study skinheads, crack dealers, terrorists, pimps, and the paramilitary police (Ferrell & Hamm, 1998).

Perhaps most importantly, postmodernist thought adopts a deep scepticism over knowledge claims – statements about what is “true” and “real.” Postmodernists reject claims of objectivity and challenge the modernist notion that we can harness science and logic, discover truth, and then put the truth to work to solve problems like crime (DeKeseredy, 2011; DeKeseredy & Schwartz, 1996). Indeed, this approach questions the very assumption of empirical validation and verification. For postmodernists, “truth” is a social construction and a form of domination because it represents a way of looking at things that is imposed by those with more power (Renzetti, 2013; Wonders, 1999). A foundation stone of postmodernism is that written or spoken language always plays a major role in the reality we construct and live (Arrigo, 2003). Hence, a major endeavour of this school of thought is “deconstructing” or “interrogating” social and cultural institutions and processes.

Postmodernists do not believe that *any* statements about what is conventionally referred to as “reality” or the “real world” are knowable. They consider truth claims to be a form of tyranny and reject any assertions from anyone who purports to know what is right. If truth is unknowable, then our quest for knowledge must come from an understanding that everything, including statements about material reality, is relative to time and place (Schwartz & Friedrichs, 1994). A key issue for postmodernists is that we need to be careful that we are not imposing our values – including claims to truth – on others. Whereas progressive scholars and activists attempt to speak on behalf of the rights and views of oppressed social groups, postmodernists warn about trying to speak for any people, the downtrodden among them, rather than allowing these people to speak for themselves (Denzin, 1990).

Some scholars argue that postmodern criminology is best understood in terms of what it opposes (Ferrell, 1998; Lilly, Cullen, & Ball, 2011). Not surprisingly, postmodernism rejects scientific positivism as well as the potential of collective action to change society (Friedrichs, 2009). Even more forcefully, postmodernism rejects all forms of mainstream criminology and the policies spawned by it. Postmodernists are also opposed any comprehensive or general theory of anything, suggesting that local people everywhere need to develop their own definition of their experiences and need to work out their own methods of resistance to oppression (DeKeseredy & Schwartz, 1996).

Postmodern criminology is routinely subject to criticisms from the left and the right. One of the most common of such is that postmodernists are irrelevant theorists who are more concerned with making petty academic points in obscure terms than they are

with effecting serious change in the world (Schwartz & Friedrichs, 1994). The fact is, postmodernism has sharply declined in influence over the past two decades or so, yet a vigorous cadre of criminologists who adopt this approach persevere and are among the most prolific scholars in criminology. And, postmodern criminology will never stop challenging modernist thinking in criminology (Milovanovic, 2012).

Green Criminology

Humans subject planet Earth to continual and multitudinous environmental harms, but for centuries, “criminology stood on the sideline, leaving the study of environmental crime, harm, law, and regulations to researchers in other fields” (Brisman & South, 2013, p. 2). Critical criminology, too, for the most part, has been guilty of this selective inattention. Currently, however, critical criminologists around the globe have begun producing a wealth of what Brisman and South label “green criminological scholarship.” Green criminology is one of the newest directions in critical criminology. “Green criminology” is the term that most observers and practitioners use to describe the investigation of the causes of and responses to threats and harm to the natural environment.

Like cultural criminology, green scholarship involves doing collaborative theoretical and empirical work with an international body of academics (South & Brisman, 2013). One recent example of such “intellectual cross fertilization” is Brisman and South’s (2013) “Anglo-American” creation of a *green cultural criminology* (DeKeseredy, 2013b; Muzzatti, 2012). These colleagues merge green criminologists’ concerns with cultural criminology’s concern with “culture” and compel cultural criminologists to adopt green scholars’ views of the “consumption landscape” and the proliferation of environmental harms. The concerns of green criminologists also merge with some rural critical criminologists’ interests, such as agricultural crime (Donnermeyer & DeKeseredy, 2014).

Green criminology is a relatively new way of thinking critically about crime. It is making strong inroads into criminology as a whole. It is also one of many more responses to come to the ongoing claim that criminology is “always in need of new direction” (Hayward, 2012, p. 142).

Summary and Conclusion

Critical criminological theorizing has radically changed since the early 1970s. Marxist criminology is now just one way of thinking critically about crime. More new theoretical developments are on their way, and critical criminology will continue to be just as pluralistic tomorrow as it is today (Friedrichs, 2009). Although the current schools of thought were presented in a particular order, all of them are equally important and each one has strengths and limitations. The review provided, here, to be sure, is not exhaustive, and given the breadth of critical criminological theorizing, it is getting to the point where entire books of progressive theories are warranted.

Critical criminology has come a long way since its birth in the late 1960s, and many more new developments are destined to come. Despite facing massive resistance in nations dominated by neoliberal politics and ideologies, critical criminology thrives and attracts more new members to its intellectual and political club than ever before. David Friedrichs (2009, p. 217) offers one of most optimistic predictions for the future: “the impact of critical criminology will increase exponentially in the years ahead, perhaps at some point even coming to overshadow mainstream forms of analysis.” At least in the US, it is doubtful that this will ever happen, but there is evidence of a *detente* between many critical criminologists and some progressive-minded mainstream scholars (DeKeseredy, 2013b). While criminology is unlikely to see the kind of unified discipline that Agnew called for (2011), increasingly, critical criminologists recognize the utility of certain mainstream, orthodox concepts, and correspondingly, authors of mainstream textbooks and scholarly monographs cite and incorporate the ideas of critical criminological scholarship.

Still, myths about critical criminology abound. In this chapter, I challenge the erroneous but widely held notion that the project of critical criminology is confined to offering simplistic Marxist arguments. The central argument of critical criminology – that crime and the processes of criminalization are rooted in the core structures of society – is more relevant today than it has ever been.

References

- Agnew, R. (2011). *Toward a Unified Criminology: Integrating Assumptions About Crime, People, and Society*. New York: New York University Press.
- Arrigo, B.A. (2003). Postmodern justice and critical criminology: positional, relational, and provisional justice. In M.D. Schwartz, & S.E. Hatty (Eds.), *Controversies in Critical Criminology* (pp. 43–56). Cincinnati, OH: Anderson.
- Becker, H.S. (1963). *Outsiders: Studies in the Sociology of Deviance*. New York: Free Press.
- Becker, H.S. (1967). Whose side are we on? *Social Problems*, 14 (Winter), 239–247.
- Becker, H.S. (1973). *Outsiders: Studies in the Sociology of Deviance* (exp. ed.). New York: Free Press.
- Berry, B. (2012). A critical interpretation of animal exploitation. In W.S. DeKeseredy, & M. Dragiewicz (Eds.), *Routledge Handbook of Critical Criminology* (pp. 230–240). London: Routledge.
- Brisman, A., & South, N. (2013). Introduction: Horizons, issues and relationships in green criminology. In N. South, & A. Brisman (Eds.), *Routledge International Handbook of Green Criminology* (pp. 1–23). London: Routledge.
- Carrington, K. (2013). Corporate risk, mining camps and knowledge/power. In K. Carrington, M. Ball, E. O'Brien, & J. Tauri (Eds.), *Crime, Justice and Social Democracy* (pp. 295–311). New York: Palgrave Macmillan.
- Chesney-Lind, M., & Morash, M. (2013). Transformative feminist criminology: A critical re-thinking of a discipline. *Critical Criminology*. doi:10.1007/s10612-013-9187-2
- Cloward, R.A., & Ohlin, L.E. (1960). *Delinquency and Opportunity: A Theory of Delinquent Gangs*. New York: Free Press.

- Cohen, A.K. (1955). *Delinquent Boys: The Culture of the Gang*. New York: Free Press.
- Cohen, S. (1980). *Folk Devils and Moral Panics*. Oxford: Basil Blackwell.
- Connell, R. (1987). *Gender and Power*. Sydney: Allen & Unwin.
- Connell, R. (1995). *Masculinities*. Berkeley, CA: University of California Press.
- Connell, R. (2000). Masculinity and violence in world perspective. In A. Godenzi (Ed.), *Frieden, Kultur, und Geschlecht [Peace, Culture, and Sex]* (pp. 65–84). Fribourg: University of Fribourg Press.
- Connell, R., & Messerschmidt, J.W. (2005). Hegemonic masculinity: Rethinking the concept. *Gender and Society*, 19 (6), 829–859.
- Cowlishaw, G. (2013). Reproducing criminality: How cure enhances cause. In K. Carrington, M. Ball, E. O'Brien, & J.M. Tauri (Eds.), *Crime, Justice and Social Democracy: International Perspectives* (pp. 234–247). New York: Palgrave Macmillan.
- Crenshaw, K. (2000). The intersectionality of race and gender discrimination. Retrieved from <http://www.isiswomen.org/womenet/lists/apgr-list/archive/msg00013.html>
- Curran, D.J., & Renzetti, C.M. (2001). *Theories of Crime* (2nd ed.). Boston: Allyn & Bacon.
- Currie, E. (1992). Retreatism, minimalism, realism: Three styles of reasoning on crime and drugs in the United States. In J. Lowman, & B.D. MacLean (Eds.), *Realist Criminology: Crime Control and Policing in the 1990s* (pp. 88–97). Toronto: University of Toronto Press.
- Currie, E. (2008). Preface. In K. Carrington, & R. Hogg (Eds.), *Critical Criminology: Issues, Debates, Challenges* (pp. vii–ix). Portland, OR: Willan.
- Currie, E. (2009). *The Roots of Danger: Violent Crime in Global Perspective*. Upper Saddle River, NJ: Prentice-Hall.
- Currie, E. (2012). Violence and social policy. In W.S. DeKeseredy, & M. Dragiewicz (Eds.), *Routledge Handbook of Critical Criminology* (pp. 465–475). London: Routledge.
- Currie, E. (2013). The sustaining society. In K. Carrington, M. Ball, E. O'Brien, & J.M. Tauri (Eds.), *Crime, Justice and Social Democracy* (pp. 3–15). New York: Palgrave Macmillan.
- Daly, K., & Chesney-Lind, M. (1988). Feminism and criminology. *Justice Quarterly*, 5 (4), 497–538.
- de Haan, W. (2009). Abolitionism and crime control. In T. Newburn (Ed.), *Key Readings in Criminology* (pp. 271–274). Portland, OR: Willan.
- DeKeseredy, W.S. (2011). *Contemporary Critical Criminology*. London: Routledge.
- DeKeseredy, W.S. (2012). The current condition of criminological theory in North America. In S. Hall, & S. Winlow (Eds.), *New Directions in Criminological Theory* (pp. 66–79). London: Routledge.
- DeKeseredy, W.S. (2013a). Welcome to the dark side: Some thoughts on the challenges of being an early progressive scholar. *The Criminologist*, 38 (2), 44–45.
- DeKeseredy, W.S. (2013b). Pushing the Envelope: The Current State of North American Critical Criminology. Presidential Panel paper presented at the annual meeting of the American Society of Criminology, Atlanta, GA.
- DeKeseredy, W.S. (2013c). Crime, justice, and inequality: Oh Canada, where art thou? *International Journal for Crime, Justice and Social Democracy*, 2 (1), 15–26.
- DeKeseredy, W.S., & Dragiewicz, M. (Eds.). (2012a). *Routledge Handbook of Critical Criminology*. London: Routledge.
- DeKeseredy, W.S., & Dragiewicz, M. (2012b). Introduction: Critical criminology: past, present, and future. In W.S. DeKeseredy, & M. Dragiewicz (Eds.), *Routledge Handbook of Critical Criminology* (pp. 1–8). London: Routledge.
- DeKeseredy, W.S., & Dragiewicz, M. (Eds.). (2014a). *Critical Criminology, Volumes I–IV*. London: Routledge.

- DeKeseredy, W.S., & Dragiewicz, M. (Eds.). (2014b). Introduction. In W.S. DeKeseredy, & M. Dragiewicz (Eds.), *Critical Criminology, Volume IV* (pp. 1–18). London: Routledge.
- DeKeseredy, W.S., Ellis, D., & Alvi, S. (2005). *Deviance and Crime: Theory, Research and Policy*. Cincinnati: LexisNexis.
- DeKeseredy, W.S., Muzzatti, S.L., & Donnermeyer, J.F. (2013). Mad men in bib overalls: Media's horridification and pornification of rural culture. *Critical Criminology*. doi:10.1007/s10612-013-9190-7
- DeKeseredy, W.S., & Schwartz, M.D. (1991a). British and U.S. left realism: A critical comparison. *International Journal of Offender Therapy and Comparative Criminology*, 35 (Fall), 248–262.
- DeKeseredy, W.S., & Schwartz, M.D. (1991b). British left realism on the abuse of women: A critical appraisal. In H.E. Pepinsky, & R. Quinney (Eds.), *Criminology as Peacemaking* (pp. 154–171). Bloomington, IN: Indiana University Press.
- DeKeseredy, W.S., & Schwartz, M.D. (1996). *Contemporary Criminology*. Belmont, CA: Wadsworth.
- DeKeseredy, W.S., & Schwartz, M.D. (2005). Masculinities and interpersonal violence. In M.S. Kimmel, J. Hearn, & R. Connell (Eds.), *Handbook of Studies on Men & Masculinities* (pp. 353–366). Thousand Oaks, CA: Sage.
- DeKeseredy, W.S., & Schwartz, M.D. (2009). *Dangerous Exits: Escaping Abusive Relationships in Rural America*. New Brunswick, NJ: Rutgers University Press.
- DeKeseredy, W.S., & Schwartz, M.D. (2010). Friedman economic policies, social exclusion, and crime: Toward a gendered left realist subcultural theory. *Crime, Law and Social Change*, 5 (2), 159–170.
- DeKeseredy, W.S., & Schwartz, M.D. (2012). Left realism. In W.S. DeKeseredy, & M. Dragiewicz (Eds.), *Routledge Handbook of Critical Criminology* (pp. 105–116). London: Routledge.
- DeKeseredy, W.S., & Schwartz, M.D. (2013a). Confronting progressive retreatism and minimalism: The role of a new left realist approach. *Critical Criminology*. doi:10.1007/s10612-013-9192-5
- DeKeseredy, W.S., & Schwartz, M.D. (2013b). *Male Peer Support and Violence Against Women: The History and Verification of a Theory*. Boston: Northeastern University Press.
- Denzin, N. (1990). Presidential Address on the sociological imagination revisited. *Sociological Quarterly*, 31 (1), 1–22.
- Dines, G. (2010). *Pornland: How Porn has Hijacked our Sexuality*. Boston: Beacon Press.
- Donnermeyer, J.F., & DeKeseredy, W.S. (2014). *Rural Criminology*. London: Routledge.
- Dragiewicz, M. (2009). Why sex and gender matter in domestic violence research and advocacy. In E. Stark, & E.S. Buzawa (Eds.), *Violence against Women in Families and Relationships, Volume 3: Criminal Justice and the Law* (pp. 201–216). Santa Barbara, CA: Praeger.
- Eisenstein, Z.R. (1980). *Capitalist Patriarchy and the Case for Socialist Feminism*. New York: Monthly Review Press.
- Ferrell, J. (1998). Stumbling toward a critical criminology (and into the anarchy and imagery of postmodernism). In J.I. Ross (Ed.), *Cutting the Edge* (pp. 63–76). Westport, CT: Praeger.
- Ferrell, J. (2003). Cultural criminology. In M.D. Schwartz, & S.E. Hatty (Eds.), *Controversies in Critical Criminology* (pp. 71–84). Cincinnati: Anderson.
- Ferrell, J., & Hamm, M.S. (Eds.) (1998). *Ethnography at the Edge: Crime, Deviance, and Field Research*. Boston: Northeastern University Press.
- Ferrell, J., Hayward, K., & Young, J. (2008). *Cultural Criminology: An Invitation*. London: Sage.

- Flavin, Jeanne, and Lillian Artz. (2013). "Understanding Women, Gender, and Crime: Some Historical and International Developments." In Claire M. Renzetti, Susan L. Miller, and Angela R. Gover (Eds.), *Routledge International Handbook of Crime and Gender Studies*. London: Routledge, pp. 9–35.
- Friedrichs, D.O. (2009). Critical criminology. In J.M. Miller (Ed.), *21st Century Criminology: A Reference Handbook* (pp. 210–218). Thousand Oaks, CA: Sage.
- Friedrichs, D.O., & Rothe, D.L. (2012). Crimes of the powerful: White-collar crime and beyond. In W.S. DeKeseredy, & M. Dragiewicz (Eds.), *Routledge Handbook of Critical Criminology* (pp. 241–251). London: Routledge.
- Fuller, J.R., & Wozniak, J.F. (2006). Peacemaking criminology: past, present, and future. In F.T. Cullen, J.P. Wright, & K.B. Blevins (Eds.), *Taking Stock: The Status of Criminological Theory* (pp. 251–273). New Brunswick, NJ: Transaction.
- Garland, D. (2013). The 2012 Sutherland Address: Penalty and the penal state. *Criminology*, 51 (3), 475–517.
- Gelsthorpe, L., & Morris, A. (1988). Feminism and criminology in Britain. *British Journal of Criminology*, 28 (Spring), 223–240.
- Hall, S., & Jefferson, T. (Eds.). (1976). *Resistance through Rituals: Youth Subculture in Post-War Britain*. London: Hutchinson.
- Hall, S., & Winlow, S. (2012). Introduction: The need for new directions in criminological theory. In S. Hall, & S. Winlow (Eds.), *New Directions in Criminological Theory* (pp. 1–13). London: Routledge.
- Hayward, K. (2012). Using cultural geography to think differently about space and crime. In S. Hall, & S. Winlow (Eds.), *New Directions in Criminological Theory* (pp. 1–13). London: Routledge.
- Hayward, K., & Young, J. (2010). Mike Presdee (1944–2009), cultural criminologist and champion of a life less ordinary. *Crime, Media, Culture*, 6 (April), 105–110.
- Henry, S., & Milovanovic, D. (2005). Postmodernism and constitutive theories of criminal behavior. In R.A. Wright, & J.M. Miller (Eds.), *Encyclopedia of Crime, Volume 2* (pp. 1245–1429). New York: Routledge.
- Hogg, R., & Carrington, K. (2006). *Policing the Rural Crisis*. Sydney: Federation Press.
- Hunnicut, G. (2009). Varieties of patriarchy and violence against women: Resurrecting 'patriarchy' as a theoretical tool. *Violence Against Women*, 15 (May), 553–573.
- Jensen, R. (2007). *Getting Off: Pornography and the End of Masculinity*. Cambridge, MA: South End Press.
- Jones, N. (2010). *Between Good and Ghetto: African-American Girls and Inner-City Violence*. New Brunswick, NJ: Rutgers University Press.
- Kelling, G.L., & Coles, C. (1997). *Fixing Broken Windows*. New York: Free Press.
- Klein, N. (2007). *The Shock Doctrine: The Rise of Disaster Capitalism*. Toronto: Knopf.
- Lea, J., & Young, J. (1984). *What Is To Be Done About Law And Order?* New York: Penguin.
- Leighton, P., & Selman, D. (2012). Private prisons, the criminal justice-industrial complex and bodies destined for profitable punishment. In W.S. DeKeseredy, & M. Dragiewicz (Eds.), *Routledge Handbook of Critical Criminology* (pp. 266–279). London: Routledge.
- Lemert, E.M. (1951). *Social Pathology*. New York: McGraw-Hill.
- Lilly, J.R., Cullen, F.T., & Ball, R.A. (2011). *Criminological Theory: Context and Consequences* (5th ed.). Thousand Oaks, CA: Sage.
- Luttwak, E. (1995). Turbo-charged capitalism and its consequences. *London Review of Books*, November, 6–7.
- Lynch, M.J., & Groves, W.B. (1989). *A Primer in Radical Criminology* (2nd ed.). New York: Harrow & Heston.

- Maidment, M.R. (2006). Transgressing boundaries: Feminist perspectives in criminology. In W.S. DeKeseredy, & B. Perry (Eds.), *Advancing Critical Criminology: Theory and Application* (p. 2003). Lanham, MD: Lexington.
- Merton, R.K. (1938). Social structure and anomie. *American Sociological Review*, 3 (October), 672–682.
- Messerschmidt, J.W. (1986). *Capitalism, Patriarchy and Crime: Toward A Socialist Feminist Criminology*. Totowa, NJ: Rowman & Littlefield.
- Messerschmidt, J.W. (1993). *Masculinities and Crime: Critique and Reconceptualization*. Lanham, MD: Rowman & Littlefield.
- Messerschmidt, J.W. (1995). *From Patriarchy to Gender: Feminist Theory, Criminology, and the Challenge of Diversity*. Philadelphia: Open University Press.
- Messerschmidt, J.W. (2005). Men, masculinities, and crime. In M.S. Kimmel, J. Hearn, & R. Connell (Eds.), *Handbook of Studies on Men & Masculinities* (pp.196–212). Thousand Oaks, CA: Sage.
- Messerschmidt, J.W. (2014). *Crime as Structured Action: Doing Masculinities, Race, Class, Sexuality and Crime* (2nd ed.). Lanham, MD: Rowman & Littlefield.
- Messerschmidt, J.W., & Tomsen, S. (2012). Masculinities. In W.S. DeKeseredy, & M. Dragiewicz (Eds.), *Routledge Handbook of Critical Criminology* (pp. 172–185). London: Routledge.
- Milovanovic, D. (2012). Postmodern criminology. In W.S. DeKeseredy, & M. Dragiewicz (Eds.), *Routledge Handbook of Critical Criminology* (pp. 150–159). London: Routledge.
- Morris, R. (1995). *Penal Abolition: The Practical Choice*. Toronto: Canadian Scholars' Press.
- Mullins, C.W. (2006). *Holding Your Square: Masculinities, Streetlife, and Violence*. Portland, OR: Willan.
- Mullins, C.W. (2009). He would kill me with his penis: Genocidal rape in Rwanda as state crime. *Critical Criminology*, 17 (1), 15–34.
- Muzzatti, S.L. (2012). Cultural criminology: Burning up capitalism, consumer culture. In W.S. DeKeseredy, & M. Dragiewicz (Eds.), *Routledge Handbook of Critical Criminology* (pp. 138–149). London: Routledge.
- Olsson, P. (2012). Children and human rights. In W.S. DeKeseredy, & M. Dragiewicz (Eds.), *Routledge Handbook of Critical Criminology* (pp. 413–424). London: Routledge.
- Pearce, F. (1976). *Crimes of the Powerful: Marxism, Crime and Deviance*. London: Pluto.
- Pepinsky, H.E. (2012). Peacemaking criminology. In W.S. DeKeseredy, & M. Dragiewicz (Eds.), *Routledge Handbook of Critical Criminology* (pp. 186–193). London: Routledge.
- Pepinsky, H.E., & Quinney, R. (Eds.) (1991). *Criminology as Peacemaking*. Bloomington, IN: Indiana University Press.
- Pratt, J., & Eriksson, A. (2013). Penal policy and the social democratic image of society. In K. Carrington, M. Ball, E. O'Brien, & J. Tauri (Eds.), *Crime, Justice and Social Democracy* (pp. 51–69). New York: Palgrave Macmillan.
- Ptacek, J. (2010). Editor's introduction. In J. Ptacek (Ed.), *Restorative Justice and Violence Against Women* (pp. ix–xiii). New York: Oxford University Press.
- Quinney, R. (1991). The way of peace: On crime, suffering and service. In H.E. Pepinsky, & R. Quinney (Eds.), *Criminology as Peacemaking* (pp. 3–13). Bloomington, IN: Indiana University Press.
- Reiman, J., & Leighton, P. (2013). *The Rich Get Richer and The Poor Get Prison* (10th ed.). Boston: Pearson.
- Renzetti, C.M. (2012). Feminist perspectives in criminology. In W.S. DeKeseredy, & M. Dragiewicz (Eds.), *Routledge Handbook of Critical Criminology* (pp. 129–137). London: Routledge.

- Renzetti, C.M. (2013). *Feminist Criminology*. London: Routledge.
- Renzetti, C.M., Miller, S.L., & Gover, A.R. (Eds.) (2013). *Routledge International Handbook of Crime and Gender Studies*. London: Routledge.
- Ross, J.I., Richards, S., Newbold, G., Lenza, M., & Grigsby, R. (2012). Convict criminology. In W.S. DeKeseredy, & M. Dragiewicz (Eds.), *Routledge Handbook of Critical Criminology* (pp. 160–171). London: Routledge.
- Rothe, D.L., & Mullins, C.W. (Eds.) (2011). *State Crime: Current Perspectives*. New Brunswick, NJ: Rutgers University Press.
- Rothe, D.L., & Mullins, C.W. (2012). The International Criminal Court: The solution to ending impunity? In W.S. DeKeseredy, & M. Dragiewicz (Eds.), *Routledge Handbook of Critical Criminology* (pp. 476–487). London: Routledge.
- Schwartz, M.D. (1991). The future of critical criminology. In B.D. MacLean, & D. Milovanovic (Eds.), *New Directions in Critical Criminology* (pp. 119–124). Vancouver: Collective Press.
- Schwartz, M.D., & DeKeseredy, W.S. (1991). Left realist criminology: Strengths, weaknesses and the feminist critique. *Crime, Law and Social Change*, 15 (1), 51–72.
- Schwartz, M.D., & DeKeseredy, W.S. (1997). *Sexual Assault on the College Campus: The Role of Male Peer Support*. Thousand Oaks, CA: Sage.
- Schwartz, M.D., & Friedrichs, D.O. (1994). Postmodern thought and criminological discontent: New metaphors for understanding violence. *Criminology*, 32 (2), 221–246.
- Schwartz, M.D., & Hatty, S.E. (2003). Introduction. In M.D. Schwartz, & S.E. Hatty (Eds.), *Controversies in Critical Criminology* (pp. ix–xvii). Cincinnati, OH: Anderson.
- Sinclair, R.L. (2002). *Male Peer Support and Male-to-Female Dating Abuse Committed by Socially Displaced Male Youth: An Exploratory Study*. PhD dissertation. Ottawa: Carleton University.
- South, N., & Brisman, A. (Eds.) (2013). *Routledge International Handbook of Green Criminology*. London: Routledge.
- Tauri, J.M. (2013). Indigenous critique of authoritarian criminology. In K. Carrington, M. Ball, E. O'Brien, & J. Tauri (Eds.), *Crime, Justice and Social Democracy* (pp. 217–233). New York: Palgrave Macmillan.
- Taylor, I., Walton, P., & Young, J. (1973). *The New Criminology: For a Fully Social Theory of Deviance*. London: Routledge & Kegan Paul.
- Taylor, I., Walton, P., & Young, J. (Eds.) (1975). *Critical Criminology*. London: Routledge & Kegan Paul.
- Troshynski, E. (2012). Human trafficking. In W.S. DeKeseredy, & M. Dragiewicz (Eds.), *Routledge Handbook of Critical Criminology* (pp. 342–360). London: Routledge.
- Virtanen, T. (2013). Introduction. In T. Virtanen (Ed.), *Youth, Racist Violence and Anti-Racist Responses in the Nordic Countries*. Retrieved from <http://www.nuorisotutkimusseura.fi/julkaisuja/virtanen/3/1.html>
- Walker, S. (2011). *Sense and Nonsense about Crime, Drugs, and Communities: A Policy Guide* (7th ed.). Belmont, CA: Wadsworth.
- Weitzer, R., & Kubrin, C.E. (2009). Misogyny in rap music: A content analysis of prevalence and meanings. *Men and Masculinities*, 12 (1), 3–29.
- Welch, M. (2012). War on terror, human rights, and critical criminology. In W.S. DeKeseredy, & M. Dragiewicz (Eds.), *Routledge Handbook of Critical Criminology* (pp. 361–372). London: Routledge.
- West, C., & Zimmerman, D.H. (1987). Doing gender. *Gender & Society*, 1 (June): 125–151.
- Willis, P. (1977). *Learning to Labor: How Working Class Kids Get Working Class Jobs*. New York: Columbia University Press.

- Wilson, W.J. (1996). *When Work Disappears: The World of the New Urban Poor*. New York: Knopf.
- Wonders, N.A. (1999). Postmodern feminist criminology and social justice. In B.A. Arrigo (Ed.), *Social Justice, Criminal Justice* (pp. 109–128). Belmont, CA: Wadsworth.
- Young, J. (1971). *The Drugtakers*. London: Paladin.
- Young, J. (1988). Radical criminology in Britain: The emergence of a competing paradigm. *British Journal of Criminology*, 28, 159–183.
- Young, J. (1998). Writing on the cusp of change: A new criminology for an age of late modernity. In P. Walton, & J. Young (Eds.), *The New Criminology Revisited* (pp. 259–295). New York: St. Martin's Press.

The Interactionist Approach to Deviance

Addrain Conyers and Thomas C. Calhoun

What comes to mind when you encounter the word “deviant”? If you are like most of us, the first half-dozen or so examples will probably include criminals, drug addicts, alcoholics, mental patients, prostitutes, and juvenile delinquents. No doubt some people who are asked will think of other examples, but the point should be clear: calling someone a “deviant” describes a negative character type. Sociologists have studied hundreds of behaviors, beliefs, and conditions as deviance, including obesity, being heavily tattooed, cyberporn, having AIDS, being physically disabled, transvestism, political radicalism, shoplifting, homophobia, embezzlement, bulimia, and vegetarianism. Sociologists define deviance as any behavior, belief, or condition that violates social norms and attracts condemnation. It might seem that deviance could be anything, but that isn’t really true, since it doesn’t make much sociological sense to call something or someone deviant that violates the norms in practically no group on Earth and attracts practically no negative reactions from anyone. In other words, deviance is a matter of degree – from behaviors or persons who attract strong condemnation from practically everyone, to behaviors or persons who attract weak condemnation from practically no one. The more serious the normative violation and the stronger the condemnation, the more likely it is that sociologists refer to it as deviance and the greater the likelihood that they have studied it.

Sociologists once regarded deviance primarily as a social problem, but in fact, some forms of deviance create serious problems for no one, while for others, conventional society causes more problems for the normative violator than the other way around. We may examine rule violators through the lens of various approaches, some of which address the issue of the creation and management of a deviant identity, while other perspectives examine how deviance is conceptualized or constructed. Symbolic interactionism addresses the definitional process by which deviance is socially constructed, and how a deviant identity is maintained by a person who is negatively labeled.

Objective vs. Subjective Views of Deviance

Erich Goode (1978) separated the two approaches to studying deviant behavior; one is the objective approach and the other is the subjective. The objective approach views deviance as a reality that is absolute and essentialistic – wrong in and of itself, inherently bad, evil, immoral, and pathological. This perspective regards deviance as wrong since the beginning of human society. In the criminal justice system, these offenses are called *mala in se*. Murder, rape, and robbery are three of the most serious instances of inherent wrongs; for the most part, they are considered wrong everywhere and throughout human history. But most instances of deviant behavior are wrong not because they violate an absolute and eternal law, but specifically because they are violations of the criminal code. These are called *mala prohibita* (singular: *malum prohibitum*). Examples include fornication, using illicit psychoactive substances, illegal immigration, public intoxication, hunting without a license or out of season, prostitution, gambling where it is illegal, and operating a business without a license.

This distinction between *mala in se* and *mala prohibita* is vital to the criminal justice system. In general, the more serious offenses (*mala in se*) are felonies and draw the strictest penalties, while the least serious offenses (*mala prohibita*) tend to be misdemeanors and draw lighter penalties – either a brief jail sentence or a small fine. At the same time, it is important to stress that *deviance* is not coterminous with *crime*. Crime is a subset of deviance – a type of deviance – but students of deviance investigate violations of society's informal codes as well as those that break its formal code – that is, criminal law. The symbolic interactionist, likewise, focuses mainly on interpersonal violations of notions of what is considered acceptable behavior. In fact, the study of deviance expands its conceptual territory to embrace not only behavior but also beliefs and physical and mental conditions as well. Deviance is *disvalued* behavior, beliefs, conditions – and people. And all such definitions of right and wrong, what constitutes conformity or a violation – all of it – is socially constructed. To the interactionist, what matters is the social construction of deviance. Unlike the law's formulation of *mala in se*, the constructionist regards the wrongness of an action, a belief, or even a condition, a result of societal reaction rather than any intrinsic or inherent property that it supposedly possesses. In fact, with most of the instances of deviance we investigate, no universal agreement on what constitutes a violation exists; interactionists do not take for granted any societal consensus on norms and values. Rather, this approach addresses the problem of defining social norms, acknowledging that norms change and are relative to time and place. Central to any interactionist perspective, likewise, is the fact that a deviant identity is created and maintained as a result of social interaction with others – both among others who are defined as deviant, and in the society at large, whose members, for the most part, support conventional norms and condemn, punish, or isolate persons who violate society's norms and react accordingly. In short, symbolic interactionism rejects the objectivism and absolutism of the notion that some wrongs are intrinsic evils in and of themselves. Instead, the constructionist–interactionist perspective regards deviance as a subjective phenomenon, though with both objective and subjective consequences.

Symbolic Interactionism

Symbolic interactionism was developed by Herbert Blumer (1900–1987), working with the ideas of the pragmatist philosopher George Herbert Mead (1863–1931), and is based on “three basic premises.” First, according to Blumer (1969), people act on the basis of the *meaning* that things have for them. These “things” could be physical objects, concepts and ideas, actual or imaginary people, roles we are asked to play, social institutions, situations – in fact, anything at all. The second premise is that meanings are derived from and arise out of social interaction with others. And the third premise is that “these meanings are handled in, and modified through, an interpretive process” that people use when they encounter these things, which include the reactions of others (p. 2). Deviance is a paramount arena in which the symbolic interactionist perspective is embodied; the perspective places the social construction of deviance center-stage, and further, investigates how conventional members of the society define and react to normative violators, and how these violators in turn deal with these reactions and maintain a certain kind of identity in the face of such reactions. It is important to note that symbolic interaction is commonly viewed as a *perspective* or *framework* grounded in sociological social psychology, instead of a theory which, strictly speaking, is an empirical explanation for *why* a form of behavior is enacted or comes into being. It is a perspective or an approach that is designed to impart a particular outlook, a frame for understanding the phenomena in question, a way of thinking about a subject. Typically, a perspective can guide and produce one or more theories that explain social phenomena, with the perspective being the foundation out of which the theory grows. Symbolic interactionism, as a perspective, has produced various theories of deviance, but first it is important to understand the perspective to gain true appreciation for symbolic interactionist theories of deviance.

Most theorists reference Blumer’s *Symbolic Interactionism* (1969), a collection of his essays originally published decades before the book, as the guidebook for the perspective. Observers also agree that even though Blumer coined the term symbolic interactionism, George Herbert Mead laid down its groundwork in *Mind, Self, and Society* (1934); Blumer, Mead’s student, continued his mentor’s work. Mead focused on interaction as a dynamic process focused on the interpretation of the actors in a social world. In essence, human behavior is a product of interaction based on socially defined symbols shared between humans and the social world. Human beings interact and communicate through symbols. Symbols include, but are not limited to, language, gestures, demeanor, expressions, and clothing. Individuals interpret these symbols and react based on their interpretation. For example, in the US if someone were to stick up their middle finger at an individual, the individual would interpret the gesture as derogatory, implying that the first person does not like the second or what he or she did or said, and the recipient of the gesture may react in a defensive manner. The middle finger is a symbol that has been socially defined as offensive. Anatomically, the middle finger is simply a finger, much like the ring and index fingers, but the meanings attached to the middle finger can anger and offend the recipients at which it is directed. The gesture is used as a form of communication. On the other hand, if the person intended as the target for the middle finger is not familiar with the symbol, he or she could

ignore it, perhaps take it as a greeting, and return the greeting. In other words, in order to enter into a symbolic communication with another party, two or more persons have to be familiar with the meaning of the symbols each uses. Though they may not share their meaning – one could regard as good what the other sees as bad, and vice versa – they must know what the other intends by certain words or gestures, otherwise their communication becomes meaningless. The interactionist perspective argues that virtually nothing bears an objective meaning; interaction is a fluid process in which meanings are symbolic and interpreted on the basis of learning and communication. These principles apply to what each of us judges or regards as conventional versus deviant. As with all spheres of behavior, the symbolic interactionist perspective understands deviance as an ongoing series of actions, interpretations, and reactions.

Symbolic Interactionism and Deviance

The symbolic interactionist perspective differs from other perspectives, such as the functionalist and conflict approaches, that view deviance primarily as a product of society's macro-level forces. Interactionism's approach to deviance can be summarized as follows:

...deviance is a social construction, created by a process engaged in by humans in their day-to-day interaction with another. That is, for us the phenomenon of deviance depends on the interactive work of humans as actors and audiences; it is people's behavior, its interpretation, and evaluation that create and sustain the phenomenon of deviance. (Pfuhl & Henry, 1993, p. 1)

This definition emphasizes the fact that deviance is a process based on interaction between an actor and his or her audiences. In addition, it is the audience's *interpretation* of the actor's behavior, expressed beliefs, and characteristics that constitutes deviance. Some societies regard the physical punishment of a child as abusive and consequently label it as norm-violating behavior – as a form of deviant behavior. If a parent were to give excessive corporal punishment to their child – a spanking in a grocery store, say – some of the audience witnessing such behavior will regard the action as deviant, would label the parent as abusive, and may contact the appropriate authorities and report the action. The working concepts of symbolic interactionist perspective include *labeling*, *stigma*, *actors*, and *audience*.

Labeling theory

The perspective that *most* stresses the process of negative labeling in deviance is of course labeling theory, the most prominent version of interactionist theory. Some of the most well-known studies that have made use of labeling theory in understanding how deviance is labeled and with what consequences include the two chapters on marijuana use in Howard Becker's *Outsiders* (1963, pp. 41–78), Edwin Schur's study,

Labeling Women Deviant (1984), and Thomas Scheff's investigation of the genesis of mental disorder, *Being Mentally Ill: A Sociological Theory* (1966, 1999). By making use of the interactionist approach, labeling theorists pay special attention to the social process by which someone is labeled deviant through social interaction – that is, action and reaction (Schur, 1971). However, it is important to note that the perspective is more than an interactionist perspective; it also employs a strand of conflict theory, because power is needed for the deviant label to be effectively applied.

Howard Becker's *Outsiders* provides the foundation for labeling theory. Like its guiding perspective, labeling theorists take a different approach from the more objective approaches that attempt to explain the causes of deviant behavior. Becker states:

...social groups create deviance by making the rules whose infraction constitutes deviance, and by applying those rules to particular people and labeling them as outsiders. From this point of view, deviance is *not* a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an "offender." The deviant is one to whom that label has successfully been applied; deviant behavior is behavior that people so label. (Becker, 1963, p. 9)

Deviance is not defined by the properties of the act itself; what determines whether an act is deviant is not the kind of action it is, but how it is reacted to. It is the audience's reaction that determines whether the act and the person who enacts it are sociologically deviant. Becker's explication also draws attention to the two main *dramatis personae* involved in the dynamics of deviance: the *actors* and the *audience*. This approach does not bring attention to the features or nature of the behavior itself; rather, the reaction based on whether the behavior violates society's rules, in the eyes of the relevant audience, as well as that audience's sense that something must be done to the violator *about* that violation. This is further supported by Schur's (1971) definition: "Human behavior is deviant to the extent that it comes to be viewed as involving a personally discreditable departure from a group's normative expectations, and it elicits interpersonal or collective reactions that serve to 'isolate,' 'treat,' 'correct,' or 'punish' individuals engaged in such behavior" (p. 24). In essence an act is only deviant because society or a particular audience wielding authority labels it as such. It is a consequence of an individual committing an act that someone in the audience interprets as non-conforming, and feels called upon to react accordingly to the actor and the act. There are consequences to this labeling process. One possible consequence is that such labeling leads to further deviant behavior by the normative violator, a process to which sociologists refer to as *secondary deviance*, *deviance amplification*, or the "self fulfilling prophecy."

The possibility of secondary deviance resulting from deviant labeling opened a new realm for labeling theory, because it provided one possible explanation for the cause of deviant behavior. Perhaps the earliest formulation of this process was spelled out by Frank Tannenbaum with regard to juvenile delinquency. A young boy engages in behavior he regards as "play, adventure, excitement, mischief, fun" – breaking windows, stealing things, skipping school, annoying people (1938, p. 17). But members of the community interpret these actions not as innocent fun but as seriously delinquent

behavior which calls for punishment. The community's actions and attitudes harden, and eventually, as a result of the associations he makes in the process of punishment, the boy comes to see himself as a delinquent. The boy "has been tagged" and he comes to accept that tag as valid. "The person becomes the thing he is described as being" – namely, a delinquent boy who engages in criminal behavior (pp. 19, 20).

Edwin Lemert (1951) elaborated on the labeling concept in deviance by developing the concept of secondary deviation as a possible consequence of negative labeling. He described the process as a series of stages: he referred to the behavior or condition that the community disvalues and of which it disapproves as "primary deviation," which leads to "social penalties" or negative reactions against the actor or the bearer of the characteristics. These penalties often result in further deviation and stronger penalties and rejections, and, in turn, further or "secondary" deviation. If this process continues, the community more harshly stigmatizes the miscreant, who ultimately accepts his or her deviant social status and adjusts to the deviant role (1951, p. 77). Ultimately, Lemert proposed, the negatively labeled person can develop a deviant "career" as a result of this process. The labeling after the initial act can engender a self-image that encourages further deviant behavior, which can ultimately lead the individual so labeled to seek acceptance by joining a deviant subcultural group (Becker, 1953, 1963; Pfuhl & Henry, 1993). Labeling and internalization lead to the acceptance of the individual's deviant identity and self-conception (McLorg & Taub, 1987). No consensus exists among interactionist theories that being labeled automatically leads to further deviant behavior; instead, this escalation process is an empirical question (Goode, 1978, pp. 44–58). In other words, whether and to what extent persons labeled as deviant by an influential audience escalate to more frequent and more serious deviance is based on a variety of contingencies and cannot be assumed in advance. The point is that punishment does not automatically lead to desistance; it may have the opposite or ironic effect of encouraging further and possibly more serious deviance.

Unlike positivist perspectives, labeling theory is not concerned with the initial cause of the non-conforming act. The interactionist perspective emphasizes the process through which the labeled individual takes on the personal and social identity of the deviant. The *social* identity becomes deviant as a result of society's labeling, and the *personal* identity becomes deviant by the individual internalizing the label, which can lead to secondary deviance. Labeling theorists argue that the labeling can lead to greater deviation and a deviant career, in which an individual can be accepted within a deviant group or collectivity. In other words, the labeling process influences the individual's propensity to committing further deviant acts.

Stigmatization and dramaturgy

Another important interactionist theorist is Erving Goffman. Thanks to Goffman, the terms "stigma" and "dramaturgy" have a substantial place in sociological literature on deviant behavior. Stigmatization is a form of being labeled. Erving Goffman's *Stigma: Notes on the Management of Spoiled Identity* (1963) and *The Presentation of Self in*

Everyday Life (1959) brought attention to everyday interaction and its influence on the labeling process. Unlike many interactionist theorists of deviance, who focus entirely on behavior, Goffman expands the scope of our subject matter to include physical characteristics as well, and even ethnic status.

Goffman defined stigma as “an attribute that is deeply discrediting” (Goffman, 1963, p. 3). He identified three major types of stigma. The first is “abominations of the body.” This refers to physical deformities that a person might possess. Goffman went on to note that “normals” (persons who do not possess the stigmatizing trait) construct a stigma theory to explain the stigmatized person’s inferiority and use terms with negative connotations known as “stigma terms,” as metaphors to represent how we view them (p. 5). Due to their stigmata (abominations of the body), persons who interact with possessors of stigmata give them stigmatizing labels such as cripple, fatty, or baldy. This embodies and reinforces audience reaction in interacting with someone they regard as deviant.

The second major type of stigma identified by Goffman is a “blemish” of the individual’s character. There are behaviors and beliefs that can place one in a stigmatized category. Persons to whom this type of stigma might be applied include, but are not limited to, homosexuals, drug addicts, and alcoholics. Associated stigmatizing terms could include derogatory titles such as fag, crackhead, or drunk. By their very nature, the behaviors to which these descriptives refer are discrediting, disvalued, and stigmatizing.

Goffman referred to the third type of discrediting stain as “tribal stigma of race, nation, and religion” (p. 4). The stigmata of racial and religious minorities are “transmitted through lineages” and “equally contaminate all members of a family” (p. 4). In the US in the past century, and even in some collectivities today, such categories have included Hispanics, African-Americans, and Jews. Members of the dominant strata of the society have commonly used insulting and stigmatizing terms to refer to members of denigrated minorities.

Goffman makes an important distinction in his discussion of stigma between the “discreditable” and the “discredited” (1963, pp. 41–42). A “discreditable” person is someone whose different attribute is not initially known about or apparent. A senator who is an alcoholic possesses a *discreditable* attribute because it may not be apparent when you see him, but he runs the risk of becoming discredited if his drunkenness becomes apparent more than a few times, or causes trouble. Another example would be a closet homosexual at a Ku Klux Klan meeting. He is discreditable because his stigmatized identity is not known about by those at the gathering, but if it were discovered, he would then be discredited. In contrast, a black person who tried to attend that same meeting would automatically be a discredited person because his skin color is apparent. A “discredited” person is someone whose attribute has become known or is apparent. In other words, the discredited person is one to whom the label been successfully applied. Examples of a discredited person can be a blind man with sunglasses and a cane, or an extremely obese person. Goffman’s explanation of stigmatization provides an in-depth analysis on a micro-level of the process of someone acquiring a spoiled identity. Overall, the various stigmas lead to identity management among individuals who possess a spoiled identity. Goffman’s work is grounded in the idea that the

interpretation of symbols (physical, the manifestation of character blemishes, and tribal) is the determining factor in someone being stigmatized.

Actors and audience

Symbolic interactionism regards as deviance the outcome of the labeling of non-normative behavior and, consequently, the actors who engage in them, by audiences. Goffman's *The Presentation of Self in Everyday Life* (1959) utilizes the dramaturgical approach to explain everyday interaction. Goffman used metaphors of theatrical performances to illustrate the presentation of self and the management of one's identity; an individual is presented as an actor and society as the audience. The actors are the ones who attract attention with their norm-violating behavior. They could be individuals who attract the attention of their interacting parties, social circle, peer group, members of their family, the community, the police, the government, on up to nations whose actions the global network of other nations responds to in some way. These actors can be stigmatized and labeled deviant to the extent that they are successfully identified and censured, punished, or isolated by one or more of their audiences. Here, the focus of the interactionist's approach is on the audience's reaction.

Sutherland's (1947) differential association or learning theory focuses on the actor, and relies a great deal on the interactionist perspective for understanding criminal behavior. This theory discusses the process by which individuals become criminal based on common interactionist principles (Schuessler 1973, p. xi). Sutherland's theory argues that an individual becomes deviant based on criminal norms and values learned from interaction with intimate others in a shared environment. "Criminal behavior is learned in interaction with other persons in a process of communication," Sutherland stated (1947, p. 6). The actor learns through interaction with another individual who endorses definitions of behavior favorable to the violation of the law. They learn motives, techniques, attitudes, and most importantly, through interpretation, that violating the law is acceptable behavior.

Here, the interactionist focus is on the actor, namely, the internalizing of the label applied to their behavior, consequently leading to more deviant behavior – in short, secondary deviance. This internalization process was initially identified by Charles Horton Cooley (1864–1929) as the "looking-glass self." Cooley argued that individuals develop a self-conception by viewing themselves through the eyes of others. "We always imagine, and in imagining, share the judgments of the other mind" (Cooley, 1902, pp. 152–153). George Herbert Mead (1863–1931), Cooley's contemporary, developed the notion of the "self" as a reflexive process that arises from interaction between the "I" and "me." The reflexive self allows the individual to view him/herself as a subject (the "I") and an object (the "me"); individuals can view themselves as others might view them (Mead, 1934). "Self-concept is our perception or image of our abilities and our uniqueness. At first one's self-concept is very general and changeable. ... As we grow older, these self-perceptions become much more organized, detailed, and specific" (Pastorino & Doyle-Portillo, 2013). The self-concept is a social product that occurs through interaction and becomes a significant influence

on one's behavior. When an individual is labeled as deviant it influences their self-concept, and consequently can lead to further deviant behavior. Through this process an individual believes they are as others view them, and behave according to these expectations.

Audience

The "audience" concept is a crucial aspect of the interactionist perspective on deviant behavior. It is the audience that ultimately decides whether the actor is perceived as deviant. The audience is any group of individuals viewing or listening to or hearing about the actor's behavior, whether directly or indirectly. "The critical variable in the study of deviance ... is the social audience rather than the individual actor, since it is the audience which eventually determines whether or not an episode of behavior or any class of episodes is labeled deviant" (Erikson, 1964, p. 11)

Most importantly, the audience provides the reactions that decide whether the behavior is normative or rule-violating. It is true that anyone witnessing the behavior can be viewed as the "audience," but if a child is watching a parent shoplift, would a child's negative reaction be enough to label the parent deviant? Most would assume a child does not possess the authority or clout to stigmatize the parent. Not everyone will view a particular type of behavior as deviant; therefore, it is important to focus on individuals who have the influence to successfully define behavior as deviant.

The persons who seek to create and/or enforce existing rules they deem important are identified as moral entrepreneurs (Becker, 1963). There are two types of moral entrepreneurs: rule creators (pp. 147–152) and rule enforcers (pp. 155–162). Howard Becker used as his illustrative case study of the creation of rules and their enforcement the passage of the Marihuana Tax Act (pp. 135–146). The politicians who enacted the drug laws are the *rule creators*; the police who arrest violators of the drug laws are *rule enforcers*. Today, moral entrepreneurs are moving in the opposite direction, and adopting a more tolerant and accepting agenda towards marijuana. For instance, today, 17 states of the US, plus the District of Columbia, have decriminalized small-quantity marijuana possession, and 23 have legalized medical marijuana. (The two categories overlap.) Legislators in the other states who block the legality of cannabis as medicine are rule creators who maintain a legal system in which purchasing, possessing, and owning marijuana as medicine are crimes. An officer in such a state who arrests a person who possesses the drug, even for medicine, is the rule enforcer. In either case, using or possessing marijuana for medicine is not, in and of itself, a deviant act. What is necessary for such an act to be sociologically deviant is, first of all, for a legislator to pass or block a certain law, and secondly, that an agent of law enforcement takes the initiative to invoke a rule or law and make an arrest. The mere enactment of a given form of behavior, according to Becker, is not as relevant to an act's or a person's deviant status; it is the actions taken by rule creators and rule enforcers that make the act deviant.

Many laws are generated as a result of moral crusades designed to create norms, rules, policies, and laws against behavior that some segments of the society regard as a

violation of proper, good, and decent conduct. According to Becker (1963), when a successful crusade is launched against a form of behavior that had not been regarded as a form of deviance previously, this creates “a new class of outsiders” (p. 145). A segment of the society interprets or reinterprets a form of behavior as a violation of the norms, and launches a crusade against the behavior, which consequently leads to the enactment of a new law and more widespread attention to the behavior and, possibly, definitions on the part of the public of behavior as deviant.

Becker spelled out four basic “types of deviant behavior” based on audience reaction or lack thereof (1963, p. 20). The category “falsely accused” is behavior that is normative or “obedient,” but is “perceived as deviant.” This is the situation in which someone is thought to have “committed an improper action” although he or she has not done so. In contrast, “secret deviance” involves an “improper” act that “no one notices.” Someone who observes child pornography in private may not be labeled as a deviant – but does that make the person *not* deviant? Such a person practices deviant behavior, but is not labeled as deviant by any audience; according to Becker’s typology, he would be engaging in secret deviance. The behavior has been so widely and publicly condemned that it is, by its very nature, indisputably *deviant* – but the individual who engages in it has not been so designated by any audience. Becker (1973, p. 187) later tried to clarify the confusion by saying such a person can be “vulnerable” to a later audience reaction; if someone engages in “secret” deviance, is he a *potential* deviant?

“Pure deviant” behavior, according to Becker’s typology, is a deviant action that both violates a rule and is labeled as deviant, and “conforming” behavior is neither perceived as deviant nor has it violated a rule or norm and hence, isn’t a form of “deviant behavior” at all (Becker, 1963, p. 20). In both “secret deviant” behavior and “falsely accused” deviance, the audience defines the deviance of the behavior, but the actor in the first case is unknown – secret – and in the second case, has not engaged in the behavior at all. By the lights of interactionist theory, the first maintains a “normal” or conventional identity and the second is stigmatized. Audience reaction is important in labeling the identity and the behavior, even if an individual is undetected. It is important to note that an individual can self-label based on societal definitions of what deviant is. Becker’s typology becomes relevant when we try to make the distinction between the labeling of the behavior and the labeling of the person who enacts the behavior. Still, it is important to keep in mind the fact that positivist theories of deviance are almost exclusively concerned with explaining the enactment of deviant behavior, while interactionist theories are also concerned with whether behavior (and the person who enacts the behavior) are labeled as deviant. By itself, labeling has important consequences that need to be investigated.

Interactionism and Deviant Identity Management

Identity management is the supervision, control, and presentation of the meanings attached to the self by the individual and by society. After an individual has been labeled deviant, we may expect that the society will view that person largely or primarily based on his or her deviant identity, making it the person’s *master status*. Social identity

theory acknowledges that when an individual is labeled as the member of a particular collectivity or group, there are meanings attached to the individual because of the categorization, and these meaning-attributions have important consequences (Hogg & Ridgeway, 2003). Even if an individual rejects the label, the generalizations associated with the group can still be applied. These generalizations are controlled by society or the relevant audiences. For example, if someone has been convicted as a murderer and he argues that he is innocent, society can and will most likely view him as a murderer, therefore society is managing his identity because its members are controlling the meanings attached to the individual. Interactionists would argue that this opens the opportunity for a self-fulfilling prophecy by causing a person to behave consistently with the expected behavior from the audience. Audience labeling may close off conventional or legal opportunities to act and open up illicit opportunities, thereby increasing the likelihood that the actor will engage in deviance *even if the initial label was false*. Labeled individuals have multiple options when managing a deviant identity. These strategies will fall into four major types of deviant identity management: normalization, neutralization, deviance avowal, and disavowal.

Normalization

Normalization occurs when an individual attempts to live a normal life through various identity management techniques. This process revolves around the individual “appearing” normal. The common strategies are purification and transcendence (Warren, 1980), passing, and covering (Goffman, 1963).

Purification is the process of replacing the old deviant self with a new, clean self. This is common in faith-based institutions when a sinner becomes a saint. This is also evident when someone completes a program like “The Biggest Loser” and appears to be new person by transforming from an obese 400 pounds to a lean 175 pounds. Transcendence is when the stigmatized rises above their discredited attributes, and instead of the stigma marginalizing the person, they are usually viewed in high regard because of their accomplishments.

Passing is the “management of undisclosed discrediting information about self” (Goffman 1963, p. 42). There are four common strategies used in passing: (1) conceal signs that are associated with the stigma; (2) use disidentifiers; (3) present signs of their discreditable behavior as signs of another less stigmatizing attribute; and (4) divide their world into two groups, one that knows nothing, and the other that knows all. To return to our example of a closet homosexual in a Ku Klux Klan meeting, we might observe him utilizing these four passing strategies in the following way: (1) concealing the homosexual identity by not wearing a rainbow pin; (2) disidentifying that identity by keeping a female with him; (3) presenting whatever stereotypical homosexual behavior he might possess (e.g., bending of the wrist) as a sign of another less discrediting attribute (injured wrist); and (4) dividing his world into two separate groups, meaning that the Ku Klux Klan knows nothing about his sexual lifestyle, but a different group knows everything.

Covering refers to “an effort to keep the stigma from looming large” (p. 102). The common techniques used in covering are to “restrict the display of those failings most

centrally identified with the stigma” and learn about the structure of interaction in order to know how much they need to change their behavior in order to minimize the stigma. As we saw, obesity is impossible to conceal, but an obese person at a party might utilize various covering strategies by restricting the display of their weight by not eating a great deal of food as well as learning about the people who attend the party, and using this knowledge to gauge how much to consume while attending the event. Through passing and covering, a person appears more normal by managing how much information related to their deviant lifestyle is disclosed to the audience.

Purification, transcendence, passing, and covering, can be successful normalization strategies based on interaction between the actor and the audience. In all four strategies the deviant is altering the symbol associated with their stigmatized identity. Through purification, the filth of the stigmata is cleansed. Through transcendence the deviance is overshadowed by something more admirable about the person. Through passing, the discredited information and symbols are not shared with the audience. And with covering, the signs of a deviant lifestyle are kept under control. All of the strategies are dependent on interaction and the actor controlling the meanings and symbols attached to their lifestyle.

Neutralization

Neutralization is an attempt to justify or excuse one's own rule-violating behavior. The overall goal is to justify one's own digression from personal morals and values. It helps to avoid a deviant image to others and one's self. This is especially useful for individuals who have already been labeled; neutralization provides an opportunity for the labeled to give their side of the story. The stigmatized can control the meanings and behavior attached to themselves through vocabularies of motive (Mills, 1940). These are words that will provide explanation for one's social conduct and intent in situated activities; hence, through verbal and non-verbal methods, meanings attached to the self are managed.

According to Sykes and Matza (1957), the most commonly used of the techniques of neutralization are: first, a denial of responsibility; second, a denial of injury; third, the denial of a victim; fourth, condemning the condemners; and fifth, appealing to higher loyalties. Denial of responsibility is an individual providing reasons why they should not be held responsible for their deviant behavior. If a student misses an exam because his or her car would not start, he or she would be denying responsibility. Denial of injury is asserting that there was no serious harm; this idea implies that serious harm is needed to classify a behavior as deviant. If juveniles are caught drinking alcohol in their bedroom they can neutralize the behavior by saying no one was harmed. Denial of victim is when the rule-breaker does not respect the harmed person as a victim because they deserved the harm. If a person injured someone in a fight he could deny victim by stating that the harmed individual started the altercation and “had it coming.” Condemning the condemners is the labeled challenging the labelers by questioning their motives and actions. If a teacher punishes a student for disorderly conduct, that student could shift the focus to the teacher by stating that the teacher shows other

students favoritism if they break the same rules. Appeal to higher loyalties is the actor acknowledging that he or she has a commitment to something greater than societal norms and values. This neutralization technique could be used when a person performs a terrorist act on behalf of his religious faith.

Interactionist researchers have acknowledged other methods of neutralization such as: metaphor of the ledger, claims of normality, denial of negative intent, and claim of relative acceptability (Pfuhl & Henry, 1993). Like the original techniques, in each strategy the stigmatized acknowledges wrongdoing, but provides justifications and in some instances may gain empathy from the audience. The deviant behavior was a mistake and the actor is not deviant, but the behavior was more of an exception to their regular norm-conforming behavior. The rule-breakers attempt to control the meanings and potential labels their behavior will attract through vocabularies of motive.

Deviance avowal and disavowal

Identity management via deviance avowal is openly admitting non-conforming behavior while trying to maintain a positive public persona and be a decent, productive citizen (Turner, 1972). Avowal has multiple facets in managing a deviant identity. Most importantly, the actor is letting the audience know that this deviant behavior does not completely define them. Avowal also allows for separation of the behavior from the actor. For example, if someone has a history of drug addiction they can attend substance abuse counseling, obtain employment, and attend religious services. This presents a positive image of the person who has admitted to a problem, but maintains a positive social identity by being a productive citizen.

Deviance disavowal entails disowning the deviant aspect of their character or denying the behavior as deviant (Davis, 1961). In both situations they acknowledge the deviant behavior, but do not take responsibility for it. If an obese person were to use deviance disavowal as a strategy to manage their identity, they can place the fault on genetics, depression, not having time to work out, or not having time to eat healthily. This can help normalize one's own self view and provide an opportunity to live without feeling stigmatized.

The different perspectives on identity reveal multiple techniques in identity management. Identity management can be visibly evident through one's behavior and talk (Cahill, 1986). Behavior can serve as a form of management for one's personal and social identity; however, Snow and Anderson (1987) demonstrate how one's personal identity can also be managed through identity work and talk which might not be as visible. Choosing an identity to present, as normal or deviant, is an aspect of the management process, which will consequently greatly influence the behavior displayed. If someone is a secret deviant, they will do their best to maintain a conforming and normal image to the general public. It is also important to note that one's identity is not only managed by the individual actor, but also by society as a kind of generic audience. In addition to the identified management strategies, researchers have identified several additional methods such as: dividing worlds (Thompson, Harred, & Burks, 2003); and destigmatization, downplaying, or claiming status (Taub, McLorg, & Fanflik, 2004).

Interactionism and Research Methods

It is difficult to gain an intimate understanding of a subjective world through an objective or quantitative research methodology. Symbolic interactionists have heavily critiqued quantitative methods, particularly statistical analysis, due to gross generalizations made based on the findings (Fine, 1995). Interactionists commonly employ qualitative methods (particularly ethnography, participant observation, and in-depth interviews) to research their topic matter. Sociologists need a more naturalistic approach to understand the meanings and symbols that members of a collectivity or social circle use in constructing their mental worlds. Gusfield states "What stands out for me is the intensive focus on the empirical world; on seeing and understanding behavior in its particular and situated forms. Data that do not stay close to events, actions, or texts being studied are always suspect" (Gusfield, 1995). It is important to note that interactionists do not oppose quantitative analysis or traditional scientific methods, but a qualitative approach can provide validity, or not, for general statements made based on quantitative findings. Blumer (1969) stated: "Yet to renounce their use in the scientific investigation of human life would be to commit a fatal blunder, for theoretically, they are indispensable and actually they may be of enormous value" (p. 125).

The reliance of interactionists on qualitative methods should not be oversimplified since it comes with challenges and risks. Obtaining information can be challenging, so it is important to discuss how a researcher gains access to a marginalized group. Gaining access to stigmatized populations, like drug addicts, can be a difficult task. Anderson and Calhoun (1992) outlined the strategic research opportunities that make the task less challenging. All of the methodological strategies are based on direct interaction. The facilitative aspects are: access to research setting, establishing relationships, acquisition of information, and researcher interest.

Access to research settings requires insight on the culture the researcher is investigating. If the target population is marginalized, there is a serious chance their deviant behavior is practiced in private, alone, or among peer deviants. A researcher would need to gain access from personal experience or an informant; however, many deviants conduct their activities in what Lofland (1989) referred to as the "public realm." Consequently, such deviants may be available for observation. For example, male prostitutes have been observed in a public realm which required no special qualifications to enter, but at times might have been restricted (Calhoun, 1992). In other words, when not in the public realm, you would need to know where to locate them.

Trust is a necessary component in establishing relationships. Warren (1972) observed that "trust is necessary to gain access to any world, and particularly necessary in the case of gaining access to a world ... whose members tend to perceive any alien as a threat" (p. 157). Trust and rapport can occur if a researcher is willing to accept a "courtesy stigma" (Goffman, 1963), stigma by association. This stigma is a direct consequence of interacting with an image that has been labeled (for example, researching female prostitution). Courtesy stigma does have its risks. For example, if a researcher studying prostitutes through ethnography attracted the attention of law enforcement, they could be caught in an ethical dilemma of protecting the prostitute's identity or sharing information with the police. By not disclosing to law enforcement the nature of

what is occurring, the researcher can obtain trust of this prostitute and future prostitutes for further study. By accepting the courtesy stigma and earning their trust, other prostitutes may be willing to share information.

Acquiring information is another difficult task in field research with deviant populations. How does one obtain information and data on aspects of participants' lives they strive to keep secret? There are three aspects of research that can help in acquisition of information: social roles, need for attention, and opportunity in problematic situations. Two social roles that are helpful in acquiring information with deviant populations are the anonymous stranger and the wise person. The anonymous stranger is an ideal role for a researcher because a deviant might be more willing to share information with a stranger rather than with a significant other. With a stranger the potentially damaging information is not disclosed to personal friends and family. This also gives the deviant opportunity to gain sympathy through impersonal confession. Attention deprivation is common among marginalized stigmatized groups. Social deviants seek the opportunity for attention from any available source. A researcher must take advantage of this opportunity. A responsive field researcher will have many opportunities to listen and must be ready for the opportunity. Opportunity in problematic situations refers to the fact that most researchers are very distant from the activities they are observing. This makes the actors and setting new and different. The distance can make it easier for a new eye to observe objectively what is occurring, and theoretical insights can come more easily compared with someone close to the situation.

Criticism

As with all other influential, high-profile perspectives, symbolic interactionism has attracted negative reactions from critics. Conflict theorists have argued that interactionists have exaggerated the power of the audience and neglect to focus on the dominant class controlling institutions, social structures and societal norms (Sandstorm, Martin, & Fine, 2003). The critics argue that is important to note the larger social structure's role in power, law making, and law enforcement.

Labeling theory also attracts criticism. Walter Gove edited a volume of essays (1975, 1980) in which every researcher who contributed a chapter launched a critique of labeling theory as it applies to alcoholism, mental illness, mental retardation, physical disability, crime, heroin addiction, and sexual deviance; in every case, the author found every claim of the theory wanting. Gove, in particular, accused Thomas Scheff, author of *Being Mentally Ill* (1966), an application of labeling theory to mental illness, of exaggerating the process of societal reaction, challenging the claim that "the act of labeling someone mentally ill will severely stigmatize the person and cause him or her to be excluded" (Gove, 1980, p. 80). Gove argued that it is the actual behavior of the mentally ill person that leads to rejection. Persons who are mentally ill "are in fact mentally ill, and they manifest the attributes that mark them as such". He also argued that labeling theorists cannot explain why most people who are classified as mentally ill actually enter the role voluntarily; in essence, voluntarily stigmatizing themselves.

The most potent criticism of the interactionist approach is its inability to explain the genesis of an individual's deviant behavior. In essence, the perspective and its various theories do not explain why someone actually committed the deviant behavior. It does not explain why someone lied, cheated, raped, or murdered (Gove, 1980). Of course, Howard Becker and other interactionists agreed that labeling theory was never intended to be an explanation for the initial non-normative behavior that attracted the negative labeling, nor is labeling a complete explanation for the actor's behavior subsequent to labeling (1973, pp. 177–181). Hence, critiques along these lines are irrelevant. Instead, Becker argued, by itself, labeling is a major factor in deviant behavior; it is, in fact, by definition, what imparts a behavior's distinctly *deviant* quality. Moreover, as Goffman (1963) insisted, the picture of deviance as behavior and *only* behavior is far too narrow; the process of stigma or disvaluation includes, at the very least, physical conditions and tribal statuses, and, sociologically, we can observe some interesting and important parallels between behavioral miscreants and the physically and tribally stigmatized. Despite the critiques leveled at the perspective, symbolic interactionism is still greatly respected in the sociology of deviance. The interactionist hugely expands the deviance researcher's palette and, for that, all practitioners of the field should be grateful.

Conclusion

Deviance is a product of members of certain collectivities in the society, or the society at large, reacting negatively to norm-violating behavior and to the actor who engages in it. As norms change, what constitutes deviance also changes. In essence the behavior itself may remain the same, but the social definition of the behavior – its meaning to audiences – can be altered based on a transformation of societal norms and values. If there are always rules, there will always be rule violators and reactions *to* those rule violators; hence, there will always be deviance. But societal norms will vary by time, culture, situations, and most importantly social context. Interactionists examine deviance in reference to a particular group's reaction to a specific behavior.

We do not find the embodiment of deviance solely in the objective properties of behavior. Harmful or pathological behavior is not necessarily disvalued, and disvalued behavior is not necessarily considered deviant. Smoking marijuana has not appreciably changed in the past six decades, but at one time in the US, marijuana smokers were viewed as “outsiders” (Becker, 1953). Today, as we saw, 17 states have decriminalized the possession of small-quantity marijuana for recreational purposes, 23 have legalized medical marijuana (the two categories overlap), and two (Washington and Colorado) have legalized its possession and sale outright – all of which has galvanized a movement to legalize it on a national scale. The latest Pew poll shows a majority of the population in favor of legalization (54%). The changing legal status of marijuana illustrates the interactionist approach to deviant behavior as a process of action, interpretation, and reaction to a behavior. The action and the reaction have a symbiotic relationship in which one feeds off the other, resulting in a particular definition of deviant behavior, which in turn may result either in a redefinition of the behavior or entrenching it in further deviance. Smoking marijuana has certain objective properties, but sociologically, the difference

between using weed in the past and using it today is the view of audiences toward the behavior, which is becoming transformed from being decidedly deviant to becoming more acceptable. Forty years from now, if the behavior is again labeled deviant, interactionism will be instrumental in understanding the change, which will come not from the behavior itself, but as a result of the factors that bring about changing reactions to it.

Symbolic interactionism's approach to deviant behavior is an interpretive process based on action, interpretation, and reaction. This process allows a researcher to understand deviant behavior from an insider's perspective because interactionists strive to understand the meanings and social constructions of the behavior labeled. Jack Katz (1988) argued that to understand crime we must view it as the criminal does. Symbolic interactionism gives a researcher the theoretical and methodological insight to enter the deviant world and gain an understanding of behavior that the outside world merely objectifies and generalizes.

References

- Anderson, L., & Calhoun, T.C. (1992). Facilitative aspects of field research with deviant street populations. *Sociological Spectrum*, 12 (4), 490–498.
- Becker, H.S. (1953). Becoming a marijuana user. *American Journal of Sociology*, 59 (November), 235–252.
- Becker, H.S. (1963). *Outsiders: Studies in the Sociology of Deviance*. New York: Free Press.
- Becker, H.S. (1973). Labeling theory reconsidered. In H.S. Becker (Ed.) *Outsiders: Studies in the Sociology of Deviance* (exp. ed.) (pp. 171–208). New York: Free Press.
- Blumer, H. (1969). *Symbolic Interactionism: Perspective and Method*. Englewood Cliffs, NJ: Prentice-Hall.
- Calhoun, T.C. (1992). Male street hustling: Introduction process and stigma containment. *Sociological Spectrum*, 12 (1), 35–52.
- Cahill, S.E. (1986). Language practices and self definition: The case of gender identity acquisition. *Sociological Quarterly*, 27 (3), 295–312.
- Cooley, C.H. (1902). *Human Nature and the Social Order*. New York: Scribner's Sons.
- Davis, F. (1961). Deviance disavowal: The management of strained interaction by the visibly handicapped. *Social Problems*, 9 (2), 120–132.
- Erikson, K. (1964). Notes on the sociology of deviance. In H.S. Becker (Ed.), *The Other Side: Perspectives on Deviance* (pp. 9–21). New York: Free Press.
- Fine, G.A. (1995). Introduction. In G.A. Fine (Ed.), *A Second Chicago School? The Development of Postwar American Sociology* (pp. 1–16). Chicago: University of Chicago Press.
- Goffman, E. (1959). *The Presentation of Self in Everyday Life*. Garden City, NY: Doubleday Anchor.
- Goffman, E. (1963). *Stigma: Notes on the Management of Spoiled Identity*. Englewood Cliffs: Prentice-Hall/Spectrum.
- Goode, E. (1978). *Deviant Behavior: An Interactionist Approach*. Englewood Cliffs, NJ: Prentice Hall.
- Gove, W. (Ed.) (1975). *The Labelling of Deviance* (1st ed.). New York: Halsted/Wiley/Sage.
- Gove, W. (Ed.) (1980). *The Labelling of Deviance* (2nd ed.). New York: Halsted/Wiley/Sage.
- Gusfield, J. (1995). Preface. In G.A. Fine (Ed.), *A Second Chicago School?* Chicago: University of Chicago Press.

- Hogg, M.A., & Ridgeway, C.L. (2003). Social identity: Sociological and social psychological perspectives. *Social Psychology Quarterly*, 66 (2), 97–100.
- Katz, J. (1988). *Seductions of Crime: Moral and Sensual Attraction in Doing Evil*. New York: Basic Books.
- Lemert, E.M. (1951). *Social Pathology*. New York: McGraw-Hill.
- Lofland, L. (1989). Social life in the public realm: A review. *Journal of Contemporary Ethnography*, 17 (4), 453–482.
- McLorg, P.A., & Taub, D.E. (1987). Anorexia nervosa and bulimia: The development of deviant identities. *Deviant Behavior*, 8 (2), 177–189.
- Mead, G.H. (1934). *Mind, Self, and Society*. Chicago: University of Chicago Press.
- Mills, C.W. (1940). Situated actions and vocabularies of motive. *American Sociological Review*, 5 (6), 904–913.
- Pastorino, E.E., & Doyle-Portillo, S.M. (2013). *What Is Psychology? Essentials*. Belmont, CA: Wadsworth.
- Pfuhl, E., & Henry, S. (1993). *The Deviance Process* (3rd ed.). Hawthorne, NY: Aldine de Gruyter.
- Sandstorm, K.L., Martin, D.D., & Fine, G.A. (2003). *Symbol, Selves, and Social Reality: Symbolic Interactionist Approach to Social Psychology and Sociology*. Los Angeles: Roxbury.
- Scheff, T.J. (1966). *Being Mentally Ill: A Sociological Theory*. Chicago: Aldine.
- Scheff, T.J. (1999). *Being Mentally Ill: Sociological Theory* (3rd ed.). New York: Aldine de Gruyter.
- Schuessler, K. (1973). Introduction. In Edwin H. Sutherland *On Analyzing Crime*. Chicago: University of Chicago Press.
- Schur, E.M. (1971). *Labeling Deviant Behavior: Its Sociological Implications*. New York: Harper & Row.
- Schur, E.M. (1984). *Labeling Women Deviant: Gender, Stigma, and Social Control*. New York: Random House.
- Snow, D.A., & Anderson, L. (1987). Identity work among the homeless: The verbal construction and arousal of personal identities. *American Journal of Sociology*, 92 (6), 1336–1371.
- Sutherland, E.H. (1947). *Principles of Criminology* (4th ed.). Philadelphia: Lippincott.
- Sykes, G., & Matza, D. (1957). Techniques of neutralization: a theory of delinquency. *American Sociological Review*, 22 (December), 664–670.
- Tannenbaum, F. (1938). *Crime and the Community*. Boston: Ginn.
- Taub, D.E., McLorg, P.A., & Fanflik, P.L. (2004). Stigma management strategies among women with physical disabilities: Contrasting approaches of downplaying or claiming a disability status. *Deviant Behavior*, 25 (2), 169–190.
- Thompson, W.E., Harred, J.L., & Burks, B. (2003). Managing the stigmas of topless dancers: A decade later. *Deviant Behavior*, 24 (6), 551–571.
- Turner, R.H. (1972). Deviance avowal as neutralization of commitment. *Social Problems*, 19 (Winter), 308–321.
- Warren, C.A.B. (1972). Observing the gay community. In J. Douglas (Ed.), *Research on Deviance* (pp. 139–163). New York: Random House.
- Warren, C.A.B. (1980). Destigmatization of identity: From deviant to charismatic. *Qualitative Sociology*, 3 (1), 59–72.

Gender and Deviance

Meredith G.F. Worthen and Danielle Dirks

On June 29, 2008, Thomas Beatie gave birth to his first child, Susan Juliette Beatie, in an Oregon hospital. The announcement received intense coverage and scrutiny, because unlike millions of other expecting women, Thomas was considered by multiple media outlets to be the world's very first "pregnant man" (Beatie, 2009). Indeed, *The Guinness Book of World Records* (2010), named Thomas Beatie the "World's First Married Man to Give Birth" (Glenday, 2010, p. 110). With his wife, Nancy Gillespie (married in 2003, divorce pending in 2014), Thomas, a self-identified transgender man who transitioned from female-to-male with "top" surgery involving chest reconstruction, the change of his sex marker from female to male on all of his state and federal documents in 2002, and "lower" surgery involving the creation of a functioning penis in 2012, conceived his first daughter (and two subsequent children) through artificial insemination. Because of his self-identification as male/masculine/man, Beatie's pregnancy exploded in media outlets throughout the world and challenged ideas about sex, gender, biology, and sexuality. Both uninformed and informed critics questioned his identity and his motives. Even a gender scholar wrote on a popular sociological blog, "I'm not sure what to make, sociologically, of the attention that Thomas' pregnancy is receiving in the mass media, but it is ripe for analysis" (Wade, 2008). Thomas Beatie's widely publicized persona as the first "pregnant man" demonstrates society's fascination with blurred lines when it comes to gender. Thomas himself actively challenges the social construction of gender through his website and T-shirt company, both emblazoned with the critical inquisitive title: "Define Normal." Examining "gender" in the context of "normalcy" and "deviance" is a daily, albeit mostly unrecognized, practice. Even so, little deviance scholarship has examined gender with a critical, intersectional lens.

Contemporary sociologists, including sociologists of deviance, have developed a critically informed viewpoint of both gender and sexuality as socially and politically constructed, pushing forth sophisticated conceptual frameworks for understanding

gender that include systems of heterosexism (Collins, 2000), heteronormativity (Ingraham, 1994), and compulsory heterosexuality (Rich, 1980). Furthermore, the emergence of Queer Theory (Seidman, 1994; Stein & Plummer, 1994) has created another conceptual push to envision gender and sexualities as both fluid and dynamic, and representative of and intricately entwined with social power and relations. This “queering” of sociology has set out to deconstruct monolithic notions of “male” and “female”, “heterosexual” and “homosexual” as rigid organizing categories that do very little to explain the diverse range of attitudes, behaviors, or conditions of individuals’ experiences within these categories. Individuals on the “outs” of these exclusive groups seek to challenge such restrictive boundaries by disrupting strict interpretations of male and female, gay and straight. Relatedly, scholars have taken up questions focusing on the intersection of gender and sexuality, with a focus on the ways in which race and class complicate our understandings of identity, lived experiences, and oppression. To adequately examine gendered deviance, such a critical and intersectional approach is necessary.

In this chapter, we outline the ways in which gender is highly performative and intimately tied to heterosexual ideals. We provide an intersectional approach to understanding so-called deviant sexualities and discuss the ways in which individuals challenge restrictive gender binaries in favor of more expansive and fluid ideas about gender. Using a sociological focus, we critically examine how norms about heterosexuality, gender identity, genitalia, and heteronormativity can be understood in the context of deviance. The overarching goal of this chapter is to consider gender as a curiously complicated social construct embedded in norms that are so pervasive, their deconstruction often remains elusive. By examining gender through the lens of deviance, we reveal the intricacies involved in both normative and deviant conceptualizations of gender, sex, and sexuality.

Doing Gender Deviance? Doing Gender and Doing Heteronormativity

Candace West and Don Zimmerman’s (1987) work shows us that norms governing gender are communicated in everyday interactions. For example, when we engage in behaviors and displays that are coded as expressions of masculinity and femininity, we are “doing gender.” Furthermore, “doing gender is unavoidable” (West & Zimmerman, 1987, p. 137): it is an integral part of human social interaction. Because gender is very much a social construct, there is a great deal of work that goes in to being a “gendered” person in society. That is to say, to be “gendered” is to participate in interactions that reflect a particular culture’s norms about masculinity and femininity. According to Bornstein (1994), in doing so, individuals follow these generally accepted “rules of gender,” or gender norms:

1. There are two and only two genders.
2. One’s gender is invariant.
3. Genitals are the essential signs of gender.

4. Any exceptions are not serious.
5. There are no transfers from one gender to another except ceremonial ones.
6. Everyone is one gender or the other.
7. The M/F dichotomy is a “natural” one.
8. Membership in one gender or the other is “natural” (p. 46).

Together, these rules enforce a system of “bigenderism” – a gender system that “does not permit or allow for variations, exceptions, and/or deviations from the norm” (Gilbert, 2009, p. 95).

In Western cultures, such norms are often presumed to be “natural” whereby persons who are assigned to the male sex category at birth (typically based on the visual appearance of their biological genitalia) are to behave in masculine ways, and persons who are assigned to the female sex category at birth are to behave in feminine ways. However, in the majority of social circumstances, presumptions are made about both gender and biological genitalia. For example, for the most part, biological genitalia are hidden from public view yet we continue to see and do gender (even without seeing and exposing our biological genitals). In this way, gender attribution is based on “cultural genitals” whereby an individual’s masculine and feminine performances and displays dictate gender, and it is only a presumption that such behaviors “match” an individual’s biological genitals (Kessler & McKenna, 1978, p. 153). This presumption is built on *cisnormativity*, or the assumption that it is “normal” to be cisgender – a label for individuals who have a match between the sex they were assigned at birth, their bodies, and their personal gender identity (Schilt & Westbrook, 2009; Worthen, 2013).

Cultural genitalia, then, is key to understanding gender norms, and conversely, gender deviance. In a normative performance of gender, for example, an individual’s cultural genitalia “matches” his or her biological genitalia. A deviant performance of gender, then, could occur if an individual’s cultural genitalia does not “match” his or her biological genitalia; however, this might only be recognized if we are made aware of a person’s biological genitals. For example, Kristen Schilt and Laurel Westbrook (2009) state, “Transgender people – people who live with a social gender identity that differs from the gender they were assigned at birth – can successfully do masculinity or femininity without having the genitalia that are presumed to follow from their outward appearance” (p. 443). In this way, cultural genitalia and cisnormativity most often dominate the prescription of gender norms; those who behave as masculine are perceived as men and as having male biological genitalia, while those who behave as feminine are perceived as women and as having female biological genitalia.

How can we understand deviant performances of gender? Deviant performances of gender occur when a “mismatch” between cultural genitalia and biological genitalia is revealed, and this may be most heightened in sexual or sexualized encounters. In some extreme situations, the exposure of a deviant gender performance can result in fatal violence. Media accounts of murders of transgender people demonstrate extreme punishment for gender norm violations that can occur when perpetrators of violence feel “tricked” or “deceived” (Schilt & Westbrook, 2009, p. 454). For example, in 2010 in Maplewood, New Jersey, police revealed that one Victoria Carmen White was murdered after Alshram Chambers, aged 24, a man she met in a nightclub, discovered her

transgender status. White, 28, a lingerie model, had sex reassignment surgery nine years earlier; Investigators believe Chambers shot White after learning she was a transgender female (Friedman, 2011). This violent act demonstrates an extreme consequence of deviant gender performance. Victoria Carmen White identified as a woman, engaged in feminine gender performances, and had biological female genitalia (though not from birth), thus both her cultural and biological genitals were female/feminine/woman. Even so, the reveal of her transgender status enraged her murderer to engage in fatal violence. Because of her transgender status, conventional norms define Victoria Carmen White’s gender performance as deviant; therefore, these norms dictated she deserves harsh punishment.

Condemnation for deviant gender performance is inextricably tied to the performance of sexuality. Thus, deviant gender performances also reflect deviant sexual performances. In 1980, Adrienne Rich identified the concept of *compulsory heterosexuality* whereby “heterosexuality is presumed as a ‘sexual preference’ of ‘most women,’ either implicitly or explicitly” (p. 633). In this way, “deviant” gender performances run against presumed norms about heterosexuality: those with biologically female genitals should behave and identify as “feminine,” “woman,” and “heterosexual.” Ingraham (1994) critically pushed this concept further, denoting *heteronormativity* as “the view that institutionalized heterosexuality constitutes the standard for legitimate and prescriptive sociosexual arrangements” (p. 204). As such, heterosexuality is a taken-for-granted norm that is presumed in social interactions. Specifically, heteronormativity is produced through the presumptions that heterosexuality, gender performance, and gender identity follow from biological genitalia, as we show in Figure 16.1. Together, these concepts illustrate that normative gender performances

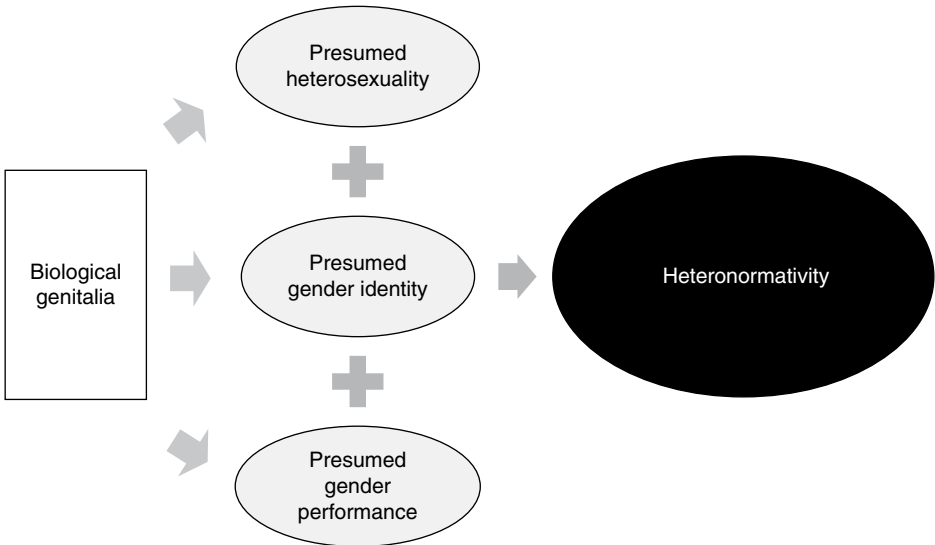


Figure 16.1 The relationships between heterosexuality, gender identity, genitalia and heteronormativity. © Meredith G.F. Worthen.

also reflect normative (hetero)sexual performances whereby “doing gender” is also “doing heteronormativity” (Schilt & Westbrook, 2009; West & Zimmerman, 1987).

Because of the multiple moving parts involved in “doing gender,” “doing gender deviance” is linked to violations of heteronormativity (presumptions about gender performance, gender identity, and heterosexuality). This means a wide range of performances, identities, and sexualities can embody “doing gender deviance.” For example, in line with the concept of heteronormativity, *heteromascularity* describes a type of masculinity (gender performance) that is closely entwined with the stereotypes associated with men (gender identity) and heterosexuality. Men express their heteromascularity to reinforce the fact that they are heterosexual (Worthen, 2014). In many ways, the male competitive athlete embodies idealized heteromascularity. For example, Anderson (2008) suggests that stereotypes associated with the male competitive athlete (i.e., strong, masculine, good-looking, and hyperheterosexual) reinforce hegemonic heteromascularity (Messner, 1992). Thus, when those with male biological genitalia identify as heterosexual men and perform heteromascularity, they maintain heteronormativity. By contrast, varying one or more of these elements results in “doing gender deviance.”

Because sports in Western cultures are highly gendered activities, when men participate in “feminized” sports, they experience challenges to their heterosexuality, gender identity, and gender performance. The involvement of men in ballet can serve as a departure from heteromascularity due to the feminized context of ballet and the association of male ballet dancers with homosexuality. As a result, male ballet dancers are often aware that they are “doing gender deviance” and they compensate through stigma management techniques. For example, Fisher (2007) found that in order to reinforce their heteromascularity identities and deemphasize their gender deviance, male ballet dancers engage in a “making it macho” strategy (p. 46). This strategy plays up the heteromascularity characteristics of ballet (for instance, performances that seem especially athletically masculine and resolutely heterosexual) and downplays the feminine characteristics (such as the frilly costumes and classical music) as part of an attempt to make ballet acceptable for men in the Western world (Fisher, 2007) since “America demands masculinity more than art” (Foulkes, 2001, p. 113). In their qualitative study, Haltom and Worthen (2015) also found that heterosexual male ballet dancers use stigma management techniques to emphasize their heteromascularity identities and downplay their gender deviance. Specifically, these men highlighted their heterosexual privilege through describing how their experiences in ballet allowed them to have access to women, as one male ballet dancer noted: “look, I get to touch these women, probably more women than these guys that were making fun of me or whatever get to touch in their life.”

Other qualitative work with male cheerleaders (Figure 16.2) has shown that access to women – that is, “compensatory hypermasculinity,” the explicit assertion of heterosexuality in the face of a “discrediting” fact (Grindstaff & West, 2006, p. 511) – is a strategy that men use to destigmatize their involvement in feminized sports. For example, a male cheerleader in Grindstaff and West’s (2006) study stated, “I’m hanging around with some of the hottest, in-shape young ladies that the school has to offer. I’m touching them and holding them in places you can only dream about” (p. 511). Because of



Figure 16.2 University of Memphis Cheerleaders performing a co-ed double cupie. (John Harrison). By Johnharrison1995 (Own work) (CC BY 3.0) via Wikimedia Commons.

their participation in a feminized sport, these men violate the presumptions of heteronormativity by engaging in feminine gender performances. As a result, male ballet dancers and male cheerleaders experience challenges to both their gender identities as men and their heterosexualities. By engaging in stigma management techniques, these men are “doing heteronormativity” to compensate for “doing gender deviance.”

Western Intersectionalities: Race, Gender, and Sexuality

Scholars who examine the nexus between gender performance, gender identity, and heterosexuality note that heteronormativity is embedded in racialized cultural systems (Bérubé, 2001; Carter, 2007; Ferguson, 2004). That is to say that idealized gender performances are not only conceived within strict norms about gender, sex, and sexuality, but that such performances are also intimately connected to race and racial identity. Such a view reflects an intersectional approach to understanding how various identities and oppressions overlap and interlock to produce different lived experiences. Intersectionality, first theorized by black feminist scholars such as Kimberle Crenshaw (1991) and Patricia Hill Collins (1991), developed out of a critique of earlier feminist

writings that presented a monolithic view of women and womanhood. These scholars exposed the fact that previous work invoking discussions of “women” was almost always solely referring to the experiences, lives, and sisterhood of white women. In so doing, they called for a more inclusive scholarship that examines and theorizes how women’s experiences are differentially and profoundly shaped by their race, ethnicity, sexuality, nationality, ability status, age, status, and other markers of difference.

As an analytical tool, intersectionality elucidates the complexities within single-identity categories such as “woman” or “heterosexual.” Inherent in its use is an understanding of power and how power differentially shapes individuals’ identities, experiences, and lives. Since its inception, intersectionality has provided scholars with new venues for understanding the production of deviance as it relates to gender, sex, and sexuality. As Green (2002) writes, scholars have been invited to “sharpen their analytical lenses, to grow sensitized to the discursive production of sexual identities, and to be mindful of the insidious force of heteronormativity as a fundamental organizing principle throughout the social order” (p. 521). Intersectional scholarship holds the promise of providing a fundamentally more complex and comprehensive understanding of the myriad ways in which gender, sex, and sexuality are influenced by other forms of oppression, such as racial domination. Through intersectionality, we can understand that the lived experience of a poor, Latina bisexual woman will differ greatly from the experience of a middle-class, white lesbian woman. Such a view provides insight into how their “deviant” sexual identities are not read in the same manner, as whiteness is privileged across various categories of difference.

In the following section, we take an intersectional approach in understanding the ways in which gender and deviance are inextricably linked to ideas about race and sexuality. We begin by providing a historical view of racialized gender identities rooted in white, Western ideals of masculinity and femininity. This bigenderist, racialized system sets the stage for a heteronormativity that is coded as white, while any deviance from gender and sexuality norms are coded as “non-white” (Ferguson, 2004). Additionally, we trace the development of white heteronormativity to understand how racialized sexualities for persons of color in the US developed in tandem with impossible ideals of whiteness – ones that render nearly everyone “deviant.” Lastly, we discuss how these ideals shape racialized sexualities, and the social and political consequences of such interlocking systems of oppression.

As we have seen, the Western bigenderist system provides strict prescriptions for masculinity and femininity and the “gender rules” individuals must follow to properly accomplish such performances (Gilbert, 2003, 2009). Taking an intersectional approach, we can understand the ways in which the roots of masculinity and femininity ideals in Western societies developed out of a racist system that favors whiteness. Thus, white masculinity and white femininity are “identity norms” that serve as the standards by which everyone’s accomplishment of gender is measured. As described by Erving Goffman, identity norms are shared beliefs about how individuals ought to be – ideals for individuals to attain – behaviorally and otherwise. Thus, identity norms are key to understanding normal and deviant identities. In explaining what he referred to as “hegemonic masculinity” he wrote, “there is only one complete unblushing male in America: a young, married, white, urban, northern, heterosexual, Protestant, father, of college education, fully employed, of good

complexion, weight and height, and a recent record of sports. Any male who fails to qualify in any one of these ways is likely to view himself – during moments at least – as unworthy, incomplete, and inferior” (Goffman, 1963, p. 128).

This hegemonic view of masculinity is articulated in a way that defines it as an ideal rooted in whiteness, one that must be defined against its difference from – primarily, women – but those constructed as “Other” (Connell, 1987). That constructed Other is a racialized Other – one that is constructed “opposite” of white in order to give both constructed meaning through their difference (Gasche, 1994; Hall, 1991, 1997). To be clear, Otherness can only be constructed through its “representative of the normal,” and vice versa (Ferguson, 1998, p. 68). As such, those exemplifying whiteness, masculinity, and heterosexuality ideals are signified as the “really, really normal subject” (Ward, 2008a).

If white, heterosexual masculinity is the ideal by which everyone is measured, what does the “really, really normal subject” look like today? Masculinity scholars define masculinity as the ascendancy to claim power over others (Connell, 1995; Kimmel, 2005). Others note it is deeply rooted in homophobia (Kimmel, 1994, 2005, 2008) and is a repudiation of femininity (Schippers, 2007) and gay masculinities (Connell & Messerschmidt, 2005). This “guy code” for masculinity for young, white men in America encourages them to be “strong, tough, and violent” and “not back down to threats” (Kalish & Kimmel, 2010, p. 458). Thus, this code requires young men demonstrate their masculinity and heterosexuality on a daily basis. If we understand white to be normative, then white masculinity demonstrates that masculinity is hierarchical on more than one plane (Dean, 2013; Pascoe, 2007). As such, white masculinity is foregrounded against women, people of color, and the non-heteronormative (“deviant Others”), in many white men’s attempts to maintain privilege and material benefits of whiteness and masculinity within the US today (Kimmel, 2013).

Such theorizing on difference and deviance leads to questions about white masculinity’s direct opposite – white femininity. Historically, white femininity has been understood by scholars as rooted in the “cult of true womanhood,” or the “cult of domesticity” (Welter, 1966). Dating back to nineteenth century America, the terms refer to a system among upper- and middle-class white women whose social value was determined through their successful achievements related to their roles restricted to the home and family. Proponents of the “cult of domesticity” were “primarily white and Protestant, with roots in New England and the Northeast” who promoted this ideal version of womanhood to everyone despite the fact that few could actually accomplish it (Lindley, 1996, p. 56). These proponents delineated an ideal value system for white women to uphold four “cardinal virtues” in their roles as wives and mothers: piety, purity, domesticity, and submissiveness (Welter, 1966). Thus, these ideals dictated what it meant to be a woman – fostering a distinctive understanding of white women’s feminine, domestic roles in comparison with white men’s public spheres of social, political, and economic power. These boundaries set forth rules for white women’s roles and participation within the cult of domesticity. White women were to be moral and asexual, while at the same time dependent on and submissive to their husbands. Interestingly, many of the women who espoused the values of the “cult of domesticity” were themselves deviants within the very system they promoted – as unmarried or widowed white women (Lindley, 1996).

The cult of domesticity and its rigid gendered boundaries created additional deviants as well, given its class and race dimensions. As scholar Venetria K. Patton writes, “Thus the cult of true womanhood was not only geared toward white women, but white women of means. This ideal of womanhood placed certain white women on a pedestal” (2000, p. 30). That pedestal had no room for poor women, immigrants, or women of color, whose work outside of the home to provide for their families blocked them from leisure opportunities or domestic duties provided to white women who could adhere to the ideals of the cult of domesticity (Lindley, 1996), thus marking broad swaths of women as deviant. Thus, black women – like poor women, immigrants, and other women of color – were directly cast as deviant given the “cult of true womanhood” ideal favored white women over anyone lacking the proper class or race privilege to be able to meet these ideals. This pedestal was a moral one that delineated notions about women’s sexuality during slavery and the antebellum period, which continue to shape troubling narratives about women’s sexuality along lines of class and race that persist today.

According to historian Shirley Yee (1992, p. 41):

Antebellum ideas about women’s sexuality, classifying all women as either good or evil, crossed lines of race and class but also stereotyped women based on race and class. While middle-class white women were placed on a moral pedestal and depicted as pure, physically fragile symbols of “good” womanhood, black and poor white women shared the stigma of “bad” womanhood.

White women’s frailty stood in stark contrast to black women’s treatment during slavery, which served to masculinize black women. For example, as cultural critic bell hooks (1981) describes, “the Black female was exploited as a laborer in the fields, a worker in the domestic household, a breeder, and as an object of white male sexual assault” during slavery (p. 22). Thus, the ideals represented by the cult of white womanhood stood as antithetical to the unthinkable harsh realities of black women’s experiences of racism and sexism during slavery. The negative images and ideologies that served to buttress white men’s degradation of black women continue today in the form of negative stereotypes that depict black women as hypersexual in contrast to white women’s presumed purity. This juxtaposition laid the foundation for controlling images of gender, sex, and sexuality that persist today for women of color as opposed to white women.

Gender norms within the US are rooted in the history of “normality” in early twentieth-century America that outlined “appropriate” forms of sexuality (Carter, 2007; Nagel, 2000). Whiteness, heterosexuality, and monogamy were foundational for what it meant to be an “acceptable American” in the early 1900s. Examining instructional marital and sex education guides between 1880 and 1940, Carter (2007) found that these materials discursively set forth white superiority and marriage as what it meant to be civilized and “normal” at the time. Collectively, these materials encouraged what they saw as “normal behavior” critical to the perpetuation of the white race (Sargent, 2009). From these discourses, we can see the underpinnings of racist dialogs that treated anyone but whites as “lower-order animals” whose sexuality was pathologized under this regime (Collins, 2000). As Mattie Udora Richardson (2003) explains, “Any

divergences from the social norms of marriage, domesticity, and the nuclear family have brought serious accusations of savagery, pathology, and deviance upon Black people” (p. 64). These early restrictions would serve to further distance people of color away from the ability to accomplish “normal” sexuality in myriad ways.

These normalizing discourses surrounding whiteness and sexuality were codified into law in order for ruling whites to lay claim to appropriate gender and sexuality practices. For example, in the post-slavery era, lawmakers worked overtime to ensure that the perceived “non-heteronormative” practices of slaves’ intimate and familial arrangements (for instance, “abroad” marriages – where married partners lived on separate plantations, engaged in polyamory, and so on) would end with the formal end of slavery (Stevenson, 1996). If newly emancipated slaves wished to become citizens, they would need to be monogamous and married to be considered for the full rights and benefits of American citizenship (Ferguson, 2004). Around the same time, California lawmakers targeted South Asian and Chinese men for allegedly importing “unnatural sexual practices” such as sodomy, statutory rape, and vagrancy (Shah, 2005). Such policing and punishment upheld clear distinctions between normality and degeneracy that were clearly racialized in targeting individuals whose race, ethnicity, or nationality did not meet the standards of whiteness and heterosexuality set forth for American citizenship. Whites in power set forth antimiscegenation laws that prevented “race mixing” through romantic relationships or marriage, out of fear that whites would be marked as deviant by contagion. For example, until 1931, white women could lose their citizenship if they married a man of Asian descent (Haney-Lopez, 1996). As Ferguson (2005) writes of the codification of white normality and “heteropatriarchy”: “That normativity constructed heteropatriarchy as the ideal mode... In the racial logic of the state, immigrants and native-born nonwhites were racialized as the antithesis of heteropatriarchal ideals” (p. 55). As such, anyone who failed to meet “a valorized sexuality between biologically born male–female couples who belong to the dominant racial-ethnic group and the middle class” were designated as deviants undeserving of the rights of personhood or citizenship (Luibhéid, 2008, p. 171). These restrictive ideologies and practices continue today in shaping ideas about sexuality, as we discuss further below.

Patricia Hill Collins’ *Black Feminist Thought* (2000) and *Black Sexual Politics* (2004) have been most influential in laying out a theoretical framework for understanding racialized sexualities, particularly as they relate to African-Americans. Collins demonstrates the ways in which whites have constructed black heterosexuality as pathological or abnormal, providing a historical view of negative and controlling gendered images of blackness that persist today. Such images include black men as rapacious “Black brutes” and black women as highly sexualized “jezebels,” images that helped to justify whites’ horrific treatment of African-Americans during and after the formal end of slavery in the US. These stereotypes continue today to denigrate black love and sexuality, which she cogently argues is a form of “sexualized racism.” For example, she cites black women’s contemporary popular cultural portrayals as “goldiggers” and “sexualized bitches” who like to “get a freak on” as updated forms of the jezebel (Collins, 2004). Collins’ work encourages us to think about the “sexual politics of Black womanhood” to understand the processes and mechanism by which people of color’s sexualities are called into question, designated deviant, or pathologized as abnormal.

This sexualized racism targets members of other marginalized groups, in measuring their identities against white, heteronormative ideals that are impossible to achieve. Sexualized racism provides the ideological groundwork for homophobia and heterosexism, and the gross stereotyping that portrays people of color's gender and sexuality as deviant. Popular cultural images serve to denigrate women of color's sexuality in troubling ways (Dirks & Mueller, 2007). For example, women of Asian descent are slotted into the "dragon lady/lotus blossom" dichotomy that fetishizes them as childlike, submissive, and eager to sexually please (Fung, 2008). Such controlling images include Asian women's depictions as "China Dolls – servile, submissive, exotic, sexually available, mysterious, and guiding" or "Dragon Ladies – steely and as cold as Cruella de Vil, lacking in the emotions of or the neuroses of real women" (Prasso, 2005, p. xiii). As such, women of Asian descent are routinely stereotyped as "exotic Orientals," while men of Asian descent are emasculated through a "desexualized Zen asceticism" (Fung, 2008). Such heteronormative and racist stereotyping denies persons of Asian descent a full range of gender and sexual identities and orientations. As scholar Richard Fung (2008) asks, "if Asian men have no sexuality, how can we have homosexuality?" (p. 237).

Similar to normalizing practices that erased LGBTQ persons historically, such restrictive portrayals and views of people of color continue to silence and erase "nonconforming" individuals (Moore, 2011). For example, there is a fascinating history of slaves (such as that of Clarissa Davis who "arrived in male attire") wearing drag to hide their gender identity but their Underground Railroad escapes to freedom have yet to be told (Still, 1872/2005). As some scholars have pointed out, people of color are afraid to even speak about the diversity of their experiences with gender, sex, and sexuality for fear of being further labeled deviant (Richardson, 2003). Under this system, persons of color are caught in a double-bind: their gender and sexuality is coded as deviant because they do not meet white ideals of gender and heterosexuality, but also because they do not fulfill the denigrating and restrictive stereotypes for their racial or ethnic group. Thus, presenting as "normal" is a tool of resistance for fighting against sexism, racism, and homophobia. There are significant social and political consequences for a white-dominant system that casts the gender and sexuality of people of color as deviant, no matter their beliefs or practices.

Using white ideals for gender and sexuality has severe consequences for persons of color who are labeled as deviants. For example, hypersexual stereotypes of women of color may prevent them from being able to be properly viewed as "sympathetic victims" of sexual violence (Jimenez & Abreu, 2003). This view of women of color, native, or indigenous women may then translate to fewer legal protections for them against various forms of violence (Chief Elk, 2014; Deer, 2004). Additionally, the view that women of color are sexually promiscuous has led to deeply troubling public health policies that restrict the reproductive rights of women. Such examples include the forced sterilization and sterilization abuse of Chicana women (Davis, 1982), Puerto Rican women (Lopez, 1987; Rodriguez-Trias, 1978), Native American women (Lawrence, 2000; Torpy, 2000), and African-American women (Nsiah-Jefferson, 1989; Roberts, 1991) well into the twentieth century (Ekland-Olson, 2011; Hansen & King, 2013). Conveniently, these policies and practices were tied up in eugenicist policies that deemed their children of color as deviant "undesirables" (Trombley, 1988). In school settings, young men of color's sexuality may be policed and disciplined more harshly,

even when it is more liberatory than young white men's violent homophobia (Pascoe, 2007). Together, these examples demonstrate the perniciousness of white-dominated gender and sexuality ideals and the treatment of persons of color as "deviants."

Whites' marginalization of people of color occurs even within gender and sexuality liberation movements against "deviant" designations (Ward, 2008b). As Han (2007) writes, "It's not just the media, both straight and gay, that robs gay men of color of equal representation, the gay 'community' is no less to blame. Gay organizations themselves promote and reinforce the whiteness of gay life" (p. 53). Such views translate to queer political organizing that "sells whiteness" at the expense of including people of color, or as Hutchinson (2000) calls it, "gay rights for gay whites." Racism within these movements (Moore, 2010; Yoshino, 2006) is compounded by the fact that much organizing for gay rights is fractured by biphobia and transphobia as well (Weiss, 2008). In the same way that bigenderism restricts the freedom and rights of gender variant individuals, strict notions about what it means to be gay serve to marginalize people who do not fit neatly into "gay" or "lesbian" categories. Advocates argue that hypocritically marginalizing "deviants" within these liberation movements will hurt this cause immensely, as it has done in previous social movements (Weiss, 2008).

Here, we have elucidated the historical underpinnings of the racialized nature of gender and sexuality norms within contemporary American society. White, Western ideals of masculinity and femininity are rooted in ideals of whiteness that prescribe and proscribe a specific set of gendered and heteronormative boundaries and requirements. From the examples we provided, it is clear that white gender and sexuality ideals are impossible to achieve for most – if not all – individuals. This becomes particularly true if we consider whiteness as a discursive identity that is complicated by the intersections of gender, class, sexuality, ability, age, status, location, and temporality (Terry & Urla, 1995). Such tenuous ideas of what is set forward as "normal" begs questions about how such forms of idealized whiteness become sites where domination and white supremacy reign in regimes of "normal." As scholar Stephen Nathan Haymes (1995) asks about the delineation of white being set against a black Otherness, "How does this conflation of the categories white and black function to reproduce white privilege and domination in ways that white people 'colonize' the definition of normal?" (p. 111).

Recall that the bigenderist system prescribes specific ways to accomplish how to be a man and how to be a woman. Those who fail to accomplish this specific set of criteria for ideal notions of masculinity and femininity – or those who reject this system – are considered deviants. This racialized system labels people of color, trans-people, and gender-variant individuals as outsiders (Gilbert, 2009). Such a racialized, bigenderist system, with its tightly prescribed standards, ensures that nearly everyone – save certain privileged cisgender whites who practice hypermasculinity or hyperfemininity, do not fit these impossible ideals. Thus, this system ensures that nearly everyone is deviant. Yet, individuals whose gender, racial, ethnic, or sexual identities place them even further outside of these highly rigid categories of "normal" are more likely to suffer punishment, ridicule, or attack. Gilbert (2009) explains of the consequences, "bigenderism, by codifying the distinction between male and female, man and woman, masculine and feminine, creates a virulently sexist, heterosexist, and transphobic culture

just because of the valuation of the sexes” (p. 103). If we are all deviant in such a rigid system and the stakes are so high, how can we then imagine a system wherein everyone is considered “gender normals”?

Breaking the Binaries through Gender Deviance

Much of the work we examined demonstrates gender deviance as violations of binaries whereby there are two categories of gender (man and woman), two categories of sex (male and female), and two categories of gender performance (masculine and feminine). Therefore “gender normals” are not only cisgender (Garfinkel, 1967), but also, “gender normals” perform gender in ways that reflect their cisgender status. Thus, *gender normals* are masculine men with male genitals and feminine women with female genitals. However, theorists caution against such binary divisions and promote the deconstruction of gender, sex, and gender performance (Butler 1990, 2004; Lorber, 1996). If we deconstruct such binaries, both “gender deviants” and “gender normals” are revealed as a part of the same social fabric.

One such way to challenge gender binaries is to consider intersexuality. Judith Butler (1990, 2004) situates her deconstruction of the sex and gender binary with the proclamation that the “sex = biological and gender = sociological” argument is inherently flawed. In fact, Butler believes that what Western cultures have conceived of as “sex” has really been “gender all along” (Kitzinger, 1999, p. 498). Every baby is born with somewhat ambiguous genitalia; it is up to medical professionals to dictate “male” and “female” designations based on socially constructed conceptualizations of “sex” identity. Similarly the designation of “intersex identity” is also a reflection of social constructs (although Western medical culture would lead us to erroneously believe that “hermaphroditism” is an easily defined birth defect based on the visual appearance of the genitals as phallic – or not; Dreger, 2000). In this way, our “biological” definitions of both sex and gender are socially constructed, and thus, the number of categories that comprise sex and gender are dependent upon sociocultural beliefs.

Gender deviants, then, fall outside of socially constructed norms about sex, gender, and gender performance, but gender deviance may not always represent a “binary mismatch.” For example, using socially situated Western cultural concepts, Figure 16.3 depicts numerous labels of sexual identity, gender performance, gender identity, and sex identity moving beyond binary conceptualizations. From this representation, it is clear that there are various ways that an individual may identify, and thus, there are multiple ways an individual can embody gender deviance. However, even though many conceptualizations of sex, gender, and gender performance exist outside of binaries, breaking the binaries is, in and of itself, gender deviance.

Persons who violate the binaries have been defined (and identify themselves) in various ways, such as “gender misfits,” “gender benders,” “genderqueer,” “pangender,” “agender,” and “gender fluid”, to name but a few. Beyond identity labels, breaking the gender binaries can exemplify identity politics, that is to say, gender deviance can operate as a political decision. “*Genderfuck*” is an identity politics movement based on gender performance that actively disrupts the gender binaries. As Christopher Long explained in his 1974 article, “Genderfuck and its delights”: “I want to criticize and poke fun at the

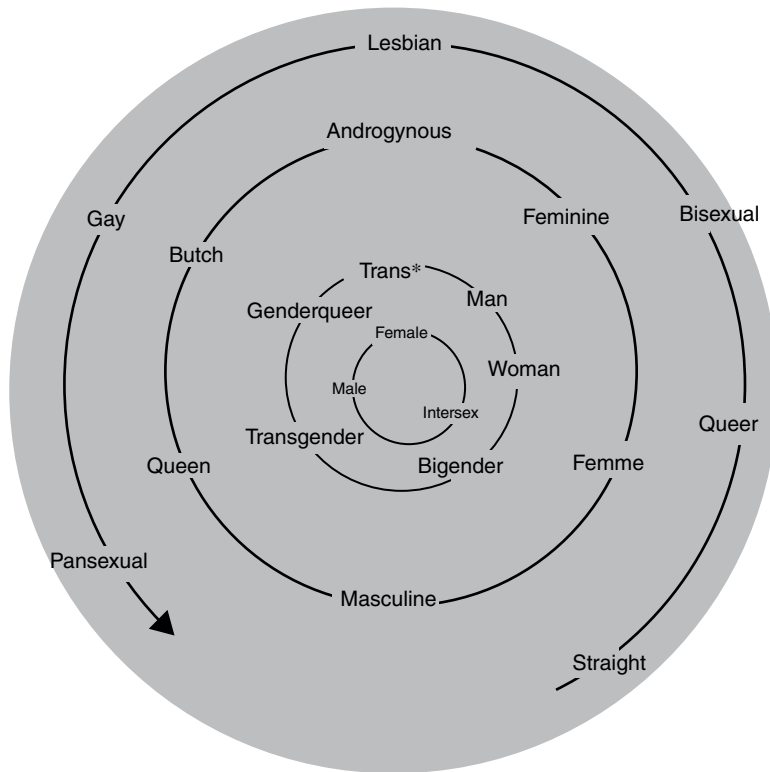


Figure 16.3 Multiple conceptualizations of sexual identity, gender performance, gender identity, and sex identity. (Used with permission from Kasey Catlett, Jack Cox, and Brenton Wimmer).

roles of women and of men too. I want to try and show how not-normal I can be. I want to ridicule and destroy the whole cosmology of restrictive sex roles and sexual identification.” There are highly visible media instances of performing genderfuck seen in cinema (e.g., Dr Frank-N-Furter from the movie *The Rocky Horror Picture Show*) and in the music industry (e.g., Boy George, Prince, Marilyn Manson). Beyond this, drag kings and drag queens embody genderfuck and gender deviance in their performances (Figure 16.4). Drag kings and queens challenge the presumptions that gender is “natural” by revealing that gender is constructed through performance (Butler, 1993), and for some, drag performance can have highly politicized motives (Munoz, 1999; Rupp, Taylor, & Shapiro, 2010; Shapiro, 2007). Leila Rupp and Verta Taylor (2003) investigated the 801 Girls, a drag queen troupe of self-identified gay men in Key West, Florida, and found that their drag performances challenge gender, sex, and sexual identity categories. Eve Shapiro’s (2007) work with the drag king group Disposable Boy Toys, a political feminist collective in Santa Barbara, California, revealed that drag can “unbraid gender and sex,” and “destabilize hegemonic gender, sex, and sexuality” (Shapiro, 2007; p. 258, 267). Comparing the 801 girls and Disposable Boy Toys, Rupp *et al.* (2010) found that both groups contest binary gender and heteronormativity through drag. In this way, both drag kings and queens deconstruct gender on stage through performances of gender



Figure 16.4 Lorella Sukkiarini, an Italian drag queen, preparing stage makeup. (Dedda71/ Wikimedia Commons/CC-BY-SA-3.0). “Lorellasukkiarini” by Dedda71 – own work. <http://commons.wikimedia.org/wiki/File:Lorellasukkiarini.jpg#mediaviewer/File:Lorellasukkiarini.jpg>

deviance. In doing so, their political motivations are revealed: both drag troupes impact the ways their audiences think about sex, gender, and sexuality, breaking the gender binaries through gender deviance.

Beyond strategic performances of gender that break the binaries, other cultures have relatively fixed identities outside of the binary system. For example, in South Asia, *Hijras*, who are typically born and identified as male based on the appearance of their genitalia, form the third gender category (Monro, 2007). As members of the third gender category deemed to have mystical powers, Hijras are both revered and marginalized. Their existence challenges the binary system, but because of their typically low social caste, their gender is highlighted as deviant (Monro, 2007). In North American Native American communities, *two-spirit people* occupy a third gender category as well. They are sometimes described as simultaneously embodying both a masculine and a feminine spirit. Two-spirit people often receive a spiritual calling to transform into the third gender category; as two-spirits, their status is typically associated with mystical powers and fortune-telling abilities. However, due to the enforcement of Western cultural ideas that most Native American communities experienced, the two-spirit people have experienced oppression (Jacobs, Thomas, & Lang, 1997). Thus, it is clear that breaking the binaries is a form of gender deviance that is culturally dependent.

Concluding Remarks: Gender Normals?

On February 13, 2014, the social networking site Facebook rolled out a new feature for users who navigate the site in English – over 50 “custom” gender options such as “androgynous,” “gender variant,” and “non-binary,” for users who choose to identify

as something other than one of the two previously restrictive responses of “male” or “female”; users were also given the new options of not responding or keeping their gender private, as well as selecting between three pronouns: “he/him,” “she/her,” or “they/their” (Goldman, 2014). While the move was hailed by LGBTQ advocates who assisted with the development of the site’s new expansive list of gender identities, others were not excited about the move. As one Fox News reporter mocked, but “what if you identify as a pine cone?” (Maza, 2014). Such dismissiveness is reflective of other points in history where challenges to gender systems have been made. In one action, Facebook effectively invited close to 160 million American members, 1.23 billion worldwide members, and countless non-members viewing the wide range of news coverage about this topic to rethink a bigenderist system that insists upon two rigid categories. Such a move begins to normalize “gender deviants,” and both dismantles such a restrictive means of categorizing identity and forces recognition that a bigenderist system simply does not account for everyone. As the reader may be quick to point out after perusing this chapter, even a 50-plus gender system may not reflect the vast diversity of how individuals choose to identify their gender. In addition, the fact that these categories are only available to users who navigate the site in English limits the global impact of these innovations. Throughout this chapter, we have shown that such challenges to our notions of “deviancy” reveal cracks in the system and beg questions about the legitimacy of the category of “gender deviants.”

We have described a variety of ways to conceptualize gender deviance. But most discussions of deviance have operated in tandem with a discussion of gender normals. We propose in our concluding remarks that “gender normals” represent an ideal type and, consequently, an impossible goal to achieve. In a sense, we are all stigmatized, although in varying degrees, for our inability to adhere to the requirements of being “gender normals,” and thus, we are all gender deviants. As Goffman (1963) proposed:

The stigma involves not so much a set of concrete individuals who can be separated into two piles: the stigmatized and the normal, as a pervasive two-role social process in which every individual participates in both roles at least in some connections and in some phases in life. The normal and the stigmatized are not persons but rather perspectives. (p. 138)

Since the time of Goffman’s writing, we have witnessed remarkable shifts in scholarly and popular thinking on the processes of creating gender normals and gender deviants. That categorizing has troubled advocates who argue that the creation and maintenance of gender deviants comes at a great cost to all of us. To break free of such a divisive and unnecessary process, we join advocates in the call to engage in the work of normalizing such “deviance.” We close with the words of Miqqi Gilbert (2009, p. 109):

... a non-genderist world is not around the corner. In the meantime, anything that can be done to reduce the tyranny of bigenderism is a forward move. Anything that aids in defeating bigenderism is progressive and liberating. Those activities and creeds that work toward this end include feminism, transgenderism, homosexuality, and heterosexuality devoid of heterosexism, all of which violate gender rules.

In performing the everyday praxis of resistance to bigenderism, we can imagine new gender and sexuality systems that work to eliminate sexism, heterosexism, homophobia, and transphobia.

References

- Anderson, E. (2008). 'Being masculine is not about who you sleep with ...': Heterosexual athletes contesting masculinity and the one-time rule of homosexuality. *Sex Roles*, 58 (1/2), 104–115.
- Beatie, T. (2009). *Labor of Love: The Story of One Man's Extraordinary Pregnancy*. Berkeley, CA: Seal Press.
- Bérubé, A. (2001). How gay stays white and what kind of white it stays. In B.B. Rasmussen *et al.* (Eds.), *The Making and Unmaking of Whiteness* (pp. 234–265). Durham, NC: Duke University Press.
- Bornstein, K. (1994). *Gender Outlaw: On Men, Women, and the Rest of Us*. New York: Routledge.
- Butler, J. (1990). *Gender Trouble: Feminism and the Subversion of Identity*. London: Routledge.
- Butler, J. (1993). *Bodies that Matter: On the Discursive Limits of Sex*. New York: Routledge.
- Butler, J. (2004). *Undoing Gender*. New York: Routledge.
- Carter, J.B. (2007). *The Heart of Whiteness: Normal Sexuality and Race in America, 1880–1940*. Durham, NC: Duke University Press.
- Chief Elk, L. (2014). There is no 'we': V-Day, indigenous women and the myth of shared gender oppression. *Model View Culture*. Retrieved from <http://modelviewculture.com/pieces/there-is-no-we-v-day-indigenous-women-and-the-myth-of-shared-gender-oppression>
- Collins, P.H. (1991). *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*. New York: Routledge.
- Collins, P.H. (2000). *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (2nd ed.). New York: Routledge.
- Collins, P.H. (2004). *Black Sexual Politics*. New York: Routledge.
- Connell, R.W. (1987). *Gender and Power*. Sydney: Allen and Unwin.
- Connell, R.W. (1995). *Masculinities*. Cambridge: Polity Press.
- Connell, R.W., & Messerschmidt, J.W. (2005). Hegemonic masculinity: Rethinking the concept. *Gender & Society*, 19 (6), 829–859.
- Crenshaw, K. (1991). Mapping the margins: Intersectionality, identity politics, and violence against women of color. *Stanford Law Review*, 43 (6), 1241–1299.
- Davis, A. (1982). *Women, Race, and Class*. New York: Random House.
- Dean, J.J. (2013). Heterosexual masculinities, anti-homophobias, and shifts in hegemonic masculinity: The identity practices of black and white heterosexual men. *Sociological Quarterly*, 54 (4), 534–560.
- Deer, S. (2004). Toward an indigenous jurisprudence of rape. *Kansas Journal of Law and Public Policy*, 14 (1), 121–154.
- Dirks, D., & Mueller, J.C. (2007). Racism and popular culture. In J.R. Feagin, & H. Vera (Eds.), *Handbook of the Sociology of Racial and Ethnic Relations* (pp. 115–129). New York: Springer.
- Dreger, A.D. (2000). *Hermaphrodites and the Medical Invention of Sex*. Cambridge, MA: Harvard University Press.
- Ekland-Olson, S. (2011). *Who Lives, Who Dies, Who Decides? Abortion, Neonatal Care, Assisted Dying, Capital Punishment*. New York: Routledge.
- Ferguson, R.A. (1998). *Representing "Race": Ideology, Identity and the Media*. London: Arnold.

- Ferguson, R.A. (2004). *Aberrations in Black: Toward a Queer of Color Critique*. Minneapolis: University of Minnesota Press.
- Ferguson, R.A. (2005). Race-ing homonormativity: Citizenship, sociology, and gay identity. In E.P. Johnson, & M.G. Henderson (Eds.), *Black Queer Sociology: A Critical Anthology* (pp. 21–51). Durham, NC: Duke University Press.
- Fisher, J. (2007). Make it maverick: Rethinking the 'make it macho' strategy for men in ballet. *Dance Chronicle*, 30 (1), 45–66.
- Foulkes, J.L. (2001). Dance is for American men: Ted Shawn and the intersection of gender, sexuality, and nationalism in the 1930s. In J. Desmond (Ed.), *Dancing Desires: Choreographing Sexualities On and Off the Stage* (pp. 113–146). Madison: University of Wisconsin Press.
- Friedman, A. (2011). Newark man indicted on murder and intimidation of transgender woman. *The Star-Ledger*. Retrieved from http://www.nj.com/news/index.ssf/2011/06/newark_man_indicted_on_murder.html
- Fung, R. (2008). Looking for my penis: The eroticized Asian in gay video porn. In K.A. Ono (Ed.), *A Companion to Asian American Studies* (pp. 235–253). New York: John Wiley.
- Garfinkel, H. (1967). *Studies in Ethnomethodology*. Englewood Cliffs, NJ: Prentice Hall.
- Gasche, R. (1994). *Inventions of Difference: On Jacques Derrida*. Cambridge, MA: Harvard University Press.
- Gilbert, M.A. (2003). Bigenderism. *Transgender Tapestry*, 102 (1), 16–17.
- Gilbert, M.A. (2009). Defeating bigenderism: Changing gender assumptions in the twenty-first century. *Hypatia*, 24 (3), 93–112.
- Glenday, C. (2010). *Guinness World Records*. New York & London: Random House.
- Goffman, E. (1963). *Stigma: Notes on the Management of Spoiled Identity*. Englewood Cliffs, NJ: Prentice-Hall/Spectrum.
- Goldman, R. (2014). Here's a list of 58 gender options for Facebook users. Retrieved from <http://abcnews.go.com/blogs/headlines/2014/02/heres-a-list-of-58-gender-options-for-facebook-users/>
- Green, A.I. (2002). Gay but not queer: Toward a post-queer study of sexuality. *Theory and Society*, 31 (4), 521–545.
- Grindstaff, L., & West, E. (2006). Cheerleading and the gendered politics of sport. *Social Problems*, 53 (4), 500–518.
- Hall, S. (1991). Ethnicity: Identity and difference. *Radical America*, 23 (4), 9–20.
- Hall, S. (Ed.). (1997). *Representation: Cultural Representations and Signifying Practices* (Vol. 2). Thousand Oaks, CA: Sage.
- Haltom, T., & Worthen, M.G.F. (2015). Male ballet dancers and heteromascularity. *Journal of College Student Development*, 55 (8), 757–778.
- Han, C. (2007). 'They don't want to cruise your type': Gay men of color and the racial politics of exclusion. *Social Identities*, 13 (1), 51–67.
- Haney-Lopez, I. (2006). *White by Law: The Legal Construction of Race*. New York: New York University Press.
- Hansen, R., & King, D. (2013). *Sterilized by the State: Eugenics, Race, and the Population Scare in the Twentieth-Century North America*. Cambridge: Cambridge University Press.
- Haymes, S.N. (1995). White culture and the politics of racial difference. In C.E. Sleeter, & P. McLaren (Eds.), *Multicultural Education, Critical Pedagogy, and the Politics of Difference* (pp. 105–128). Albany: State University of New York Press.
- hooks, b. (1981). *Ain't I a Woman: Black Women and Feminism* (Vol. 3). Boston, MA: South End Press.
- Hutchinson, D.L. (2000). Gay rights for gay whites: Race, sexual identity, and equal protection discourse. *Cornell Law Review*, 85 (5), 1358–1391.

- Ingraham, C. (1994). The heterosexual imaginary: Feminist sociology and theories of gender. *Sociological Theory*, 12 (2), 203–219.
- Jacobs, S.-E., Thomas, W., & Lang, S. (1997). *Two-spirit People: Native American Gender Identity, Sexuality, and Spirituality*. Urbana: University of Illinois.
- Jimenez, J.A., & Abreu, J.M. (2003). Race and sex effects on attitudinal perceptions of acquaintance rape. *Journal of Counseling Psychology*, 50 (2), 252–256.
- Kalish, R., & Kimmel, M. (2010). Suicide by mass murder: Masculinity, aggrieved entitlement, and rampage school shootings. *Health Sociology Review*, 19 (4), 451–464.
- Kessler, S., & McKenna, W. (1978). *Gender: An Ethnomethodological Approach*. Chicago: University of Chicago Press.
- Kimmel, M. (1994). Masculinity as homophobia: Fear, shame and silence in the construction of gender identity. In H. Brod, & M. Kaufman (Eds.), *Theorizing Masculinities* (pp. 119–141). Thousand Oaks, CA: Sage Publications.
- Kimmel, M. (2005). *The Gender of Desire*. Albany: State University of New York Press.
- Kimmel, M. (2008). *Guyland*. New York: HarperCollins.
- Kimmel, M. (2013). *Angry White Men: American Masculinity at the End of an Era*. New York: Nation Books.
- Kitzinger, C. (1999). Intersexuality: Deconstructing the sex/gender binary. *Feminism & Psychology*, 9 (4), 493–498.
- Lawrence, J. (2000). The Indian Health Service and the sterilization of Native American women. *American Indian Quarterly*, 24 (3), 400–419.
- Lindley, S.H. (1996). *You Have Stept Out of Your Place: A History of Women and Religion in America*. Louisville, KY: Westminster John Knox Press.
- Lonc, C. (1974/1991). Genderfuck and its delights. In W. Leyland (Ed.), *Gay Roots: Twenty Years of Gay Sunshine* (pp. 223–336). San Francisco: Gay Sunshine Press.
- Lopez, I. (1987). Sterilization among Puerto Rican women in New York City: Public policy and social constraints. In L. Mullings (Ed.), *Cities of the United States: Studies in Urban Anthropology* (pp. 269–291). New York: Columbia University Press.
- Lorber, J. (1996). Beyond the binaries: Depolarizing the categories of sex, sexuality, and gender. *Sociological Inquiry*, 66 (2), 143–160.
- Luibhéid, E. (2008). Queer/migration: An unruly body of scholarship. *GLQ: A Journal of Lesbian and Gay Studies*, 14 (2), 169–190.
- Maza, C. (2014). Fox News isn't comfortable with these new Facebook gender options. *Media Matters*. Retrieved from <http://mediamatters.org/blog/2014/02/14/fox-news-isnt-comfortable-with-these-new-facebo/198057>
- Messner, M. (1992). *Power at Play: Sports and the Problem of Masculinity*. Boston: Beacon.
- Monro, S. (2007). Transmuting gender binaries: the theoretical challenge. *Sociological Research Online*, 12 (1). Retrieved from <http://www.socresonline.org.uk/12/1/monro.html>
- Moore, M. (2010). Articulating a politics of (multiple) identities: LGBT sexuality and inclusion in black community life. *Du Bois Review*, 7 (2), 1–20.
- Moore, M. (2011). *Invisible Families: Gay Identities, Relationships, and Motherhood among Black Women*. Berkeley, CA: University of California Press.
- Munoz, J.E. (1999). *Disidentifications: Queers of Color and the Performance of Politics*. Minneapolis: University of Minnesota Press.
- Nagel, J. (2000). Ethnicity and sexuality. *Annual Review of Sociology*, 26 (1), 197–133.
- Nsiah-Jefferson, L. (1989). Reproductive laws, women of color, and low-income women. In S. Cohen, & N. Taub (Eds.), *Reproductive Laws for the 1990s* (pp. 23–67). Clifton, NJ: Humana Press.
- Pascoe, C.J. (2007). *Dude, You're a Fag: Masculinity and Sexuality in High School*. Berkeley, CA: University of California Press.

- Patton, V.K. (2000). *Women in Chains: The Legacy of Slavery in Black Women's Fiction*. Albany: State University of New York Press.
- Prasso, S. (2005). *The Asian Mystique: Dragon Ladies, Geisha Girls, and Our Fantasies of the Exotic Orient*. New York: PublicAffairs.
- Rich, A. (1980). Compulsory heterosexuality and lesbian existence. *Signs*, 5 (4), 631–660.
- Richardson, M.U. (2003). No more secrets, no more lies: African American history and compulsory heterosexuality. *Journal of Women's History*, 15 (3), 63–76.
- Roberts, D. (1991). Punishing drug addicts who have babies: Women of color, equality, and the right to privacy. *Harvard Law Review*, 104 (7), 1419–1481.
- Rodriguez-Trias, H. (1978). Sterilization abuse. *Women & Health*, 3 (3), 10–15.
- Rupp, L.J., & Taylor, V. (2003). *Drag Queens at the 801 Cabaret*. Chicago: University of Chicago Press.
- Rupp, L.J., Taylor, V., & Shapiro, E. (2010). Drag queens and drag kings: The difference gender makes. *Sexualities*, 13 (3), 275–294.
- Sargent, A. (2009). *The Heart of Whiteness: Normal Sexuality and Race in America, 1880–1940* (review). *College Literature*, 36 (2), 152–155.
- Schilt, K., & Westbrook, L. (2009). Doing gender, doing heteronormativity: 'gender normals', transgender people, and the social maintenance of heterosexuality. *Gender & Society*, 23 (4), 440–464.
- Schippers, M. (2007). Recovering the feminine other: Masculinity, femininity, and gender hegemony. *Theory and Society*, 36 (1), 85–102.
- Seidman, S. (1994). Queer-ing sociology, sociologizing queer theory: an introduction. *Sociological Theory*, 12 (2), 166–177.
- Shah, N. (2005). Between 'oriental depravity' and 'natural degenerates': Spatial borderlands and the making of ordinary Americans. *American Quarterly*, 57 (3), 703–725.
- Shapiro, E. (2007). Drag kinging and the transformation of gender identities. *Gender & Society*, 21 (2), 250–271.
- Stein, A., & Plummer, K. (1994). 'I can't even think straight': 'Queer' theory and the missing revolution in sociology. *Sociological Theory*, 12 (2), 178–187.
- Stevenson, B. (1996). *Life in Black and White: Family and Community in the Slave South*. New York: Oxford University Press.
- Still, W. (1872/2005). *The Underground Rail Road*. Philadelphia, PA: Porter & Coates. Retrieved from <http://www.gutenberg.org/files/15263/15263-h/15263-h.htm>
- Terry, J., & Urla, J. (Eds.) (1995). *Deviant Bodies: Critical Perspectives on Difference in Science and Popular Culture*. Bloomington: Indiana University Press.
- Thio, A. (1973). Class bias in the sociology of deviance. *American Sociologist*, 8 (1), 1–12.
- Torpy, S.J. (2000). Native American women and coerced sterilization: On the trail of tears in the 1970s. *American Indian Culture and Research Journal*, 24 (2), 1–22.
- Trombley, S. (1988). *The Right to Reproduce: A History of Coercive Sterilization*. London: Weidenfeld & Nicholson.
- Wade, L. (2008). Thomas Beatie, the pregnant man, in the public sphere. *Sociological Images*. Retrieved from <http://thesocietypages.org/socimages/2008/04/04/thomas-beatie-the-pregnant-man-in-the-public-sphere/>
- Ward, J. (2008a). Dude-sex: White masculinities and authentic heterosexuality among dudes who have sex with dudes. *Sexualities*, 11 (4), 414–434.
- Ward, J. (2008b). White normativity: Cultural dimensions of whiteness in a racially diverse LGBT organization. *Sociological Perspectives*, 51 (3), 563–586.
- Weiss, J.T. (2008). The archaeology of biphobia and transphobia within the US gay and lesbian community. *Journal of Bisexuality*, 3 (3–4), 25–55.

- Welter, B. (1966). The cult of true womanhood: 1820–1860. *American Quarterly*, 18 (2), 151–174.
- West, C., & Zimmerman, D.H. (1987). Doing gender. *Gender & Society*, 1 (2), 125–151.
- Worthen, M.G.F. (2013). An argument for separate analyses of attitudes toward lesbian, gay, bisexual men, bisexual women, MtF and FtM transgender individuals. *Sex Roles: A Journal of Research*, 68 (11/12), 703–723.
- Worthen, M.G.F. (2014). Blaming the Jocks and the Greeks? Identifying the underlying constructs of collegiate athletes' and fraternity/sorority members' attitudes toward LGBT individuals. *Journal of College Student Development*, 55 (2), 168–195.
- Yee, S.J. (1992). *Black Women Abolitionists: A Study in Activism, 1828–1860*. Knoxville: University of Tennessee Press.
- Yoshino, K. (2006). *Covering: The Hidden Assault on Our Civil Rights*. New York: Random House.

Deviance and the Mass Media

David L. Altheide

“Psycho Ward Terror,” “Sunday Punchout in Harlem,” “Virgin Killer’s Darkest Secrets,” “Sick Plot of the Vegas Hate Killers,” “Animal Researcher Reveals She Had Sex with a Dolphin,” “Shooting Spikes in NYC,” “Lesbian Judge Gives Birth,” “Assault Wielding Madman.” These recent headlines in major newspapers illustrate several principles about the presentation of deviance in the mass media of communications. One is that dramatic, even bizarre events are newsworthy; they grab an audience’s attention, thereby selling air time and column-inches, not to mention advertising. Second, wrongdoing of one form or another – deviance and crime – are likewise fascinating to readers and viewers; a substantial proportion of news stories center on non-normative and illegal activities. Third, anomalous, unusual activities leave the impression that they are more common or typical than they are. Fourth, news stories about deviance and crime *personalize* events and developments – concretizing them by pointing to specific events in which specific people engaged. A news story about a particular murder that a specific person committed against another is more exciting than one about changes in general patterns of criminal homicide in the US. And fifth, many news stories – and fictional narratives as well – depict victimization as highly likely, thereby instilling *fear* and concern in readers and viewers, that they and their loved ones are a possible target of crime and perversion. A successful story is one that stirs up strong *emotion* in audiences – whether positive or negative – as well as some sort of active response.

The media represent a major factor that influences how the public thinks about deviance. News stories (and fictional depictions) of murder, illicit drug use, sexual infidelities, corporate crime, teenage alcohol consumption, and political corruption offer a picture of wrongdoing that may cast the offender into a completely negative and stereotypical light – or offer a more nuanced, shaded, and empathetic portrait. Do the media give the offender’s side of the story? Is the offender depicted as contrite, repentant, apologetic? Or arrogant and self-righteous? What motives do the press propose for the

offense? Do the media suggest that the alleged perpetrator is mentally ill? Is the unconventional act that captures the attention of the media depicted as acceptable or viable? Or is it characterized as the sick, perverted conduct of a demented lunatic? Is the enactor of deviance and crime portrayed as a *folk devil* (Cohen, 2002) – as evil incarnate, a corrupter of youth and a threat to society? The excitement and sensation that the media stirs up is “a kind of collective effervescence,” which sells papers and air time “and generates further news and commentary as the story unfolds, the spokesmen take sides, and the deviant phenomenon develops” (Garland, 2008, p. 12). The media “fan public indignation” (Young, 1971), focus attention on a particular type of putative wrongdoing, and set the table for a public debate about its moral and ideological status.

Yet not all media are the same. The term, the media, is shorthand for “mass media of communications,” and they include a wide range of print and broadcast outlets, including film, television, radio, the electronic media, especially the Internet, DVDs, CDs, magazines and newspapers, comic books and graphic novels, books, in the form of fiction, journalism and news reporting, documentaries, music, advertising, and public relations. It is almost impossible to draw a sharp, bright line between the “mass” media and the more specialized media, especially today, since many outlets appeal to smaller, more “niche” audiences. Most books sell fewer than several thousand copies; only a very small handful sell into the millions. In the US, hundreds of television stations broadcast programs, but perhaps no more than a dozen or so reach mass audiences. Even among the “mass” media, differences abound. *The New York Times* presents news in a more serious, factually-oriented fashion; the *New York Post*, a tabloid, is more likely to simplify and sensationalize its stories. Since the budgets of the commercial networks are driven by profits – which mean large audiences and substantial advertising revenues – their stories are almost inevitably more simplistic and sensational than those broadcast by the publicly-supported stations, which rely on tax monies and viewer contributions. But all media have one feature in common: all are devices that send messages to audiences, some of them very large audiences, and all have the potential for influencing how audiences think about specific issues – one of which is deviance and crime. Some media organizations offer a more fact-driven approach to the subject, while others present a more simplistic, sensationalistic approach, but by being limited in the amount of time and space they must devote to a story about a given subject, all may leave an impression that is more one-sided or scandalous than is actually the case (Goode & Ben-Yehuda, 2009, pp. 92-94).

Information technology has changed the way we think about and visualize deviant behavior. While the mass media feature deviance as entertainment, recent developments have made these depictions more personal and emotional in ways that promote individual members of audiences to perform on their own media stage. Often such performances have dire consequences for the actors, who may have been motivated by nothing more than the desire for a little amusement. Deviance and its depiction on the media stage has become a substantial feature of popular culture and, as a result of our exposure to it, our everyday lives. Routinely, we are presented with real-life dramas entailing crime, prostitution, pornography, gay lives – men and women, together, getting married, adopting children, having families – legalizing marijuana, gang-member initiation rites, polygamy. Joshua Gamson entitles his volume on the depiction

of non-conformity in tabloid talk shows, *Freaks Talk Back* (1998). In *Culture of Fear* (2002, 2006) Frank Furedi, and in *Creating Fear, I* (2002) emphasize how the media manipulate our insecurities to portray the worst possible harms that crime, “stranger danger,” abuse, and terrorism can inflict upon us. Stanley Cohen (2002) and Erich Goode and Nachman Ben-Yehuda (1994, 2009) explain how the media embody, and stimulate, *moral panics* over invented or minor threats from horror comics, homosexuality, flag-burning, illicit drug use, pornography – even the evil doings of witches. Press reports of deviance and crime comprise a huge portion of television and popular culture entertainment. Media reports about weird behavior, dangerous doings, diabolical practices, and sinister plots tend to play back conventional stereotypes and moral messages in order to attract larger audiences. Audiences who share these stereotypes and are repulsed by conduct that strays too far from the straight-and-narrow are likely to cheer on authorities who seek to eliminate deviance, all the while becoming titillated by the attractions of unconventional lifestyles, colorful characters, and radically non-mainstream, even innovative ways of doing things. Interestingly, over the past 40 years, mass media coverage of deviance, especially crime, has significantly changed; we have become a far more *multimediated* society in which *niche* media cater to niche audiences with special interests and tastes (McRobbie & Thornton, 1995). On some issues, even the deviants – the *folk devils* – are “fighting back,” offering their own interpretation of what is acceptable and unacceptable (McRobbie, 1994).

Many sociologists regard the mass media, similar to the criminal justice system, as a form of social control. News stories are not only dramatic and entertaining, but they also depict atypical and extreme forms of deviance, and usually serve as morality or atrocity tales, cautioning against the illegal and deviant pursuits they narrate. A murder provides material for a more newsworthy story than a burglary, and the murder of five people is a vastly more newsworthy story than the killing of only one. Yet violent crime is much rarer than property crime, and a multiple homicide much rarer than a singleton. But the media do not simply report on deviance and crime, informing audiences about “what happened.” Instead, the mass media help define and shape images and evaluations of deviance – what should be considered wrong – as well as what should be done about it. The media, argued three investigators of the Canadian press (Ericson, Baranek, & Chan, 1987), are “active participants” in social reactions to putative deviance. In fact, “deviance and control are the core ingredients of news.” Most people “derive their understanding of deviance and control primarily from the news and other media.” With respect to “their ability to choose what to convey, and the huge audiences they convey it to, journalists possibly have more influence in designating deviance and contributing to its control than do some of the more obvious agents of control.” The news media “provide an ongoing articulation of the proper bounds to behavior in all organized spheres of life.” Journalists play a key role in contributing visions of order, stability, and change, in influencing control practices that accord with these visions. In sum, these researchers conclude, “journalists are central agents in the reproduction of order” (p. 3).

The mass media refer to information technologies that permit broadcasting and communication to large audiences. Traditionally, these media have included print (books, newspapers, magazines, billboards) and electronic media (cinema, radio,

television) and, more recently, various computer communication formats, particularly the Internet. They also include personal communication devices (CD players, game players, music players, iPods), as well as pagers and cell phones, especially when the latter are used for broadcasting of messages to subscribers of paging and telephone services. The media are significant for the lives of all of us because they are both form and content of cultural categories and experiences. As form, the mass media provide the criteria, shape, rhythm and style of an expanding array of activities, many of which are outside of the communication process. As content, the new ideas, fashions, vocabularies, and a myriad of types of information (such as politics) are acquired through the mass media. Moreover, the advent of new media technologies also opens up new possibilities for deviance and crime – such as Internet and cyber-fraud, identity theft, and the use of digital camera-phones for surreptitiously taking pictures of people supposedly in a private setting.

Both the mass media and deviance illustrate a perspective about how perceptions of social reality are socially constructed. The key aspect of this conjunction is the manner in which symbols become meaningful and familiar to people who define situations as one thing rather than something else (Spector & Kitsuse, 1977). From this perspective, power is the ability to define certain situations or phenomena as real, and making them familiar to audiences. Numerous studies of deviance have documented the life cycle or “career” of public definitions of certain acts as deviant, for example, illegal drugs (Becker, 1963, 1973), alcohol (Gusfield, 1986), child abuse (Johnson, 1978, 1995), and missing children (Best, 1985; Fritz and Altheide, 1987).

Contemporary social life cannot be understood without acknowledging the role of mass communications media in the temporal and spatial organization and coordination of everyday life. The important work of Innis and Innis (1972) and McLuhan and Fiore (1967) not only directed attention to the contribution of the technology of media for any given message, but further argued that it is the technology itself that is most important in altering information and social relationships. Other scholars and researchers have examined their thesis and incorporated the corpus of their work within an awareness of culture and especially popular culture, commonly associated with mass production, including mass media programming and other information (Couch, 1984; Couch, Maines, & Chen, 1996). These media are important in understanding deviance for two reasons. First, the mass media have altered public perceptions about deviance, social problems, and especially crime, by stressing the most dramatic, vivid, and memorable instances as typical or characteristic of the category as a whole – for instance, by depicting the most violent incidents as typical of criminal behavior in general. Presentations depicting law enforcement and police behavior have influenced public views about the nature and effectiveness of criminal justice. And second, the deviance process is also affected by the mass media. This process involves how some behavior comes to be regarded as deviant, on the one hand, and how behavior that was once regarded as deviant becomes more acceptable, on the other hand. In other words, the media may influence whether deviance is defined “up” (Krauthammer, 1993) or “down” (Moynihan, 1993). Depicting illicit and illegal events puts a shape, a character, an emotional tone to the reported events, and gives viewers a sense of *what* we are supposed to look out for and *how* we are supposed to react towards it.

A key aspect of mass media influence on public perceptions and evaluations of deviance is due to the entertainment orientation of popular culture. As suggested by Snow's (1983) analysis of media culture, the entertainment format emphasizes, first, an absence of the ordinary; second, the openness of adventure – that which is outside the boundaries of routine behavior; and third, the assumption that the audience member is willing to suspend a certain measure of disbelief. In addition, while the exact outcome may be in doubt, entertainment scenarios are based on the assumption that the narrative tension of the story depicted will be resolved. Packaging such emphases within formats that are visual, brief, action-oriented, and dramatic produces an exciting and familiar tempo to audiences. Moreover, as audiences spend more time with these formats, the logic of advertising, entertainment, and popular culture becomes taken for granted as a normal form of communication. For example, research suggests that corporate media seek to harvest audiences by promoting fear as entertainment throughout popular culture and news (Altheide, 2002; Furedi, 1997; Glassner, 1999). Moreover, such emphasis cultivates audiences to support political campaigns and domestic policies on crime and control as well as foreign interventions.

News about crime, a major form of deviance, is so pervasive that most people believe that crime is constantly increasing and that our lives are increasingly in danger from wild, drug-crazed criminals, who, seemingly, choose victims at random; in other words, criminal assaults can happen to anybody, at any time. In point of fact, since the 1990s, the crime rate, and especially rates of violent crime, have substantially declined in the US (Zimring, 2007, 2012), though, as virtually every criminology textbook points out, criminal victimization is strongly patterned by neighborhood and geographical residence, age, gender, race, social class and socioeconomic status – hence, people have *vastly* different likelihoods of being victimized by crime according to where they live and what their social characteristics are.

Criminals and victims are not the only parties featured in crime news. The police and SWAT teams also star in news reports that typically feature a reporter talking with a police spokesperson about a crime that has occurred, against a backdrop of flashing lights illuminating yellow police tape. The scenario is repeatedly played out in other television reality shows, interview programs, and numerous action movies featuring super sleuths, who solve crimes by acting as maverick investigators, often outside the boundaries of law enforcement organizations. The reality programs present scenarios and language that most viewers have heard, seen, or read about, so the tough dramatic action that is being presented seems quite plausible, especially when no-nonsense crime fighters get physically abusive with “perps,” browbeat reluctant witnesses who do not want to get involved, and demean judges, defense attorneys, and the criminal justice bureaucracy for their attention to “technical details” (that is, legal procedures) and the rights of the accused (Fishman & Cavender, 1998).

The development of television was largely built on celebrating the protectors of “normal decent” life and people. Ranging from the Western marshals, who wore white hats and enforced the law against nineteenth-century desperadoes, to twenty-first century superheroes and sleuths battling crime and deviance, there has been a structural role relationship between the appearance, style, and behavior of law enforcement and the relentless battle against deviance and disorder. Surette (1998) suggests that the

metaphor of sheep and wolves is appropriate, with the sheep (citizens) being protected from predatory wolves (criminals – and deviants) by sheepdogs (police and law enforcement). Perhaps the prime example of the development of this entertaining genre of television was the show *Dragnet*, produced by and starring Jack Webb. *Dragnet's* depiction of the Los Angeles Police Department illustrates the relationship between entertainment and reality, and had tremendous influence on the planning, financing, recruitment, and perception of the LAPD, as well as deviance and social problems (Shaw, 1992).

Television and other popular culture materials about crime do not cover all aspects of the criminal justice system (Surette, 1998). They pay relatively little attention to corrections and prisons and even less to court and adjudication procedures. Indeed, except for the occasional nasty remark about the “leniency” of the courts, American audiences receive little information about how the courts actually operate; once a perp has been arrested, the job is done and, unless the court is incompetent or corrupt, justice will be served. It is not surprising that opinion polls reveal that the majority of the American public agrees with President Reagan’s Attorney General, Edwin Meese III, who stated to *U.S. News and World Report* in 1985, “You don’t have many suspects who are innocent of a crime. That’s contradictory. If a person is innocent of a crime, then he is not a suspect.”

It is apparent that the mass media contribute to definitions and images about deviance and deviant actors. In decades past, when there were fewer media outlets, the media presented social problems such as alcoholism, illegal drug use, prostitution, and some criminal behavior – but usually not white-collar crime – very simplistically as a result of pathology due to moral failings of weak and evil individuals. For example, the classic movie *Reefer Madness*, released in 1937, presented stereotypical images of drug users and its consequences; it is now a cult film that audiences, including law enforcement officers, regard as absurd and hilarious. More contemporaneously, Steven Soderbergh’s *Traffic* (2000), an extremely skilfully crafted and realistic drama, leaves the viewer with the impression that addiction, murder, prostitution, car-bombing, murder of police officers, the corruption of police and high-level officials, are *typical* of drug use and drug selling; once someone becomes a drug user, addiction inevitably follows, and, along with it, zombie-like behavior and (for women), prostitution. Yet, it is almost impossible *not* to dramatize and even sensationalize deviance and crime; a strictly realistic media representation of their reality – giving equal representation to all aspects of a given phenomenon, whether it is fictional or documentary – is likely to be experienced by audiences as humdrum, tiresome, and boring. *Most* people who try and use drugs do not become addicted, and most of the time a drug deal goes down, nobody gets killed. But how much exaggeration and sensationalism is *too* much? When do media producers offer a case of unrealistic depiction of crime or deviance that becomes so exaggerated for dramatic purposes that it becomes, like *Reefer Madness*, inexcusably laughable to the well-informed? *Safe*, a film released in 2012, directed by Boaz Yakin, features an ex-cop, a former cage fighter, who protects a gifted child who is being chased by the Russian and Chinese mobs and corrupt NYPD cops. Noteworthy in this film with regard to exaggeration and sensationalism in pursuit of entertaining story is that dozens – and very possibly hundreds – of characters are killed on screen, giving

the viewer the impression that New York City is a human slaughterhouse. In 2012, New York City had the fewest number of criminal homicides since official records were kept; in 2013, the number dropped even further, to 333 – less than one a day for a city of eight million people, a rate that is lower than the national average, extremely atypical of a large city. Everyone knows that filmmakers are not sociologists and criminologists, but *Safe* makes an excellent case for our charge that the media exaggerate, distort, and sensationalize deviant and criminal phenomena to tell a dramatic story. The fact is, given the commercial demands of big-budget films, matters could hardly be otherwise.

Moreover, police officials tend to be extremely important news sources and claims-makers about the nature and the personal and social consequences of crime, including the use and distribution of illicit drugs. While police remain important spokespersons for news reporters, the spread of the mass media has opened up more channels of communication, and therefore more opportunities for minority group members as well as individuals and organizations involved in activities that are regarded as deviant and undesirable. Numerous organizations that focus on the promotion or the control of deviant activities are claims-makers that rely on mass communication to promote their issues. Such efforts often produce moral panics that spawn drastic social control efforts to stigmatize offenders (Goode & Ben-Yehuda, 2009).

The entertainment-oriented mass media, especially local television newscasts, frequently offer dramatic, diverting, enticing reports about deviance. However, this interest also provides an opportunity for organized spokespersons associated with deviant behavior to express themselves and offer counter-claims about their activities, the meanings, and quite often, their humanity (McRobbie, 1994). For example, stereotypical images of drug users are challenged by persons supporting ballot propositions to legalize medical marijuana; elderly women pleading for public approval to use this drug to alleviate their dying husbands' pain have frequently been successful in shifting public opinion to the support of the passage of medical marijuana legislation in 23 states.

One of the major contributions of the mass media to the study of deviance and crime is in familiarizing audiences with rare behaviors and scenarios. For example, statistically speaking, sex change operations are rare, but individuals who have had them are featured on numerous cable channels, and increasingly the Internet as well, on programs hosted by the likes of Jerry Springer, Jimmy Kimmel, Conan O'Brien, and Oprah Winfrey. As audience members, we become more familiar with the stories, scenarios, problems, and rationales for undergoing these rare treatments and surgeries. We can converse about them with friends and co-workers, and develop opinions, even speculate on what we would do if we wanted such reassignment surgery, or if a son or daughter were faced with urges to transform their gender status. These alternative media outlets have gone a long way in humanizing – even legitimating – many unconventional activities and persons.

Just as new information technology has spawned a massive surveillance industry to monitor our homes and families in order to keep them safe, entertaining fear generated by mass media reports about deviance has been joined by technological advances that promote users as part of the "E-audience" to participate vicariously in many deviant activities. One of the most notable impacts of media logic has been an emphasis on

dramaturgy and self-presentation for publicity – especially visual – purposes. The Internet has enabled individual bloggers to step forth and proclaim their insights and political views, just as it has become a viable news source for traditional print and electronic media. This includes not just the conventional mass media – newspapers, radio and television – but also the emergent “social media,” involving interactive formats like Facebook, Twitter, and the technologies that give us instant communication. Dramatic visuals of culpability, but also atonement and accounts for transgressions, are attempted as visual evidence is contextualized (Humphreys, 2011).

This information, in turn, is often used for surveillance and social control. Research on the role of social media in the Stanley Cup Riots in Vancouver, BC, in June 2011, illustrates how participants sought notoriety and network recognition among friends and followers, only to have their postings used as surveillance – and condemnation – against them. Recent studies of the role of surveillance in Facebook note how the entertaining social communication format lends itself to social control: “Citizens not affiliated with law enforcement agencies are increasingly engaging in an emergent form of pseudo-police work (or, what we have termed crowd-sourced policing) on social media sites,” two experts on the impact of the media report:

We define crowd-sourced policing as communicative interactions that occur on social media websites that collectively purport to act under the support of police work, even while in most such circumstances, forms of “police work” conducted by citizens are actually quite far removed official police work. Crowd-sourced policing refers to social media user narratives consistent with criminal justice discourse, including, but not limited to: comments that call for the capture and prosecution of any accused persons – often referring to these individuals as “criminals” without any due process, calls to hold individuals “responsible” for their “crimes”, criminal labeling or stigmatization of any persons, use of rhetoric that seeks to label individuals in the context of criminal justice. (Schneider & Trottier, 2012)

For example, a young woman, who was arrested after posting a video of herself taking some clothing from a store during the Stanley Cup Riot, later stated in a newspaper apology:

I know a lot of you don't believe me, but the truth is that I take full responsibility for my actions and am sincerely apologetic for what I did. What I did was completely out of character for me, but I did it because I was influenced by mob mentality. I want to shed light onto the thought process that was in my head so that maybe you can all get a little bit of an understanding and sympathize for people like me, who made wrong decisions but have now become victims of this social media form of mob mentality. ... And still, a lot of people will never find remorse for me because I had a huge smile on my face. But like I said earlier, it was fun at the time. I thought it was pretty funny because this is the only time that I would ever do something like this. The smile on my face was an “I'm such a badass I can't believe I'm doing this!” kind of look.

Commentary such as this illustrates the growing interactive nature of the media with respect to the manner in which deviant and criminal actions are depicted.

The media can also offer opportunities at redemption – deviance neutralization devices that make wrongful actions, as interpreted by the offender, somehow seem not quite so offensive. Yet some of these attempts at rendering prior postings harmless turn out to be unsuccessful. The experience of an American congressional representative, Anthony Weiner, with Twitter, illustrates the logic and power of the media, particularly audience expectations about communications – and their consequences. In June 2011, Congressman Weiner reacted to a report on the Internet – actually, a picture – of the anatomy of a man wearing boxer shorts, which was reportedly sent to a Twitter account of a young woman in Washington state. The Congressman argued for several days that someone had “hacked” into his Twitter account and sent the photo, only to tearfully recant several days later that, indeed, the photo was of him, and he had sent it and others to several young women. The news of this indiscretion provided welcome relief from the usual brief and entertaining snippets of countries, policies, and political parties in turmoil. Many people called for him to resign although, as he stated, no laws had been broken, no ethical standards violated. His indiscretion – what was regarded as his deviant act – resulted in a public apology, along with humiliation, and a well-publicized resignation from his congressional position. A new category of deviant behavior entered into the public consciousness – “sexting.”

Numerous political events can illustrate the expansive logic and its effect on social activities and meanings. Consider Sarah Palin, a frequent yet tentative candidate for the American presidency. In May 2011 she and her entourage set out across the eastern seaboard of the US in a bus imprinted with images of the Liberty Bell and the US Constitution on the side. A gaggle of press followed her every move since she was expected at some point to announce her candidacy. Photo-ops and propaganda abounded, but a recording of her off-the-cuff statement about Paul Revere’s ride to warn the colonists that the “British are coming” included statements about his wanting to warn the British that the Americans were coming, by ringing bells – whereas Revere actually used lanterns. This was captured on film and broadcast widely, as well as providing great material for YouTube, the widely used video source for advertising, self-promotion, and humor. When she was asked during an interview with her network employer Fox News about her gaffe about the famous “midnight ride of Paul Revere,” she insisted that she had not been wrong, that she knew American history, and that in fact others were, by implication, wrong. Within a few hours of her gaffe, numerous supporters submitted materials to the online interactive encyclopedia, Wikipedia, to rewrite American history to make it consistent with Ms Palin’s rambling account (<http://www.cbsnews.com/news/did-sarah-palin-mess-up-paul-revere-history/>). Wikipedia editors soon removed the posting – and others – stating “content not backed by a reliable source.” The entire episode illustrates both the old and the new features of media logic. In keeping with conventional media logic, Palin’s dramatic presentations and off-the-cuff one-liners as she strolls through historical sites is routine political pandering for visuals and the nightly news covering. In short, in an earlier era, in media settings in which very little interaction takes place between the press and the public, Palin’s historical ignorance would be interpreted as a deviant act – and that would be the end of it. But in today’s media, with multiple opportunities for audiences and interest groups to interpret and reinterpret seemingly wrongful acts, it now seems that

historical ignorance is open to a multiplicity of interpretations and meanings. Of course, there are limits to this reinterpretation process, as the Anthony Weiner episode revealed.

Socially significant accounts of deviance are geared to mediated experiences, rhetoric, symbols, and language. This can be readily seen with mass media reports about fear. More than two decades of research on the media's use of fear illustrates how the discourse of fear, or the pervasive communication, symbolic awareness, and expectation that danger and risk are a central feature of everyday life, has been essentially adopted as the prevailing logic – a mediated logic – of the ubiquitous condition of the world. Promoting fear has become second nature to US government organizations such as the FBI. In the 1950s, the agency regarded domestic communists as the most significant threat to American democracy; today, terrorism, especially from Muslim jihadis, looms especially large. Even their highly expanded surveillance of citizens has been accompanied by dramatic presentation and exaggeration of very rare threats. The production of such dramas is, of course, contextualized by the propaganda of fear that has defined a plethora of US news coverage for more than a decade, and has seeped into American's consciousness and speech about the "terrorist threat." Shortly after the 9/11 attack on the World Trade Towers and the Pentagon by Islamic jihadists in 2001, President George W. Bush implemented the National Security Agency (NSA) Domestic Surveillance Program in which the NSA monitored, without legal warrants, the communications of hundreds, possibly thousands, of people deemed a threat to the security of the country. Since then, the top secret program has expended its scrutiny to include many others who may have had more indirect contact with threatening agents, including a significant number who were never suspected of a crime of any sort. The NSA has installed surveillance devices at more than 250 telecommunication facilities, not to mention security cameras in public places, which has led two *Washington Post* reporters to speculate that the program has gotten "out of control" and may one day encompass all the communications – 1.7 billion – that take place in the US every day (Priest & Arkin, 2010).

Recent FBI terrorist sting operations suggest that Superman's adaptable arch-enemy Lex Luthor had it right when he said, "the more fear you make, the more loot you take." The audience's fear of terrorism is cultivated with entertaining popular culture and mass media reports about terrorism threats. Pew opinion surveys show that terrorism continues to be one of the country's top three priorities – much higher than reducing crime, providing health insurance, or protecting the environment. Sting operations help with the programming. Stings have become popular in the US over the last 35 years or so as the FBI became more oriented to popular culture and media logic. Improved and smaller digital audio and video recording technology has helped to provide evidence for legal proceedings as well as news and other entertainment shows. One of the first FBI stings was "Abscam" (short for Arab Scam) in 1980. Video clips of government officials accepting bribes were shown on news reports four months after the initial trial. The courts, for the most part, condoned stings. In 1986 the FBI set up, and in 1988 revealed, a sting operation that involved a dozen public officials in California taking bribes for supporting legislation that would enable entrepreneurs to set up a dummy shrimping operation ("Shrimpscam"). Local police departments followed the federal lead, including one in Arizona ("Azscam") in May 1991 which

involved video recordings of legislators being bribed by a stooge hired by the Maricopa County Attorney and the Phoenix Police Department (Altheide, 1993). These tapes were the talk of the town when broadcast one day after the indictments. In 2005, federal undercover agents offered and several public officials accepted bribes for exclusive contracts and legislation for an electronics recycling company ("Tennessee Waltz"). In 2012, an Ohio state representative was convicted of taking bribes to set up payday loan services. Expanded surveillance is now part of everyday life – and a major news story, when it is reported; many of us are entertained by the sometimes comical efforts of law enforcement to spy on us. Audiences nurtured with decades of fear of crime, and now terrorism, are also familiar with the sting genre of reality TV shows such as "To Catch a Predator." Unfortunately, such domestic spying is serious business, one that could undermine the privacy of all of us.

The FBI has become skilled at recording the planning, carrying out and prevention of would-be terrorist acts. The general approach is to assist people who make verbal threats to actually do something more "operational" (their word). An example in December 2011 involved Mohamed Osman Mohamud, a 19-year-old jihadist wannabe in Portland, Oregon. After being alerted by his parents, FBI surveillance identified suspicious discussions with potential enemies in Pakistan, and then devoted months to bringing their scripted procedures and undercover roles into play. The aim was not to stop Mr Mohamud or bring charges against him; there was already probable cause to detain and arrest him when he took initial steps towards committing a terrorist act to harm people. According to the Center for Law and Security's "Terrorist Trial Report Card," 57% of convictions in the US are for "general criminal conspiracy." But putting even a fake bomb into play permits a heavier charge involving "attempted use of a weapon of mass destruction," which brings a much longer potential prison sentence as well as more mass media attention to the threat.

The FBI produced a dramatic performance of a bomb threat for media publicity purposes and to promote a sense of imminent danger and fear. The FBI's affidavit makes it clear that this individual had neither the means nor opportunity to blow up anybody. The federal agents provided the knowledge, means, technology, organization and money for rent and to purchase bomb supplies. The FBI did more than engage in a conventional sting operation by assisting a wannabe terrorist from moving beyond talk and bluster to actually putting together bomb materials. Stings are intended to demonstrate that a person is guilty of a crime. Yet, the drama of simply taking a threatening person out of circulation was not sufficient when an actual performance of capturing a staged bomb attack in real time in a real place would obtain extensive media coverage. News reports about another terrorist plot thwarted add to the public fear of terrorism, and this has consequences. One irony is that people reacting to the publicity of this sting operation committed a terrorist act by burning a mosque in Corvallis, Oregon. Another irony is that knowledgeable criminals adapt to sting operations. Even the hapless Antonio Martinez, who was similarly busted with a fake bomb in Baltimore, wondered if he was being set up. How the FBI programming will inform the actions of real terrorists in the future remains uncertain. To repeat, terrorist threats are real, but have surveillance and sting operations become "beyond control" (Priest & Arkin, 2010)? Who monitors the agents who monitor us?

In sum, the mass media and deviant behavior are closely linked. Deviance, after all, is not an inherent characteristic of certain types of behavior *per se*, but rather, is a result of humans interpreting a particular act *as* deviant and undesirable. And the mass media can contribute to this definition by either presenting stereotypical propaganda-like images, or they can provide more information to audiences. This entails turning to numerous claims-makers, who can present accounts and experiences that may strike a responsive chord. In the final analysis, then, the future of varieties of behavior defined as deviant will continue to be linked to the mass media, and the media will continue to play a role in shaping attitudes toward “folk devils” (Cohen, 2002), or people who presumably engaged in a particular type of behavior and deserve the public’s scorn and condemnation.

References

- Altheide, D.L. (1993). Electronic media and state control: The case of Abscam. *Sociological Quarterly*, 34 (1), 53–69.
- Altheide, D.L. (2002). *Creating Fear: News and the Construction of Crisis*. Hawthorne, NY: Aldine de Gruyter.
- Becker, H.S. (1963). *Outsiders: Studies in the Sociology of Deviance* (1st ed.). New York: Free Press.
- Becker, H.S. (1973). *Outsiders: Studies in the Sociology of Deviance* (2nd ed.). New York: Free Press.
- Best, J. (1985). The razor blade in the apple: The social construction of urban legends. *Social Problems*, 35 (2), 488–499.
- Cohen, S. (2002). *Folk Devils and Moral Panics* (3rd ed.). London & New York: Routledge.
- Couch, C.J. (1984). *Constructing Civilizations*. Greenwich, CN and London: JAI Press.
- Couch, C.J., Maines, D.R., & Chen, S.-L. (1996). *Information Technologies and Social Orders*. New York: Aldine de Gruyter.
- Ericson, R.V., Baranek, P.M., & Chan, J.B.L. (1987). *Visualizing Deviance: A Study of News Organization*. Toronto: University of Toronto Press.
- Fishman, M., & Cavender, G. (1998). *Entertaining Crime: Television Reality Programs*. New York: Aldine de Gruyter.
- Fritz, N., & Altheide, D.L. (1987). The mass media and the social construction of the missing children problem. *Sociological Quarterly*, 28 (4), 473–492.
- Furedi, F. (1997). *Culture of Fear: Risk-taking and the Morality of Low Expectation*. London: Cassell.
- Furedi, F. (2002). *Culture of Fear: Risk-Taking and the Morality of Low Expectation* (rev. ed.). London: Continuum.
- Furedi, F. (2006). *Culture of Fear Revisited: Risk-Taking and the Morality of Low Expectation*. London: Continuum.
- Gamson, J. (1998). *Freaks Talk Back: Tabloid Talk Shows and Sexual Nonconformity*. Chicago: University of Chicago Press.
- Garland. (2008). On the concept of moral panic. *Crime, Media, Culture*, 4 (1), 9–31.
- Glassner, B. (1999). *The Culture of Fear: Why Americans Are Afraid of the Wrong Things*. New York: Basic Books.
- Goode, E., & Ben-Yehuda, N. (1994). *Moral Panics: The Social Construction of Deviance*. Cambridge, MA: Blackwell.

- Goode, E., & Ben-Yehuda, N. (2009). *Moral Panics: The Social Construction of Deviance* (2nd ed.). Oxford: Wiley-Blackwell.
- Gusfield, J.R. (1986). *Symbolic Crusade: Status Politics and the American Temperance Movement* (2nd ed.). Urbana: University of Illinois Press.
- Humphreys, A. (2011). Post-riot 'electronic justice' shows that actions are hard to take back. *The National Post*, June 22.
- Innis, H.A., & Innis, M.Q. (1972). *Empire and Communications*. Toronto: University of Toronto Press.
- Johnson, J.M. (1978). *Doing Field Research*. New York: Free Press.
- Johnson, J.M. (1995). Horror stories and the construction of child abuse. In J. Best (ed.), *Images of Issues* (2nd ed.) (pp. 17–31). Hawthorne, New York: Aldine de Gruyter.
- Krauthammer, C. (1993). *Defining deviancy up*. American Enterprise Institute, AEI Bradley Lecture Series. Retrieved from <http://www.aei.org/publication/defining-deviancy-up/>
- McLuhan, M., & Fiore, Q. (1967). *The Medium Is the Message*. New York: Bantam Books.
- McRobbie, A. (1994). Folk devils fight back. *New Left Review*, January–February, 107–116.
- McRobbie, A., & Thornton, S.L. (1995). Rethinking 'moral panic' for multi-mediated social worlds. *British Journal of Sociology*, 46 (December), 559–574.
- Moynihan, D.P. (1993). Defining deviancy down. *The American Scholar*, 62 (1), 17–30.
- Priest, D., & Arkin, W.A. (2010). Hidden world, growing beyond control. *Washington Post*, July 19.
- Schneider, C.J., & Trotter, D. (2012). The 2011 Vancouver Riots and the role of Facebook. *Society for the Study of Symbolic Interaction Couch-Stone Symposium*. Chicago.
- Shaw, D. (1992). Onetime allies: Press and LAPD. *Los Angeles Times*, May 24.
- Snow, R.P. (1983). *Creating Media Culture*. Beverly Hills, CA: Sage.
- Spector, M., & Kitsuse, J.I. (1977). *Constructing Social Problems*. Menlo Park, CA: Cummings.
- Surette, R. (1998). *Media, Crime and Criminal Justice: Images and Realities* (2nd ed.). Belmont, CA: West/Wadsworth.
- Young, J. (1971). *The Drugtakers*. London: MacGibbon & Kee.
- Zimring, F.E. (2007). *The Great American Crime Decline*. New York: Oxford University Press.
- Zimring, F.E. (2012). *The City that Became Safe: New York's Lessons for Urban Crime and Its Control*. New York: Oxford University Press.

Part V

Individual Deviance

Juvenile Delinquency

Its Nature, Causes, and Control

Timothy Brezina and Robert Agnew

In this chapter, we will provide an overview of the research and theory on juvenile delinquency. We begin by discussing the nature of delinquency, including changes in the view and treatment of juvenile offenders over time. We then describe the extent of delinquency and the characteristics of delinquents. We follow this description with a review of the major theories of the causes of delinquency, as well as the research inspired by these theories. We conclude the chapter by examining efforts to control delinquency, with a focus on the “get-tough” initiatives during recent decades, and the emerging emphasis on rehabilitation and prevention.

What Is Juvenile Delinquency?

Juvenile delinquency refers to violations of the criminal law by minors. Most states legally define individuals as minors until they turn 18. This does not mean, however, that juvenile delinquents are viewed simply as young criminals. Rather, the justice system views and treats juvenile delinquents differently from adult criminals. With certain exceptions, the justice system views juvenile offenders as “immature” in the sense that they are less capable of appreciating the consequences of their actions, less able to exercise self-control, and more easily lead astray by others. Recent research on brain development supports these assertions, with that part of the brain responsible for the regulation of behavior not being fully developed until the mid-twenties. As a consequence, the justice system views juvenile offenders as less responsible for their behavior than adults and therefore less deserving of punishment. And experts argue that they are more in need of help and direction (Agnew & Brezina, 2012; Bernard & Kurlychek, 2010; Feld & Bishop, 2012).

This view leads the justice system to treat juvenile delinquents differently from adult criminals. While juveniles are subject to all of the criminal laws to which adults are subject, they are also subject to a special set of laws known as “status offenses.” Status offenses typically include acts such as running away from home, curfew violation, truancy, alcohol use, incorrigibility or being habitually disobedient, and engaging in certain consensual sexual acts. Because it views them as immature, the justice system more fully regulates the behavior of juveniles. Until the early 1970s, status offenders were sometimes subject to severe sanction, including institutional confinement. The law now places limitations on the sanctions that can be given to status offenders; a few states have decriminalized status offenses, although the police arrest tens of thousands of juveniles for status offenses each year, and some are confined.

Each of the 50 states has developed its own, separate court for juvenile offenders. Juvenile courts focus less on the punishment of offenders and more on providing guidance and help. These courts, in fact, were set up to act in the best interests of juveniles, functioning as a kind of “super-parent.” The court focuses less on the specific offense that the juvenile has committed, and more on the life circumstances of the juvenile, including the personal, family, school, and peer problems the juvenile might have. Juveniles, in fact, are not found “guilty” of specific offenses, such as burglary or assault, by the court. Rather, they are “adjudicated” delinquent. Juvenile court is less formal and adversarial than adult court. This has changed somewhat in recent decades, however, with the extension of many due-process rights to juveniles, such as the rights to be represented by an attorney and to confront and cross-examine witnesses. The Supreme Court extended such rights in a series of rulings, stating that while the juvenile court was supposed to act in the best interests of juveniles, it often punished them in practice – sometimes more severely than would be the case in adult court.

All states maintain a separate correctional system for juveniles. Its emphasis is on treating juveniles in the community; in addition, it focuses more on rehabilitation than does the adult system. But as investigations periodically reveal, the system does not always live up to its lofty goal. Juveniles sometimes receive little in the way of rehabilitation, and some are placed in institutions that subject them to severe discipline and abuse. But taken as a whole, the juvenile system is more treatment-oriented than the adult system.

The Continuing Debate over the Nature and Treatment of Juvenile Offenders

The special way in which we view and treat juvenile offenders is relatively new (see Agnew & Brezina, 2012; Bernard & Kurlychek, 2010). Up until the early 1800s, the justice system viewed and treated juvenile offenders much like adult offenders. Separate juvenile correctional institutions began to appear in the 1800s. The first juvenile court was created in Cook County, Illinois, in 1899, and it was not until 1945 that all states had juvenile courts. And status offense laws are also of recent origin, many of them appearing in the late 1800s and early 1900s. This “invention” of juvenile delinquency was partly a function of the changing view of children. Factors such as the declining

death rate of children and the extension of education contributed to the view that juveniles were immature and in need of guidance. Also important was the growth of large, urban slums during the 1800s in the US and certain other countries. Children often filled the streets of these slums, seemingly uncared for and frequently involved in activities such as begging and theft. Two interpretations about how the presence of such children contributed to the invention of delinquency prevail.

The first argues that social reformers, often middle-class women in social welfare organizations, became concerned about the plight of these children. They felt these children were not getting the care and guidance that they needed, and they genuinely wanted to help them. So they lobbied for the creation of special laws, designed to better regulate the lives of these children and to ensure that they obtained an education. They worked towards the creation of juvenile courts, which would act in the best interests of these children, functioning in effect as surrogate parents. Likewise, they pushed for separate juvenile correctional institutions, both to protect juveniles from the corrupting influence of adult offenders and to provide care and guidance. Several studies of the “child-saving” movements in different cities provide some support for this interpretation.

The second interpretation is less benign. It states that the children on the streets of urban slums were seen as a threat by the upper class. Upper individuals and groups responded by trying to obtain greater control over these children. This was the motivation for the creation of status offense laws. Among other things, these laws required all children to attend school in order to help ensure that they were properly socialized. The juvenile court was created to enforce these laws, even if it meant removing children from their parents. And the new juvenile correctional institutions were designed to teach respect for authority, and hence were characterized by a harsh system of discipline. Some evidence exists in support of this position. Overall, the invention of juvenile delinquency reflects the efforts of both altruistic middle-class reformers and upper-class individuals seeking to protect their privileged position.

The view and treatment of juvenile offenders continues to evolve to the present day (Agnew & Brezina, 2012; Bernard & Kurlychek, 2010; Feld & Bishop, 2012). Stimulated by a dramatic increase in serious juvenile violence from the mid-1980s to early 1990s, many lawmakers argued that juvenile offenders – especially older juveniles who commit serious crimes – are little different than adult offenders and should be treated as such. In some accounts, these offenders were portrayed as “super-predators.” As a consequence, most states passed laws making it easier to try older juveniles who committed serious crimes as adults. Also, the juvenile justice system came to place more emphasis on punishment. A range of new “intermediate sanctions” were developed, with these sanctions providing more control and punishment than probation, but less than institutionalization. “Boot camps” are an example, with offenders being confined for short stays in facilities that place much emphasis on strict discipline, close-order drill, and hard labor. And the rate at which juveniles were sent to regular institutions increased.

But there are signs that the view and treatment of juvenile offenders is once again shifting. The Supreme Court declared in 2005 that it was unconstitutional to apply the death penalty to juveniles. And Supreme Court decisions in 2010 and 2012 have made it difficult to impose a sentence of life without parole on juveniles. Further, there has

been a marked drop in the rate at which juveniles are being sent to institutions in recent years. Certain intermediate sanctions, such as boot camps, are falling out of favor. These changes likely reflect several factors, including a decrease in juvenile crime, concern about the high cost of confining juveniles, and evidence questioning the effectiveness of institutions and certain intermediate sanctions in reducing delinquency. But these changes also appear to reflect a changing view of juveniles. The Supreme Court, for example, cited the immaturity of juveniles as justification for its decisions (Agnew & Brezina, 2012).

The Socially Constructed Nature of Juvenile Delinquency

Before discussing the extent of delinquency in society and the characteristics of delinquents, we wish to address an important question that arises in the study of delinquency: “Who *decides* whether certain behaviors are defined as delinquent or as status offenses?” The answer that some delinquency theorists give is that powerful groups in society have a large impact over what behaviors are and are not defined as delinquent. These groups use their influence to get those behaviors that they find threatening or morally objectionable defined as illegal (Paternoster & Bachman, 2001). For example, as seen in our preceding discussion of the “invention” of juvenile delinquency, there is some evidence that upper-class individuals in the late 1800s and early 1900s felt threatened by the many poor children hanging out on the street, sometimes engaging in crime. As a result, they lobbied for the passage of status offense laws, like those requiring that juveniles attend school or be home by a certain hour. Although researchers debate the extent to which such laws are a function of political power versus public consensus, the invention of juvenile delinquency serves to highlight the socially constructed nature of delinquency. Behaviors are not inherently delinquent, and the legal status of behavior is not a given. Rather, the legal status of a behavior is the result of human choices, judgments, and, at least in some instances, the influence of powerful groups in our society.

A related question involves societal judgments about who is a delinquent: “What determines whether a juvenile is labeled a ‘delinquent’ – especially one deserving of severe punishment or other harsh reaction?” The most important factor is whether the juvenile participates in behavior that has been defined as delinquent and is known to others – especially frequent or serious delinquency. Actual participation in delinquency is not the only determining factor, however. Occasionally, juveniles are falsely accused of illegal behavior and subject to a harsh reaction. In addition, beyond actual behavior, evidence indicates that the socio-demographic characteristics of the juvenile or his/her parents influence the likelihood of a harsh reaction. Some studies find that lower-class juveniles, members of certain minority groups, and older juveniles are more likely to experience a harsh reaction from the justice system (Agnew & Brezina, 2012).

Chambliss’ (1973) classic study of the “Saints” and the “Roughnecks” provides a good example. The Saints were a middle-class group of teenage boys who were liked and respected by members of the community and were viewed as “good boys who just went in for an occasional prank.” In contrast, the lower-class Roughnecks were viewed as “tough, young criminals who were headed for trouble,” and they were “constantly in

trouble with the police and community.” The two groups, however, were about equally delinquent. Chambliss explained these different reactions, in part, in terms of the social expectations of the community. Whereas the lower-class Roughnecks fit the stereotype of the serious delinquent, the middle-class, high-achieving Saints did not. It is possible that older juveniles, and members of certain minority groups, may also elicit a relatively harsh reaction (as indicated in other studies) because they too fit the stereotype of a serious delinquent.

The situation with respect to sex or *gender* is more complex. Males fit the stereotype of a serious delinquent, and some studies find that males are more likely than females to be arrested and severely sanctioned for serious offenses. However, things are different when it comes to status offenses, especially status offenses that involve sexual behavior or the possibility of sexual behavior, like running away. Females are more likely than males to be arrested and severely sanctioned for such offenses. This reflects a double standard regarding sexual behavior. Female juveniles who engage in sexual behavior are more likely to be viewed as “bad,” subject to efforts to control their behavior, and treated in a harsh manner (Agnew & Brezina, 2012).

Keeping in mind the socially constructed nature of juvenile delinquency, we now turn to estimates of the extent of delinquency, as it is currently defined by law. We then discuss the characteristics of individuals who are most likely to engage in behaviors that have been defined as delinquent. Later, we discuss research on the causes of delinquency. In most cases, researchers take for granted the socially constructed nature of delinquency. In essence, though, researchers are attempting to answer the question, “Why do some individuals engage in behavior that their society defines as criminal or delinquent?”

How Much Delinquency is There?

Estimates of the extent of and trends in delinquency depend on how delinquency is measured (Agnew & Brezina, 2012). Arrest data from the police indicate that over a million juveniles are arrested each year in the US. These arrests are largely for minor crimes such as larceny-theft and simple or minor assault. And, among serious crimes, property crimes such as burglary are far more common than violent offenses such as rape and homicide. Further, there has been a dramatic drop in the juvenile arrest rate (as well as the adult rate) since the mid-1990s. Criminologists have devoted much attention to the reasons for this drop (Barker, 2010). The possible reasons for the crime drop include a decline in crack use and sales in the early 1990s, improvements in the economy during the 1990s, improved methods of policing, the increased use of prevention and rehabilitation programs, and increased immigration (first-generation immigrants have lower crime rates than natives). Criminologists continue to examine and debate the relative contribution of these and other factors, however.

Self-report data provide a somewhat different picture of the extent of and trends in delinquency. Self-report surveys are mainly carried out by criminologists, with samples of juveniles being asked to report on the extent of delinquency. These surveys suggest that 90% or more of juveniles engage in delinquency at some point. Most juveniles

commit a few delinquent acts each year, for the most part minor property, violent, and/or drug crimes. But a small percentage of adolescents, perhaps 5–10%, commit a very large number of offenses each year, including a majority of all serious offenses. These high-rate offenders are the subject of increasing attention by criminologists. Like arrest data, self-report data show that delinquency has been declining in recent years, although the decline is more modest than arrest data. This may reflect the fact that self-report data is more likely to pick up minor offenses or minor instances of more serious offenses.

Who is Most Likely to Engage in Delinquency?

Arrest and self-report data are sometimes at odds regarding the socio-demographic characteristics of delinquents. But overall, the data suggest that delinquency is more common among males than females, with gender differences being highest for serious offenses. Rates of crime tend to peak in mid-to-late adolescence, with violence peaking later than property crime. Adolescent males, then, have relatively high rates of crime compared with other socio-demographic groups. Criminologists have devoted considerable attention to the causes of both gender and age differences in offending, focusing on the extent to which the causes of offending differ between males and females and across age groups (Benson, 2013; Farrington, 2005; Zahn, 2009). Most of the causes appear to be generally applicable, but there are some key gender and age differences in causes. For example, factors such as early puberty, sexual abuse, and involvement with delinquent romantic partners appear to be especially relevant to females.

Race and class are largely unrelated to minor offending. But lower-class individuals and African-Americans have somewhat higher rates of serious offending, although often not as high as shown by arrest data. These higher rates are not because, statistically speaking, lower-class and African-American juveniles are more likely to engage in delinquency than those who are middle-class or higher in socioeconomic status and white. Although only a small percentage of all lower-class and African-American juveniles, high-rate juvenile offenders are somewhat more common among lower-class and African-American juveniles. Further, race differences in serious offending are in large part due to race differences in individual and community-level socioeconomic status (Agnew & Brezina, 2012).

There is increasing research on the causes of race differences in offending, with discrimination being a major factor (Unnever & Gabbidon, 2011). Recent research is focusing on other race and ethnic groups (Agnew & Brezina, 2012). Asian-Americans appear to have the lowest rates of offending, Native Americans the highest, with Latinos having rates between those of whites and African-Americans. First-generation immigrants have lower rates than the native-born, although rates rise among the second and third generations. Researchers attribute these lower crime rates to such things as the importance of family ties, cultural values that discourage violence, and a strong work ethic. And they attribute the recent decline in crime, in part, to increased rates of immigration to the US.

What are the Causes of Delinquency?

The leading explanations of delinquency include strain, social and self-control, social learning, and labeling theories (Agnew & Brezina, 2012; Akers & Sellers, 2012; Cullen & Wilcox, 2013; Hoffmann, 2011). A substantial research literature has emerged from the original formations of these theories, largely on the relationship between delinquency and individual traits, family, school, peer, and community factors. Here, we'd like to summarize this literature.

Theories of delinquency

Strain theory states that certain strains or stressors increase the likelihood of delinquency (Agnew, 2007). Strains refer to events and conditions disliked by individuals, and they fall into three groups. Strains involve the inability to achieve goals, such as monetary and status goals. They involve the loss of positively valued stimuli, such as the loss of romantic partners or material possessions. And they involve the presentation of negative stimuli, such as verbal and physical abuse. Strains lead to a range of negative emotions, including anger, frustration, and humiliation. These emotions create pressure for corrective action, and crime is one possible response. Individuals may engage in crime to escape from or reduce their strain (e.g., running away from abusive parents, stealing money to reduce economic strain), obtain revenge against the source of their strain or related targets, or alleviate their negative emotions (e.g., through illicit drug use). Some individuals, however, are more likely than others to cope with strains through crime. They include individuals with poor coping skills and resources (e.g., poor social and problem-solving skills, limited financial resources); low social support from family, friends and others; low social control; beliefs that favor criminal coping; and criminal friends.

Research on the causes of delinquency provides some support for strain theory. Delinquency is more likely when individuals experience several strains, including parental rejection; supervision or discipline that is erratic, excessive, and/or harsh; child abuse and neglect; negative secondary school experiences, such as low grades and negative relations with teachers; peer abuse, including bullying; criminal victimization; discrimination; homelessness; economic problems; and threats to one's status, including masculine status. These strains increase delinquency partly through their effect on negative emotions, especially anger. At the same time, the research on those factors said to influence the response to strain has produced mixed results. For example, some studies find that juveniles with delinquent friends are more likely to cope with strains through crime, while other studies do not. Some data, however, suggest that individuals are likely to cope with strains through crime when they possess *several* factors conducive to criminal coping (such as having delinquent friends, holding beliefs favorable to delinquency, *and* have low levels of control).

Social learning theory states that delinquency is more likely among those who learn delinquency from others (Akers, 1998; Akers & Sellers, 2012). While individuals may learn delinquency from a range of sources, including family members and the mass

media, social learning theory focuses on delinquent peers. Individuals learn delinquency in three major ways. They are differentially reinforced for delinquency (they obtain money from their thefts, and social approval by being a good fighter). They are exposed to delinquent models, who they then imitate. Individuals are most likely to imitate models who they like and respect, and whose behavior is reinforced. And they are taught beliefs favorable to delinquency. These beliefs generally excuse, justify, or approve of delinquency under certain conditions. For example, juveniles in certain communities learn the "code of the street," which states that violence is a justifiable response to a wide range of provocations, including threats and insults (Anderson, 1999). Research suggests that association with delinquent peers is perhaps the strongest predictor of delinquency, *partly* because such peers reinforce and model delinquency, as well as teach beliefs favorable to delinquency. Likewise, holding beliefs favorable to delinquency is strongly associated with delinquency.

Control theories do not focus on the factors that pressure or induce individuals into delinquency. Rather, control theories focus on the factors that restrain individuals from delinquency (Britt & Gottfredson, 2003; Hirschi, 1969). According to control theories, all individuals are strongly motivated to engage in delinquency, since delinquency is often the easiest way to get what you want. For example, it is easier to steal money than to work for it. Whether individuals do engage in delinquency is said to be a function of the controls or restraints to which they are subject. Delinquency is less likely among those subject to direct control or in environments where their delinquency is likely to be detected and sanctioned. Direct control may be exercised by family, friends, school officials, neighbors, police, and others. It is high to the extent that these others set clear rules forbidding delinquency, directly or indirectly monitor behavior, and consistently sanction rule violations in a meaningful, but not overly harsh manner. And much data suggest that direct control, particularly by parents, reduces delinquency.

Delinquency is also less likely among those with a strong stake in conformity; that is, those who have a lot to lose by engaging in delinquency. This stake may involve emotional bonds to conventional others, such as parents and teachers. And research indicates that those who like and respect conventional others are less likely to engage in delinquency, perhaps because they fear that delinquency will jeopardize their ties to these others. This stake may also involve a strong actual and anticipated investment in conventional institutions, such as school. And data suggest that those who like school, are doing well in school, spend a lot of time on homework, and anticipate getting advanced educations are lower in delinquency. Further, delinquency is less likely among youths taught to condemn delinquent acts, as opposed to those with an amoral orientation.

And delinquency is less likely among those who have been taught to exercise self-control, as opposed to those low in self-control. Low self-control is a general trait, made up of several more specific traits, including impulsivity, a preference for immediate over delayed rewards, a preference for risky activities, high activity levels, little ambition or motivation, irritability, and little concern for others (Gottfredson & Hirschi, 1990). Those low in self-control have trouble restraining themselves when they are tempted or provoked to engage in crime. Low self-control is one of the strongest predictors of delinquency.

Finally, labeling theory focuses on how the public and juvenile justice officials react to delinquents or those believed to be delinquents (Farrington & Murray, 2013). The theory states that delinquents are often viewed in a negative manner, for example as evil and dangerous people, and are often treated in a negative manner. For example, conventional juveniles avoid associating with them, teachers and neighbors are suspicious of them, the police often question and sometimes arrest them, and the court system severely sanctions them – sometimes confining them in institutions. These negative views and treatment are said to increase the likelihood of further delinquency. They cause juveniles to view themselves as delinquents and act on the basis of this identity. They increase strain, since others treat juveniles in a negative manner. They reduce control, since ties to conventional others and institutions are weakened. And they increase association with delinquent peers, since conventional peers more often avoid juveniles who have been labeled as delinquents. Recent research provides some support for these arguments.

In sum, there is good evidence that delinquency is a function of several sets of factors, including strains, low social and self-control, association with delinquent peers, and negative labeling. These factors not only explain individual differences in offending, but group differences as well. For example, evidence suggests that males offend at higher rates than females because they are more likely to experience certain criminogenic strains, such as victimization; are lower in self-control and certain types of social control, such as parental supervision; are more likely to associate with delinquent peers; and are more subject to negative labeling (Zahn, 2009). These theories can also explain female offending. For example, many serious female offenders experience abuse at home (a major strain), run away to escape such abuse, but are further exploited on the street. Their ties to conventional people and institutions are largely severed, and they come under the influence of delinquent males. They turn to crime in large part to survive (Chesney-Lind, 1989).

Research on the causes of delinquency

The above theories have inspired or are at least compatible with a large body of research on the causes of delinquency (Agnew & Brezina, 2012; Akers & Sellers, 2012; Cullen & Wilcox, 2013; Farrington & Welsh, 2007; Feld & Bishop, 2012). Certain of this research focuses on the effect of *individual traits* on delinquency, with traits being relatively stable ways of perceiving, thinking about, and behaving toward the environment and oneself. A range of specific traits have been linked to delinquency, but three general traits dominate the literature. The first is low constraint, which is very similar to low self-control. The second is irritability, which includes a heightened sensitivity to stressors, a tendency to attribute one's problems to the malicious behavior of others, little concern for the rights and feelings of others, and an aggressive or antagonistic interactional style. The third trait is low IQ, especially verbal IQ – which measures such things as general factual knowledge, vocabulary, memory, abstract thinking, and social comprehension and judgment.

There is good evidence that these traits are a function of both biological and environmental factors (Benson, 2013; Robinson & Beaver, 2009). In particular, there is a

genetic component to these traits; that is, these traits are inherited to some extent. These traits are also influenced by certain biological harms, such as the mother's alcohol and drug use during pregnancy, certain types of delivery complications, exposure to toxic substances such as lead, and head injury. Researchers are examining the manner by which these biological factors affect traits, and, through this effect, impact crime. For example, some researchers find that biological factors may contribute to dysfunctions in the frontal lobe of the brain, which is involved in the regulation of behavior, and that they may affect the autonomic nervous system such that criminals are "under-aroused" – which contributes to traits such as hyperactivity and risk-seeking. Environmental factors also affect such traits. Juveniles are less likely to be irritable and low in constraint if their parents teach them to control their emotions and exercise caution. And juveniles in environments that provide intellectual stimulation have higher IQs. The above traits are most relevant to the explanation of offending that is chronic, high in frequency, and serious.

These traits impact crime for reasons related to all of the major crime theories. Individuals with these traits are more likely to upset their parents and are less responsive to disciplinary efforts. As such, they are less likely to establish a close bond with parents and are more likely to elicit harsh discipline (a major strain). These individuals are less likely to do well at school and establish close ties to teachers. They are more likely to be rejected by conventional peers and attracted to delinquent peers. And when upset or tempted, they are more likely to respond in a delinquent or aggressive manner. As such, they are higher in strain, lower in control, more likely to associate with delinquent peers who teach delinquency, and more subject to negative labeling.

As suggested above, a range of family factors also affect delinquency. Delinquency is somewhat more likely in single-parent homes, in large families, and among those who became parents as teenagers. These effects, however, tend to be modest in size. More important than the structure of the family is what goes on in the family. Delinquency is more likely when parents reject or neglect their children, fail to form close bonds with them, harshly punish or abuse them, or frequently get into conflicts with them and with one another. Delinquency is also more likely when parents fail to monitor and discipline their children properly, as well as employ effective techniques for resolving disputes. By contrast, delinquency is least likely when parents are "warm but firm." That is, parents have a close relationship with their children, but also have clear rules that are consistently enforced.

Again, the effect of these factors on delinquency can be explained in terms of the leading delinquency theories. In particular, those family factors most strongly associated with delinquency involve high levels of strain, including parental rejection, abuse, and harsh discipline. They involve low levels of control, including low direct control by parents and a weak bond between parent and child. Low direct control and weak bonds, in turn, are related to low self-control. These family factors are conducive to the social learning of delinquency. Parents, in particular, model and implicitly teach beliefs favorable to delinquency when they are abusive and employ harsh methods of discipline. Also, the low direct control exercised by parents makes association with delinquent peers more likely, and the weak bond between parent and child may increase the appeal of such peers. Further, the harsh discipline of parents is a form of negative labeling.

School experiences that are conducive to delinquency include poor academic performance, low attachment to school, negative relationships with teachers, placement in lower tracks, and low educational and occupational goals. Such experiences contribute to high levels of strain and/or low levels of control, increase exposure to delinquent peers, and/or involve negative labeling. Researchers have also examined those school characteristics that contribute to delinquency. Delinquency is lower in schools with good resources, good discipline (clear rules that are consistently enforced in a fair manner), opportunities for student success and praise for student accomplishments (including for students who do not plan to attend college), high but not unrealistic expectations for students, pleasant working conditions for students, good cooperation between administrators and teachers, and strong community involvement.

Associating with delinquent peers is perhaps the major predictor of delinquency, though the exact role of peers in the development of delinquency remains a subject of debate. Some researchers argue that the strong association between delinquent peers and delinquency is due to the effect of delinquency on delinquent peers; delinquents tend to select other delinquents as friends (“birds of a feather flock together”). Also, delinquents may be inclined to attribute their own traits to their friends. Still others argue that the association stems from the fact that both delinquency and association with delinquent peers are caused by the same third variables, such as low self-control and poor parental supervision. There is support for all of these arguments, but associating with delinquent peers still has a relatively large causal effect on delinquency. Again, this effect is most often explained in terms of social learning theory, but associating with delinquent peers may also increase strain (such as conflict with others), reduce control (for instance, ties to school), and contribute to negative labeling.

Even more consequential for delinquency is gang membership. Perhaps the most widely accepted definition of gangs is “any durable, street-oriented youth group whose involvement in illegal activity is part of its group identity” (Agnew & Brezina, 2012). Gangs are present in all major US cities and in many smaller areas, with about 5% of adolescents belonging to gangs at some point their lives. Most gangs are relatively small and loosely organized, but gangs in a few cities – such as Chicago and Los Angeles – are large and well organized. Research suggests that individuals dramatically increase their level of offending when they join gangs, and reduce their level after leaving gangs. Gang membership has been explained in terms of the above theories. In particular, juveniles often join gangs as a way of coping with their strains, such as the needs for money, status, and protection; they are more likely to join if friends or family belong and they live in communities where gang membership is reinforced; and gang membership is more likely among those low in control, including parental supervision and ties to school.

Researchers have examined still other social influences on delinquency, including religion, media violence, and drug use. Religious juveniles are somewhat less delinquent than non-religious juveniles, especially with respect to “victimless” crimes such as alcohol and marijuana use. Religion is more strongly related to victimless crimes because serious crimes are strongly condemned and sanctioned in both religious and secular society. Victimless crimes, however, are more strongly condemned by religious groups, particularly conservative or fundamentalist groups.

Researchers have devoted much attention to the effect of media violence, particularly television and movie violence. Although media violence exposure is frequently depicted as a leading cause of delinquency, especially in the popular press, it is probably not among the most important risk factors. In studies that have compared the effects of multiple risk factors, the influence of media violence is often weak in comparison with other known risk factors, especially delinquent peers. Still, media violence appears to increase juvenile violence by a modest amount. There are several possible reasons for the modest effect of media violence, including the fact that media violence exposures juveniles to violent models (social learning theory) and desensitizes juveniles to violence – making violence seem less bad and reducing concern for the victims of violence (social control theory).

Finally, there is a very strong association between drug use and other delinquency. But much of this association is due to the fact that delinquency influences drug use (delinquents are more often exposed to drugs and users), and that drug use and delinquency are caused by many of the same third variables. Even so, there is evidence that drug use, especially serious drug use, increases other forms of delinquency. There are several reasons for this, including the pharmacological effects of certain drugs, the need to obtain money for drugs, and the crime associated with the drug trade.

The above research focuses on those *background* factors that increase the likelihood of delinquency. Criminologists have also examined those *situational characteristics* that increase delinquency (Agnew & Brezina, 2012; Felson, 2006). Perhaps the most common argument here draws on social learning and control theories. Delinquency is most likely in situations where the costs of delinquency are low and the benefits are high. According to the routine activities perspective, this occurs in situations where there is an absence of “capable guardians” and the presence of “attractive targets.” Capable guardians refer to those who might intervene if a crime occurs, such as police, parents, and neighbors. Attractive targets for crime are visible and accessible, valuable, easy to move, enjoyable, and unlikely to provoke guilt if stolen. Some juveniles are more likely to encounter attractive targets in the absence of capable guardians than others, such as juveniles who frequently visit shopping malls without parents. Delinquency is also more likely among juveniles who spend much time in unsupervised, unstructured activities with peers (such as hanging out, riding around in a car, going to parties). Capable guardians are absent in such situations and juveniles are especially vulnerable to negative influences of peers. Further, delinquency is more likely when juveniles are provoked by other juveniles (subject to verbal and physical abuse) and experience certain other strains, such as a desperate need for money.

Finally, researchers have also examined whether and to what extent delinquency is more common in certain types of communities. Here data suggest that delinquency is highest in communities that are economically deprived, have high levels of residential instability (people frequently moving into and out of the community), have high rates of family disruption (divorce/separation/never married), and are close to other high-crime or deprived communities. It is most commonly argued that the characteristics of such communities reduce the willingness and ability of residents to exercise effective social control. Residents are struggling to deal with their own problems and may not have much stake in the community since they are planning to move. Thus,

they are less likely to sanction others for delinquency, socialize juveniles to condemn delinquency, and help juveniles build a stake in conformity. But some also argue that such communities are higher in economic and other types of strain, and that these communities are more likely to develop youth groups, including gangs, that hold values favorable to delinquency.

In sum, delinquency is caused by a range of biological, psychological, and social factors, with these factors increasing delinquency through their effect on levels of strain, control, social learning for delinquency, and negative labeling. Individuals, then, may differ in their level of delinquent involvement for a variety of reasons. Usually it is very difficult to explain delinquent behavior in terms of a single risk factor, such as child abuse or exposure to media violence. Delinquency – especially serious delinquency – typically results from a combination of multiple risk factors.

The Control and Prevention of Delinquency

The juvenile justice system, comprising the police, juvenile court, and juvenile correctional agencies, is directly charged with controlling juvenile delinquency. The system is assisted by a range of public and private agencies, many of whom run rehabilitation and prevention programs. As noted above, the response of these agencies to delinquency has shifted over time. Bernard and Kurlychek (2010), in fact, title their book on controlling delinquency *The Cycle of Juvenile Justice*. Their central thesis is that the juvenile justice system regularly shifts between a harsh, punishing orientation and a lenient, treatment orientation. There was a shift toward a more lenient, treatment-oriented system in the 1960s, reflecting such things as the rise of labeling theory and the liberal politics of the time. But a marked shift toward a harsher, more punitive orientation took place between the late 1980s and the 1990s (Agnew & Brezina, 2012; Bernard & Kurlychek, 2010; Feld & Bishop, 2012). Most juvenile courts altered their mission statements to reflect a greater emphasis on holding juveniles accountable for their behavior and punishing them. Juvenile courts made an effort to better identify and target serious offenders through the use of risk assessment instruments. Juvenile courts developed a range of “intermediate sanctions,” including restitution, Scared Straight-type programs, boot camps, and intensive supervision programs – which in some cases involve home confinement. States created mandatory minimum sentences and sentencing guidelines, limiting the discretion of juvenile court judges and increasing the severity of sanctions. “Blended sentences” were developed, such that juvenile courts could sentence certain juveniles to periods of confinement in juvenile institutions, followed by adult correctional institutions. And states made it easier to try juveniles, usually older juveniles who committed serious crimes, in adult courts, where they are subject to adult sanctions. In certain cases, juveniles were automatically sent to adult court for trial.

But as noted earlier, there is evidence for a later shift towards a less punitive system of juvenile justice. The rate at which juveniles are now being sent to institutions has declined dramatically in recent years. The Supreme Court has issued several rulings limiting the sanctions that can be applied to juveniles. There is an active effort to reduce

the use of certain intermediate sanctions, including boot camps and Scared Straight-type programs. Certain states have raised the age at which juveniles are considered adults. And the federal government and other groups are actively promoting the use of rehabilitation and prevention programs. While several factors are likely prompting such changes, prominent among them is the fact that many of these “get tough” initiatives have been found to be ineffective at preventing further delinquency or, in some cases, actually increase subsequent delinquency (Agnew & Brezina, 2012; Feld & Bishop, 2012).

Scared Straight-type programs, aimed at scaring juveniles from delinquency through prison visits in which inmates graphically describe the horrors of prison life, have been found to increase subsequent delinquency. The Attorney General of the US has recommended that these programs be abandoned. Boot camps have been found to be ineffective at preventing further delinquency. Likewise, punishing juveniles as adults is ineffective, with some data suggesting it might increase subsequent delinquency. More generally, questions have been raised about the effectiveness of deterrence programs, which aim to control delinquency by increasing the certainty and/or severity of punishment.

Deterrence programs may have both a specific and general deterrent effect. *Specific deterrence* refers to the idea that punishing offenders or punishing them more severely will deter the specific offenders who are punished from further crime. There is little evidence for specific deterrence, with some studies suggesting that punished offenders or more severely punished offenders may be somewhat more likely to offend (Agnew & Brezina, 2012; Feld & Bishop, 2012). There are several possible reasons for this. We do not punish in an effective manner. Most notably, the probability of sanction is generally quite low, as most delinquent acts do not come to the attention of the police or result in arrest. So punished offenders may feel that they can get away with further offending; in fact, punished offenders often *reduce* their estimate of the probability of sanction if they offend again. Some criminologists describe the low probability of apprehension and arrest as the “weak link” in the juvenile justice process (Sedlak & Bruce, 2010). Many juveniles are not responsive to punishment; they are impulsive and have little to lose if punished. There are many causes for delinquency, as described above, and punishment does not address the large majority of them. Further, punishment may backfire and increase the likelihood of further delinquency for reasons described by labeling theory. For example, arrest and incarceration may contribute to a delinquent self-image, the loss of conventional peers, and increased association with delinquent peers. In response to this, many juvenile courts have been pursuing efforts to improve the effectiveness of sanctions. These efforts involve increasing the certainty of sanctions and sanctioning in ways that do not backfire.

One particular effort that has had much impact is the restorative justice approach. This approach is in part from labeling theory and is designed to reduce the negative effects of punishment, among other things. The approach focuses on making offenders aware of the harm they have caused and having them repair that harm. Rather than being tried before a judge, offenders participate in a conference that is led by a trained facilitator, often a member of the community. The victim of their crime, family and friends of the victim and offender, and representatives from the community are

frequently present as well. The victim and others describe the harm caused by the offender's act. They question the offender, asking such things as why he or she committed the crime. And, after the offender has begun to appreciate the harm caused, everyone discusses the steps that should be taken to repair that harm. The offender may apologize, make restitution to the victim, and perform community service, for example. Once the harm is repaired, the offender is forgiven and an effort is made to restore or strengthen the offender's ties to the community. Research suggests that the restorative justice approach is preferred over traditional court processing by participants and is often more effective in preventing further crime (Agnew & Brezina, 2012; Braithwaite, 2003; Feld & Bishop, 2012).

In addition, the US Department of Justice led an effort to increase the fairness of sanctions by issuing a Disproportionate Minority Contact (DMC) mandate. States have been asked to determine whether juveniles of color are overrepresented in their juvenile justice systems and, if so, why. Over-representation may be due to higher rates of offending or discrimination by justice officials. Much research suggests that there is discrimination at various points in the juvenile justice process, from arrest to institutional confinement. States are then asked to develop and evaluate programs designed to reduce over-representation, including programs designed to reduce discrimination. A number of effective programs have been developed, although the DMC mandate is still in the process of being implemented by states (Parsons-Pollard, 2011; also see Feld & Bishop, 2012).

General deterrence refers to the idea that punishing juveniles will deter those in the general population from offending, including those who have not been punished. There is more support for general deterrence. In particular, increasing the certainty or likelihood of punishment has a modest general deterrent effect. Increasing the severity of punishment, however, has little deterrent effect, although certain research suggests that increasing severity might deter crime if the certainty of punishment is high. Criminologists have helped develop several methods of increasing certainty, with these methods focusing on policing strategies. "Hot spots" policing identifies those specific areas where crime is most likely to occur; the police then concentrate their patrols in these areas or hot spots. Ceasefire and similar programs identify those individuals and groups most involved in particular crimes, such as youth homicides, and then target these groups for close monitoring and – should crime occur – severe sanctions. And certain types of community policing may also increase the likelihood of sanction. For example, community policing initiatives such as foot patrols and Neighborhood Watch programs try to increase the likelihood that people will report crimes to the police – thereby increasing the likelihood of arrest and sanction (Agnew & Brezina, 2012; Feld & Bishop, 2012).

But at the same time, many researchers and policy-makers have come to realize that deterrence programs are likely to have only a limited effect on delinquency. They only address one of the many causes of delinquency: direct control by the justice system. Also, they are sometimes expensive to implement, particularly when they involve incarcerating juveniles. Consequently, many states are now in the process of reforming their juvenile justice systems to increase the emphasis placed on rehabilitation and prevention programs. These reform efforts are based partly on recent research that has

identified a range of effective rehabilitation and prevention programs, with the best of these programs reducing offending rates by half or more. Also, these programs are frequently cost-effective. They are often cheaper to run than many get-tough approaches, and they frequently save more money over the long term than they cost. In particular, they save money by preventing delinquency and other problems, such as unemployment (Agnew & Brezina, 2012; Farrington & Welsh, 2007; Feld & Bishop, 2012).

Rehabilitation programs target juvenile offenders. Prevention programs generally target those at risk for delinquency, such as children in very poor communities. Often, the same program is used for rehabilitation and prevention purposes. The most effective rehabilitation/prevention programs have several characteristics in common. They focus on the major causes of crime in the group being treated. This may sound obvious, but many programs target factors that are not significant causes of delinquency, such as low self-esteem. Other programs, such as “rap” sessions or discussion groups involving juveniles, often fail to target consistently any of the causes of delinquency. The best programs, by contrast, target the major causes listed above, such as low self-control, poor parental supervision and discipline, weak family bonds, school failure, and association with delinquent peers. Often, multiple causes are targeted in the same program.

Effective programs also tend to be intensive. They last for several months or longer, and employ a variety of techniques to change juveniles, with a focus on the cognitive-behavioral approach. Instructors describe what they want the juvenile, parents, or others to do; they demonstrate it; they get the juvenile and others to practice it; they provide feedback and reinforcement; and then the juvenile and others apply the technique in the real world – again receiving feedback and reinforcement. Effective programs also focus on juveniles at high risk for subsequent delinquency, since they can benefit the most from rehabilitation and prevention programs. And the most effective programs have a warm but firm relationship between counselors and juveniles. As noted above, this type of relationship is most effective at reducing delinquency.

Many specific rehabilitation and prevention programs have been developed. They focus on such causes as low self-control, family problems, school problems, drug use, and/or delinquent peers and gangs. Examples include mentoring programs such as Big Brothers/Big Sisters, home visitation programs that teach effective parenting techniques and strengthen bonds between family members, and anti-bullying programs that target a major strain for juveniles. A sizeable body of research on the effectiveness of these programs is emerging, and researchers are devoting increased attention on how best to implement these programs in communities. Information on the most effective programs can be found on the web site for the Office of Juvenile Justice and Delinquency Prevention (OJJDP), under their “Model Programs Guide.” Also, much information is available at CrimeSolutions.gov, a web site set up by the US Department of Justice to provide information on a range of crime and delinquency programs.

While such programs can do much to reduce delinquency, it is important to note that most programs focus on the problems of individual offenders and those at risk for delinquency. These individual problems, however, are strongly influenced by the larger social environment. Most notably, high levels of poverty and inequality contribute to a range of family, school, peer, and other problems. While the programs described above can alleviate the negative effects of poverty and inequality, any truly meaningful attempt

to reduce delinquency in the US must focus on reducing levels of poverty and inequality. Numerous suggestions have been offered in this area, including efforts to create jobs, ensure that all jobs pay a “living wage,” and expand social services programs involving such things as preschool enrichment, childcare, and jobs training (Currie, 1998).

Conclusion

In sum, juvenile delinquency represents a distinctive type of deviance, with delinquency involving violations of the criminal law by minors, and, sometimes, status offense violations. Delinquents are generally viewed and treated differently by the justice system than adult offenders, with the immaturity of juveniles leading to a greater focus on their rehabilitation and a more limited focus on their punishment. Delinquency, however, is a social invention, with the view and treatment of juvenile delinquents shifting over time – sometimes being more treatment-oriented and sometimes more punishment-oriented.

A range of factors increase the likelihood of delinquency, including individual traits, family, school, and peers – with the larger social environment affecting the level of such factors. And these factors impact delinquency through the effects on strain, control, social learning, and labeling. The juvenile justice system in recent decades has come to focus on get-tough or deterrence strategies that aim to control delinquency by increasing the certainty and severity of punishment. But in the last few years many states have re-emphasized rehabilitation and prevention programs, better addressing the many factors that cause delinquency in the first place.

References

- Agnew, R. (2007). *Pressured Into Crime: An Overview of General Strain Theory*. New York: Oxford University Press.
- Agnew, R., & Brezina, T. (2012). *Juvenile Delinquency: Causes and Control*. New York: Oxford University Press.
- Akers, R.L. (1998). *Social Learning and Social Structure: A General Theory of Crime*. Boston: Northeastern University Press.
- Akers, R.L., & Sellers, C.S. (2012). *Criminological Theories*. New York: Oxford University Press.
- Anderson, E. (1999). *Code of the Street*. New York: W.W. Norton.
- Barker, V. (2010). Explaining the Great American Crime Decline. *Law and Social Inquiry*, 35 (2), 489–516.
- Benson, M.L. (2013). *Crime and the Life Course*. New York: Routledge.
- Bernard, T.J., & Kurlychek, M.C. (2010). *The Cycle of Juvenile Justice*. New York: Oxford University Press.
- Braithwaite, J. (2003). *Restorative Justice and Responsive Regulation*. Oxford: Oxford University Press.
- Britt, C.L., & Gottfredson, M.R. (Eds.) (2003). *Control Theories of Crime and Delinquency*. New Brunswick, NJ: Transaction.
- Chambliss, W.J. (1973). The Saints and the Roughnecks. *Society*, 11 (1), 24–31.

- Chesney-Lind, M. (1989). Girls' crime and woman's place: Toward a feminist model of female delinquency. *Crime and Delinquency*, 35 (1), 5–29.
- Cullen, F.T., & Wilcox, P. (Eds.) (2013). *The Oxford Handbook of Criminological Theory*. New York: Oxford University Press.
- Currie, E. (1998). *Crime and Punishment in America*. New York: Owl Books.
- Farrington, D.P. (Ed.) (2005). *Integrated Developmental and Life-Course Theories of Offending*. New Brunswick, NJ: Transaction.
- Farrington, D.P., & Murray, J. (Eds.) (2013). *Labeling Theory: Empirical Tests*. New Brunswick, NJ: Transaction.
- Farrington, D.P., & Welsh, B.C. (2007). *Saving Children from a Life of Crime*. New York: Oxford University Press.
- Feld, B.C., & Bishop, D.M. (Eds.) (2012). *The Oxford Handbook of Juvenile Crime and Juvenile Justice*. New York: Oxford University Press.
- Felson, M. (2006). *Crime and Nature*. Thousand Oaks, CA: Sage.
- Gottfredson, M.R., & Hirschi, T. (1990). *A General Theory of Crime*. Stanford, CA: Stanford University Press.
- Hirschi, T. (1969). *Causes of Delinquency*. Berkeley, CA: University of California Press.
- Hoffmann, J.P. (2011). *Delinquency Theories*. New York: Routledge.
- Parsons-Pollard, N. (Ed.) (2011). *Disproportionate Minority Contact*. Durham, NC: Carolina Academic Press.
- Paternoster, R., & Bachman, R. (2001). *Explaining Criminals and Crime*. Los Angeles: Roxbury.
- Robinson, M.B., & Beaver, K.M. (2009). *Why Crime?* Durham, NC: Carolina Academic Press.
- Sedlak, A.J., & Bruce, C. (2010). *Youth's Characteristics and Backgrounds: Findings from the Survey of Youth in Residential Placement*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Unnever, J.D., & Gabbidon, S.L. (2011). *A Theory of African American Offending*. New York: Routledge.
- Zahn, M.A. (Ed.) (2009). *The Delinquent Girl*. Philadelphia: Temple University Press.

Alcohol Use as Deviance

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Defining certain forms of alcohol consumption as deviant, and creating social categories around these definitions, is a relatively new social development. Since such definitions began to emerge on a large scale in the early nineteenth century, the definitions have been the subject of a great deal of complex organizational activity. In this chapter the bases of these definitions, their changes over time, and the consequences of these changes are explored. The newly developed notion of Strategic Action Fields (SAFs) (Fligstein & McAdam, 2011) is used to describe these contexts of expansion, conflict and change. A variety of social categories of deviance are explored, centered on norm breaking and morality, on loss of control and disease, and on an emergent category of disability.

The Socio-historical Context

Because it readily occurs through natural processes, alcohol has been present in human societies long before there was a historic record. Alcohol is attractive to humans, and apparently to other animals as well, because of a disinhibiting effect on cognition and behavior that leads to feelings of pleasant relaxation. With descriptions ranging from The Good Creature of God and Beloved Sweet Water (an ancient translation of “vodka”) to vicious King Alcohol who captures and consumes bodies and souls, alcohol has had a dramatic history, although nearly all of the drama has occurred in the last two centuries, compared with alcohol’s presence in human societies for eons.

Rather than jumping immediately into this drama, the construction of a critical perspective should begin when an early human had a surplus of unused food (garbage) that fermented into an alcohol-containing mess that somehow was discovered by women and men to be good stuff. This led to more deliberate preparation of alcohol,

and at some point someone somewhere found that when the good stuff was used in excess, the users became sick or became remarkably transformed in their behavior. These combined observations following the discoveries of alcohol's desirability and the ease of its production were the bases for organized communities of humans to create norms for the proper use of alcohol, which means norms also developed defining the inappropriate use of alcohol, that is, the first definitions of alcohol-related deviance.

This process of discovery and early development of production also involved a structural social change: people decided that they wanted more of this substance, leading to pressure on community governance to deliberately assure that some part of the food supply was set aside for fermentation and eventual use for ceremonial or recreational purposes. This suggests the seed of social conflict between individuals or groups in this communal setting, namely that the materials necessary to produce alcohol were also the materials used for food.

Were we to be privy to observations of the process of developing proscriptive and prescriptive norms about alcohol across these early societies, we would be at the core of what sociologists try to understand. Since these data are beyond discovery, the original societal responses to alcohol offer incredible opportunities for "mind experiments" about what might have occurred. Critical to such experiments is the assumption that once the simple manufacture of alcohol was discovered, preventing its existence seems difficult and unlikely. Such an observation raises challenging questions as to how the widely diffused religious principles of Islam have successfully prevented use of alcohol throughout the myriad of environments where Islamic practice dominates, again suggesting "mind experiments."

From a different perspective, alcohol is part of the natural environment of humankind, and thus adaptations to its presence must be made. While the comparisons may seem extreme, the need for societies to adapt to the use of alcohol and cope with its consequences is similar to responding to the weather or to predator animals. Thus, like many other parts of the environment, alcohol must be "domesticated," or made to fit within structures that control its use or even draw upon its created values. Thus most societies have established normative structures such that only a tiny minority of incidents of alcohol use are defined as deviant. Alternatively, as has been the case in Islamic, Mormon, and some fundamentalist Christian communities, its presence and use is forbidden with varying degrees of effectiveness.

Strategic Action Fields

These statements are not intended to imply the emergence of norms through a mode of deliberate planning and rational discussion; that is not at all the way in which the normative structures of societies develop. Instead, adaptation through social definitions and controls that emanate from them is a very slow process of interaction between basic human needs, environmental constraints, and deliberate actions that assure some level of cooperation and mutual support. In essence, this is what is meant by a Strategic Action Field (SAF) (Fligstein & McAdam, 2011), used here as an analytic device. In a nutshell, these authors indicate that "collective actors somehow manage to get 'action'

toward their socially constructed ends, and in so doing, produce meso-level social orders" (p. 4). Here this is applied to how organizations develop, compete, and differentially benefit from conceptions of alcohol-related deviance represented in different combinations of four different orientations.

These orientations describe varying societal responses to alcohol. The model used here is derived and modified from previous work (Levine, 1978; Moore & Gerstein, 1981). While what follows builds upon Levine's ideas, it includes another of his important contributions, namely that while within American history these four orientations more or less unfolded in sequence, rather than replacement occurring in this sequence, the orientations are cumulative and interactive, and each continues to be represented in the SAF of deviance related to alcohol.

Major orientations to deviant drinking

These orientations are, first (borrowing from Lofland, 1969), the "*appreciative*" orientation that views alcohol as a positive ingredient of social and cultural life, enriching social interaction in different types of patterned behavior. This orientation falls short of encouraging intoxication, but such encouragement seems fairly implicit, albeit "controlled" (and possibly infrequent) intoxication. This orientation also is linked with scientifically based evidence that alcohol use has health-enhancing effects, and that regular modest use among adults should be recommended, but definitely not to the extent of intoxication, reducing credence that this truly represents an appreciative orientation. As is evident, it is an orientation that places little emphasis on deviance, and one that has had little traction throughout American history since the late eighteenth century. While alcohol consumption was very heavy during Colonial and post-Revolutionary periods (Rorabaugh, 1979), written praise for alcohol or intoxication was very sparse, save for the well-worn quote from Rev. Cotton Mather characterizing alcohol as "the Good Creature of God." Despite such verbal quietude, enthusiasm for nearly continual and heavy drinking during this pre-industrial rural era is well documented.

Second is the essential opposite of the first, a "*prohibitive-moral*" orientation that suggests alcohol use carries a very high, if not inevitable risk of damage and destruction for all its users. Long-term regular use of alcohol is believed to generate habitual heavy drinking that is reversible only through extreme perseverance, but typically unconquerable before death through accidental injury or physical deterioration intervenes. This orientation includes the vision that the personal and social experiences linked to alcohol that are the center of the appreciative orientation are indeed evil and morally unacceptable. The emphasis on immoral attributes was far more emphasized than the health consequences. This orientation dominated for the century from the 1820s up until the Repeal of Prohibition in 1933. While dormant for nearly 30 years, this orientation re-emerged in the 1970s and 1980s in a somewhat different form, due to the changed organizational population of the SAF. Here it is discussed in terms of various forms of "problem drinking," a term that is a close equivalent to sociologists' use of the term "deviant drinking."

Third is the *medical-disease orientation*, which was in various nascent forms for as long as 300 years until finding a receptive sociocultural environment in the US following the Repeal of Prohibition. The platform for this perspective can be that there are vast numbers of drinkers and drinking events that are not marked by drunkenness or other untoward consequences. But a relatively small number of drinkers find sooner or later after beginning their drinking careers that they cannot easily control their consumption, that they “crave” alcohol and its accompanying effects, and that their ability to perform social expectations deteriorate significantly. By inference, this small number of drinkers is believed to suffer from a disease, or least from a significant preoccupation or obsession that interferes with their life functioning, as well as frequently interfering with the lives of others. Thus to use the simplest logic, these individuals should be the target of prohibited use, and indeed the treatment for their disease centers on striving for lifelong abstinence once their condition has been ascertained. Within this orientation, no drinking prescriptions or proscriptions are suggested for those without the disease of alcoholism or alcohol dependence, but strong emphasis is laid upon the earliest possible identification of those who are affected by this disease. This orientation emerged in the two decades following Repeal, and remains dominant today.

Fourth is the “*prohibitive-health*” orientation, which suggests that all but the very slightest use of alcohol carries a wide range of health risks, including damage to organ systems, damage to *in uterine* fetuses, and brain damage. Emphatically of equal if not greater importance in this orientation is the damage generated by alcohol through motor vehicle accidents, violence to others, suicide, and, to a lesser degree, an emphasis on a causal link with criminal activity. This orientation was quite clearly articulated in the “Word of Wisdom” of the Mormon denomination in the 1840s, and then re-emerged in a completely different context as part of the US public health establishment in the late twentieth century.

Major Conceptual Categories of Deviant Drinking

“The Three D’s” of deviance, disease, and disability represent the shifting categories within which societal reactions to certain alcohol users can be classified. Over American history, these definitions have shifted in dominance, with deviance and disease clearly most prominent. The deviance definition was dominant for about 130 years, followed by the dominance of the disease definition for the next 40 years, and with the two definitions competing for dominance over the past 30 years. The disability definition was implicit during the period leading up to Prohibition, but has been rarely discussed since, although it can be shown to have importance in its dormancy during the Temperance period. It now may be defined as nascent, since the conditions for its emerging importance seem to be present through the medically based definition of alcohol use disorders as chronic and essentially incurable diseases, since they are characterized by certain but unpredictable relapses to potentially destructive and damaging drinking behaviors.

Although the definition of social deviance is central to many of the discussions in this book, for our purposes here, deviance associated with alcohol use is any behavior

that is subject to informal or formal negative sanctions. The definition should be limited to events and individuals where sanctions are employed. If we instead take an objective approach to a definition and define deviance as any drinking involving individual intoxication, the consumption of a certain number of drinks, or the time and place of where the drinking occurs, the volume of “deviant” acts far exceeds those that engender a social reaction. However, as shall be seen, researchers and policy-workers do indeed use such objective definitions and thus produce spectacular statistics that are typically geared to influence some or all of the public to take certain types of actions.

The deviance definition thus can center a substantial degree of analysis of different patterns of social behavior. Historically, there seems to have almost always been some definition of deviant drinking or deviance associated with drinking, but as an issue that is linked to definable and substantial social reactions, it has varied greatly over time. But unlike disease and disability, the presence of a deviance definition associated with drinking is more or less a social constant.

Emergence of Deviant Drinking

Examining alcohol use and alcoholism across American history, the emergence of organized social reactions to drinking-related deviance began in the early nineteenth century. As mentioned, widespread and heavy consumption of alcohol, particularly in the form of distilled spirits, is a well-documented feature of Colonial and post-Revolutionary life (Rorabaugh, 1979).

Using the SAF approach, in 1800 the emerging field had three components: the alcohol beverage production industry, a very weak group challenging alcohol use perhaps influenced by both the early “alcoholism” ideas of Benjamin Rush and the seeds of the Temperance Movement, and the government, which established the taxation of alcohol distribution as a legitimate means of revenue. Alcohol consumption had not yet been defined as a problem, and Rush’s concerns as well as the goal of taxation was directed towards distilled spirits rather than alcohol generally.

This SAF might be viewed as integrated, but on the edge of change. Significant features of this field are the alcohol producers and distributors (but in a totally unorganized state), and the orientation of governmental taxation of distilled spirits towards creating general revenue rather than revenue addressed to the problems created by alcohol consumption. Given that, apart from modest resistance through the “Whiskey Wars” at the outset, this taxation commenced its steady imposition over the disorderly alcohol distribution component of the SAF with a consensual goal of this being general tax revenue. This would mean that subsequent attempts to impose taxation for the purpose of addressing alcohol’s damage would be thwarted by precedence, with the only chance of success being added taxes with “earmarks” directed toward alcohol’s effects, all of which have failed at both the Federal and State levels.

An excellent argument for the emergence of the American alcohol problem in the early nineteenth century was developed by Clark (1976), who highlighted the alcohol-related impacts of the three major social changes of industrialization, immigration, and urbanization. Gusfield (1963) offered a widely diffused theory that these social changes

precipitated a mobilization of interest on the part of the Anglo-Saxon-descended rural and small-town Protestants who focused on alcohol as an agent of social disruption. Alcohol use was seen as flourishing as a consequence of these three sets of social changes, and exertion of social control was the mechanism for conserving the *status quo*.

The focus of concern was, first, the well-being of the family that was put at risk by the drinking of the household head, and second, the intense belief that persistent drinking by the male head would lead to total deterioration ending in disability or death. It was implied through advocacy and education that these risks were class-bound, and that those in the middle and upper classes had the wisdom to avoid these temptations. Thus, the removal of alcohol from society was the solution, and the Temperance movement was the mechanism to produce this change.

Its development gave life to the SAF as an arena of activity, and it moved forward with the leadership of the Woman's Christian Temperance Union (WCTU) with the goal of mobilizing resources for National Prohibition. This organization was not successful in bringing about the political change necessary for Prohibition, and had a diffuse set of targets for its educational efforts. According to Rumbarger (1989), the organizational interest with intense commitment to reducing alcohol consumption among its heavily immigrant and under-Americanized workforce was the leadership of the rapidly growing business and industrial complex. He argued that while remaining "behind the scenes," this leadership funded a new and highly focused organization, the Anti-Saloon League (ASL), to accomplish the task of legislating Prohibition. The ASL indeed proved far more effective as the core of the SAF than the WCTU, and increased social and political support by targeting the saloon rather than the drinker as the "villain." The alcohol production and distribution industry, as part of the ASL, remaining diffuse and unorganized, failed completely to defend this attack on its core economic interests. What ensued, of course, was National Prohibition and its eventual repeal.

Through this period, deviant drinking was far too broadly defined to stimulate a uniform set of societal control reactions, other than the continued barrage of control effort aimed at alcohol production and distribution. This created a lacuna that would later be filled by the disease of alcoholism.

Invention of the alcoholic

Whereas Prohibition entailed an official view that any and all use of alcohol risked progressive damage, a "discovery" following Repeal dramatically shrank this focus. The new category of deviant drinking targeted those who consistently failed to control their alcohol intake such that others defined their expected role performances as inadequate. These "alcoholics," largely invisible in prior generations (Levine, 1978), became the new core of the definition of the nation's alcohol problem. Continuity with Prohibition was demonstrated by the fact that not everyone, but only these individuals, were to be prohibited from drinking.

The scientific legitimacy for this change stemmed from its linkage to a research center at Yale University, which became a key player in an altered SAF. The scientific approach, with its aspiration to be "value-free," was welcome as societal relief from

conflict, formerly represented by harangues, ineffective law enforcement, and flagrant law violation, the roots of the moderate chaos that characterized 13 years of Prohibition. Of note is that the formerly dominant forces for Prohibition became minimal players in the SAF, and the alcohol beverage production and distribution industry became a major player. The greatly reduced definition of the problem was of course a boon to those making and selling alcohol. The government focused on enacting a massive patchwork of state-level regulations designed to ensure that the use of alcohol did not again escape societal control.

The disease concept of alcoholism is credited to Yale staff member E.M. Jellinek. The idea has been the subject of great controversy ever since (e.g., Heyman, 2010). Key to the controversy is that recovery from this disease is centered on self-control, and that a substantial proportion of persons “recover” without any external assistance. Policy commitments to the disease concept grew with the Yale Center’s initial sponsorship of a campaign centered on “alcoholism is a disease like any other.”

Important to note is the absence of significant competition for defining deviant drinking during this period, the Temperance movement having lost its base of support. Thus proponents of the disease model dominated the SAF, encouraged and partly supported by the alcohol production and distribution industry. Alcoholics Anonymous (AA) played a major role in providing a treatment platform for the disease, and its early growth was intertwined with that of the Yale Center and its research and publication activities, including a scientific journal, the *Quarterly Journal of Studies on Alcohol*. Notably, the disease definition offered subtle popular comfort (and a basis for social support) by placing the vast majority of drinkers in a broad “safe zone” in that, by inference, they could control their alcohol consumption.

For the disease model to be legitimate, formal treatment was essential. The treatment model that emerged was not AA *per se*, and AA affiliation was not presented as the treatment for alcoholism but as a treatment philosophy, and as an essential support structure for recovery. First with public support, a system of treatment began to emerge, laying the foundation for a new complex of organizational interests that would become central in the SAF. The major transition to a large number of private and not-for-profit treatment programs followed the launching of the National Institute on Alcohol Abuse and Alcoholism (NIAAA) in 1970, which came to offer substantial funding for treatment and research. Later, NIAAA supported lobbying efforts that successfully created regulations providing health insurance coverage for alcoholism treatment. These developments further affirmed the legitimacy of the disease concept, and added new organizational players to the SAF.

Discovery of the problem drinker

The disruptive and costly behaviors of “problem drinking” slowly returned to social visibility by mid-century. By the 1970s, researchers invented a new category that seemed to fit Temperance ideology and recall punitive approaches for discouraging the use of alcohol altogether (Roman, 2014a). A report from the federally-sponsored Cooperative Commission on the Study of Alcoholism (Plaut, 1967) heavily emphasized

the attention needed to “problem drinking.” The question of how people other than alcoholics used alcohol was essentially launched by Mulford (Mulford & Miller, 1959) who used population interview data and looked not only at quantity and frequency of consumption, but also at motives to drink and drinking consequences.

This work was followed on an extensive scale by the Alcohol Research Group (Cahalan, Cisin, & Crossley, 1969). Social epidemiological data were used to establish the “problem drinker” as a central category for study and on which to build “public health” policy (Cahalan, 1970). Contrary to the accumulated observations of alcoholism research of the highest prevalence of alcoholism being among middle-aged men, young adult white men consistently had the highest level of heavy drinking accompanied by significant consequences (Cahalan *et al.*, 1969).

These findings uncovered a persistent dilemma for social policy: when should a problem drinker receive treatment? Later data showed that many young male and female drinkers sharply altered their drinking following life events of marriage, child-bearing, or the launching of serious careers. At the same time, these younger drinkers fit the diagnosis of alcohol use disorders (AUDs) that rests heavily on the sociological criteria of role performance: continuing to drink in the face of persistent failure to meet role obligations, and adverse consequences because of drinking. Many such patterns are curbed by punishment, which links the so-called public health model directly into systems of justice, confusing the medical model of responding to alcohol problems.

The re-invention of the concept of problem drinking spawned several important subcategories of deviant drinking, each of which is associated with different organizational interests that have, in turn, greatly expanded the size and complexity of the SAF of alcohol problems or deviant drinking. This definitional expansion occurred in stages, beginning with the employed problem drinker, followed by drinking and driving, underage drinking, and binge drinking.

The employed alcoholic as a bridging concept

Today’s SAF is characterized by a combination of organizational interests in both the disease of alcoholism (now referred to as alcohol use disorders: AUDs) and problem or deviant drinking. The latter category emerged through several routes, the first of which was attention to the deviant drinker in the workplace. In the 1940s, the social movement to medicalize alcoholism projected a great potential through adding to its SAF a large constituency of leaders of business and industry, and, later, leaders of organized labor (Trice & Schonbrunn, 1981). This resulted from invention of the industrial alcoholism program, wherein a recovered alcoholic employee (always a member of AA) became a member of the company medical department staff, and worked through a variety of networks in the company to identify employees with drinking problems. The intentions of this effort did not differentiate between those employees who had or had not lost control over their drinking, but instead regarded them all as suitable referrals for assistance. The earliest programs had only AA to turn to, but as treatment became available, a referral was the result. The essential idea, initially based on accumulated anecdotes but later confirmed by data, was that, given the chance to save their jobs,

employees would respond favorably and cooperate with these referrals. Given this level of motivation, it was reported that most became abstinent and were successful in their recovery, affording a return to work at a much higher level of performance than was the case while their drinking patterns were impairing their work.

This concept diffused slowly in terms of employer adoption, but eventually the idea that employees whose drinking adversely affected their job performance were alcoholics in need of intervention became a crystallized assumption (Trice & Roman, 1978). Nonetheless, the term "problem drinker" was much more commonly used in this context, particularly because employers did not want the image problem associated with the idea that they either hired or harbored alcoholics.

When the NIAAA was formed, this approach became a major programmatic thrust under the banner of "occupational alcoholism." Its adoption was viewed as a positive step towards creating the image that alcohol abuse and alcoholism were spread throughout the social structure, not just concentrated at "the bottom." Identifying and intervening with problem drinkers in the workplace could as well demonstrate to the public that the "typical" alcoholic was likely to be a respectable employed individual, perhaps living next door. Further, as with the early industrial alcoholism proponents, NIAAA viewed potential opportunity associated with recruiting workplace leadership as their ally in the SAF (Roman & Blum, 1987).

In the early 1970s, the diffusion of these programs was greatly enhanced by incorporating them into broader "employee assistance programs" (EAPs). This eliminated the problem of diagnosing whether or not an employee was an actual "alcoholic," and the identification of a referral candidate was based on whether the employee had a repeated job performance decrement that was not related to job conditions. In some instances, such events led to employees being confronted with their poor performance and required to use the EAP services or face disciplinary action or possible termination.

Differentiating between alcoholics who had lost control of their drinking and needed treatment assistance, and problem drinkers who had not, was beyond the scope of the EAP since it was designed as a health modality, offering confidential assistance, and not threatening or punishing employees. The overall goal of the EAP was to create positive and accepting attitudes toward alcoholism and other behavioral health issues. But there is no doubt that it had an expansive approach that provided treatment for individuals who might not have needed it.

To further complicate issues, the EAP definition of its services included substantial follow-up attention to ensure that employees did not resume drinking, applying the model of alcoholism to all those who had had an alcohol-linked job performance problem. Thus, while identification of a candidate for the EAP was based on job performance, success in the program was based on abstinence.

Following the logic of identification, an employer would not be able to intervene with an employee suspected of an alcohol problem unless there was hard evidence that job performance impairment had occurred. Following the logic of treatment, an employee who resumed adequate job performance after treatment but "relapsed" into drinking presumably could be disciplined, or at least confronted about their drinking behavior.

It is on this basis that this convoluted definition of alcoholism and problem drinking is regarded as a "bridging" definition. It was most prominent during the 1970s

and 1980s, after which EAPs that focused on alcohol problems went into eclipse. Of importance for present concerns is the extent to which this set of definitions of problem drinking was designed around the assumption that the individual was valuable to the workplace and should be salvaged despite their behavior. Later, however, other applications of problem drinking led to negative and exclusionary social reactions.

Drinking and Driving

It was not until the 1980s that these implications vigorously blossomed in the form of concerted social attention to the drinking driver, one of the several categories of problem drinkers. Mothers Against Drunk Driving (MADD), with its descriptive acronym, was founded on basic principles of retributive justice, with the founder's story centered on the drinking driver who had accidentally killed her daughter but who suffered minimal consequences and was actually free to injure others (Reinarman, 1988).

MADD's goal to change social policy was highly successful. It sought more severe punishment for drinking and driving, coupled with assurance that repeat offenders would lose their driving privileges. Given data that showed a high incidence of drunk-driving incidents among young people, the National Minimum Drinking Age Act raising the drinking age to 21 was forced upon the states in 1984 as a condition of receiving Federal highway fund support, and remains federal policy. To an unknown extent, these policies affected public stereotyping of alcohol problems, with the drinking driver being an effectively demonized contrast to the middle-aged employed man who returns to productivity and community citizenship accompanied by dutiful AA attendance.

Overnight Deviance: The Underage Drinker

A direct product of the entry of MADD and related organizations into the SAF was the increase of the drinking age to 21 across the country. Previously, states varied in this rule, dating back to the Repeal of Prohibition, but sometimes creating problematic traffic across state borders where lower age limits provided opportunities to drink.

From the perspective of activity in the SAF, what stands out about this change is the success of MADD in bringing about a national change. After only a few years of being a major player in the SAF, MADD and its associate organizations demonstrated power unmatched since the Anti-Saloon League's effective creation of Prohibition in 1918.

Since Repeal, the Federal government had withdrawn from legislating about alcohol, with the exception of taxation issues. In this instance the change was produced somewhat obliquely: if states failed to set their drinking ages at 21, they would be penalized by a reduction in funding to expand and maintain the Interstate Highway System within their states. This threat proved effective, and while the change was slowed in a few states, new state laws created wave after wave of new deviants in the form of underage drinkers. This slowly evolved into a boon for resources allocated to local police, opportunities for bail bondsmen, income from fines, new roles for attorneys,

and greater resources for courts and jails. Hence these sets of organizations and individuals became vested parts of the SAF.

Thus this deviance creation process, powerfully driven by emotional imagery of maimed and dead children, proceeded quickly and smoothly. Absent from the SAF was any significant movement against this legislation. Evidently the organizational complex of alcohol production and distribution, one of the most powerful players in the SAF and perhaps the entity with the “greatest to lose,” feared significant backlash were it openly to try to block this legislation.

The consequences of creating this new category are examined only in terms of the reduction of damage associated with underage drinking, particularly drinking and driving. What is overlooked is the potential damage caused by large-scale contact with the criminal justice system on the part of those who, in the eyes of many, have committed no crimes. The extent to which this activates self- and social-labeling processes that have effects on self-esteem and self-image is a taboo research topic, as the SAF lacks any significant organization promoting the return of the legal drinking age to something lower than 21.

A Moral Crusade: Binge Drinking

Binge drinking, defined as five drinks per “sitting” for a male and four for a female, is widely accepted as received wisdom, and with a few exceptions, the manner in which the definition of this term was transformed is increasingly absorbed into history. In its Instructions to Authors, the *Journal of Studies on Alcohol and Drugs* stands alone in insisting that contributing authors use this term to apply only to the traditional definition of “excessive drinking over a period of at least 2 days, during which other responsibilities are neglected.”

How this change occurred and was accepted stands as a modern-day example of successful moral entrepreneurship (Becker, 1963). The new definition was generated by a social epidemiologist, Henry Wechsler, largely to describe drinking behavior among college students, about which social concern in the US escalated dramatically in the 1980s. No published justification of the change in this definition can be found, but doubtless its use added to the drama intended to be created around student alcohol use as a social problem demanding a strong response.

Another reported drinking behavior of college students, “21 at 21,” as a form of rapid drinking is easily associated with the binge drinking concept, but effectively demonstrates how the blurring of ideas can result in deviance amplification. Drinking 21 shots of distilled spirits in a short period of time to celebrate one’s 21st birthday can result in death, and indeed, a small but dramatic number of such deaths are reported in the media. For the public, the association of rapid drinking, binge drinking, and death can escalate the perceived seriousness of the student drinking “problem.” Likewise, trauma and accidents have been reported with other episodes of rapid consumption of large amounts in alcohol in a short period of time, usually in connection with hazing, other initiation rites, or simply a result of naïveté about the toxicity of such rapid consumption.

It is, of course, no coincidence that publicity and concern about student binge drinking almost immediately followed the national increase of the legal drinking age to 21. Drinking rapidly can imply furtive drinking and concern about being observed by police, suggesting that “binge drinking” is not only an emotion-generating term, but a product of legal change. A similar resulting behavior is “pre-gaming” where underage drinkers will drink heavily in a protected private setting before going into public areas where they risk arrest for being observed in possession of alcohol.

The SAF has thus had the entry of college and university leaders as well as other staff charged to deal with apparent epidemics of binge drinking. This alerts parents of college students as interested parties to the SAF, as well as legislators whose responsibilities include public higher education. Over the past two decades, the NIAAA has developed a very large research portfolio on measuring student drinking and attempting to control it. Curiously, there has been practically no parallel concern for responding to apparent binge drinking among youth who are not enrolled in higher education.

“Functional alcoholism” as a conceptual dilemma

The idea of a person who is an “alcoholic” and yet is still integrated into “normal” social functioning seems a distinct anomaly. “Functional alcoholism” captures the construction of parameters of social definitions of AUDs as a peculiar category of illness or deviance (Roman, 2015).

Functional (or “high functioning”) alcoholics are individuals whose drinking and its directly accompanying behaviors (sharp mood changes, unpredictable actions) are symptomatic of AUDs. However, these persons’ other behaviors (performance of expected social roles) are such that “significant others” have little basis for acting to change the alcoholic behavior, but who indeed benefit from the successful role performance. At the core of this definition is the quantity and types of social capital possessed by the functional alcoholic relative to that possessed by her or his surrounding social audience and role partners. This capital can be of many types: possession of resources and power, access to other resources and power, and/or the ability to generate resources and power.

In addition to the capital held by functional alcoholics, the manner in which they utilize it is key to their continuing integration into social life. This includes ways in which this capital is shared or exchanged with others, how it provides others with rewards and social status, or how its availability suggests to others significant chances for future rewards, loss of which they do not want to risk.

Functional alcoholism is a concept of relatively recent invention and use, originating in the lay community in the US, with several non-academic books providing an initial foundation for the diffusion of the idea and its further spread into public discussion (Benton, 2009; Neill, 2011). Unlike many popular ideas, this one has an empirical foundation (Moss, Chen, & Yi, 2007). Moss and colleagues classified types of alcohol-dependent people from national survey data, reporting that 19.5% of alcohol-dependent persons in the US fit the “functional subtype,” and later data confirmed the stability of this subtype.

The functional alcoholic concept raises critical issues for understanding what appear to be contradictions in epidemiological data about the prevalence and distribution of AUDs. Since AUDs are now the institutional responsibility of the medical care system (Wiener, 1981), the contradictory features of functional alcoholics are that they do not admit to having an illness, have no apparent desire for treatment, are not recognized by others as ill, and instead of being placed in the classic “sick role” (Parsons, 1951), they continue to function adequately in their normative, assigned social roles. Accounting for this exceptional category within a medical paradigm is difficult.

This genre of disease-related behavior is linked with the recently invented social problem of “presenteeism” in the workplace where, for a variety of motives, persons who are ill continue to come to work when others, with varying motives, feel they should be absent (Widera, Chang & Chen, 2010).

Looking at the dynamics of social capital that underlie functional alcoholism, an overview of the typical labeling process may be informative (Bacon, 1973). In the case of effective labeling, an individual has behaved in such a manner that substantial consensus has developed among the surrounding social audience that the individual has significant troubles with drinking, such that change needs to occur: the alleged alcoholic needs to cease drinking, to seek approved help in ceasing drinking, and/or lose their standing as part of a particular social group. Implementation of one or more of these processes usually flows from consensus among multiple group members. Success in such implementation implies that the group members possess greater social capital than the target individual.

In the case where the focal person (the alcoholic) possesses greater social capital than surrounding significant others, an attempt at labeling in the manner described above might be foolhardy and thus not attempted. The imbalance in social capital assures the target that they can take firm action against any intervener through legitimate punishment, withdrawal of rewards, and/or exclusion from the group. An attempt at “helping” based on the assumption that the helper is informing the target of a health condition of which the target is unaware is likely to be disastrous. Likewise, attempts at deceit through staged events such as “interventions” may have dire social exchange consequences for those involved in these efforts.

The primary reason why this process is unlike identification of illness, but instead is a version of typical social exchange relationships, is because of a defect in reasoning about the nature of alcoholism and addiction as diseases. Disease models assume that once sick people learn of their illness, they are motivated to “get better,” seek treatment, and rid themselves of the illness in the form of recovery. Because of the rewards they receive from using their substance of choice, a substantial proportion of alcoholics and addicts do not want to change or “get better.” Rather than directly recognizing this behavior for what it is, this refusal is labeled as “denial” and in many quarters is viewed as an emotional symptom of the disease that must be overwhelmed for recovery to begin.

There is one significant attempt to account for those who were captured by alcohol but have no interest in recovery. Caricatured social partners have been invented in the forms of *enablers* and *co-dependents* (Irvine, 1999). These role partners are described as providing excuses and justifications for the alcoholics’ behaviors to their social audiences, essentially becoming their on-site “handlers.” *Enabling* included those direct

support behaviors that might even involve providing alcoholics with ample supplies of their favored beverage. *Co-dependency*, which involved the same behaviors, was also defined as a pathology of the alcoholics' significant others that needed attention and treatment. Co-dependency was described as a mirror of the symptoms of addiction (Irvine, 1999), with the individual being trapped in what was essentially the imbalanced social capital arrangement. Co-dependents were also characterized as frustrated, unhappy, and deeply involved in self-blame. Part of the solution to these negative emotions involves role detachment from the functional alcoholic, but there is usually no emphasis upon trying to change the alcoholics' behavior or to get them into treatment as responsibilities of the co-dependents.

Recovery from alcohol dependence as disability: a nascent category

While the images of illness and of badness continue to surround the deviant drinker, they lead to the resolutions of treatment or punishment, or a combination of both. A third image is emerging that may further confound societal attitudes about proper management of deviant drinking. This is the concept of disability, which is at least as ambiguous as the medicalized concept of alcohol use disorders (Neilsen, 2012). Defining disability can center on permanent loss of ability to perform role expectations, and often includes some dimension of dependency on others in performing roles or in assuring survival. Central to the notion is irreversibility. While never mentioned, disability (although not labeled as such) was the projected outcome of drinking proffered by the Temperance Movement, although most of the educational graphics of the period projected the premature death of the drinker. In fact, substantial numbers of such persons ended up being America's homeless population and inhabited urban "skid rows."

The societal management of disability has historically varied from segregation and isolation to supported opportunities for involvement and social integration. Subsidies are often involved, and a significant portion of Social Security benefits are provided to those adjudged to be unable to generate enough income to support themselves fully. Since support is long-term and may involve substantial payment, individual benefits are customized. This form of management differs substantially from the time-limited administration of either treatment or punishment.

The implication that those with AUDs might be disabled is not new. Resistance to such a categorization seems to be anticipated in the writings and publicity associated with AA. AA's conceives of its affiliates as persons who share the problem of being unable to control their consumption of alcohol, but who are otherwise completely normal. In other words, while their behavior in association with alcohol is unpredictable, destructive, and even wild, removing the alcohol from their behavioral choices returns them to an essentially normal state, which means that they have the same diversity of social and behavioral characteristics. At the same time, their prior behavior is not denied or ignored, and in fact a central part of the Twelve Steps toward recovery is specific adoption of the repentant role (Trice & Roman, 1970). This involves recognition of the injury and damage caused, followed by prudent attempts to make amends and seek forgiveness.

There is ambiguity in AA's effort to delimit and isolate "the problem" to an easily visible single set of behaviors which, if terminated, will return the individual to normality. An indicator of this ambiguity and movement towards a disability definition is the historical erosion of the use of the term "recovered" to refer to alcoholics successfully maintaining their sobriety via the AA program, and substituting the very different term, "recovering." Use of seemingly similar adjectives, "reformed" and "former," mark the commentator as clearly outside the SAF of alcohol.

While the recovered vs. recovering usage is debated within AA circles, there are no scientific publications dealing with the issue. The scope of this usage has never been studied, and the sources of the "recovering" usage have not been identified. It appears to have spread with the rapid growth of in-patient alcoholism treatment in the 1970s, which marked widespread hiring of alcoholics in recovery to function as counselors. Transition to the "recovering" label may have been seen as facilitating identification between patients and the staff who had experienced alcoholism; by contrast, labeling counselors as "recovered" could be seen as a distancing mechanism and even a discouragement for the patients. It likely was not anticipated that such a change in labels could later facilitate the classification of those with AUD as disabled (i.e., permanently impaired).

Alcoholism as a disability was included in the drafting and passage of the set of federal protections created by the Americans with Disabilities Act (ADA) in 1990 (Foreman & Jefferson, 2000). This "bill of rights" for people suffering from a vast range of problems had central concerns about maximizing employment opportunities, and thus introduced the notion of employers being required to "reasonably accommodate" those with disabilities. Given that alcoholics did not have difficulties with physical barriers, communication, or transportation, an expectation developed that a history of alcoholism could no longer be used to deny employment. It was clear that employers were not required to tolerate drunken behavior on the job, but it was around this issue that a unique feature of AUD became prominent: relapse is not uncommon among those "in recovery," so what was the employer to do when the otherwise sober and hardworking alcoholic got drunk during work hours, or, while traveling for their job, got drunk and belligerent with company clients in a distant city?

Litigation has been pursued about these matters, and not surprisingly, the pattern of decisions is ambiguous, and has essentially failed to clarify whether alcoholism is a "legitimate" disability under the provisions of the ADA (Foreman & Jefferson, 2000). Using the SAF perspective, this entrant into the arena of jurisdiction over deviant drinking has had little impact, and is essentially a non-player. This is most directly indicated by the absence of evidence of any initiatives to use the ADA to promote greater social integration via employment opportunities by those SAF-dominant organizations representing treatment, or the small group of advocates promoting the destigmatization of AUDs.

The major impetus to institutionalizing the AUD label as a disability came from the *de facto* leadership of the scientific community, wherein addiction (which intentionally encompassed AUD) was declared as a chronic brain disorder requiring vigilance for expected but unpredictable relapses, suggesting an analogy with epileptic seizures. This began with a declaration by Alan Leshner (1997), then Director of the National Institute

on Drug Abuse (NIDA), that this conclusion was based on the integration of a wide range of scientific findings about how psychoactive substances directly affected the brain, leaving residues of “craving” despite abstinence. Next, respected scientists (heavily supported by NIDA and NIAAA grants) who studied both AUD and addiction added to the chorus to imply unanimity between the policy and the science communities (McLellan, Lewis, O’Brien, & Kleber, 2000). Later, Leshner’s successor teamed up with the head of the NIAAA to elaborate these assertions as an implied statement of policy guiding the funding of future research, and making it clear that AUD was definitely under this chronic disease umbrella (Volkow & Li, 2004). It is difficult to circumvent the implications of disability in these assertions.

The group most distinctively representing these chronic, relapsing individuals are the homeless, among whom “public inebriates” still exist as a subpopulation. Despite many decades of efforts to argue that the “Skid Row bum” did not represent the American alcoholic, leadership efforts to promote the chronic brain disease model are actually providing substantial support for a return to such a caricature. This is underlined by a key feature of the “new” scientific definition: inevitable but unpredictable relapses of unknown scope and consequences. Publicity since the early 1940s has explicitly promoted the imagery of the “recovered” alcoholic despite changes in language, with a primary goal of preserving employment or gaining employment. There is a high likelihood that employability will drop if this new definition becomes widely diffused and accepted. This is highly consequential since employment has repeatedly been shown to be the main factor predicting stability in recovery.

Alcohol abuse and alcoholism today

Alcohol as a social issue in the twenty-first century in the US can be described as a crowded and complex organizational field. Within this field, there is substantial employment and absorption of economic resources through government funding, taxation and fines, licenses, expenditures on alcoholic beverages, insurance funds used to pay for treatment, and individual payments for treatment.

While the public image of these activities is that they are enhancing social order and maximizing the public good, as an organizational field this complex system is actually maximizing its control of resources and competing with allocations for “parallel” issues such as the use of other drugs. The legal use of marijuana and its consequences looms as a possible battleground for such competition, if we only consider the assumption that the legal use of mind-altering substances has limits, and that if legal marijuana use becomes an institutionalized practice, with a parallel organizational field, the use of alcohol will be affected along with the consequences of such use, leading to a zero-sum game.

Within the alcohol field, multiple definitions of problematic behavior persist, each with surrounding and often overlapping organizational interests. Control and punishment of problem drinkers in the underage, binge, and drunk-driving categories is flourishing, alongside continuing treatment of AUDs and devotion of resources to their long-term recovery or disability. Expensive research studies are scattered across nearly

every aspect of the field, with little replication or conclusive findings (Roman, 2014b). Measuring and distilling public attitudes in this environment seems to produce responses and analytic results indicating ambivalence and confusion, and an orientation that repeated excessive drinking has elements of both badness and sickness (controllable vs. uncontrollable actions) (Conrad & Schneider, 1980) that has been empirically established (Pescosolido *et al.*, 2012) and theoretically explored (Room, 1976).

“Normal” drinking is largely without any accepted societal definition, and where it is mentioned seems to require such minimal consumption as to preclude any significant emotional effect or behavioral change. Without this foundation, the attempt within social groups to define “rule breaking” is unsupportable and thus threatening to the flow of interaction and role stability. This leads to a topic dear to the hearts of sociologists of deviance, namely the massive amount of drinking that goes on daily throughout all layers of age and socioeconomic categories in a context of fun, relief, and celebration. While much of this behavior would be labeled deviant, “wrong,” illegal, or symptomatic of underlying pathology by “official,” “scientific,” and “clinical” criteria, it produces no consequential social reactions and is amazingly absorbed into the fabric of ongoing group life.

References

- Bacon, S.D. (1973). The process of addiction to alcohol: Social aspects. *Quarterly Journal of Studies on Alcohol*, 34 (1), 1–27.
- Becker, H.S. (1963). *Outsiders: Studies in the Sociology of Deviance*. New York: Free Press.
- Benton, S.A. (2009). *Understanding the High Functioning Alcoholic*. Westport, CT: Praeger.
- Cahalan, D. (1970). *Problem Drinkers*. San Francisco: Jossey-Bass.
- Cahalan, D., Cisin, I., & Crossley, H.M. (1969). *American Drinking Practices*. New Brunswick, NJ: Publications Division of the Rutgers Center of Alcohol Studies.
- Clark, N.H. (1976). *Deliver Us from Evil: An Interpretation of American Prohibition*. New York: W.W. Norton.
- Conrad, P., & Schneider, J.H. (1980). *Deviance and Medicalization*. St. Louis: Mosby.
- Fligstein, N., & McAdam, D. (2011). Toward a general theory of Strategic Action Fields. *Sociological Theory*, 29 (1), 1–26.
- Foreman, M.L., & Jefferson, T. (2000). *Sharing the Dream: Is the ADA Accommodating All?* Washington: US Commission on Civil Rights.
- Gusfield, J.R. (1963). *Symbolic Crusade: Status Politics and the American Temperance Movement*. Urbana: University of Illinois Press.
- Heyman, G.M. (2010). *Addiction: A Disorder of Choice*. Cambridge: Harvard University Press.
- Irvine, L. (1999). *Codependent Forevermore: The Invention of Self in a Twelve Step Group*. Chicago: University of Chicago Press.
- Leshner, A.I. (1997). Addiction is a brain disease and it matters. *Science*, 278 (3 October), 45–47.
- Levine, H.G. (1978). The discovery of addiction: Changing conceptions of habitual drunkenness in America. *Journal of Studies on Alcohol*, 15 (2), 493–506.
- Lofland, J.H. (1969). *Deviance and Identity*. Englewood Cliffs, NJ: Prentice Hall.
- McLellan, A.T., Lewis, D.C., O'Brien, C.P., & Kleber, H.D. (2000). Drug dependence, a chronic medical illness: Implications for treatment, insurance, and outcomes evaluation. *Journal of the American Medical Association*, 284 (13), 1689–1695.

- Moore, M.H., & Gerstein, D. (1981). *Alcohol and Public Policy: Beyond the Shadow of Prohibition*. Washington: National Academy Press.
- Moss, H.B., Chen, C.M., & Yi, H.Y. (2007). Subtypes of alcohol dependence in a nationally representative sample. *Drug and Alcohol Dependence*, 91 (2–3), 149–158.
- Mulford, H.A. & Miller, D.M. (1959). Drinking in Iowa I.: Sociocultural distribution of drinkers, with a methodological model for sampling evaluation and interpretation of findings. *Quarterly Journal of Studies on Alcohol*, 19, 336–348.
- Neill, N. (2011). *Living With a Functioning Alcoholic: A Woman's Survival Guide*. Vancouver, BC: Neill Neill Press.
- Neilsen, K.R. (2012). *A Disability History of the United States*. Boston: Beacon Press.
- Parsons, T. (1951). *The Social System*. Glencoe, IL: The Free Press of Glencoe.
- Pescosolido, B.M., Martin, J.K., Long, J.S., Medina, T.R., Phelan, J.C., & Link, B.C. (2010). A disease like any other? A decade of change in public reactions to schizophrenia, depression and alcohol dependence. *American Journal of Psychiatry*, 11 (12), 1321–1330.
- Plaut, T.F.A. (1967). *Alcohol Problems: A Report to the Nation*. New York: Oxford University Press.
- Reinarman, C. (1988). The social construction of an alcohol problem: The case of Mothers against Drunk Driving and social control in the 1980s. *Theory and Society*, 17 (1), 91–120.
- Roman, P.M. (2014a). Seventy-five years of alcohol policy: An American perspective. *Journal of Studies on Alcohol and Drugs*, suppl. 17, 117–124.
- Roman, P.M. (2014b). Alcohol studies and science: Trapped in the velvet cage of medical research?" *Journal of Studies on Alcohol and Drugs*, suppl. 17, 125–132.
- Roman, P.M. (2015). Functional alcoholism. In S.C. Martin (Ed.), *The SAGE Encyclopedia of Alcohol: Social, Cultural and Historical Perspectives* (pp. 578–581). Thousand Oaks, CA: SAGE.
- Roman, P.M. & Blum, T.C. (1987). Notes on the new epidemiology of alcohol problems. *Journal of Drug Issues*, 17 (4), 321–332.
- Room, R. (1976). Ambivalence as a sociological explanation: The case of cultural explanations of alcohol problems. *American Sociological Review*, 41 (6), 1047–1065.
- Rorabaugh, W.J. (1979). *The Alcoholic Republic: An American Tradition*. New York: Oxford University Press.
- Rumbarger, J. (1989). *Profits, Power and Prohibition: Alcohol Reform and the Industrializing of America, 1800–1830*. Albany: State University of New York Press.
- Trice, H.M., & Roman, P.M. (1970). Delabeling, relabeling and Alcoholics Anonymous. *Social Problems*, 17 (4), 538–546.
- Trice, H.M., & Roman, P.M. (1978). *Spirits and Demons at Work: Alcohol and Other Drugs on the Job*. Ithaca, NY: ILR Press of Cornell University Press.
- Trice, H.M. & Schonbrunn, M.D. (1981). A history of job-based alcoholism programming, 1900–1955. *Journal of Drug Issues*, 11 (3), 171–198.
- Volkow, N.D., & Li, T.K. (2004). Drug addiction: The neurobiology of behaviour gone awry. *Nature Reviews: Neuroscience*, December 5 (12), 963–970.
- Widera, E., Chang, A., & Chen, H.L. (2010). Presenteeism: A public health hazard. *Journal of General Internal Medicine*, 25 (11), 1244–1247.
- Wiener, C.D. (1981). *The Politics of Alcoholism*. New Brunswick, NJ: Transaction Books.

Drug Use as Deviance

Scott Akins and Clayton J. Mosher

Illegal drug use is the most common form of criminal behavior in the United States. In fact, at certain points in the life course, drug use is so common that, from a strictly statistical point of view, referring to it as “deviant” behavior becomes somewhat problematic. The peak age for drug use is during the late teens and early twenties, and current data indicate that roughly 60% of young adults (aged 19–28) have used illegal drugs in their lifetime, and roughly 40% of high-school students have used illegal drugs at least once during the previous year (Johnston, O’Malley, Bachman, & Schulenberg, 2013a). This chapter examines this unique form of deviant behavior, focusing on a variety of issues, including the risks associated with drug use, the types of drugs people use, the attempts to regulate drug use, and the consequences that stem from regulation. This chapter focuses on *psychoactive drugs*, that is, substances that act on the central nervous system and hence produce changes in thought, mood, feeling and perception. (Most prescription medical substances, also called “drugs,” are not psychoactive.) There are many reasons why the use of psychoactive drugs (which we will refer to as “drugs” from here on) appeals to people. Foremost is that these substances deliver pleasurable mood states, including relaxation, euphoria, empathetic understanding, happiness, escapist relief, and high alertness and energy (Walton, 2002). Under certain circumstances, conventional social norms define the psychoactive mood that drugs cause – for instance, when a physician prescribes an antidepressant, or if a legal drug such as the caffeine in coffee is consumed with breakfast, or a glass of wine is drunk with dinner, the drug is seen as “good.” Under other circumstances, when the substance is illegal and used purely for recreational purposes, the drug is considered “bad.”

What criterion enables us to distinguish between “good” and “bad” drug use? Why does a society condemn the consumption of certain substances and accept, tolerate, or approve of that of other substances? For example, is it *addictiveness* that causes the society to condemn a drug? Clearly not, since millions of Americans are currently

addicted to prescription opiates and stimulants, while drug experts consider nicotine perhaps *the* most addictive drug known (Gahlinger, 2001) – and cigarettes are both legal and widely used. Based on the diagnostic criteria provided in its *Diagnostic and Statistical Manual* (2013) by the American Psychiatric Association, roughly 40% of college students are at least mildly addicted to alcohol (Szalavitz, 2012), yet alcohol, too, is a widely accepted psychoactive substance. Could it be *safety* that makes one drug legal and another illegal? Perhaps substances whose use is unsafe are criminalized and condemned, while those that are safer are legally and socially tolerated? Well, at least 480,000 Americans die every year from smoking-related diseases (USDHHS, 2014), a number that is at least 30 times the number of deaths attributed to all illegal drugs combined, while there is no direct risk of death from smoking marijuana. Maybe it is the association of the use of a substance with *violence* that leads the society to ban its possession and sale? If so, we would have to ban alcohol, which is involved in a majority of all suicides and homicides. Or perhaps it is because the drug provides users with *pleasure*? Are we such a puritanical society that we seek to prohibit or limit all drug use for pleasure? Well, the consumption of alcohol is typically regarded by users as pleasurable, and we would need to ban Viagra and other erectile dysfunction drugs as well (Pollan, 1999). Clearly, legality is a poor metric for evaluating the risks associated with various forms of drug use.

Despite our socially constructed meanings of drug use, it is important to recognize that drugs are simply substances, and regardless of their reputation or legal status, they affect the functioning of the brain and corresponding mood states in very similar ways. This is because psychoactive drugs either act on or resemble various *neurotransmitters*, which are chemicals that carry messages within the brain and from the brain to the rest of the body. Neurotransmitters are produced by nerve cells, called *neurons*, which are responsible for all the thoughts, sensations, and stimulations of the body. Commonly-known neurotransmitters include serotonin, dopamine, and adrenaline, and psychoactive drugs either act on or resemble these neurotransmitters, with the effects of the drug depending in large part upon which neurotransmitters the drug resembles and how close the resemblance is (Gahlinger, 2001). The amphetamines produce feelings and physiological responses similar to those of adrenaline: accelerated heart rate, increased respiration, and increased attention and alertness. Of course, there are many non-drug ways to experience such sensations, including the so-called “adrenaline sports” such as skydiving and bungee jumping. But drugs are a *convenient* and relatively *straightforward* way for people to experience such feelings and emotions, and this is appealing to many people.

Although drug use is a very common form of illegal behavior, today rates of use remain well below the peak figures that characterized the late 1970s. As we can see in Figure 20.1, drug use in American society has varied substantially over time and for particular substances. During the past century, when a drug emerges or re-emerges, the media often expresses a hysterical overreaction to the use of this new problem drug, and typically the public’s reaction follows the media’s frenzy. The prevalence of use of the drug is framed as constituting an “epidemic,” and the drug itself is portrayed as “worse” in one way or another – more addictive, habit-forming, lethal, criminogenic, violence-inducing, discoordinating, suicidogenic, or carcinogenic, than anything

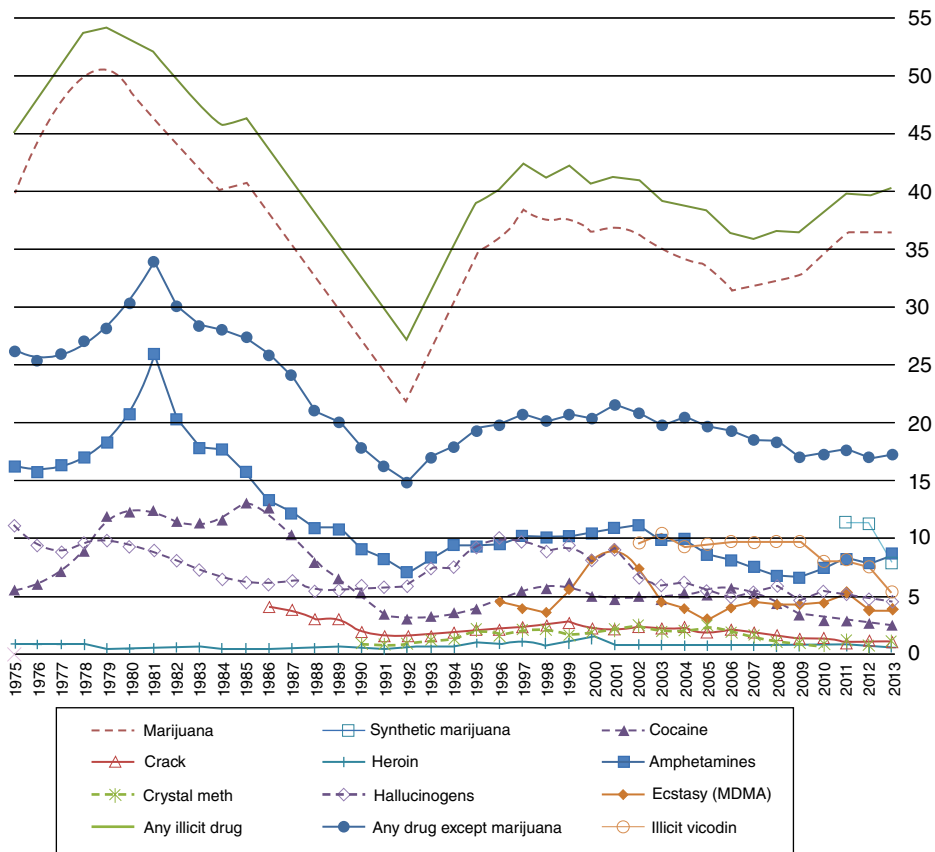


Figure 20.1 Annual reported drug use by 12th Graders, 1975–2013. *Sources:* Data compiled from Johnston, O'Malley, Bachman, and Schulenberg (2013b); Johnston, O'Malley, Miech, Bachman, and Schulenberg (2014).

that has come before (Akers, 1992; Sullum, 2003). Such extreme characterizations accompanied the use of marijuana in the 1930s, LSD in the 1960s, amphetamine use in the 1970s, crack in the 1980s, Ecstasy in the 1990s, and methamphetamine in the 2000s, as well as various synthetic and analog drugs such as “bath salts” presently. Although the use of these substances clearly poses risks to the user and to society, inevitably use rates moderate, the furor dies down, and we wait for the next “epidemic” to emerge so that we can once again overreact.

Risks of Psychoactive Drugs

Psychoactive drugs have been helpful to millions of patients suffering from myriad medical conditions, most notably acute and chronic pain and many forms of mental illness, including depression and anxiety disorders. But even when taken for medicinal

purposes, the use of these substances will alter the user's consciousness – indeed, this is the reason they are therapeutically useful in some circumstances. It is important to understand that regardless of the context of use, all drugs pose some level of risk to users, and these risks come in many forms. The perceptual experience and associated risk of taking a drug is based largely on *how* the drug is taken, particularly at what dose and in what manner. So, for example, taking one Adderall tablet orally, as prescribed, may have a therapeutic effect and pose little risk, but if the same individual crushes and snorts multiple tablets the effect and addictive liability of the drug can be very similar to cocaine (Vastag, 2001). Below we briefly summarize several forms of risk posed by drug use. Each of these factors must be considered simultaneously to evaluate accurately the risk posed by a particular drug.

Because of their psychoactive effects, all drugs have the potential to cause harm in society, as drug users may harm people, either intentionally or accidentally, while under the influence. Experts have referred to this as a drug's *behavioral toxicity* (Hart & Ksir, 2013, p. 26). Behavioral toxicity is usually assessed by considering the common result of a "typical" dose in a recreational context and the associated risk to the individual and society. Many factors influence this risk; it is difficult to assess whether it is a result of the drug, the person taking the drug, or the combination that creates the problem. Risks vary with the potency and the quantity of the drug that is taken. For example, two drugs that score very high on behavioral toxicity, but have very different effects, are LSD and alcohol. LSD tends to generate substantial perceptual alteration, including hallucinations, placing the individual at heightened risk of accidental injury. Alcohol also generates significant perceptual impairment, but in a different manner, and the use of alcohol is also highly associated with violence, which is not typical of LSD. Also unlike LSD, the dosing of alcohol is easy for the user to monitor because its legal, regulated nature results in consistent potency across doses, and labeling of alcohol content. Conversely, because LSD is illegal and therefore unstandardized by dose, as well as extremely potent, a user taking one "dose" might experience widely different effects on separate occasions, making the drug unpredictable and risky.

The risks presented by various drugs are commonly assessed in terms of their *toxicity*, which refers to the ability of a drug to generate negative health consequences in users, and the potential of a drug to generate *dependency* (a term that is often used interchangeably with *addiction*). Toxicity can be both acute and chronic. *Acute toxicity* refers to problems that come on immediately or very quickly following the use of a drug, as in the case of a drug overdose. The use of any drug can cause an *overdose*, which refers to taking the drug in an amount that is in excess of what is typically used by the individual, yielding adverse consequences up to and including death. The risk of lethal overdose is more precisely measurable with the *therapeutic ratio*, which in simple terms is the ratio of the effective dose (ED) to the lethal dose (LD) – how much of the drug is needed to create the desired effect relative to how much is required to kill the user. It is impossible or virtually impossible to lethally overdose on certain drugs because the therapeutic ratio is so wide. For example, one would need to consume roughly 40,000 times the effective dose of marijuana to take a lethal overdose (Gahlinger, 2001), which equates to an adult person consuming all the THC in roughly 900 one-gram joints in a relatively short period of time (Earleywine, 2002). Conversely,

some drugs have very narrow therapeutic ratios – most notably the depressants, like alcohol, barbiturates and benzodiazepines, and the opiates, like heroin and OxyContin. This is because the depressants and opiates have powerful depressant qualities that can shut down respiration, shortly thereafter causing death. As an example, the lethal dose of heroin is roughly five to ten times the effective dose, and this becomes even narrower if the individual is using other drugs (especially depressants) or if the drug is cut with a more potent opiate, like fentanyl, which is 50 to 100 times as potent as heroin (Gahlinger, 2001). Occasionally “lethal overdose outbreaks” occur due to cutting or drug mixing practices; for example, in a seven-week period in 2014 at least 28 people in Philadelphia died of an overdose from fentanyl-laced heroin, and in 2006 a similar outbreak killed at least 2,000 people nationwide (Burling, 2014).

Drugs also vary substantially in terms of their potential *chronic toxicity*, which refers to negative health consequences that result from the long-term exposure to a drug, such as emphysema associated with smoking, and cirrhosis or forms of cancer caused by alcohol consumption. Some of the most *acutely* toxic drugs are low in terms of *chronic* toxicity. One of these, surprisingly, is heroin, which research indicates has few direct long-term consequences to any tissue or organ system, if taken in pure, controlled, and standard doses. However, there are substantial *indirect* risks of heroin use with respect to chronic toxicity. For example, many heroin users are intravenous (IV) drug users and practice unsafe injection, placing themselves at high risk of infectious disease such as hepatitis and HIV. Although acute toxicity captures most of the headlines, it is a drug’s chronic toxicity that is, by far, most harmful in terms of illness and loss of life.

Of course, *dependence*, sometimes called *addiction*, is a major concern with drug use. In everyday parlance, addiction refers to a user’s inability to stop taking a drug when its use is causing them problems (Weil & Rosen, 1998). Although any behavior can be rewarding and thus potentially “addictive” (gambling, sex, video games, and eating can all be addicting, but none involves administering a drug), drugs are particularly risky with respect to dependence. Referring to substance use, there are at least two distinct forms of dependence. The first is *physical* (or *physiological*) *dependence*, which refers to the potential of a drug to generate a *withdrawal syndrome*, or a predictable set of symptoms that affect the user when the use of a drug is discontinued after some period of use. Some withdrawal syndromes are quite dramatic, particularly for the depressants and opiates, while others have withdrawal symptoms that are more muted, resembling those of mental illness such as depression. The latter is more typical of the powerful stimulants such as cocaine. Drugs that are not accompanied by a withdrawal syndrome when long term or heavy use is stopped are not regarded as physically addicting. Physical dependence arises in part because users develop *tolerance* to some forms of drugs. There are many forms of tolerance but simply tolerance refers to the fact that the body adapts to repeated drug use so that the same dose of a drug produces less of the desired effect, often prompting users to take greater amounts of the drug.

In addition to physical dependence, drugs may also result in *psychological* (or “*behavioral*”) *dependence*. Behavioral psychologists have pointed out that repetitive and positively reinforced behaviors such as drug use are often accompanied by a desire (“*craving*”) and tendency to be repeated. Accordingly, a drug that cannot cause a user

to become physically dependent may still be able to produce psychological dependence. Although this is more difficult to assess, psychological dependence is typically determined according to the criteria set forth for addictive disorders in the *Diagnostic and Statistical Manual of Mental Disorders* (currently DSM-V-TR) produced by the American Psychiatric Association (2013). Unquestionably psychological dependence can be extremely powerful (it is thought to be the primary cause of relapse by addicts). But it should be noted that although the DSM dependence standards are widely applied, experts debate the utility of these standards, and the standards have likewise been criticized as “medicalizing” everyday behavior and broadening clinical criteria to the point that they become meaningless (Urbina, 2012).

Classes of Psychoactive Drugs

Psychoactive drugs share the quality of being able to alter perception, mood, and consciousness, and so researchers categorize drugs based on these subjective, conscious-altering effects as well as the physiologically measurable effects that drugs have on the body. There are six relatively distinct categories of drugs: the stimulants, the depressants, the opiates (also known as narcotics), the hallucinogens (also known as the psychedelics), PCP and ketamine (the “disassociative anesthetics”), and lastly marijuana, typically classified in its own category because of its unique properties. Aside from the last two of these categories, there are many types of drugs included in each category, and for some categories there are literally hundreds of similar yet chemically distinct substances. As an example, the benzodiazepines are a subtype of depressants but there are dozens of individual benzodiazepines, Xanax being the most well known. Below we briefly summarize these drug categories and the major psychoactive drugs in them, addressing the typically experienced psychoactive effects and non-psychoactive effects on the body. Although such taxonomies are useful, it is important to note that all drugs have multiple effects (again this primarily derives from the particular combination of neurotransmitters the drug operates on), so any classification system that groups substances together is imperfect in that it ignores differences between and among these specific substances.

Stimulants

The stimulants typically produce alertness, stamina, and energy, and for some stimulants, euphoria and increased confidence are caused by acting on adrenaline and other neurotransmitters (Weil & Rosen, 1998). These types of drugs will typically increase pulse rate and blood pressure, as well as reduce the appetite (they are commonly prescribed for weight loss). Particularly with heavy use of the more powerful stimulants, the drugs are likely to generate paranoia, delusions, repetitive behaviors, depression, and psychological dependence. As is the case with many forms of drugs, some stimulants are found in nature, present in various plant species, while others are chemicals made in laboratories because it is typically cheaper and easier to make drugs synthetically

than to harvest them from plants. As an example of the often-interchangeable nature of these chemicals, the amphetamines are a type of stimulant derived from several species of ephedra plant. *Ephedrine* is the primary psychoactive element in the ephedra plant, and scientists have made a synthetic version of ephedrine, pseudoephedrine. Pseudoephedrine is a common ingredient in many cough and cold medicines, but like ephedrine itself, it can also be used to make methamphetamine, which is the reason it was recently classified as a controlled substance despite its relative safety and utility as a cold medication.

The most commonly used stimulants are *caffeine* and *nicotine*. Both are psychoactive, though people often do not view them in this way. The more powerful recreationally used stimulants are *cocaine*, the *amphetamines* (Benzedrine, Dexedrine, and methamphetamine), and *Adderall*, *Ritalin*, and other *attention deficit disorder (ADD) drugs*, which are either amphetamines or amphetamine-like substances. It is important to note that there is little difference between cocaine or the amphetamines and most ADD drugs when considering the substances alone; the difference is mostly in how the drugs are taken. Illustrating the importance of dose and route of administration (how the drug is taken into the body), these prescription drugs have therapeutic uses when taken as prescribed (that is, typically, they are taken orally at very low doses), but if large doses are taken, particularly via a fast-acting route of administration (such as crushing and snorting multiple pills), the psychoactive effects and addictive liability of the ADD drugs are similar to those of cocaine and methamphetamine (Vastag, 2001).

Another category of stimulants is the so-called “*bath salts*,” a label that has been applied to a wide range of synthetic stimulants that are often variants of banned substances. Labeling the products “bath salts” is done simply to create the impression that the product has a purpose other than being consumed for psychoactive purposes, and is complete fiction (such substances are never put in a bathtub unless the person chooses to snort them there). The products typically contain one or more of three chemicals that have stimulant effects (mephedrone, methylone, or MDPV-methylenedioxypyrovalerone), or derivatives of these chemicals created in an attempt to avoid enforcement efforts (Martinez, 2012). In the US these drugs are illegal at the federal level as well as in many states, but as of 2014 the sale of such drugs still skirts the letter of some state laws. Although the drugs sold as bath salts are primarily stimulants, analyses of seized bath salts have found them to contain chemicals that result in effects similar to the hallucinogens. The risks of bath salts appear to be similar to cocaine and methamphetamine, but there is so much variation in what is sold under this labelling that generalizations are problematic.

Ecstasy (MDMA) is a drug most closely tied to the stimulants (the ‘MA’ in MDMA stands for methamphetamine), but the drug is somewhat distinct from those above. Ecstasy has effects that are similar to the amphetamines and to mescaline, a type of hallucinogen. The drug tends to generate some stimulant-type effects but also feelings of empathy, compassion and openness, largely as it causes a significant release of *serotonin*, a “feel good” neurotransmitter. Like the bath salts there are many *analogs*, or derivatives of a banned substance, of “ecstasy” generated by street chemists in the ongoing attempt to avoid detection and prosecution for illegal drug manufacturing.

Depressants

The depressants reduce the energy level of the nervous system and dampen the sensitivity of the user to external stimulation. They are sometimes referred to as *sedative-hypnotics* instead of depressants because they sedate users at low doses – they are commonly prescribed to treat anxiety disorders – and can induce sleep (that is, hypnotize) at high doses. The most commonly used depressants are alcohol and the benzodiazepines (such as Xanax, Valium, and Klonopin). Although it is not commonly known, many depressants are significantly more dangerous than the stimulants in terms of lethal overdose risk due to the fact that the use of such drugs can shut down respiration (Weil & Rosen, 1998). The heavy, long-term use of many depressants, including alcohol, is characterized by severe physical withdrawal symptoms. *Alcohol* is (by far) the most widely used depressant globally. Although it is a depressant, people react to alcohol consumption in different ways. In addition to the amount consumed, individual reactions to alcohol may vary across individual personalities, the mood of the user at the time of consumption, and the social setting in which one consumes alcohol. In addition to its depressant effects, alcohol can temporarily increase energy (largely through the sugars present in alcohol) and lower social inhibitions. But to this last point, like all drugs, there is a behavioral component to alcohol consumption and lowered social inhibitions as it allows individuals to engage in non-normative behavior, secure in the knowledge that they can always excuse this behavior later as a result of their drinking.

Alcohol is the most widely-used drug in the US after caffeine, and approximately one in six American adults, and between one and three out of six adults aged 19 to 28 are binge drinkers, which is typically measured as consuming four drinks within two hours for women, and five drinks for men (Centers for Disease Control and Prevention, 2012; Johnston *et al.*, 2013a). Alcohol is very harmful in terms of both acute and chronic toxicity – the drug has a relatively narrow therapeutic ratio and results in approximately 2.5 million global (World Health Organization, 2011) and 80,000 American (Centers for Disease Control and Prevention, 2012) deaths each year, primarily via chronic alcohol-related diseases such as cirrhosis of the liver and various forms of cancer. Although exact figures and estimates vary and are subject to debate, there is no question that both globally and in the US, alcohol is responsible for far more fatalities than all illegal drugs combined.

Opiates

The opiates, also known as *narcotics*, are drugs that are the products or derivatives of *opium*, the milky sap of certain species of the poppy plant. The opiates are often considered a subclass of the depressants, because one of their primary effects is to depress the central nervous system. The opiates also have a powerful pain-killing effect, which is why they are prized in medicinal contexts, and a powerful euphoric effect. Upon use, the drug generates a short-lived feeling of intense euphoria, which is then followed by several hours of mental and physical relaxation. Commonly used opiates include

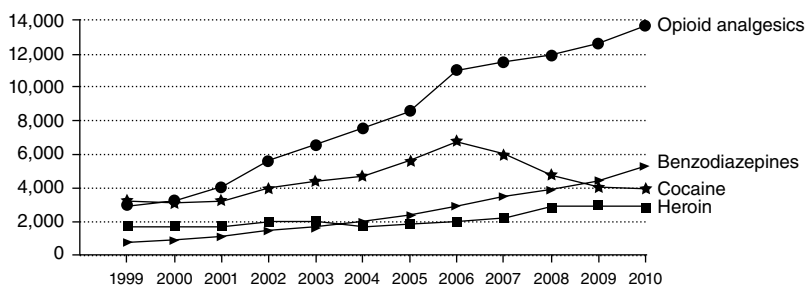


Figure 20.2 Top four drugs involved in the US: unintentional drug overdose deaths, 1999–2010. Sources: CESAR (2013). Data compiled from Centers for Disease Control and Prevention (CDC) National Center for Health Statistics, Multiple Causes of Death 1999–2010.

heroin, methadone, OxyContin, Vicodin, Lortab, Percodan and Percocet, and related opiate-based prescription painkillers. All drugs in this class are highly seductive and as well as addictive; they can generate powerful physical and psychological dependence, whether in their illegal (e.g., heroin) or legal (e.g., oxycodone or OxyContin) forms. The opiates (especially when used recreationally) are also among the riskiest of drugs when it comes to fatal overdose potential. As seen in Figure 20.2, lethal overdoses on prescription opiates have increased every year for more than a decade, vastly exceeding those attributed to cocaine and heroin (combined), and represent a leading cause of accidental death in the US (Centers for Disease Control and Prevention, 2014).

Hallucinogens

The hallucinogens, sometimes referred to as the *psychedelics*, comprise a unique class of drugs that cause significant perceptual changes sometimes extending to hallucinations, which are sensations that appear to be real but are created by the mind. In a direct, purely physiological sense, hallucinogens are among the safest of all drugs. Depending on the specific type of hallucinogen, the drugs either have very low or no physical dependence potential, few or no long-term physical health consequences, and are extremely difficult or impossible to fatally overdose with. However, their psychoactive effects can be extremely powerful and unpredictable, placing users at increased risk of accidental injury and, particularly at high doses, their use can result in terrifying experiences producing lasting psychological trauma (Weil & Rosen, 1998). Sometimes the drugs are described as “intensifiers” because whatever the mood or state of mind the user is in when they take the drug, they experience that same mood though far more intensely than would be expected without the drug (Weil & Rosen, 1998).

The hallucinogens are infrequently used in comparison with alcohol and the major stimulants and opiates, but the more prevalent forms include LSD, psilocybin, mescaline and salvia. *LSD* (lysergic acid diethylamide) is among the best-known of hallucinogens. Popularized during the 1960s, the use of the drug is comparatively rare today, with roughly 2–3% of 12th graders reporting past-year use (Johnston *et al.*, 2014). *Psilocybin*

is the primary psychoactive element in a variety of mushroom species, often referred to as “shrooms” or “magic mushrooms” by users. Similar is *mescaline*, one of many psychoactive chemicals in *peyote*, a type of cactus. The effects of psilocybin and mescaline (or the psychoactive substance in peyote) are similar to those of LSD, though typically weaker and shorter-lasting. Both of these forms of hallucinogens are relatively rarely used, with the majority of peyote use almost entirely confined to members of the Native American Church who use it for spiritual reasons. Finally, *salvia*, (short for *Salvia divinorum*), is a member of the mint family that gained recent popularity when online vendors and local tobacco or smoke shops sold it as a “legal high.” As of 2014 it remains legal in many states, though it is a powerful hallucinogen.

PCP and ketamine

PCP and ketamine are among the most commonly used forms of a relatively distinct class of drugs known as the *dissociatives*. These drugs have a variety of effects that are typical of the depressants, stimulants, and hallucinogens, but their signature effect is a feeling of disassociation from the self and environment (some equate this to an “out of body experience”). It is because of this effect that the drugs were, and in the case of ketamine are, used as surgical anesthetics. Although the drugs are pharmacologically very similar, they are perceived to be very different by the average person, with ketamine predominately associated with the club scene and student and young professional users, and PCP considered one of the most dangerous of all drugs. The especially bad reputation of PCP comes from stories of users supposedly engaging in violent, criminal behavior of an almost superhuman nature while under the influence of the drug. But problems between PCP users and law enforcement are due primarily to the fact that an individual under the influence of PCP is typically completely disconnected from reality and extremely insensitive to pain (recall the drug was used to anesthetize people for surgery), making them unlikely to respond to police commands and rendering typical police restraint methods ineffective (Hart & Ksir, 2013). Although the deliberate use of these drugs is relatively uncommon today, many of those that have used them have done so unknowingly, via adulterated club drugs or marijuana.

Marijuana

Marijuana has long been the most widely used (typically) illegal drug in the world. In many countries, such as the US, episodes of marijuana use are more common than those of all other drugs combined. The term marijuana (previously marihuana) refers to a preparation of the leafy material of *Cannabis* plants for smoking, although technically the entire plant is psychoactive (the terms “cannabis” and “marijuana” are used interchangeably). The primary psychoactive agent in cannabis is delta-9-trans-tetrahydrocannabinol (THC), which is concentrated in the resin of the cannabis plant. Because the resin (and thus THC) concentration is highest in the flowering tops or buds of the plant, it is this part of the plant that has the strongest psychoactive effect and is most commonly smoked.

There is less THC in the leaves of the plant (sometimes called “shake”) and there is so little THC in the fibrous stalks of the cannabis plant (called “hemp”) that it is useless for psychoactive purposes. Marijuana has myriad effects, including those typical of the depressants and stimulants, but it is neither of these, and although it has been called a narcotic, mostly for political purposes, it is very distinct from these drugs as well. Marijuana has also been called a hallucinogen, although whether it is capable of producing hallucinations is debated, and if this occurs it is only at extremely high doses (Earleywine, 2002). In sum, marijuana is a distinct drug and belongs in a category by itself.

Common perceptual sensations and behaviors associated with the drug include a sense of well-being, feelings of relaxation, a distorted sense of time and distance, laughter, talkativeness, and increased sociability when it is consumed in a social setting, but may also result in paranoia and impaired memory for recent events. In terms of acute toxicity, the drug is extremely safe – there has never been a fatal overdose attributed to marijuana despite its extremely widespread use. Marijuana is typically smoked, a very efficient route of administration, but the drug has not been shown to generate physical dependence, and the potential for behavioral dependence is not strong. There are myriad medicinal applications for marijuana, particularly ailments such as *cancer*, *HIV*, *multiple sclerosis*, and *previously untreatable pain*, and in many cases research has found *these outcomes with less severe side-effects than current pharmaceuticals used to treat such conditions* (Hazekamp & Grotenhermen, 2010). In part (tax revenues help too) this has led to the increasing availability of medical marijuana in the US; as of mid-2014, 23 states have legalized medical marijuana, and two (Washington and Colorado) have legalized the drug outright.

Drug Policy Timeline

1906: Pure Food and Drug Act. Established the Food and Drug Administration (FDA). Labelling of drugs became a requirement and this applied to widely used patent medicines including those containing opium, heroin, cocaine, and other psychoactive drugs.

1914: Harrison Narcotics Tax Act. Opium and cocaine distributors were required to register and pay a tax. Opiates, cocaine and other drugs remained available through prescription, but shortly thereafter the medical professionals withdrew from prescribing such drugs under threat of prosecution. The Act in effect criminalized the behavior of large numbers of existing addicts.

1919: 18th Amendment (Volstead Act). Established the federal prohibition of alcohol in the US. Enforcement of alcohol prohibition begins in 1920.

1933: 21st Amendment. Overturned the 18th Amendment, ending Prohibition.

1937: Marihuana Tax Act. Provided for a tax on sale, purchase, growth, prescription or transport of marijuana, bringing the control of marijuana under the federal government via the Treasury Department. The legislation

effectively banned marijuana possession and sale under the guise of generating tax revenue.

- 1951: Boggs Amendment to Harrison Narcotics Act.** Established first mandatory sentences for narcotics violations.
- 1970: Comprehensive Drug Abuse Prevention and Control Act (Controlled Substances Act).** First attempt to control all drugs in the US through law enforcement (Department of Justice) rather than through taxation (Department of Treasury). This legislation superseded and replaced all previous federal drug law and established the currently employed drug scheduling system. The Act also commissioned an independent panel to study and make policy recommendations about marijuana, but the recommendation of the Commission to decriminalize marijuana was ignored by President Nixon.
- 1971: Nixon declared “War on Drugs”.** Nixon declared drugs “public enemy number one” but despite rhetoric, spending on prevention treatment vastly outpaced spending on enforcement under Nixon.
- 1984: “Just Say No”.** First Lady Nancy Reagan introduced the “Just Say No” campaign.
- 1986: Anti-Drug Abuse Act of 1986.** Established mandatory minimum sentences for a number of drug crimes. Established 100:1 cocaine law, addressing the amount of powder cocaine or crack needed to draw a 5–40 year mandatory sentence – 5 grams for crack, 500 for powder cocaine – significantly contributing to racial disparities in sentencing.
- 1988: Anti-Drug Abuse Act of 1988.** Extended mandatory minimum policies of 1986 Act, established enhanced penalties for drug violations proximate to a school, allowed for public housing eviction for those convicted of drugs crimes. Established Office of National Drug Control Policy.
- 1995: US Sentencing Commission on Mandatory Minimum Sentencing.** Congress empowered Commission to make recommendations to Congress to address federal sentencing disparities, and then rejected the recommendations of the very Commission it empowered to make recommendations.
- 1996: Voters in California approve Legalized Medical Marijuana Sales Compassionate Use Act 1996.** For the first time medical marijuana is legalized in the US, setting off a flurry of similar policies in other states.
- 2005: Combat Methamphetamine Act.** Pseudoephedrine became classified as a controlled substance in an attempt to control domestic methamphetamine production.
- 2010: Fair Sentencing Act.** Sentencing disparity between crack and powder cocaine reduced from 100:1 to 18:1.
- 2012: Voters in Colorado (Amendment 64) and Washington State (Initiative 502) approve legalized recreational marijuana sales.** State voters approved legalized recreational use of marijuana.

Policy Designed to Regulate Psychoactive Drug Use

“Drug policy” refers to the laws and procedures implemented by governments to deal with drug use and problems related to such use. The language used to describe drug policy is often vague and inconsistent, and the “drug policy” for any given country typically involves dozens of individual policies enacted (where relevant) at the federal, state, and local levels that are aimed at the control of psychoactive drug consumption and harm related to the use of drugs. *Drug criminalization* (or drug prohibition) is the most restrictive form of drug policy. Under criminalization, the production, manufacture, sale, and/or possession/consumption of certain drugs are violations of one or more criminal statutes. In the US, drug problems are largely handled through the criminal justice system, although there is often substantial variation in the severity of sanctions related to violations of the laws and the level of discretion exercised by criminal justice system agents. Drug criminalization is the approach that dominates in the US (excepting alcohol, tobacco and psychoactive pharmaceuticals). As we discuss in detail below, there are a number of (primarily negative) consequences that accompany drug policies grounded primarily in criminal justice sanctions.

Often accompanying drug policy based on criminalization is *de facto* legalization. This approach to drug offenses might be more appropriately termed “drug procedure” rather than “drug policy,” as *de facto* legalization does not represent any formal policy, but rather the informal but systematic practice of not enforcing drug laws. These procedures are most commonly restricted to small amounts of marijuana possession. *De facto* legalization policies are generally implemented to reduce law enforcement costs and improve community relations for police administrators who “have bigger fish to fry” than those individuals whose only crime is to possess small amounts of illegal drugs for personal use. More permissive is a policy of *decriminalization*, which is the process of removing some form of conduct, previously defined as criminal, from the jurisdiction of criminal justice agencies. This policy is more accurately referred to as *depenalization* rather than decriminalization, as the offense in question, though still illegal, cannot result in incarceration of the offender (MacCoun & Reuter, 2001). The clearest analogy is to a minor traffic ticket – the behavior is still banned and offenders are still punished, but in a limited way such as a small fine. This is the way the possession of a small amount of marijuana is handled in a number of states.

The most permissive form of drug regulation policy is drug *legalization*. The general understanding of drug legalization is that some or all drugs become “legal” in the sense that, under certain circumstances, they can be purchased by people of a specified age (usually 18, or 21) from government-approved vendors and consumed. All criminal and civil penalties associated with use of the substance are removed – thus the substance(s) in question become regulated in much the same way that alcohol is currently regulated in the US. Importantly, however, even under drug legalization policies, ancillary behaviors associated with drug use are commonly criminalized (such as use in public, or driving under the influence). Advocates of legalization point to a number of potential benefits including:

1. financial savings associated with more limited enforcement of drug crimes;
2. possible taxation of the production and sale of the substance in question;

3. funds associated with the sale of the substance in question are at least partially directed to government, potentially funding prevention and treatment, rather than to criminals/organized crime as is the case otherwise;
4. reduction in criminal violence related to drug sales for the aforementioned reason; and
5. regulation of the purity and potency of the substance in question, reducing some amount of risk associated with consumption (as is currently the case with alcohol and psychoactive pharmaceuticals).

Legalization, of course, brings its own risks, mostly derived from the likelihood that when a drug becomes legal, some people will try a drug that they would not have otherwise. However, it is important to consider the baseline: the number of people that can and do access the substance under criminalization. Should a legalization policy be limited to marijuana, which is more defensible given the relative risks of the drug compared with most others, it is important to recognize that most people who want to use marijuana can obtain it. Currently more than 80% of high-school seniors believe marijuana is “fairly or very easy” to get and these numbers increase to more than 85% for adults in their twenties. These figures have been largely unchanged for decades. Figures on perceived availability drop somewhat after age 30, but even at age 50 more than two-thirds of people declare marijuana is fairly or very easy to get (Johnson *et al.*, 2013a). So access to marijuana is easy whether the drug is legal or not. Additionally, all forms of substance use decline substantially with age, beginning in the early twenties, and those that are most likely to be dissuaded from drug use by legal sanctions (an effect that is quite weak based on available deterrence research) are people that are typically older and have more to lose should they be identified as a law breaker (Gibbs, 1975). Again, these people are the least likely to use drugs in the first place, and more likely to use in moderation and in less risky ways if they do use. Lastly, research suggests that for some, particularly the young, the fact that a behavior is banned makes it more alluring, known in some fields as “reactance” (Brehm, 1966; Brehm & Brehm, 1981).

So there is a mechanism by which legalization could actually reduce use, particularly among populations where access is extremely high and informal sanctioning for the behavior is low. So how many more people would use and more importantly develop problems with marijuana, should it become legalized? Data from Colorado and Washington will help to answer a number of questions informing this debate. The number of variables involved in this analysis will make it extremely complicated, but at base the issue is whether the harm stemming from the potential increased use of marijuana under legalization is outweighed by the harm prevented by ending criminalization and the substantial consequences that it brings.

Directly related to the issues above is the concept of *harm reduction* (also known as harm minimization). Harm reduction refers to a set of policies and strategies aimed at reducing the harms caused by drug use *and the policies designed to regulate drugs*. Strategies adopted by harm reduction advocates vary significantly with respect to the particular drug and the drug-related behavior in question. The general message is that policy and law enforcement should distinguish between drug users and those who produce and sell drugs; that “soft” and “hard” drugs should not be treated similarly as

they pose substantially different risks to users; that policy designed to prevent drug use should never be more damaging to the individual than the drug itself; and that ideology should never take precedence over practicality in attempts to minimize drug-related harm (Goode, 1997). The emphasis is therefore on practicality, not grandiose (and delusional) goals like creating “a drug-free world.”

Consequences of punitive drug policy

There are a number of significant problems associated with exceedingly punitive drug policy. Among these is that such policy generates massive increases in arrests and incarceration, producing vast financial and social cost. As noted above with respect to prevalence, illegal drug use is an extremely common form of behavior. The *majority* of Americans in certain age groups declare having committed a “drug crime” by using an illegal drug. When this form of behavior is treated as an offense worthy of incarceration, as was done by the War on Drugs (a process referred to as “net widening”), the effect will predictably be to vastly increase the prison population. In 2012, there were slightly more than 1.5 million drug arrests in the US; roughly half of these arrests were for marijuana and more than 82% of these arrests were for drug possession, so contrary to rhetoric, the War on Drugs is not primarily focused either on drug traffickers or on hard drugs. Drug arrests typically represent the largest arrest category, and for any given year the number of arrests for drug violations is roughly three times that for all serious violent crimes combined. Translating these figures to incarceration, the War on Drugs has been a major factor in the unprecedented level of imprisonment currently seen in the US. There are more than 2.2 million people incarcerated in prison or jail, and there are more people incarcerated for drug offenses than were incarcerated for all offenses combined in the early 1970s. The US incarcerates far more people, particularly for drug offenses, than any other country in the world. Since 1980, when the current War on Drugs began in earnest under President Reagan, the number of Americans incarcerated for drugs offenses has increased from 41,000 to more than 500,000, an increase of more than 1200%. Of federal prisoners, more than 50% are incarcerated for a drug offense, and this figure is 17% for state prisons (The Sentencing Project, 2014). In large part this is because all sense of proportionality in punishment has been lost. As of 2012, there were 171 mandatory minimum sentencing statutes at the federal and state levels, about 80% of which were for drug law violations (Tabichnick, 2012), and mandatory sentence length for drug crimes commonly exceed those for assault, robbery, and rape.

Beyond the hundreds of thousands of persons incarcerated for drug offenses, US drug policies contribute to, and often exacerbate, existing racial/ethnic and social inequalities. The enforcement of drug crime is highly discretionary and there is extreme variation across jurisdictions in terms of how aggressively these offenses are pursued (King, 2008). When drug offenses are pursued aggressively, it is invariably poor communities, especially poor communities of color, that are most adversely affected. At every stage of the justice process related to the War on Drugs, from neighborhood surveillance to arrest to prosecution to sentencing and incarceration length, minorities fare

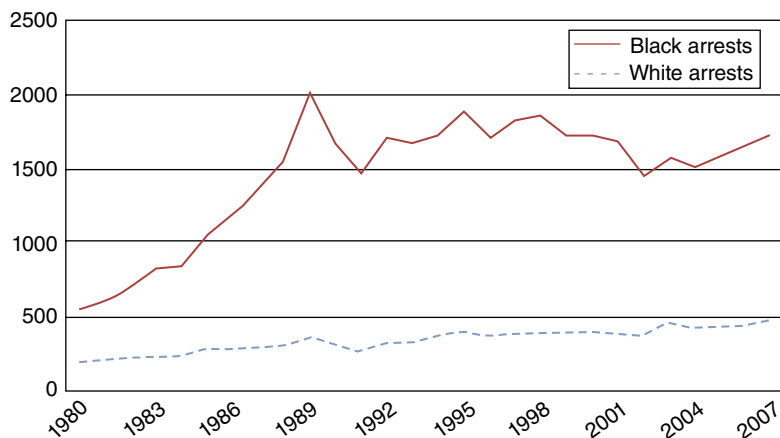


Figure 20.3 US drug arrest rate per 100,000 by race, 1980–2007. *Source:* Human Rights Watch (2009).

worse than whites (Alexander, 2010; Hartley & Vuong, 2009; King, 2008; Mosher & Akins, 2014; Tonry, 1995). For example, with the onset of the War on Drugs in 1980 to 2003 in the nation's largest cities, the drug arrest rates for African-Americans rose at three times the comparable rate for whites, and in some cities the drug arrest rate for African-Americans increased by more than 500% (King, 2008; see also Figure 20.3 below). Members of racial/ethnic minority groups constitute more 80% of drug inmates in state prisons (Mauer, 2009) with African-Americans the most disproportionately incarcerated minority group, representing 49% of those incarcerated for drug offenses in 2010 but only 13% of the total population (Guerino, Harrison & Sabol, 2011). African-Americans are disproportionately incarcerated for drug offenses in 97% of the largest counties in the US (Beatty, Petteruti, & Ziedenberg, 2007), and are at least twice as likely as whites to receive a sentence of incarceration for drug convictions in every state.

With respect to racial disparities in sentencing, perhaps the most injurious was the 1988 Anti-Drug Abuse Act, which created a host of mandatory minimum penalties for drug offenses and treated crack and powder cocaine in a vastly different manner. (Earlier, the 1986 Anti-Drug Abuse Act had created the same distinction between crack and powder cocaine trafficking.) Under this legislation, a first-time offender convicted of possession of more than five grams of crack cocaine was subject to a mandatory minimum penalty of five years imprisonment. If the individual possessed only five grams of cocaine or less, they would be subject to a maximum sentence of a year's imprisonment (Wilkins, Newton, & Steer, 1993). In contrast, for powder cocaine, the five-year mandatory minimum sentence did not apply until the individual possessed more than 500 grams of the substance. In passing this legislation, apparently in response to an alleged crack cocaine "epidemic" in the US (Reinarman & Levine, 1997), Congress ignored the fact that crack and powder cocaine are essentially the same drugs pharmacologically and have the same effects and consequences (Hatsukami & Fischman, 1996).

Congress also failed to offer any rationale for the selection of the 100-to-1 ratio in amounts of powder versus crack cocaine that would trigger the mandatory minimum penalties (Sklansky, 1995). The 1988 Anti-Drug Abuse Act was enacted at the federal level, but many states have similar provisions with similar consequences. With respect to racial disparities in the application of drug laws, a United States Sentencing Commission study in 1992 found that in 16 states, including states with large populations such as Connecticut, New Jersey, and Illinois, *not a single white person had been prosecuted under federal crack laws* (Gelacak, 1997). Another study by the Sentencing Commission found that, in 1994, black people accounted for over 90% of federal prosecutions for crack offenses (Gelacak, 1997).

These racial differences in arrests, prosecutions and sentencing under the federal crack laws must be considered in light of data on racial differences in the use of drugs in general, and crack cocaine in particular. Although it is true that hardcore drug use and the negative consequences associated with such use are more common in inner-city areas where minorities tend to be concentrated, overall drug use figures for 1990, shortly after the implementation of the 100:1 legislation, reported by the National Institute on Drug Abuse (NIDA) indicated that whites comprised 77% of the estimated 1.3 million users of illegal drugs in the US, while blacks comprised 15%. Current survey data identify similar findings: blacks are no more likely, and at certain ages may be less likely, to use illegal drugs than are whites (Johnston *et al.*, 2014). To put this plainly, racial disparities in rates of incarceration for drug crimes are not explained by different patterns of illegal drug use.

The United States Sentencing Commission acknowledged the racial disparities in sentencing that resulted from the crack/powder cocaine distinction, and while not willing to admit that the law was racially discriminatory in its intent, the Commission commented; "If the impact of the law is discriminatory, the problem is no less regardless of the intent. The problem is particularly acute because the disparate impact arises from a penalty structure for two different forms of the same substance" (Gelacak, 1997, p. 2). In response to these inequities, the Fair Sentencing Act of 2010 narrowed the gap between crack and powder cocaine sentencing from 100-to-1 to 18-to-1. While movement on the issue could be interpreted as positive given the larger context of the US, a significant sentencing disparity remains between crack and powder cocaine. A federal appeals court judge in Chicago commented that the Act was misnamed, suggesting that instead it should have been called "the not quite as fair as it could be sentencing act" (as quoted in Liptak, 2011).

Perhaps the most significant problem with the War on Drugs is that it does not work. Few would argue that drugs frequently bring great harm to users, those around them and to society at large. If highly punitive policies reduced drug-related harm, perhaps a stronger case could be made for them. But there is little or no evidence that such policies exert a marginal preventative effect on drug abuse or addiction rates beyond that offered by modest legal penalties, and at the same time these policies cause incalculable harm. These policies have done nothing to reduce the demand for illegal drugs in the US (or other wealthy countries) where most of the drugs are consumed, and have instead resulted in increased drug potency as it facilitates smuggling (called the "iron law of prohibition"). Unable to reduce demand, several countries – in

particular the US – have attempted to prevent domestic drug use by eliminating the production of drugs in other countries or through *interdiction*, preventing drugs from crossing the border.

These “supply-side” efforts to reduce drug use face many challenges. Most notably, those who produce and traffic in drugs have a strong financial incentive to do so (particularly impoverished residents of underdeveloped countries), so eliminating one source, trafficking gateway, shipment or trafficker does nothing in the long run to reduce supply to Western markets; it is simply replaced by another area or person.

Future drug policies should consider the empirical evidence on the harms posed by particular drugs, and enact laws that do more good than harm. The shift of most developed countries to approaches that are based on harm minimization, and the lack of substantial increases in drug use following these policy changes, suggests that the US needs to reconsider its strict criminal justice system approach to regulating currently illegal drugs. For many countries, the shift to drug policies based on harm reduction transpired in recognition of the substantial challenges and costs, both human and financial, that accompany drug criminalization and the rigorous enforcement of drug laws. Drug laws that are disproportionately based on criminalization and enforcement tend to do little or nothing to reduce the level of drug use in the general population, while at the same time creating a vast array of additional problems. Such policies are least defensible when they target “soft” drugs such as marijuana, because they tend to cost society a great deal and result in considerable harm to users in the attempt to prevent the use of a drug that is no worse than available legal drugs.

References

- Akers, R. (1992). *Drugs, Alcohol and Society*. Belmont, CA: Wadsworth.
- Alexander, M. (2010). *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: The New Press.
- American Psychiatric Association. (2013). *Diagnostic and Statistical Manual of Mental Disorders* (5th ed.) (DSM-V). Washington, DC: American Psychiatric Association.
- Beatty, P., Petteruti, A., & Ziedenberg, J. (2007). *The Vortex: The Concentrated Racial Impact of Drug Imprisonment and the Characteristics of Punitive Counties*. Washington, DC: Justice Policy Institute.
- Brehm, J. (1966). *A Theory of Psychological Reactance*. New York: Academic Press.
- Brehm, J., & Brehm, S. (1981). *Psychological Reactance: A Theory of Freedom and Control*. New York: Academic Press.
- Burling, S. (2014). Deaths from Fentanyl-laced heroin soar in Philadelphia. *The Philadelphia Inquirer* May 13.
- Centers for Disease Control and Prevention. (2012). Vital signs: Binge drinking prevalence, frequency, and intensity among adults – United States, 2010. *Morbidity and Mortality Weekly Report*, 61, 14.
- Centers for Disease Control and Prevention. (2014). *Prescription Drug Overdose in the United States: Fact Sheet*. Retrieved from <http://www.cdc.gov/homeandrecreationalsafety/overdose/facts.html>

- CESAR. (2013). Number of unintentional opioid analgesic deaths continue to increase; benzodiazepine-related unintentional deaths now surpass cocaine. *Weekly Fax from the Center for Substance Abuse Research*, 22 (16).
- Earleywine, M. (2002). *Understanding Marijuana: A New Look at the Scientific Evidence*. New York: Oxford University Press.
- Gahlinger, P.M. (2001). *Illegal Drugs: A Complete Guide to their History, Chemistry, Use and Abuse*. Salt Lake City, UT: Sagebrush Press.
- Gelacak, M. (1997). *Cocaine and Federal Sentencing Policy*. Washington, DC: United States Sentencing Commission.
- Gibbs, J. (1975). *Crime, Punishment and Deterrence*. New York: Elsevier.
- Goode, E. (1997). *Between Politics and Reason: The Drug Legalization Debate*. New York: St. Martin's Press.
- Guerino, P., Harrison, P., & Sabol, W. (2011). *Prisoners in 2010*. Washington, DC: US Department of Justice.
- Hart, C., & Ksir, C. (2013). *Drugs, Society, and Human Behavior* (15th ed.). New York: McGraw-Hill.
- Hartley, C., & Vuong, L. (2009). *Created Unequal: Racial and Ethnic Disparities in the U.S. Criminal Justice System*. Oakland, CA: National Council on Crime and Delinquency.
- Hatsukami, D.K., & Fischman, M.W. (1996). Crack cocaine and cocaine hydrochloride: Are the differences myth or reality? *Journal of the American Medical Association*, 276 (19), 1580–1588.
- Hazekamp, A., & Grotenhermen, F. (2010). Review on clinical studies with cannabis and cannabinoids 2005–2009. *Cannabinoids*, 5 (1), 1–21.
- Human Rights Watch. (2009). *Decades of Disparity: Drug Arrests and Race in the United States*. New York: Human Rights Watch.
- Johnston, L., O'Malley, P., Bachman, J., & Schulenberg, J. (2013a). *Monitoring the Future National Survey Results on Drug Use, 1975–2012. Volume 2: College Students and Adults Ages 19–50*. Ann Arbor: Institute for Social Research, University of Michigan.
- Johnston, L., O'Malley, P., Bachman, J., & Schulenberg, J. (2013b). *Monitoring the Future National Survey Results on Drug Use, 1975–2012. Volume I: Secondary School Students*. Ann Arbor: Institute for Social Research, University of Michigan.
- Johnston, L., O'Malley, P., Miech, R., Bachman, J., & Schulenberg, J. (2014). *Monitoring the Future National Survey Results on Drug Use: 1975–2013: Overview, Key Findings on Adolescent Drug Use*. Ann Arbor: Institute for Social Research, University of Michigan.
- King, R.S. (2008). *Disparity by Geography: The War on Drugs in America's Cities*. Washington, DC: The Sentencing Project.
- Liptak, A. (2011). Judges see sentencing injustice. *New York Times*, April 18. Retrieved from <http://www.nytimes.com>
- MacCoun, R., & Reuter, P. (2001). *Drug War Heresies*. Cambridge: Cambridge University Press.
- Martinez, M. (2012). Tests in cannibalism case: Zombie-like attacker used pot, not 'bath salts.' *CNN*, June 27. Retrieved from <http://www.cnn.com>
- Mauer, M. (2009). *The Changing Racial Dynamics of the War on Drugs*. Washington, DC: The Sentencing Project. Retrieved from http://www.sentencingproject.org/doc/dp_raceanddrugs.pdf
- Mosher, C., & Akins, S. (2014). *Drug and Drug Policy: The Control of Consciousness Alteration* (2nd ed.). Thousand Oaks, CA: Sage Publications.
- Pollan, M. (1999). A very fine line. *New York Times Magazine*. Retrieved from <http://www.nytimes.com>

- Reinarman, C., & Levine, H.G. (1997). The crack attack: Politics and media in the crack scare. In C. Reinarman, & H. Levine (Eds.), *Crack in America: Demon Drugs and Social Justice* (pp. 18–51). Berkeley, CA: University of California Press.
- Sklansky, D.A. (1995). Cocaine, race, and equal protection. *Stanford Law Review*, 47 (1), 283–322.
- Sullum, J. (2003). *Saying Yes*. New York: Jeremy P. Tarcher/Putnam.
- Szalavitz, M. (2012). DSM-5 could categorize 40% of college students as alcoholics. *Time*, October 26. Retrieved from <http://www.time.com>
- Tabichnick, C. (2012). Straight talk from a judge. *The Crime Report*, September 25. Retrieved from <http://www.crimereport.org>
- The Sentencing Project. (2014). *Trends in US Corrections*. Retrieved from http://sentencingproject.org/doc/publications/inc_Trends_in_Corrections_Fact_sheet.pdf
- Tonry, M. (1995). *Malign Neglect*. New York: Oxford University Press
- Urbina, I. (2012). Addiction diagnoses may rise under guideline changes. *New York Times*, May 11. Retrieved from <http://www.nytimes.com>
- US Department of Health and Human Services. (2014). *The Health Consequences of Smoking – 50 Years of Progress: A Report of the Surgeon General*. Atlanta: US Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health.
- Vastag, B. (2001). Pay attention: Ritalin acts much like cocaine. *Journal of the American Medical Association*, 286, 905–906.
- Walton, S. (2002). *Out of It: A Cultural History of Intoxication*. New York: Harmony Books.
- Weil, A., & Rosen, W. (1998). *From Chocolate to Morphine*. Boston: Houghton Mifflin.
- Wilkins, W., Jr., Newton, P., & Steer, J.R. (1993). Competing sentencing policies in a “War on Drugs” era. *Wake Forest Law Review*, 28, 305–327.
- World Health Organization. (2011). *Global Status Report on Alcohol and Health, 2011*. Geneva: Department of Mental Health and Substance Dependence, Noncommunicable Diseases and Mental Health Cluster, World Health Organization.

Sociology and Sexual Deviance

Martin S. Weinberg and Colin J. Williams

No society is indifferent to the sexual behavior of its members. Sexuality, if for no other reason than its possible biological consequences – sexually transmitted infections, pregnancy, ancestry, family lineages – has always been socially controlled. Despite this, sociology has been a relative latecomer to the study of sexual deviance, partially because of its reluctance to examine sexuality (Sagarin, 1971). It was not until after World War II that the first significant sociological examination of sexuality appeared – one that focused on social control. Kingsley Davis (1937, 1961) viewed the control of sex from the perspective of functionalism: prostitution functioned to provide men with an alternative sexual outlet (e.g., those who were not competitive in the marriage market). This approach, however, was based on problematic assumptions: that sexuality was all about biological drives that had to be controlled by social institutions, the need for available outlets such as prostitution (a point of view that is referred to as the “hydraulic” model), and that heterosexual marriage was the norm, departures from which defined sexual deviance (Stein, 1989).

These assumptions were challenged in the late 1960s and early 1970s by interactionist theory; it meshed well with the emerging view of social deviance proposed by sociologists such as Becker (1963), Kitsuse (1962), and Erikson (1962). This perspective held that deviance was a product and consequence of social labeling. While stated in its simplest terms it was relatively unsophisticated, the perspective did produce a variety of qualitative studies of sexual deviance (Curra, 2011; Gordon, 2013), and in the UK, it influenced important works on deviant roles and identities (McIntosh, 1968; Plummer, 1981). Later developments involved a theory of moral panics (Goode & Ben-Yehuda, 1994a, 1994b, 2009), and the claims-making perspective of Spector and Kitsuse (1977). These works heralded what was to become known as the social constructionist approach to sexuality. Though this term was first introduced by sociologists (Berger & Luckmann, 1966), its ideas were to be adopted and

popularized by the feminist, gay, and lesbian movements of the early 1980s (Adam, 1987). One of the more influential works along these theoretical lines was the edited volume by Vance (1984), especially the chapter by Rubin (1984), who argued against the conflation of gender and sexuality that she saw in traditional feminist theory. Rather, she believed sexuality had a system of social control in its own right (Rubin, 2010). Feminist theory contributed concepts like “compulsory heterosexuality” (Rich, 1980), whereby heterosexuality was seen as a social institution that was part of the taken-for-granted notion of natural sex.

It was Foucault’s (1965, 1978) work that consolidated the emergent constructionist perspective (Epstein, 1994) and focused attention more on the macro-level of analysis. For Foucault, sexuality had a history of constructions – of desires, prejudices, discourses, institutions, and knowledge – constituted by and disseminated through fields of power. With the advancing gay and lesbian movement, and Foucault’s attention to sexual categorization, much of the writing on sexuality/sexual deviance was directed at homosexuality (Boswell, 1980; D’Emilio, 1983; Weeks, 1985). These ideas also were influential in the late 1980s and early 1990s in producing what was called “queer studies” (Stein & Plummer, 1994; Duggan, 1992). Basically this work detailed how a hegemonic heteronormative discourse shapes thinking about sex, and creates the boundaries that produce sexual minorities and persons whom mainstream society regard as sexual deviants.

Work such as this continues in the constructionist tradition, but has long since ignored its sociological forbears. Part of this disconnect comes from the Foucaultian interest in discourse, which is contrary to traditional sociology’s interest in material social structure and the empirical study of people as opposed to text (Eves, 2004; Jackson & Scott, 2010; Stein & Plummer, 1994). Work in the sociology of sex and sexual deviance continued throughout the 1980s up to the present. Much of this work stemmed from an interest in gender and adopted a constructionist perspective. Its greatest influence, however, was the challenge posed by AIDS. In the 1980s, this crisis focused attention on areas of concern to social deviance, such as stigma and the distinction between behaviors and identities (Parker, Herdt, & Caballo, 1991). Currently, the sociology of sex is a vigorous subsection of sociology and many of its members have an interest in the area of sexual deviance, even though they may not use the term “deviance.” Our chapter will make use of the term, in its constructionist meaning, one that implies no taint of derogation, pathology, or immorality. Sociologically, deviance refers to that which activates or elicits a particular negative social reaction from a sector of the population that categorizes behavior or people so reacted to as disvalued, undesirable, and outside the norm (Becker, 1963).

Sex takes place in social contexts and is an aspect of the society as a whole; hence, both on the micro- and the macro-level, what happens in the society as a whole influences expressions of sexuality. This has meant that researchers and scholars investigating sexual deviance have had to increasingly pay attention to the major social trends and tendencies that surround sexual behavior and sentiments. Thus, we address the following: stability and change in heteronormativity, HIV/AIDS, medicalization, moral and sex panics, the internet, and the globalization of sex.

The Heteronormative Paradigm

The concept of “compulsory heterosexuality” (Rich, 1980) draws attention to the hegemonic norm of heterosexuality (Jackson, 2006) that provides a template against which deviance can be constructed. Its power and pervasiveness has been effectively demonstrated. For example, Kim *et al.* (2007) have shown how depictions of gender on television sustain traditional heteronormative scenarios – such as male characters aggressively pursuing sex, female characters objectifying themselves, and so on.

The heteronormative paradigm, however, has undergone substantial change. Seidman (2009) notes that while the concept is still germane, it obscures an agency that produces different types of sexual expression and obscures political contests over sex. Even so, heteronormativity remains strong even if it has lost some of its compulsory force (Seidman, 2009). For example, its decreased salience has allowed middle-class gays and lesbians to be symbolically integrated into the wider society through the success of the same-sex marriage movement. Still, authors such as Richardson (2004) and Smith (1997) discuss the continued marginalization of trans persons, drag queens, and bisexuals.

Thus, the boundary between deviance and conformity is always open to challenge and change. For example, even BDSM (bondage and discipline, sadism and masochism) is edging over the boundary of respectability – given stylistic expression by pop stars and in fashion advertising, and women’s interest in books like *50 Shades of Grey*. More widespread, however, are changes in premarital sex (Reiss, 1967). As traditional marriage has decreased in appeal to a sizable segment of the society, and the age at which people do get married has increased, a long period has emerged during which young adults find themselves seeking some form of sexual relationship. These forms, which in the past would have been considered deviant, have increasingly become the new “normal.”

One such pattern is “hooking up.” It typically refers to individuals hanging out at a bar, party, or residence, meeting a partner, and leaving for a more private location and engaging in a sex-related activity that can range from kissing to coitus (Glenn & Marquant, 2001; England, Shafer, & Fogarty, 2008). More often, hookups are with a person one knows slightly (Manning, Giordano, & Longmore, 2006); at the same time, the encounter (especially for the male) does not have a horizon of commitment. Despite their assumed popularity, hookups are not always free from deviant attributions, especially for women who may fall prey to the traditional “double standard” (Regnerus & Uecker, 2011; England & Ronen, 2013). The “slut” label is still widely used and reserved for women (Armstrong & Hamilton, 2013). While they may express concerns about stigmatization, there are many college women who say they prefer hookups to committed relationships. In terms of heteronormativity, a continuing relationship and emotional involvement with one’s partner continues, however, to normalize the sexual experiences of women more than men. Garcia, Reiber, Massey, and Merriwether (2012) provides a review of hookup studies, and other non-traditional sexual relationships current among young persons are described by Mongeau, Knight, Williams, Eden, and Shaw (2013), and Jonason, Li, and Richardson (2011).

An early challenge to heteronormativity has been swinging – couples who attend venues supporting consensual non-monogamy – and it was a focus for early deviance studies (Bartell, 1971; Denfield & Gordon, 1970; Smith & Smith, 1970; Walshok, 1971).

There was a decline in interest in this topic until the new millennium when there was an upsurge of interest in consensual non-monogamies. The newer research has been detailed by Barker and Landridge (2010a, 2010b). They describe “polyamory” (Haritawarn, Lin, & Klesse, 2006) and other forms of consensual non-monogamy, including gay open relationships. They review both celebratory and critical evaluations of such lifestyles, as well as comparing them to monogamy and infidelity. Harking back to earlier studies is research concentrating on the rules, contracts, and boundaries of non-monogamous relationships, especially those related to the minimization of jealousy (Adam, 2006; Weinberg, Williams, & Pryor, 1994; Wosick-Correa, 2010).

The Sexualization of Culture

The deviance approach used to have as its backdrop a sex culture that was fairly homogenous in espousing a traditional heteronormative view (Klassen, Williams, & Levitt, 1989). This was to change as the “sexual revolution” progressed and sex became more open – sex talk, sexual displays and representations becoming increasingly prevalent (Brown, 2002). These changes have become more and more “entrenched within media forms” (Plummer, 2003, p. 275), especially visual culture. This has led to a social concern with “pornification” – sexual representations becoming more pervasive, explicit, and accessible (Attwood, 2006; Plummer, 2003; Porfido & Flood, 2009). A number of books appeared denouncing the change, especially a report from the American Psychological Association (2007) on the “sexualization of girls.” It argued that the self-worth of young girls was increasingly bound to their sexiness, which led to their sexual objectification. Wouters (2010) notes, however, that the results of “sexualization” may not be totally negative and may reflect new forms of emancipation for women. Such cultural changes challenge deviance theory as sexual transgression becomes mainstream and permissive values are increasingly accepted (McNair, 1996).

Moral Panics and Sex Panics

Another sociological topic has been the waves of concern about sex that occur from time to time. These unique reactions are referred to as “sex panics” (coined by Vance, 1984, p. 434). This is a subtype of “moral panics.” Cohen’s book, *Folk Devils and Moral Panics* (1972, 2002), is widely cited and taken by Goode (2004) to highlight the continuing vitality of the sociology of deviance. We have found a large number of articles and books continuing the interest in this topic (Herdt, 2009; Hier, 2011; Krinsky, 2013; Lancaster, 2011; Miller, 2002).

Basically, the concepts refer to an exaggerated reaction to a perceived threat to established norms or statuses (Goode & Ben-Yehuda, 1994a, 1994b). “Sex panics” would include the highly emotional battles over sexuality (including such controversial areas as sexual rights, gay rights, censorship, and sex education). Often sex panics may not be about sex at all; rather, sex can stand in as a signifier for wider moral panics (Rubin, 1984). Thus, Jeffrey Weeks (1985, p. 44) stated, “the erotic acts as a crossover

point for a number of tensions whose origins are elsewhere: of class, gender, and racial location, of intergenerational conflict, moral acceptability and medical definition.”

Classic works on panics surrounding sex include Watney (1996) on AIDS and Jenkins (1995, 1998) on child molestation. Other important works are Freedman's (1987) essay on the emergence of the “sexual psychopath” conception produced by a combination of mass media, law enforcement, citizen groups, and medical professionals. This created a situation where every sex offender was considered violent, with the result that minor offenders (many involved in consensual same-sex activity) were imprisoned or subjected to incarceration in mental hospitals.

Edwin Sutherland was the first sociologist to study the moral panics that arose during the 1930s and 1940s that resulted in the passage and enforcement of the draconian “sexual psychopath” laws (1950a, 1950b). According to Lancaster (2011), moral panics about sexual issues declined in the US during the 1960s, but re-appeared in the mid-1970s with the rise of the Moral Majority, the Christian Coalition, and the discourse of “family values.” Child protection was an issue that mobilized anti-gay groups. It was the “satanic ritual abuse” scares of the 1980s, however, that created one of the most widespread and explosive panics. Mary de Young (1998) showed how the satanic daycare scare involved all of Goode and Ben-Yehuda's (1994b) components of moral panic: a social reaction that is over-reactive, volatile, hostile, and largely irrational.

The conflict between groups can shape the course of a moral panic, as can societal reactions that provide counter narratives. Finally, the consequences may be purely symbolic or unintended, which can nonetheless have negative consequences for the participants, actors, and audiences involved.

HIV/AIDS

The “big story” on sex for almost two decades has to be the HIV/AIDS crisis that became evident in the early 1980s. Although it contained aspects of a sex panic, it was a real crisis in that it took the lives of many persons and represented a genuine threat to many others. The sociology of sexual deviance was slow in considering it. Even as late as 2011, an important handbook of deviant behavior (Bryant, 2011) contained no reference to HIV/AIDS in its index. That is not to say that ultimately the crisis did not make its mark on deviance studies. Many of the people affected with HIV/AIDS were gay and bisexual men, who were often blamed for the epidemic (Conrad 1986), and gay leaders were important in reframing the disease (Epstein, 1996; Shilts, 1993). AIDS scared all of American society, producing what Conrad (1985, p. 54) referred to as “the re-emergence of a latent ‘homophobia’ that had never really disappeared.” Due to the government's hesitant response to the disease, the gay community developed their own institutions to deal with it (Epstein, 1994; Shilts, 1993). Eventually, as the feelings of crisis subsided, anti-homosexual feelings were reduced, and many people came to admire the self-help efforts in the gay world.

The health crisis affected sexual lifestyles. Studies show the fear of contracting HIV/AIDS reduced unsafe behaviors, and numbers and certain types of partners. This change in sexual patterns among bisexuals is described in Weinberg, Williams, and Pryor (1994).

Despite advances in combatting HIV/AIDS (today it is not seen as inevitably leading to death because of new drug “cocktail” therapies), the stigmatization of AIDS sufferers continues. A division is still made between “innocent victims” (such as Ryan White and other victims who received tainted blood during their medical therapy) and those considered less innocent – whose behavior was to achieve sexual gratification. Further, among gay and bisexual men, a distinction is made between seronegative and seropositive persons. Serosorting, whereby “men who have sex with men” associate predominately with others of the same HIV status (Johnson, 1991), has led to what one commentator referred to as “AIDS apartheid” (Barber, 1991). One response to stigmatization has been to disclose one’s HIV status in selected settings where there is an expectation of social support (Poindexter & Shippy, 2010; Siegal, Lune & Meyer, 1998; Weitz, 1989).

Many people feared that sexual minorities were carrying the virus into the wider population (see the effects on public policy in Altman, 1986, and Shilts, 1987). Herek (1999) introduced the term “AIDS-related stigma” to refer to this situation. He describes the consequences of AIDS stigma and provides one of the better comprehensive reviews. Also, studies show that consequences of stigma for HIV-positive men (Smit *et al.*, 2012) include mental health problems.

Although vastly reduced as a biological threat, a negative social reaction to victims persists. One form of this is the criminal prosecution of people with HIV who are unable to prove they disclosed their positive status to a sex partner prior to sexual contact. This increases stigma by supporting the culture of blame surrounding HIV, and reframes public health as a site of social control (Hoppe, 2013).

Medicalization

The above section on HIV/AIDS examined the connection between health policy, sexuality, and deviance at a particular time. It would be incorrect to see this as unique. The interpretation of sexuality through a medical lens has a long history and is referred to as “the medicalization of deviance” (Conrad, 1992; Tiefer, 2004).

A popular definition of medicalization is “a process whereby non-medical problems become defined and treated as medical problems, usually in terms of illnesses or disorders” (Cacchioni & Tiefer, 2012, p. 308; Conrad, 1992, p. 210). For deviance, discourse moves from “badness” to “sickness,” and the individuals can come under the surveillance of medical institutions. Their huge power in defining deviance is based on the public’s acceptance of medical knowledge and authority.

Based on medicalization, markets for alleviating new “sex problems” have been created by the pharmaceutical industry – for example, the promotion of drugs for sexual problems that may be related more to relationship issues than medical ones. Also, new specialties have emerged in medicine such as cosmetic genital surgeries (vaginal rejuvenation, labiaplasty, revirginization). The widespread application of the medicalization paradigm is also seen in the current popularity of the “sexual health” concept among health professionals.

Tiefer (2004) has been a leader in critiquing the medicalization of sex, especially with regard to women’s sexuality (Tiefer, 2010; Jutel, 2010). Not that she has ignored

men – consider her early studies on impotence (Tiefer, 1986) and her later work on the Viagra phenomenon (Tiefer, 2006). In the latter, she analyzes the discovery and promotion of Viagra by the pharmaceutical industry and the dissemination of the Viagra “legend” by the industry and the mass media. The problems with the medicalization perspective are its biological reductionism, its construction of sexuality in terms of a division between the normal and the abnormal, and the failure to consider the importance of sexual values and social context with regard to sexuality (Sandfort & Erhardt, 2004).

Irvine (1993, 2005) has provided an examination of twentieth-century American sexuality and how sex researchers like Masters and Johnson (unwittingly) became “agents for the medicalization of sex” (2005, p. 243). In addition, Irvine’s research has described (1993, 2005), how medicalized conceptions of sex act to tell us how much sex is too little (“inhibited sexual desire”), and how much is too much (“sexual addiction”) – thus creating artificial boundaries of sexual normality (Levine & Troiden, 1988). Irvine takes us through the biomedical discussions that shaped the construction of these new conditions and notes that, despite criticism, they have been officially defined as mental illnesses. At the same time, Irvine (1993, p. 223) does not deny that such medicalization can end up helping some people – namely, “they are not demon diagnoses: they have offered validation and community to many.”

We conclude with consideration of probably the most powerful group of medical agents, psychiatrists, and their “bible,” the DSM (*Diagnostic and Statistical Manual*), which has had so much influence in the construction of sexual deviance (Kutchins & Kirk, 1997). De Block and Adriaens (2013) show the problem psychiatrists face in distinguishing deviance (or in their parlance, a “paraphilia”) from non-standard sexualities that seem to do no harm. The clearest illustration of the social construction (and deconstruction) of behavior as deviant is found in their discussion of homosexuality. Changing times (the “sexual revolution” of the 1960s), the role of gay activists, and internal struggles between psychoanalytic psychiatrists and their critics (especially the anti-psychiatric point of view of Thomas Szasz) led to protests at American Psychiatric Association meetings and the eventual removal of the classification of homosexuality as a mental illness from the DSM in 1973 (see Bayer, 1981; Cooper, 2005). By the time of its latest revision (DSM-V) there was recognition that non-normative sexualities need not be considered mental disorders. Still, the criterion for being labeled a disorder remains vague, and many “sexual deviations” are still listed as a paraphilia. Absent from such discussions are the culture-bound notions of paraphilia/mental illness (Dinesh, Popelyuk, & McMullen, 2010).

The pathologizing of unusual sexual interests has been challenged by Moser (2002, 2009; Moser & Kleinplatz, 2005) in their failure to differentiate those with a paraphilia from those with so-called normal sexual interests. The subgroup that worked on the paraphilia section of the new DSM-V advocated distinguishing what should be considered a simply non-standard sexual interest rather than a mental disorder. According to Kleinplatz and Diamond (2013), however, the fifth edition of the DSM considers a paraphilia those erotic interests not focused on copulation or what could be considered pre-copulation behaviors. For a review of how the most recent revisions were constructed, see Kamens (2011). It still remains a fact, then, that non-normative sexual interests can be pathologized by the psychiatric profession.

The Internet

The Internet has had a major impact on the organization of “deviant sexualities” – creating communities for individuals whose sexual interest/non-interest had hitherto left them isolated. For example, secretive individuals like men who have sex with non-human animals can now enjoy a virtual community with like-minded others. Given the ease of communication, such virtual communities can even become actual ones (Williams & Weinberg, 2003). These developments have been integrated into a theoretical scheme by Quinn and Forsyth (2005), who take Gagnon and Simon’s (1973) tripartite model of types of sexual deviance (normal, pathological, and sociological) as a starting point to form a new typology. The old category of pathological deviance has been altered by the Internet as persons originally isolated have formed communities that ensure anonymity and supra-individual communication. Thus, cross-dressers, BDSM (bondage and discipline, sadism and masochism) practitioners, pedophiles, and asexuals can now receive support from Internet communities. Further, those with more mainstream sexual identities such as gays have been further divided into subsets such as bears (men who celebrate masculinity; Moskowitz, Turrubiates, Lozano, & Hajek, 2013), barebackers, and bugchasers (men deliberately risking infection by engaging in unprotected anal sex; Halkitis, Parsons, & Wilton, 2003). The Internet has also allowed for an expansion in the varieties of sex workers that can advertise, expanding the possibilities for indoor sex work (Bernstein, 2007).

With regard to Gagnon and Simon’s (1967) category of “normal” deviance (sexual behavior that is widespread and occurs with low visibility but does not bring strong condemnation or punishment), the most extensive effect of the Internet is the dissemination of pornography. It is now possible not only to view all types of sexual behaviors, but to participate oneself through the use of webcams (Waskul, 2005). “Camming,” as it is called, has also created money-making opportunities for amateurs who can get paid by a porn site for every download of their material. Cam sites can also involve “models” putting on sex shows for watchers who instruct them through typed messages to use a certain sex toy, for example. Tips and other fees are said to produce revenues of over a billion dollars, as camming constitutes a challenge to pre-recorded movies and clips as the most profitable form of pornography (Richtel, 2013).

The computer also facilitates other types of online relationships via e-mail, chat rooms and computer bulletin board systems (BBSs). One study of how sex online happens via a chat room (Wysocki, 1998) showed how individuals typed out sexual fantasies and were joined by others who extended the scene and masturbated. Computer BBSs were said to make self-disclosure of fantasies much easier. It was also the case that the online relationship could lead to an actual meeting (which occurred for over 57% of the persons in this study).

Direct online dating also has become a huge industry, such that persons can meet partners who share their sexual proclivities, deviant or otherwise. Lever (2005) found women reporting they met others as often through erotic chat rooms as through dating sites. Thus, the boundaries of “normal deviance” have become extended (see also Leiblum & Doring, 2002).

Another line of inquiry about cybersex looks into what people are seeking sexually. Ogas and Gaddam (2011) analyzed over 50 million internet searches between 2009 and 2010 and found that 35 sexual interests accounted for 90% of all searches. Much of what is sought can be viewed as sexually deviant. The number one search was for MILF (Mothers I'd Like to Fuck) representing mature women engaging in sex. Other searches showed the popularity of "cheating wives," which extols cuckoldry and cheating. Men were also characterized by their interest in cum shots and "bukkake" porn (multiple men ejaculating on a woman's face or other parts of her body) and "she-males" (trans women who possess breasts and a penis). While searches were conducted overwhelmingly by men, this did not exempt those who identified as women from what could be considered deviant interests. A favorite genre for them was the fan fiction known as "slash," which features two men having sex. They also showed an interest in paranormal romances (i.e., between humans and vampires or werewolves).

Globalization

Globalization refers to the emergence of a global network that, according to Giddens (1991, p. 64), leads to "the intensification of worldwide social relations which link distant localities in such a way that local happenings are shaped by events occurring many miles away and vice versa." Sociologists have looked at the globalization of sexualities (Altman, 2001; Binnie, 2004) and how it has structured sexual deviance. For example, sex tourism has become an important business in some economies, such as Mexico and the Caribbean. In Mexico, the development of gay tourism has resulted in the adaptation of North American "gay" identities hitherto unknown among Mexican men (Cantu, 2002). For heterosexual men, the Far East, especially Thailand, has been a favored destination for Europeans. The involvement of children in prostitution has led to legal intervention by European and the US governments (Kendall & Funk, 2012). Kempadoo (1999, 2001) has highlighted the inequity in economic power in these relationships, noting the overrepresentation of women of color in the international sex trade. This is also seen through Western men's image of women in certain societies as passive and docile compared with women in their own societies (Davidson & Sanchez-Taylor, 1999).

The Caribbean also has a large number of female tourists from the US, Canada, and Europe seeking sex while on holiday. Like male tourists, they often blur a perception of themselves as a sex worker's client, and similarly, they exercise power over the local citizenry who they define through racial stereotypes. Thus, Davidson and Sanchez-Taylor (1999, p. 53) provide the pithy conclusion that sex tourist resorts are "fantasy islands, variously peopled by Little Brown Fucking Machines, 'cool' black women who love to party, 'primitive smelling' black studs who only think of 'pussy and money,' [and] respectful Latin gentlemen who love women. All the sex tourist has to do to gain access to this fantasy world is to reach into his or her pocket."

Most pertinent for deviance theory is that globalization has not necessarily meant a growth in democracy and individual freedom, as religious fundamentalism and political scapegoating have created new forms of sexual repression. Altman (2008) chronicles the move toward Sharia law in Nigeria and Indonesia, battles over veil-wearing in Iraq and

France, and definitions of homosexuality as “Western decadence” in many third-world countries. As he urges us to remember, for many persons around the world, “sex is an arena more likely to suggest violence, repression and brutal subordination rather than the sort of consumerist pleasure which is the unstated subtext of much recent Western thinking about sex” (Altman, 2008, p. 25).

Perhaps the most controversial issue is that of sex trafficking, an integral consequence of neo-liberal economic policies that have proliferated sex markets across the globe. The traffic in women (especially in migrant women) across borders for sexual purposes has been called “sexual slavery” (Schaeffer-Grabiel, 2010). According to Jeffreys (2009), prostitution is now a worldwide phenomenon – “industrialized and globalized” (2009, p. 3) – in which women are systematically abused. This view has been challenged by Augustin (2007), who dismisses the “slavery” metaphor. She argues instead that most female migrants choose to travel and work in the sex industry, and that the “rescue industry” (feminists, evangelical Christians, and government officials) makes matters worse for them. This perspective is also furthered by Bernstein (2008). She and many others see the “sex trafficking” issue as a “moral panic” with the employment of stereotypes that sees all prostitution as slavery involving an innocent female victim subject to “unchecked male desire.” As such, it shows a conflation between forced and voluntary prostitution (seen in Sweden’s recent sex purchase criminalization law that criminalizes the purchase but not the selling of sex). As Brennan (2008) notes, overzealous policies with regard to the protection of women engaging in sex work not only seem to reduce all forms of sexual commerce (strip clubs, peep shows, etc.) to “prostitution,” but all of the exploited labor of migrants is collapsed into the category of forced prostitution (Augustin, 2008; Brennan, 2008; Levy & Jakobsen, 2013).

Other work also criticizes official reactions to sex trafficking. Schaeffer-Grabiel (2010) criticizes the UN’s depiction of trafficking as the “New Slave Trade” and sees this as the increasing use of state power to regulate sexuality in the name of national security. In addition, Weitzer (2007) has written on the social construction of sex trafficking and, like Bernstein, deals with it through a claims-making perspective seeing the claims of this crusade to be unsubstantiated. Weitzer (2013a) also heaps praise on Chin and Finkenauer’s (2012) empirical study of Chinese women who go outside China to work in overseas sex markets. Few were coerced into this, and most saw migration in terms of economic advance, even if they did not particularly enjoy selling sex. Weitzer claims that empirical research like this shows the victim model to be overgeneralized. Note too that he (Weitzer, 2013b) has also edited a special issue of *Dialectical Anthropology* in which each contributor criticizes the conventional wisdom on the topic of sex trafficking.

Variations and Illustrations

The remainder of the chapter examines behaviors that many people consider sexually deviant. In this discussion, we highlight aspects of the sociology of deviance and the conceptualizations discussed above. Specifically we deal with same-sex sexualities, deviant spaces, commercial sex, deviant bodies, unusual sexual interests, and non-consensual sex.

Same-sex behaviors

At the dawn of deviance theory in the 1960s, same-sex sexual behaviors were a focus of attention for the public and sociologists alike. One representative study of the American population showed that in 1970, 88% saw such same-sex activity without affection as “always wrong” or “almost always wrong”; even if the persons were in love, the percentage was only reduced to 79% (Klassen, Williams, & Levitt, 1989). Moreover, this point of view was buttressed with a variety of stereotypes (e.g., gays were child molesters) and harsh proscriptions (e.g., they should not be allowed in positions of authority).

Such views fed into the sociology of deviance that often used same-sex behaviors to illustrate its major concepts – social reaction/labeling (Kitsuse, 1962; Weinberg & Williams, 1974), deviant roles and stigma (Goffman, 1963; McIntosh, 1968), deviant identities (Dank, 1971; Troiden, 1988; Ponce, 1978, Weinberg, 1978; Ross, 1983; Humphreys, 1970), the gay subculture (Newton, 1972; Achilles, 1967; Levine, 1979; Weinberg & Williams, 1974), and the gay rights movement (Humphreys, 1972). Notably under-researched at the time were studies of lesbianism, bisexuality, and transgenderism.

Although often based on a symbolic interactionism framework, studies of same-sex behaviors and identities as social deviance have since benefited from the development of feminist and queer theory as well as from sex research in general – often as a result of interest (and funding opportunities) with regard to the AIDS epidemic. Nonetheless, it is still possible to organize recent work under the earlier categories of societal reaction/labeling, deviant roles and stigma, deviant identities, homosexual subculture, and the gay rights movement.

Perhaps the biggest change since the 1960s has been the increasing rejection of discrimination against gays and lesbians (CNN, 2012). This is seen in increasing support for the right to serve in the armed forces as well as for same-sex couples to marry. Survey data recently published show that the proportion of people perceiving gay couples as families has increased (Powell, Bolzendahl, Geist, & Steelman, 2010). In contrast, the situation in some societies, such as Nigeria, Uganda, and Russia, shows the implementation of increasingly harsh laws (cf. Corrêa, Davis, & Parker, 2013).

At present, social reactions toward same-sex behaviors seem to be in flux. We should, however, note the demographic differences that exist in reactions. Those who tend to be the most negative and intolerant toward gays are older people, African-Americans (Carroll, 2012), religious fundamentalists, and persons living in the southern US (Herman, 1997). The greatest change towards tolerance appears to be in the younger generations.

The research literature attempts to explain the existent negativity. Some explanations refer to the latent fear of same-sex attraction in oneself. This idea appears in explanations of religious homophobia where gay candidates for the priesthood seem overly represented (Dowd, 2013). Such theories center around the concept of “homophobia” (Weinberg, 1972), which signifies a fear of homosexuals and homosexuality.

This concept challenged views of same-sex behaviors as deviant, perverse, or sinful by suggesting that the problem was to be found in the prejudice itself (Plummer, 1981). A reconsideration of the concept of homophobia appears in a special issue of *Sexualities* edited by Bryant and Vidal-Ortiz (2008). The editors note how critiques of the concept

(especially as overly psychological) led to the creation of the more currently popular concepts of heterosexism and heteronormativity – emphasizing collective anti-homosexuality as a social problem rather than reducing it to an individual prejudice.

A final approach to homophobia emphasizes its relationship to gender norms. Thus, Pascoe (2005) shows how homophobia and masculinity are related. Adolescent boys are kept to a narrow masculinity, through the insult of “fag” as an epithet. This is applied to boys regardless of sexual preference and is central to their gender development in a way that it is not for girls. The role of gendered norms in underpinning homophobia is also shown to operate in the gay world (Sanchez, Westefeld, Liu, & Vilain, 2010). It is seen in gay men’s repudiation of other gay men who are seen as effeminate, who desire very masculine partners, and who wish they were more masculine themselves.

The homosexual as a stigmatized social role can be traced to the medical discourse on sexuality that emerged in the latter half of the nineteenth century; thus Foucault’s (1978, p. 43) famous statement, “the sodomite had been a temporary aberration; the homosexual was now a species.” In other words, deviant sexual acts were not the point; for men, being gay became a type of sexual sensibility, a “hermaphroditism of the soul.” Though Foucault’s work is probably the most quoted, there are related ones that need mentioning: Plummer (1981) and Weeks (1977) focused on the UK, D’Emilio (1983) and Greenberg (1988) emphasized the emergence of capitalism; and Herdt (1977) considered cross-cultural analysis. There are also good treatments of the development of a “queer” identity (Armstrong, 2002; Epstein, 1999; Seidman, 2002, 2003). Two widely quoted works that show the modern changes in the lesbian role are Faderman’s (1991) study of lesbian life especially after World War II, and Stein’s (1997) study of generational change and its effects on San Francisco lesbians.

An error in talking about same-sex sexualities is to conflate behaviors and identities. Thus, Halberstam (1998) detailed the variety of female masculinities that can exist and how some masculine lesbians jettisoned the lesbian identity for a transgender one; Ward (2008) studied “dude sex,” how homosexual sex among heterosexual men can be interpreted as “not gay”; Weinberg and Williams (2014) researched men, many of whom considered themselves heterosexual, who had sex with trans women (who retained a penis); Millett, Malebranche, Mason, and Spikes (2005) looked at the risk to African-American women for HIV infection from African-American men who are on the “down low” (having sex with men, but not identifying as gay or bisexual); Carillo and Fontdevila (2010) studied Mexican men involved in same-sex behaviors and found partners of gay and bisexual identified men often identified as “regular,” “normal,” or “heterosexual men”; Tewksbury and West (2000) reviewed studies of sex in prison and “situational homosexuality”; Dodge *et al.*’s (2012) study delineated different types of bisexual men, with only one of four types self-identifying as bisexual; and Rust (1992) has provided work on the identity problems of “bisexual” women.

In fact, bisexuality provides an especially intriguing topic for deviance theory. Findings from recent international and cross-cultural research show that more adults personally identify as bisexual than as gay or lesbian (Gates, 2011). At the same time, a representative survey of 1,197 self-identified LGBT adults in the US reports that fewer bisexuals are open about their identity (Pew Research Center, 2013). Thus, 77% of gay men and 71% of lesbians say most or all of the important people in their lives know

about their sexual orientation, but only 28% of bisexuals report this. We see this as due to their (realistic) fear of biphobia and the anticipation of threat that this identity can evoke in partners (namely, that they will need to seek other gendered partners). Heterosexually identified people tend to see bisexuals (and especially male bisexuals) unfavorably – even less favorably than they see lesbians and gays (Herek, 2002). In addition, gays and lesbians have a tradition of hostility toward bisexuals. It is not uncommon for them to claim that bisexuality does not exist or that “bisexuals” are really gay or lesbian (Weinberg et al., 1994; Rust, 1995).

The concept of “subculture” as a relatively hidden space for the expression of sexuality labeled as deviant fit same-sex sexualities prior to the AIDS phenomenon of the 1980s. Institutions like the Mine Shaft (a sex club), St Mark’s Baths (a gay sauna), the Chelsea piers (a parking spot for trucks) in New York City, and similar spots like San Francisco’s Catacombs (a leather sex venue) and Ritch Street Baths (a sauna), provided various opportunities for same-sex activity (Moore, 2004), and the emergence of a new type of homosexual man, the “gay clone,” whose identity was largely based on his unrestrained sexuality (Levine, 1998).

According to Gamson (2013, p. 801) this focus of study has changed “at sometimes dazzling speed.” He shows how LGBT studies broke out of the field of “deviance” to study communities and identities from the viewpoint of “queer theory,” resulting in a “normal science of queerness” (Gamson, 2013, p. 802). Queer studies were strongly related to political activism. The original gay liberation “assimilationist” aims, however, failed to be entirely replaced by the “difference” politics of queer advocates. Rather, the main thrust of recent activism has shown decidedly mainstream aims (e.g., legalization of same-sex marriage; Slagle, 1995). Most activism and the most publicly visible gays and lesbians are white middle-class urban men and women (Ghaziani, 2011). We find also a number of works on same-sex marriage (Hull, 2006; Moore, 2011; Powell *et al.*, 2010; Sullivan, 2004) and ethnographies of gays and lesbians trying to assimilate (Brekhus, 2003; Stein, 2002).

Studies of types of subcultures are still published showing that many gay or homosexual men do not embrace assimilation. Thus, there is research on the “bear” subculture – involving men who reject the stereotypical gay body and celebrate a hyper-masculinity typified by muscle mass, hairiness, cigar smoking, and the like. This group subdivides itself by generation – the older group is said to discriminate against men who do not meet their bodily criteria (called “chubs” or “twinks”). One study concluded bears were likely to explore more transgressive sexual behaviors like anal “fisting” (Moskowitz *et al.*, 2013).

Traditional gay subcultural forms still exist and researchers continue to write about them. Rupp and Taylor have conducted an excellent ethnography of drag queens (2003). Hwang and Nuttbrock (2007) have conducted a study of different collectivities and communities of drag queens in New York City, which demonstrates how gays from different social classes and ethnicities, neighborhoods, and lifestyles interact.

We would be remiss not to mention subcultural phenomena in the lesbian worlds such as the previously mentioned descriptions of Stein (1997) as well as Dolance’s (2010) article on lesbian attendance at WNBA games. Gordon provides descriptions of lesbian subcultural norms surrounding female appearance (2008) and sexualities

(2006). We also recommend Stein's (2010) article on changes in lesbian subcultures, described as having become more narrowly defined by specific lesbian identities.

Deviant spaces

The above includes depictions of sexualities considered deviant that often are expressed in specifically delimited spaces and places. Sometimes this space is shared with unaware others, as in public places like parks and restrooms; sometimes this space is private as in sex clubs and bath houses (Frankis & Flowers, 2009). Such spaces organize and facilitate sexuality and are an important part of the study of sexual deviance. The iconic depiction is *Tearoom Trade* (Humphreys, 1970, 1975), which described a restroom in a public park in St Louis where men sought sex with other men, and the techniques they used to avoid getting caught. Another often-quoted study is our own of gay baths (Weinberg & Williams, 1975), a private space for men who seek sex with men that is relatively safe, clean, and where anonymity can be maintained. We describe how these private places facilitate the organization of sexual opportunities for these men. The *Journal of Sex Research* devoted an issue to the relationship between context and sexuality (Fullilove & McGrath, 2005). We especially recommend Dolance's (2010) study on how a lesbian community can be created with respect to athletics. Also, Comfort *et al.* (2005) provides a study of women who visit their male partners at a California state prison. These couples (prohibited from touch and lacking privacy) nonetheless create intimacy and romance through other means (such as letters, photos, fantasies), despite the state control of space.

The importance of sexual spaces is highlighted when such contexts undergo change. Thus, Kelly and Munoz-Laboy (2005) described a New York park with an established cruising scene that underwent landscape alterations, ostensibly to improve "quality of life," but more likely to discourage homoerotic practices. Participants, however, were undeterred, and instead altered cruising practices to adapt to the changes. Some of the earlier work mentioned, especially regarding men who seek sex with men, has been replicated by Tewksbury (2002; 1996) and reviewed by Frankis and Flowers (2009), the latter showing "how differences in local geography and facilities [result] in specific, local cultures emerging for each locale" (p. 861).

Sex between women in public places, though less common, also occurs. Albert's (2011) study of women who had public sex with women in the Netherlands shows that it is usually not the anonymous, casual sex that typifies male same-sex activity in comparable locales. Other studies of women in Toronto who made use of a bath house also shows women's motivations to be unlike men's and to involve less anonymity and more personal connection (Hammers, 2008, 2009). The fear of being stigmatized by other (queer) women as a "whore" or "slut" is an ever-present concern for these women who engage in public sex, despite their unique and less furtive way of pursuing it (Bullock, 2004).

Also rare are studies of heterosexual public sex. One study from the UK examines the practice of "dogging," which "combines voyeurism, exhibitionism, public sex and partner swapping or multi-partner sex, and predominantly takes place in secluded sites

on the urban fringe, accessed by car” (Bell, 2006, p. 387). An important aspect of dogging is its facilitation by technology, especially the mobile phone and the Internet. Another is its framing through the “moral panic” discourse, especially by local media and the UK tabloids.

Many other studies also describe unique sex-related spaces – nudist resorts (Weinberg, 2014) and beaches (Bell & Holliday, 2000), circuit parties (Westhaver, 2006), Mardi Gras (Forsyth, 1992; Mason & Lo, 2009), and Spring Break (Maticka-Tyndale, Herold, & Mewhinney, 1998). Green (2011) builds on Bourdieu’s concepts of field and capital – in this case, namely, erotic – and examines how sexual stratification comes into play and operates in urban gay enclaves. These ideas are also shown to generalize across various sexual fields (Green, 2014). We leave to the next section venues that are directed at entertainment, like strip joints, drag shows, and sites and venues associated with prostitution.

Commercial sex

Sex work is especially prominent in deviance studies as it is likely to invade public space. Moreover, the buying and selling of sex is offensive to many who subscribe to a more traditional, romantic view of sexuality. In addition, it can also intersect with hard drug use and violence. A great deal of research relates to the social control of prostitution. For an examination of policies and why they fail, and an understanding of morality politics, see Wagenaar and Altink (2012). For a specific policy that takes a social constructionist stance, see Gurd and O’Brien’s (2013) analysis of California’s “John Schools.”

Weitzer’s (2013a) review of recent research on commercial sex describes how it increasingly goes beyond street prostitution and female workers. For example, there is more research on customers, management, brothel workers, and male and transgender workers, and how the social context of the work is important to job satisfaction. Typologies have been developed that highlight the effect of working in different settings (such as types of strip club), the form of management (self-employment versus having a manager), the nature of the locale (where it is legal as opposed to illegal), what the work involves (being limited to the physical in comparison to a “girlfriend experience”), and the behavior of the customers (the degree of respect shown to the sex worker). At the same time, sex work is shown to involve strategies to avoid risk, manage relations with clients and co-workers, and deal with stigma (Chapkis, 1996).

Although street prostitutes constitute a minority of prostitutes (Porter & Bonilla, 2010), it continues to be the most studied type of sex worker. Such studies often have shared a focus with one on health; Porter and Bonilla (2010) discuss the greater prevalence of drug addiction among street workers. And Cregan, Kulik, and Salinger (2013) show that, among female street workers in Melbourne, Australia, those working solely to earn drug money report the greatest emotional exhaustion and job dissatisfaction. Studies on different types of street workers are rare. An exception is Weinberg, Shaver, and Williams’ (1999b) work comparing and contrasting male, female, and trans women who worked the streets of the San Francisco Tenderloin. On average, the three groups differed in the organization of their sex work as well as their sexuality inside and outside

work. For male sex workers, Smith, Grov, Seal, and McCall (2012) examined motivations for sex work, and how escort agencies employing them create a supportive environment that can make sex work a comfortable work experience. Walby (2012) provides a fascinating study of Internet male-for-male escorting in six cities in which he discusses the effects of aging on male sex workers and how they handle this inevitable fact of life. An international perspective on male prostitution is provided by Aggleton (1999).

Vanwesenbeeck (2013) has further considered differences between male and female sex workers. She points out that while a greater number of young men may sell sex (in this case to men who have sex with men), this usually is done over the short term. In contrast, more women engage in sex work over the long term. Vanwesenbeeck emphasizes that the chief motivation is, not surprisingly, money, and that the need for money (that is, living in poverty) is more of a push factor for women (Weinberg *et al.*, 1999b), although there is also the pull from a greater demand than for male workers. The notion of fun can also enter into such work, especially for men and higher educated women (who provide a girlfriend experience). Women are more vulnerable to gender- and stigma-based victimization.

A major contribution that goes beyond street work is by Bernstein (2007). She describes how large-scale societal transformations have led to changes in sexual commerce. She sees the Internet as playing a large role in the expansion of indoor sex work and the entrance of more middle-class female workers. Moreover, she sees these women as willing to meet the desire of upper-middle class men for more of an emotionally intimate experience (than the limited physical one of the past) in their interaction with sex workers.

Brothel work is described in Albert's (2001) ethnography of Mustang Ranch. It details interactions among the workers themselves as well as with their clients, and how the brothel context shapes these interactions. Another informative study on brothels is Brents, Jackson, and Hausbeck's *The State of Sex* (2010). An outstanding chapter is on the different labor strategies of the sex work. Here the authors compare the balance of physical and emotional labor that can be engaged in, and the identity and coping strategies of the workers. They conclude that it is not the problems on the job that are the major source of dissatisfaction as much as it is the overarching stigma linked to sex work.

There are also studies of workers in the pornography industry. Abbott (2010) and Bakehorn (2010) describe the motivations of actresses and actors pursuing a career in pornography. An interesting study of porn actresses (Griffith, Mitchell, Hart, Adams, & Gu, 2013) challenges the belief that sex workers have higher rates of childhood sex abuse, psychological problems, and drug use than more typical women. The research finds no difference in the incidence of childhood sexual abuse, lower self-esteem, or other psychological problems. Rather, the porn actresses show higher self-esteem. While the study does find that the actresses had tried more of a variety of drugs over their lifetime, they were only more likely to use marijuana at the time of the study.

There is also a sizeable amount of literature on stripping and erotic dance – the majority of which is on women who strip for men. For a review of exotic dance research, see Wahab, Baker, Smith, Cooper, and Lerum (2011), which includes studies on getting into the occupation, the social stigma, and the effects on self-image. Frank (2002) has

focused on the male audience and their interaction with the female dancers. Other studies examine men who dance for men – by DeMarco (2002, 2007) on their personal characteristics and empowerment, Tewksbury (1993, 1994) on their presentation of self and on feelings of objectification, and Boden (2007) and DeMarco (2002) on the effects of the work on their identity. Scull (2013) has studied men who strip for women and how the interaction reproduces traditional patterns of gender interaction – with the men flaunting their masculinity and being sexually aggressive.

A different perspective on sex work has also been provided by the workers themselves. It reveals what they expect from customers and what they see as deviant. Customer breaches in low-end venues often center on the men's poor hygiene (Christina, 2004; Koko, 2004; Lewis, 2006; Meretrix, 2004; Queen, 2004). In addition, the worker-authors refer to “pervs” – those customers who show an “excessive” interest in parts of the body such as the anus (Lewis, 2006), or are into urine and/or defecation, or who are abusive (Good, 2005). Sex workers want their customers to follow common rules of etiquette, to be polite and respectful, and not to be drunk or stoned (Ginger, 2004; Millis, 2004; Mitchell, 2004).

Deviant bodies

Bodies that depart from the “natural and normal” can be considered deviant. Those with disabilities may be considered incapable or unsuitable for sex activities, as are those with bodies that are deemed “too old” (Sherrer, 2009). Those who do not fit into the binary categories of sex and/or gender may also be defined as deviant, that is, conditions referred to as intersexuality and transgenderism. They are of special sociological interest because they contravene the cultural belief that sex, gender, and sexual preference are necessarily linked (Williams, Weinberg, & Rosenberger, 2013).

Intersexuality refers to being born with ambiguous genitalia or inconsistencies between biological components of sex determination, namely, genital, gonadal, and genetic (Weinberg, Williams, & Laurent, 1999a). This becomes socially problematic in raising issues of gender identity and sexuality. In contrast, transgenderism involves persons without such anatomical inconsistencies but who reject the gender ascription given them at birth (Lev, 2004).

Intersexuality has received far less sociological attention than transgenderism (which often has been inspired by feminist interests). Also, intersexuality research has concentrated more on children and gender than on sexuality. Nonetheless, Kessler's (1998) work shows how society deals with such biological variation by safeguarding the bipolar gender system. The medical profession typically has seen the intersexed child as having a birth defect correctible through genital surgery. Such surgery (such as the removal of an enlarged clitoris) can preclude the possibility of sexual arousal. This has created support networks for intersexed adults such as the Intersex Society of North America (ISNA). This activism was instrumental in getting pediatric surgeons to avoid or delay genital surgery on intersexed children until they are capable of “informed consent.” In 2006, new medical guidelines recommended a nomenclature change from “intersex” to “disorders of sexual development,” a change, however, that still upholds the two-sex model and a pathology discourse (Davis, 2011).

Transgenderism has entered more into the popular imagination than intersexuality through famous cases – from Christine Jorgensen to Chaz Bono. Transgender rights groups are also more numerous and vocal. In tracing the trans phenomenon, Meyerowitz (2002) begins with the 1950s case of Christine Jorgensen and the media fascination with the possibility of a “sex change” – a challenge to the accepted view of two permanent natural sexes. Over the next decade, the medical acceptance of the condition was institutionalized through the spread of gender identity clinics. A later account (Valentine, 2007) charts the replacement of the term “transsexual” by the umbrella term “transgender.” This term is currently applied to anyone who does not accept the gender identity or prescribed role assigned at birth (thus covering anyone who cross-dresses). This conceptualization has not gone unchallenged. For example, transsexuals who are older, working class, or of color are likely to be unfamiliar with or resist the category (Namaste, 2011). Thus Valentine’s (2007) ethnography in New York City was unable to discover a “transgender community” *per se*. Thus, he criticizes the indiscriminate use of the term and sees it as reifying a white, middle-class categorization.

Just as gays and lesbians have had a tremendous impact on the study of homosexuality especially through queer studies, the study of transgenderism has been vitalized by transgenders themselves – for example, note the seminal work of Devor (1997), who is transgender and a sociologist. Studies by Schrock and Reid (2006) and Schleifer (2006) show how bodies, genders, and sexualities do not necessarily cohere in heteronormative ways. Sexuality is also shown to operate to confirm a sense of gender. For example, Williams *et al.* (2013) use the notion of “embodiment” to show how “body work” can affect the relationship between sexuality and gender identity.

The complex identities created by the interplay of bodies, genders, and sexualities among transgenders also has been examined in the context of social space and time. The large-scale study conducted by Beemyn and Rankin (2011) shows how identity labels have become more specified and how generational change has been aided by the Internet (“coming out” occurring earlier and more easily). Also, our own study found “queer” identities to be widely adopted in liberal locales like San Francisco, and shows how they can help in a transgender’s adaptation (Williams *et al.*, 2013). Wilson (2002), however, found that given the trans-negative character of their locale, transgenders in Perth, Australia, ultimately adopted traditional medicalized conceptualizations of themselves. In short, sociological approaches to transgenderism have been a corrective to the overly medicalized formulations of the medical profession, and the discursive formulations of humanities scholars and queer theorists. Hines and Sanger (2010) show how far we have come in producing empirically grounded studies of transgenders’ “lived reality,” including their sex lives.

Unusual sexual interests

Transgenderism breaches normative boundaries of sex and gender. These fixed conceptions underlie heteronormality. There are minority sexual activities that also bend the presumptions of heteronormative activities as to what constitutes “normal” sex (Kleinplatz & Diamond, 2013).

In choosing a behavior to discuss, we decided on one known to the public, that has specific group structures, and has been studied by sociologists – consensual BDSM (bondage, discipline, sadism, masochism). Rarely referenced in sociological literature when we published an article on this topic (Weinberg, Williams, & Moser, 1984), it has since received a considerable amount of study. It has also transcended academic and professional treatment to enter popular culture (Weinberg & Magill, 1995).

The essential feature of BDSM is that it involves consensual power play in which dominant and submissive roles are acted out, often in scripted ways and involving the use of stylized implements and scenarios (such as masks, whips, uniforms, dungeons, and other sexual paraphernalia). Heterosexual and same-sex BDSM share many features, but typically gay male practices tend more to take extreme forms. At the same time, heterosexual men may pay a professional female dominatrix for heavy play.

Given the theme of dominance and submission, other kink gets imported into BDSM. Thus, many fetishes – leather, rubber, feet, socks, and shoes (Weinberg, Williams, & Calhan 1995) – can be used in the representation of dominance and submission, and bondage play can include activities such as mummification, burials, and flesh hook suspension (Forsyth & Simpson, 2008), which symbolize extreme submission. Humiliation play like master/slave scenarios, enema rituals, scat, golden showers, and toilet discipline, can accentuate power differentials, as can diaper play, messy play with food, animal costumes, and role-play. Devotees are aware of the possibility of being defined as deviant, and thus usually conceal these activities (Stiles & Clark 2011).

In terms of interpretive frames and genderization, Alison, Santtila, Sandnabba, and Nordling (2001) delimited four scripts used in BDSM – hyper-masculinity, pain, physical restriction, and humiliation. The humiliation script was found to be used more by women and straight men, while the hyper-masculinity script was used more by men in general (straight and gay). Newmahr (2010) describes BDSM experiences as more existential than sexual, and sees them as functioning to produce a sense of intimacy and community among participants. She describes extreme forms of embodiment in BDSM that she sees as “edgework” (risk-taking, playing on the edge), a new concept that can also be employed to non-sexual activities such as sky-diving. Thus, she challenges the notion that BDSM is simply “kinky sex.”

Non-consensual sex

A final form of sexual deviance that we consider is with regard to consent. Such acts are a prominent part of the sexual deviance of men, covering such behaviors as peeping, exhibitionism, and sexual assault. Social disorganization is clearly reflected in a conflict between cultural beliefs and norms among many men (and some women) and the law. For example, a cultural notion of a “real rape” (Estrich, 1987) interferes with the prosecution of many offenders (Spohn, Beichner, & Davis-Frenzel, 2001) because of the belief in an uncontrollable male sex drive (Sanday, 1996), an assumption of male entitlement (Bart & O’Brien, 1985), and cultural support in blaming the victim (Frank, 2014). Thus, while the feminists of the 1970s played a major role in changing the cultural image of sexual assault – altering it from a theme of women’s provocation to

one of a man's power and aggression (Plummer, 1995) – many people continue “blaming the victim” (Armstrong, Hamilton, & Sweeney, 2006). This is especially the case, for example, if a woman breaches an image of “female innocence,” showing that her appearance and sexual history are still fodder for the media (Frank, 2014).

There is also increasing recognition that men are also subject to sexual assault (usually committed by men and not only in prison). Generally, the social-psychological consequences are gendered (Groth, 1979), however, in that victimized women are likely to see themselves as less of a person, while victimized men are more likely to see themselves as less of a man. Interestingly, male victims (especially if the man is perceived to be gay) have been subject to the same type of disrespect by police that is experienced by female victims (Wakelin & Long, 2003).

Conclusion

As Goode (2004) observes, some sociologists have questioned whether and to what extent “deviance” is an appropriate term to use to describe variant behavior – even though the phenomena that constitute it still occur. In fact, we are overwhelmed by the variety of non-normative sexual phenomena unearthed by scholars during the last quarter-century. Even though mainstream sociology's interest in human sexuality remains weak, research on sexuality is present in its subfields (e.g., gender) and has produced an impressive amount of work, much of which can be considered to be in the area of sexual deviance. We see a problem, however, in the huge amount of content that remains undisciplined by theoretical concepts. The original deviance conceptualizations of the 1960s and 1970s (labeling, stigma, secondary deviance) were adequate for the limited amount of research on such sexuality (and perhaps actual deviance) at that time. Today, however, this is no longer the case. Sexual deviance is widespread, and researchers as well as the general public try to make sense of an ever-changing and increasingly complex sexual universe. The challenge is there – a need for new abstractions (concepts, categories, frameworks, and theories) that can provide a coherent interpretation of what is going on. The authors of this chapter will probably not be around to witness this theoretical development, but we salute those sociologists who step up to take on this task.

References

- Abbott, S. (2010). Motivations for pursuing a career in pornography. In R. Weitzer (Ed.), *Sex for Sale: Prostitution, Pornography, and the Sex Industry* (2nd ed.) (pp. 47–66). New York: Routledge.
- Achilles, N. (1967). The development of the homosexual bar as an institution. In J. Gagnon, & W. Simon (Eds.), *Sexual Deviance* (pp. 228–244). New York: Harper & Row.
- Adam, B.D. (1987). *The Rise of a Gay and Lesbian Movement*. Boston: Twayne.
- Adam, B.D. (2006). Relationship innovation in male couples. *Sexualities*, 9 (1), 5–26.
- Aggleton, P. (1999). *Men Who Sell Sex: International Perspectives on Male Prostitution and HIV/AIDS*. Philadelphia: Temple University Press.
- Albert, A. (2001). *Brothel: Mustang Ranch and its Women*. New York: Ballantine Books.

- Albert, S. (2011). Spontaneous pleasures: Sex between women in public places. *Sexualities*, 14 (6), 669–680.
- Alison, L., Santtila, P., Sandnabba, K., & Nordling, N. (2001). Sadomasochistically oriented behavior: Diversity in practice and meaning. *Archives of Sexual Behavior*, 30 (1), 1–12.
- Altman, D. (Ed.) (1986). *AIDS in the Mind of America: The Social, Political, and Psychological Impact of a New Epidemic*. Garden City, NY: Doubleday Anchor.
- Altman, D. (2001). *Global Sex*. Chicago: University of Chicago Press.
- Altman, D. (2008). Visions of sexual politics. *Sexualities*, 11 (1–2), 24–27.
- American Psychological Association. (2007). *Task Force on the Sexualization of Girls*. Washington, DC: APA.
- Armstrong, E.A. (2002). *Forging Gay Identities: Organizing Sexuality in San Francisco 1950–1994*. Chicago: University of Chicago Press.
- Armstrong, E., & Hamilton, L. (2013). *Paying for the Party: How College Maintains Inequality*. Cambridge, MA: Harvard University Press.
- Armstrong, E., Hamilton, L., & Sweeney, B. (2006). Sexual assault on campus: A multilevel, integrative approach to party rape. *Social Problems*, 53 (4), 483–499.
- Attwood, F. (2006). Sexed up: Theorizing the sexualization of culture. *Sexualities*, 9 (1), 77–94.
- Augustin, L.M. (2007). *Sex at the Margins: Migration, Labor Markets and the Rescue Industry*. London: Zed Books.
- Augustin, L.M. (2008). Sex and the limits of enlightenment: The irrationality of legal regimes to control prostitution. *Sexuality Research and Social Policy*, 5 (4), 73–86.
- Bakehorn, J. (2010). Woman-made pornography. In R. Weitzer (Ed.), *Sex for Sale: Prostitution, Pornography, and the Sex Industry* (2nd ed.) (pp. 47–66). New York: Routledge.
- Barber, C. (1991). AIDS apartheid. *New York Quarterly*, November 3.
- Barker, M., & Landridge, D. (2010a). Whatever happened to non-monogamies? Critical reflections on recent research and theory. *Sexualities*, 13 (6), 748–772.
- Barker, M., & Landridge, D. (Eds.) (2010b). *Understanding Non-Monogamies*. New York: Routledge.
- Bart, P., & O'Brien, P. (1985). *Stopping Rape: Successful Survival Strategies*. Elmsford, NY: Pergamon Press.
- Bartell, G. (1971). *Group Sex*. New York: Wyden.
- Bayer, R. (1981). *Homosexuality and American Psychiatry: The Politics of Diagnosis*. Princeton, NJ: Princeton University Press.
- Becker, H.S. (1963). *Outsiders: Studies in the Sociology of Deviance*. New York: Free Press.
- Beemyn, G., & Rankin, S. (2011). *The Lives of Transgender People*. New York: Columbia University Press.
- Bell, D. (2006). Bodies, technologies, spaces: On 'dogging'. *Sexualities*, 9 (4), 387–407.
- Bell, D., & Holliday, R. (2000). Naked as nature intended. *Body and Society*, 6 (3–4), 127–140.
- Berger, P., & Luckmann, T. (1966). *The Social Construction of Reality*. London: Penguin.
- Bernstein, E. (2007). Sex work for the middle classes. *Sexualities*, 10 (4), 473–488.
- Bernstein, E. (2008). Introduction to Special Issue: Sexual commerce and the global flow of bodies, desires, and social policies. *Sexuality Research and Social Policy*, 5 (4), 1–5.
- Binnie, J. (2004). *The Globalization of Sexuality*. London: Sage.
- Boden, D.M. (2007). Alienation of sexuality in male erotic dancing. *Journal of Homosexuality*, 53 (1/2), 129–152.
- Boswell, J. (1980). *Christianity, Social Tolerance and Homosexuality*. Chicago: University of Chicago Press.
- Brekhus, W.H. (2003). *Peacocks, Chameleons, Centaurs: Gay Suburbia and the Grammar of Social Identity*. Chicago: University of Chicago Press.

- Brennan, D. (2008). Competing claims of victimhood: Foreign and domestic victims of trafficking in the United States. *Sexuality Research and Social Policy*, 5 (4), 45–61.
- Brents, B.G., Jackson, C.A., & Hausbeck, K. (2010). *The State of Sex: Tourism, Sex and Sin in the New American Heartland*. New York: Taylor & Francis.
- Brown, J.D. (2002). Mass media influences on sexuality. *Journal of Sex Research*, 39 (1), 42–45.
- Bryant, C.D. (Ed.). (2011). *Routledge Handbook of Deviant Behavior*. New York: Routledge.
- Bryant, K., & Vidal-Ortiz, S. (2008). Introduction to retheorizing homophobias. *Sexualities*, 11 (4), 387–396.
- Bullock, D. (2004). Lesbian cruising: An examination of the concept and method. *Journal of Homosexuality*, 47 (2), 1–31.
- Cacchioni, T., & Tiefer, L. (2012). Why medicalization: Introduction to the Special Issue on the medicalization of sex. *Journal of Sex Research*, 49 (4), 307–310.
- Cantu, L. (2002). DeAmbiente: Queer tourism and the shifting boundaries of Mexican male sexualities. *GLQ: A Journal of Lesbian and Gay Studies*, 8 (1–2), 139–166.
- Carillo, H., & Fontdevila, J. (2010). Rethinking sexual initiation: Pathways to identity formation among gay and bisexual Mexican male youth. *Archives of Sexual Behavior*, 40 (6), 1241–1254.
- Carroll, J. (2012). *Sexuality Now; Embracing Diversity*. Independence, KY: Cengage Learning.
- Chapkin, W. (1996). *Live Sex Acts: Women Performing Erotic Labor*. New York: Routledge.
- Chin, K., & Finkenauer, J. (2012). *Selling Sex Overseas: Chinese Women and the Realities of Prostitution and Global Sex Trafficking*. New York: New York University Press.
- Christina, G. (2004). What we all agree on and what we don't. In G. Christina (Ed.), *Paying for It: A Guide by Sex Workers for their Clients* (pp. 11–16). Oakland, CA: Greenery Press.
- CNN. (2012). CNN/ORC International Poll. Retrieved from <http://i2.cdn.turner.com/cnn/2012/images/06/06/rel5e.pdf>
- Cohen, S. (1972). *Folk Devils and Moral Panics: The Creation of the Mods and Rockers*. London: McGibbon and Key.
- Cohen, S. (2002). *Folk Devils and Moral Panics: The Creation of the Mods and Rockers* (3rd ed.). New York & London: Routledge.
- Comfort, M., Grinstead, O., McCartney, K., Bourgois, P., & Knight, K. (2005). You can do nothing in this damn place: Sex and intimacy among couples with an incarcerated male partner. *Journal of Sex Research*, 42 (1), 3–12.
- Conrad, P. (1985). The meaning of medications: Another look at compliance. *Social Science and Medicine*, 20 (1), 29–37.
- Conrad, P. (1986). The social meaning of AIDS. *Social Policy*, 20 (Summer), 51–56.
- Conrad, P. (1992). Medicalization and social control. *Annual Review of Sociology*, 18 (1), 209–232.
- Cooper, R. (2005). *Classifying Madness: A Philosophical Examination of the Diagnostic and Statistical Manual of Mental Disorders*. Dordrecht: Springer.
- Corrêa, S., Davis, B.R., & Parker, R. (2013). In D.L. Tolman, & L.M. Diamond (Eds.), *APA Handbook of Sexuality and Psychology* (pp. 267–308). Washington, DC: American Psychological Association.
- Cregan, C., Kulik, C.T., & Salinger, D. (2013). The effects of age and drug dependency on the emotional exhaustion and job satisfaction of adult street workers in Australia. *Archives of Sexual Behavior*, 42 (5), 851–861.
- Curra, J. (2011). *The Relativity of Deviance* (3rd ed.). Los Angeles, CA: Sage.
- Dank, B.M. (1971). Coming out in the gay world. *Psychiatry*, 34 (2), 180–197.
- Davis, G. (2011). 'DSD is a perfectly fine term': Reasserting medical authority through a shift in intersex terminology. In P.J. McGann, & D.J. Hudson (Eds.), *Advances in Medical Sociology*, vol. 12 (pp. 155–182). Bingley, West Yorkshire: Emerald.

- Davis, K. (1937). The sociology of prostitution. *American Sociological Review*, 2 (October), 744–755.
- Davis, K. (1961). Sexual behavior. In R. Merton, & R. Nisbet (Eds.), *Contemporary Social Problems* (pp. 219–261). New York: Harcourt, Brace, & Jovanovich.
- Davidson, J.O., & Sanchez-Taylor, J. (1999). Fantasy islands: Exploring the demand for sex tourism. In K. Kempadoo (Ed.), *Sun, Sex, and Gold: Tourism and Sex Work in the Caribbean* (pp. 37–54). Lanham, MD: Rowman and Littlefield.
- D’Emilio, J. (1983). Capitalism and gay identity. In A. Snitow, C. Stansell, & S. Thompson (Eds.), *Powers of Desire: The Politics of Sexuality* (pp. 100–116). New York: Monthly Review Press.
- De Block, A., & Adriaens, P.R. (2013). Pathologizing sexual deviance: A history. *Journal of Sex Research*, 50 (3–4), 276–298.
- DeMarco, J.R.G. (2002). The world of gay strippers. *Gay and Lesbian Review Worldwide*, 9 (2), 12–14.
- DeMarco, J.R.G. (2007). Power and control in gay strip clubs. *Journal of Homosexuality*, 53 (1/2), 111–127.
- Denfield, D., & Gordon, M. (1970). The sociology of mate swapping: or the family that swings together clings together. *Journal of Sex Research*, 6 (2), 85–100.
- Devor, H. (1997). *FTM: Female-to Male Transsexuals in Society*. Bloomington: Indiana University Press.
- de Young, M. (1998). Another look at moral panics: The case of satanic day care centers. *Deviant Behavior*, 19 (3), 257–278.
- Dinesh, B., Popelyuk, D., & McMullen, I. (2010). Paraphilias across cultures: Contexts and controversies. *Journal of Sex Research*, 47 (2–3), 242–256.
- Dodge, B., Rosenberger, J.G., Schick, V., Reece, M., Herbenick, D., & Novak, D.S. (2012). Beyond ‘risk’: Exploring sexuality among diverse typologies of bisexual men in the United States. *Journal of Bisexuality*, 12 (1), 13–34.
- Dolance, S. (2010). A whole stadium full: Lesbian community at Women’s National Basketball Association games. *Journal of Sex Research*, 42 (1), 74–83.
- Dowd, N.E. (2013). Sperm, testosterone, masculinities, and fatherhood. *Nevada Law Journal*, 13 (2), 438–457.
- Duggan, L. (1992). Making it perfectly queer. *Socialist Review*, 22 (1), 11–32.
- England, P., & Ronen, S. (2013). Sex and relationships among youth: An intersectional gender lens. *Contemporary Sociology: A Journal of Reviews*, 42 (4), 503–513.
- England, P., Schafer, E.F., & Fogarty, A.C.K. (2008). Hooking up and forming romantic relationships on today’s college campuses. In M.S. Kimmel, & A. Aronson (Eds.), *The Gendered Society Reader* (pp. 531–547). New York: Oxford University Press.
- Epstein, S. (1994). A queer encounter: Sociology and the study of sexuality. *Sociological Theory*, 12 (2), 188–202.
- Epstein, S. (1996). *Impure Science: AIDS, Activism, and the Politics of Knowledge*. Berkeley, CA: University of California Press.
- Epstein, S. (1999). Gay and lesbian movements in the United States: Dilemmas of identity, diversity, and political strategy. In B. Adam, J.W. Duyvendak, & A. Krouwel (Eds.), *The Global Emergence of Gay and Lesbian Politics: National Imprints of a Worldwide Movement* (pp. 30–90). Philadelphia: Temple University Press.
- Erikson, K.T. (1962). Notes on the sociology of deviance. *Social Problems*, 9 (4), 307–314.
- Estrich, S. (1987). *Real Rape*. Cambridge, MA: Harvard University Press.
- Eves, A. (2004). Queer theory, butch/femme identities and lesbian space. *Sexualities*, 7 (4), 480–495.

- Faderman, L. (1991). *Odd Girls and Twilight Lovers: A History of Lesbian Life in Twentieth Century America*. New York: Columbia University Press.
- Forsyth, C. (1992). Parade strippers: A note on being naked in public. *Deviant Behavior*, 13 (4), 391–403.
- Forsyth, C., & Simpson, J. (2008). Everything changes once you hang: Flesh hook suspension. *Deviant Behavior*, 29 (4), 367–387.
- Foucault, M. (1965). *Madness and Civilization: A History of Insanity in the Age of Reason*. New York: Random House.
- Foucault, M. (1978). *The History of Sexuality, Vol. 1: An Introduction*. New York: Vintage.
- Frank, K. (2002). *G-strings and Sympathy: Strip Club Regulars and Male Desire*. Durham, NC: Duke University Press.
- Frank, K. (2014). *Plays Well in Groups: A Journey through the World of Group Sex*. Lanham, MD: Rowman & Littlefield.
- Frankis, J.S. & Flowers, P. (2009). Public sexual cultures: A systematic review of qualitative research investigating men's sexual behaviors with men in public spaces. *Journal of Homosexuality*, 56 (7), 861–893.
- Freedman, E.B. (1987). Uncontrolled desires: The response to the sexual psychopath, 1920–1960. *Journal of American History*, 74 (1), 83–106.
- Fullilove, M.T., & McGrath, M.M. (2005). Introduction to the Special Issue on sexuality and place. *Journal of Sex Research*, 42 (1), 1–2.
- Gagnon, J., & Simon, W. (Eds.) (1967). *Sexual Deviance*. New York: Harper & Row.
- Gagnon, J., & Simon, W. (1973). *Sexual Conduct: The Social Sources of Human Sexuality*. Chicago: Aldine.
- Gamson, J. (2013). The normal science of queerness: LGBT sociology books in the twenty-first century. *Contemporary Sociology*, 42 (6), 801–808.
- Garcia, J.R., Reiber, C., Massey, S.G., & Merriwether, A. (2012). Sexual hookup culture: A review. *Review of General Psychology*, 16 (2), 161–176.
- Gates, G.J. (2011). *How Many People are Lesbian, Gay, Bisexual and Transgender?* Los Angeles: UCLA/The Williams Institute.
- Ghaziani, A. (2011). Post-gay collective identity construction. *Social Problems*, 58 (1), 99–125.
- Giddens, A. (1991). *The Consequences of Modernity*. Stanford, CA: Stanford University Press.
- "Ginger". (2004b). Private dancing. In G. Christina (Ed.), *Paying for It: A Guide by Sex Workers for their Clients*. Oakland, CA: Greenery Press.
- Glenn, N., & Marquant, E. (2001). *Hooking Up, Hanging Up, and Hoping for Mr. Right*. New York: Institute for American Values.
- Goffman, E. (1963). *Stigma: Notes on the Management of Spoiled Identity*. Englewood Cliffs, NJ: Prentice-Hall/Spectrum.
- Good, K. (2005). *In Good Company: An Escort's Guide*. London: Fusion Press.
- Goode, E. (2004). The 'Death' MacGuffin Redux: Comment on Best. *Deviant Behavior*, 25 (5), 493–509.
- Goode, E., & Ben-Yehuda, N. (1994a). Moral panics: Culture politics and social construction. *Annual Review of Sociology*, 20 (1), 149–171.
- Goode, E., & Ben-Yehuda, N. (1994b). *Moral Panics: The Social Construction of Deviance*. Oxford, UK & Cambridge, MA: Blackwell.
- Goode, E., & Ben-Yehuda, N. (2009). *Moral Panics: The Social Construction of Deviance* (2nd ed.). Malden, MA & Oxford, UK: Wiley-Blackwell.
- Gordon, L.E. (2006). Bringing the U-haul: Embracing and resisting sexual stereotypes in a lesbian community. *Sexualities*, 9 (2), 171–192.

- Gordon, L.E. (2008). Lesbians' resistance to culturally defined attractiveness. In E. Rubington, & M.S. Weinberg (Eds.), *Deviance: The Interactionist Perspective* (10th ed.) (pp. 335–340). Boston: Pearson.
- Gordon, L.E. (2013). Wankers, invert, and addicts: The scientific construction of sexuality as a social problem. In J. Best, & S.R. Harris (Eds.), *Making Sense of Social Problems: New Images, New Issues* (pp. 111–133). Boulder, CO: Lynne Reinner.
- Green, A.I. (2011). Playing the (sexual) field: The interactional basis of systems of sexual stratification. *Social Psychology Quarterly*, 74 (3), 244–266.
- Green, A.I. (2014). *Sexual Fields: Toward a Sociology of Collective Sexual Life*. Chicago: University of Chicago Press.
- Greenberg, D.F. (1988). *The Construction of Homosexuality*. Chicago: University of Chicago Press.
- Griffith, J.D., Mitchell, S., Hart, C.L., Adams, L.T., & Gu, L.L. (2013). Pornography actresses: An assessment of the damaged goods hypothesis. *Journal of Sex Research*, 50 (7), 621–632.
- Groth, N. (1979). *Men Who Rape: The Psychology of the Offender*. New York: Plenum Press.
- Gurd, A., & O'Brien, E. (2013). Californian 'John Schools' and the social construction of prostitution. *Sex Research and Social Policy*, 10 (2), 149–158.
- Halberstam, J. (1998). *Female Masculinity*. Durham, NC: Duke University Press.
- Halkitis, P.N., Parsons, J.T., & Wilton, L. (2003). Barebacking among gay and bisexual men in New York City: Explanations for the emergence of intentional unsafe behavior. *Archives of Sexual Behavior*, 32 (4), 351–357.
- Hammers, C.J. (2008). Making space for an agentic sexuality? The examination of a lesbian/queer bathhouse. *Sexualities*, 11 (5), 547–572.
- Hammers, C.J. (2009). An examination of lesbian/queer bathhouse culture and the social organization of (im)personal sex. *Journal of Contemporary Ethnography*, 36 (3), 308–335.
- Haritaworn, J., Lin, C., & Klesse, C. (2006). Poly/logue: A critical introduction to polyamory. *Sexualities*, 9 (5), 515–529.
- Herd, G. (Ed.) (2009). *Moral Panics, Sex Panics: Fear and the Fight over Sexual Rights*. New York: New York University.
- Herd, G.H. (1977). The shaman's 'calling' among the Sambia of New Guinea. *Journal de la Societe des Oceanistes*, 33 (56), 153–167.
- Herek, G.M. (1999). AIDS and stigma in the United States. *American Behavioral Scientist*, 42 (7), 1148–1161.
- Herek, G.M. (2002). Heterosexuals' attitudes toward bisexual men and women in the United States. *Journal of Sex Research*, 39 (4), 264–274.
- Herman, D. (1997). *The Antigay Agenda: Orthodox Vision and the Christian Right*. Chicago: University of Chicago Press.
- Hier, S. (Ed.) (2011). *Moral Panic and the Politics of Anxiety*. London & New York: Routledge.
- Hines, S., & Sanger, T. (2010). *Transgender Identities: Towards a Social Analysis of Gender Diversity*. New York: Taylor & Francis.
- Hoppe, T. (2013). Controlling sex in the name of 'public health': Social control and Michigan HIV law. *Social Problems*, 60 (1), 27–49.
- Hull, K. (2006). *Same-Sex Marriage: The Cultural Politics of Love and Law*. Cambridge: Cambridge University Press.
- Humphreys, L. (1970). Tearoom trade: Impersonal sex in public places. *Trans-Action*, 7 (3), 10–25.
- Humphreys, L. (1972). *Out of the Closet: The Sociology of Homosexual Liberation*. Englewood Cliffs, NJ: Prentice-Hall/Spectrum.

- Humphreys, L. (1975). *Tearoom Trade: Impersonal Sex in Public Places* (enlarged ed.). New Brunswick, NJ: Aldine Transaction.
- Hwang, J., & Nuttbrock, L. (2007). Sex workers, fem queens, and cross-dressers: Differential marginalizations and HIV vulnerabilities among three ethnocultural male-to-female transgender communities in New York City. *Sexuality Research and Social Policy*, 4 (4), 36–59.
- Irvine, J. (1993). Regulated passions: The invention of inhibited sexual desire and sex addiction. *Social Text*, 37 (Winter), 203–226.
- Irvine, J. (2005). *Disorders of Desire: Sex and Gender in Modern American Sexology*. Philadelphia: Temple University Press.
- Jackson, S. (2006). Gender, sexuality and heterosexuality: The complexity (and limits) of heteronormativity. *Feminist Theory*, 7 (1), 105–121.
- Jackson, S., & Scott, S. (2010). *Theorizing Sexuality*. Maidenhead: Open University Press.
- Jeffreys, S. (2009). *The Industrial Vagina: The Political Economy of the Global Sex Trade*. London: Routledge.
- Jenkins, P. (1995). Clergy sexual abuse: The symbolic politics of a social problem. In J. Best (Ed.), *Images of Issues* (2nd ed.) (pp. 105–130). New York: Aldine.
- Jenkins, P. (1998). *Moral Panic: Changing Concepts of the Child Molester in Modern America*. New Haven, CT: Yale University Press.
- Johnson, W.I. (1991). *HIV Negative: How the Uninfected are Affected by AIDS*. New York: Plenum.
- Jonason, P.K., Li, N.P., & Richardson, J. (2011). Positioning the booty call relationship on the spectrum of relationships: Sexual but more emotional than one-night stands. *Journal of Sex Research*, 48 (5), 486–495.
- Jutel, A. (2010). Framing disease: The example of female hypoactive sexual desire disorder. *Social Science and Medicine*, 70 (7), 1084–1090.
- Kamens, S.R. (2011). On the proposed sexual and gender identity diagnoses for DSM-5: History and controversies. *Humanistic Psychologist*, 39 (1), 37–59.
- Kelly, B.C., & Munoz-Laboy, M.A. (2005). Sexual place, spatial change, and the social reorganization of sexual culture. *Journal of Sex Research*, 42 (4), 359–366.
- Kempadoo, K. (Ed.) (1999). *Sun, Sex and Gold: Tourism and Sex Work in the Caribbean*. Lanham, MD: Rowman and Littlefield.
- Kempadoo, K. (2001). Women of color and the global sex trade: Transnational feminist perspectives. *Meridians: Feminism, Race, Transnationalism*, 1 (3), 28–51.
- Kendall, V.M., & Funk, M.T. (2012). *Child Exploitation and Trafficking: Examining the Global Challenges and US Responses*. Lanham, MD: Rowman & Littlefield.
- Kessler, S.J. (1998). *Lessons from the Intersexed*. New Brunswick, NJ: Rutgers University Press.
- Kim, J.C., Sorsoli, L., Collins, K., Zylbergold, B., Schooler, D., & Tolman, D. (2007). From sex to sexuality: Exposing the heterosexual script on primetime network television. *Journal of Sex Research*, 44 (2), 145–157.
- Kitsuse, J. (1962). Societal reaction to deviant behavior: Problems of theory and method. *Social Problems*, 9 (3), 247–256.
- Klassen, A., Williams, C., & Levitt, E.E. (1989). *Sex and Morality in the US: An Empirical Enquiry under the Auspice of the Kinsey Institute*. Middletown, CN: Wesleyan University Press.
- Kleinplatz, P.J., & Diamond, L.M. (2013). Sexual diversity. In D.L. Tolman, & L.M. Diamond (Eds.), *APA Handbook on Sexuality and Psychology* (pp. 245–267). Washington, DC: American Psychological Association.
- “Koko”. (2004c). Advice. In G. Christina (Ed.), *Paying for It: A Guide by Sex Workers for their Clients* (p. 24). Oakland, CA: Greenery Press.
- Krinsky, C. (Ed.) (2013). *The Ashgate Research Companion to Moral Panics*. Burlington, VT: Ashgate.

- Kutchins, H., & Kirk, S.A. (1997). *Making Us Crazy: DSM, the Psychiatric Bible and the Creation of Mental Disorders*. New York: Free Press.
- Lancaster, R.N. (2011). *Sex Panic and the Punitive State*. Berkeley, CA: University of California Press.
- Leiblum, S., & Doring, N. (2002). Internet sexuality: Known risks and fresh chances for women. In A. Cooper (Ed.), *Sex and the Internet: A Guidebook for Clinicians* (pp. 19–45). New York: Brunnes-Routledge.
- Lev, A.I. (2004). *Transgender Emergence: Therapeutic Guidelines for Working with Gender-Variant People and their Families*. New York: Routledge.
- Lever, J. (2005). Email and instant message: In the beginning was the word. In R. Lynn (Ed.), *The Sexual Revolution 2.0* (pp. 5–23). Berkeley, CA: Ulysses Press.
- Levine, M.P. (1979). Gay ghetto. *Journal of Homosexuality*, 4 (4), 363–377.
- Levine, M.P. (1998). *Gay Macho: The Life and Death of the Homosexual Clone*. New York: New York University Press.
- Levine, M.P. & Troiden, R.R. (1988). The myth of sexual compulsivity. *Journal of Sex Research*, 25 (3), 347–363.
- Levy, J., & Jakobsen, P. (2013). Absolutist feminism as patriarchal control: Swedish understandings of prostitution and trafficking. *Dialectical Anthropology*, 37 (2), 333–340.
- Lewis, S.K. (2006). *Indecent: How I Make It and Fake It as a Girl for Hire*. Emeryville, CA: Seal Press.
- Manning, W.D., Giordano, P.C., & Longmore, M.A. (2006). Hooking up: The relationship contexts of ‘nonrelationship’ sex. *Journal of Adolescent Research*, 21 (5), 459–483.
- Mason, G., & Lo, G. (2009). Sexual tourism and the excitement of the strange: Heterosexuality and the Sydney Mardi Gras Parade. *Sexualities*, 12 (1), 97–121.
- Maticka-Tyndale, E., Herold, E.S., & Mewhinney, D. (1998). Casual sex on Spring Break: Intentions and behaviors of Canadian students. *Journal of Sex Research*, 35 (3), 254–264.
- McIntosh, M. (1968). The homosexual role. *Social Problems*, 16 (2), 182–192.
- McNair, B. (1996). *Mediated Sex: Pornography and Postmodern Culture*. London & New York: Arnold.
- Meretrix, M. (2004). A dash of common sense, a pinch of empathy. In G. Christina (Ed.), *Paying for It: A Guide by Sex Workers for their Clients* (pp. 17–21). Oakland, CA: Greenery Press.
- Meyerowitz, J. (2002). How sex changed: A history of transsexuality in the United States. *The American Historical Review*, 108 (3), 1479–1480.
- Miller, Neil. (2002). *Sex-Crime Panic: A Journey into the Paranoid Heart of the 1950s*. Los Angeles & New York: Alyson Books.
- Millett, G., Malebranche, D., Mason, B., & Spikes, P. (2005). Focusing ‘Down Low’: Bisexual black men, HIV risk and heterosexual transmission. *Journal of the National Medical Association*, 97 (7), 52S–59S.
- Millis, J. (2004). How to find your inner gentleman at the gentleman’s club. In G. Christina (Ed.), *Paying for It: A Guide by Sex Workers for their Clients*. Oakland, CA: Greenery Press.
- Mitchell, S. (2004). It’s F5 time. In G. Christina (Ed.), *Paying for It: A Guide by Sex Workers for their Clients*. Oakland, CA: Greenery Press.
- Mongeau, P.A., Knight, K., Williams, J., Eden, J., & Shaw, C. (2013). Identifying and explicating variation among friends with benefits relationships. *Journal of Sex Research*, 50 (1), 37–43.
- Moore, M. (2011). *Invisible Families: Gay Identities, Relationships, and Motherhood among Black Women*. Los Angeles: University of California Press.
- Moore, P. (2004). *Beyond Shame: Reclaiming the Abandoned History of Radical Gay Sexuality*. Boston: Beacon Press.

- Moser, C. (2002). Are any of the paraphilias in the DSM mental disorders? *Archives of Sexual Behavior*, 31 (6), 490–491.
- Moser, C. (2009). When is an unusual sexual interest a mental disorder? *Archives of Sexual Behavior*, 38 (3), 323–325.
- Moser, C., & Kleinplatz, P.J. (2005). DSM-IV-TR and the paraphilias: An argument for removal. *Journal of Psychology of Human Sexuality*, 17 (3–4), 91–109.
- Moskowitz, D.A., Turrubiates, J., Lozano, H., & Hajek, C. (2013). Physical, behavioral, and psychological traits of gay men identifying as bears. *Archives of Sexual Behavior*, 42 (5), 775–784.
- Namaste, V. (2011). *Sex Change, Social Change: Reflections on Identity, Institutions, and Imperialism*. Toronto: Canadian Scholars' Press.
- Newmahr, S. (2010). Rethinking kink: Sadoomasochism as serious leisure. *Qualitative Sociology*, 33 (3), 313–331.
- Newton, E. (1972). *Mother Camp: Female Impersonators in America*. Chicago: University of Chicago Press.
- Ogas, O., & Gaddam, S. (2011). *A Billion Wicked Thoughts: What the Internet Tells Us about Sexual Relationships*. New York: Penguin.
- Parker, R., Herdt, G., & Carballo, M. (1991). Sexual culture, HIV transmission, and AIDS research. *Journal of Sex Research*, 28 (1), 77–98.
- Pascoe, C.J. (2005). 'Dude, you're a fag': Adolescent masculinity and the fag discourse. *Sexualities*, 8 (3), 329–346.
- Pew Research Center. (2013). *A Survey of LGBT Americans: Attitudes, Experiences and Values in Changing Times*. Washington, DC: Pew Research Center.
- Plummer, K. (1981). *The Making of the Modern Homosexual*. London: Hutchinson.
- Plummer, K. (1995). *Telling Sexual Stories: Power, Change and Social Worlds*. New York: Routledge.
- Plummer, K. (2003). Re-presenting sexualities in the media. *Sexualities*, 6 (3–4), 275–276.
- Poindexter, C., & Shippy, A. (2010). HIV diagnosis disclosure: Stigma management and stigma resistance. *Journal of Gerontological Social Work*, 53 (4), 366–381.
- Ponse, B. (1978). *Identities in the Lesbian World: The Social Construction of Self*. Westport, CN: Greenwood Press.
- Porfido, G., & Flood, R.R. (Eds.) (2009). Intimate visions: Sexuality, representation and visual culture. *Sexualities*, 12 (2), 131–135.
- Porter, J., & Bonilla, L. (2010). Drug use, HIV, and the ecology of street prostitution. In R. Weitzer (Ed.), *Sex For Sale: Prostitution, Pornography, and the Sex Industry* (pp. 103–121). New York: Routledge.
- Powell, B., Bolzendahl, C., Geist, C., & Steelman, L.C. (2010). *Counted Out: Same Sex Relations and Americans' Definitions of Family*. New York: Russell Sage Foundation.
- Queen, C. (2004). Memo to my clients: How to keep your job. In G. Christina (Ed.), *Paying for It: A Guide by Sex Workers for their Clients* (pp. 25–30). Oakland, CA: Greenery Press.
- Quinn, J.F., & Forsyth, C.J. (2005). Describing sexual behavior in the age of the Internet: A typology for empirical research. *Deviant Behavior*, 26 (3), 191–207.
- Regnerus, M., & Uecker, J. (2011). *Premarital Sex in America: How Young Americans Meet, Mate, and Think About Marrying*. Oxford: Oxford University Press.
- Reiss, I.L. (1967). *The Social Context of Premarital Permissiveness*. New York: Holt, Rinehart, & Winston.
- Rich, A. (1980). Compulsory heterosexuality and lesbian existence. *Signs: Journal of Women in Culture*, 5 (4), 631–660.
- Richardson, D. (2004). Locating sexualities: From here to normality. *Sexualities*, 7 (4), 391–411.

- Richtel, M. (2013). Intimacy on the web, with a crowd. *New York Times*. Retrieved from www.nytimes.com/2013/09/22
- Ross, M.W. (1983). Femininity, masculinity, and sexual orientation: Some cross-cultural comparison. *Journal of Homosexuality*, 9 (1), 27–36.
- Rubin, G. (1984). Thinking sex: Notes for a radical theory of the politics of sexuality. In C.S. Vance (Ed.), *Pleasure and Danger: Exploring Female Sexuality* (pp. 267–319). Boston: Routledge & Keagan Paul.
- Rubin, G. (2010). Blood under the bridge: Reflections on 'thinking sex'. *GLQ*, 17 (1), 15–48.
- Rupp, L.J., & Taylor, V. (2003). *Drag Queens at the 801 Cabaret*. Chicago: University of Chicago Press.
- Rust, P.C. (1992). The politics of sexual identity: Sexual attraction and behavior among lesbian and bisexual women. *Social Problems*, 39 (4), 366–386.
- Rust, P.C. (1995). *Bisexuality and the Challenge of Lesbian Politics: Sex, Loyalty, and Revolution*. New York: New York University Press.
- Sagarin, E. (1971). Sex research and sociology. In J. Henslin (Ed.), *Studies in the Sociology of Sex* (pp. 377–408). New York: Appleton-Century-Crofts.
- Sánchez, F.J., Westefeld, J.S., Liu, W.M., & Vilain, E. (2010). Masculine gender role conflict and negative feelings about being gay. *Professional Psychology: Research and Practice*, 41 (2), 104–111.
- Sanday, P.R. (1996). *A Woman Scorned: Acquaintance Rape on Trial*. Berkeley, CA: University of California Press.
- Sandfort, T., & Erhardt, A. (2004). Sexual health: A useful public health paradigm or a moral imperative. *Archives of Sexual Behavior*, 33 (3), 181–187.
- Schaeffer-Grabel, F. (2010). Sex trafficking as the new slave trade? *Sexualities*, 13 (2), 153–160.
- Schleifer, D. (2006). Make me feel mighty real: Gay female-to-male transgenderists negotiating sex, gender, and sexuality. *Sexualities*, 9 (1), 57–75.
- Schrock, D.P. & Reid, L.L. (2006). Transsexuals' sexual stories. *Archives of Sexual Behavior*, 35 (1), 75–86.
- Scull, M.T. (2013). Reinforcing gender roles at the male strip show: A qualitative analysis of men who dance for women. *Deviant Behavior*, 34 (7), 557–578.
- Seidman, S. (2002). *Beyond the Closet: The Transformation of Gay and Lesbian Life*. New York & London: Routledge.
- Seidman, S. (2003). *The Social Construction of Sexuality*. New York: W.W. Norton.
- Seidman, S. (2009). Critique of compulsory heterosexuality. *Sexuality Research and Social Policy*, 6 (1), 18–28.
- Sherrer, K. (2009). Images of sexuality and aging in gerontological literature. *Sex Research and Social Policy*, 6 (4), 5–12.
- Shilts, R. (1987). *And the Band Played on: Politics, People and the AIDS Epidemic*. New York: St Martin's Press.
- Shilts, R. (1993). *Conduct Unbecoming: Lesbians and Gays in the US Military from Vietnam to the Persian Gulf*. New York: St Martin's Press.
- Siegal, K., Lune, H., & Meyer, I.H. (1998). Stigma management among gay/bisexual men with HIV/AIDS. *Qualitative Sociology*, 21 (1), 3–24.
- Slagle, A.R. (1995). In defense of queer nation: From identity politics to a politics of difference. *Western Journal of Communication*, 59 (2), 85–102.
- Smit, M., Smit, C., Cremin, I., Garnett, G., Hallett, T., & de Wolf, F. 2012. Could better tolerated HIV drug regimens improve patient outcome? *AIDS*, 26 (15), 1953–1959.
- Smith, A.M. (1997). The good homosexual and the dangerous queer: Resisting the new homophobia. In L. Segal (Ed.), *New Sexual Agendas* (pp. 214–231). London: MacMillan.

- Smith, J.R., & Smith, L.G. (1970). Co-marital sex and the sexual freedom movement. *Journal of Sex Research*, 6 (2), 131–142.
- Smith, M.D., Grov, C., Seal, D., & McCall, P. (2012). A social-cognitive analysis of how young men become involved in male escorting. *Journal of Sex Research*, 50 (1), 1–10.
- Spector, M., & Kitsuse, J. (1977). *The Construction of Social Problems*. Menlo Park, CA: Cummings.
- Spohn, C., Beichner, D., & Davis-Frenzel, E. (2001). Prosecutorial justifications for sexual assault case rejection: Guarding the 'gateway to justice.' *Social Problems*, 48 (2), 206–235.
- Stein, A. (1989). Three models of sexuality: Drives, identities, and practices. *Sociological Theory*, 7 (1), 1–13.
- Stein, A. (1997). *Sex and Sensibility: Stories of a Lesbian Generation*. Berkeley, CA: University of California Press.
- Stein, A. (2010). The incredible shrinking lesbian world and other queer conundra. *Sexualities*, 13 (1), 21–32.
- Stein, A., & Plummer, K. (1994). I can't even think straight: Queer theory and the missing sexual revolution in sociology. *Sociological Theory*, 12 (2), 178–187.
- Stein, T.S. (2002). Sexual orientation identity formation among gay, lesbian, and bisexual youths: Multiple patterns of milestone experiences. *Journal of Research on Adolescence*, 12 (2), 167–191.
- Stiles, B.L., & Clark, R.E. (2011). BDSM: A subcultural analysis of sacrifices and delights. *Deviant Behavior*, 32 (2), 158–189.
- Sullivan, M. (2004). *The Family of Woman: Lesbian Mothers, their Children, and the Undoing of Gender*. Berkeley, CA: University of California Press.
- Sutherland, E.H. (1950a). The sexual psychopath laws. *Journal of Criminal Law and Criminology*, 40 (5), 543–554.
- Sutherland, E.H. (1950b). The diffusion of sexual psychopath laws. *American Journal of Sociology*, 56 (2), 142–148.
- Tewksbury, R. (1993). Male strippers: Men objectifying men. In C.L. Williams (Ed.), *Doing 'Women's Work': Men in Non-Traditional Occupations* (pp. 168–181). Thousand Oaks, CA: Sage.
- Tewksbury, R. (1994). A dramaturgical analysis of male strippers. *Journal of Men's Studies*, 2 (4), 325–342.
- Tewksbury, R. (1996). Cruising for sex in public places: The structure and language of men's hidden, erotic worlds. *Deviant Behavior*, 17 (1), 1–19.
- Tewksbury, R. (2002). Bareback sex and the quest for HIV: Assessing the relationship in the internet personal advertisements of men who have sex with men. *Deviant Behavior*, 24 (5), 467–482.
- Tewksbury, R., & West, A. (2000). Research on sex in prison during the late 1980s and early 1990s. *The Prison Journal*, 80 (4), 368–378.
- Tiefer, L. (1986). In pursuit of the perfect penis: The medicalization of male sexuality. *American Behavioral Scientist*, 29 (5), 579–599.
- Tiefer, L. (2004). *Sex is Not a Natural Act and Other Essays* (2nd ed.). Boulder, CO: Westview Press.
- Tiefer, L. (2006). The Viagra phenomenon. *Sexualities*, 9 (3), 273–294.
- Tiefer, L. (2010). Activism on the medicalization of sex and female genital cosmetic surgery by the New View campaign in the United States. *Reproductive Health Matters*, 18 (35), 56–63.
- Troiden, R.R. (1988). Homosexual identity development. *Journal of Adolescent Health Care*, 9 (2), 105–113.

- Valentine, D. (2007). *Imagining Transgender: An Ethnography of a Category*. Durham, NC: Duke University Press.
- Vance, C.S. (Ed.) (1984). *Pleasure and Danger: Exploring Female Sexuality*. Boston: Routledge.
- Vanwesenbeeck, I. (2013). Prostitution push and pull: Male and female perspectives. *Journal of Sex Research*, 50 (1), 11–16.
- Wagenaar, H., & Altink, S. (2012). Prostitution as morality politics or why it is exceedingly difficult to design and sustain effective prostitution policy. *Sex Research and Social Policy*, 9 (3), 279–292.
- Wahab, S., Baker, L.M., Smith, J.M., Cooper, K., & Lerum, K. (2011). Exotic dance research: A review of the literature from 1970 to 2008. *Sexuality and Culture*, 15 (1), 56–79.
- Wakelin, A., & Long, K. (2003). Effects of victim gender and sexuality on attributions of blame to rape victims. *Sex Roles*, 49 (10), 477–487.
- Walby, K. (2012). *Touching Encounters: Sex, Work, and Male-for-Male Internet Escorting*. Chicago: University of Chicago Press.
- Walshok, M. (1971). The emergence of middle-class deviant subcultures: The case of swingers. *Social Problems*, 18 (4), 488–495.
- Ward, J. (2008). Dude-sex: White masculinities and ‘authentic’ heterosexuality among dudes who have sex with dudes. *Sexualities*, 11 (4), 414–434.
- Waskul, D.D. (2005). ‘My boyfriend loves it when I come home from this class’: Pedagogy, titillation, and new media technologies. *Sexualities*, 12 (5), 654–661.
- Watney, S. (1996). *Policing Desire: Pornography, AIDS and the Media* (3rd ed.). Minneapolis: University of Minnesota Press.
- Weeks, J. (1977). *Coming Out: Homosexual Politics in Britain from the Nineteenth Century to the Present*. London: Quartet.
- Weeks, J. (1985). *Sexuality and Its Discontents: Meaning, Myths, and Modern Sexualities*. London: Routledge.
- Weinberg, G.H. (1972). *Society and the Healthy Homosexual*. New York: St Martin’s.
- Weinberg, M.S. (2014). The nudist management of respectability revisited. In R. Heiner (Ed.), *Deviance across Cultures: Constructions of Difference* (2nd ed.) (pp. 191–203). Oxford: Oxford University Press.
- Weinberg, M.S., & Williams, C.J. (1974). Gay baths and the social organization of impersonal sex. *Social Problems*, 23 (2), 124–136.
- Weinberg, M.S., & Williams, C.J. (1975). *Male Homosexuals: Their Problems and Adaptations*. New York: Penguin Books Inc.
- Weinberg, M.S., & Williams, C.J. (2014). Sexual field, erotic habitus, and embodiment at a transgender bar. In A.I. Green (Ed.), *Sexual Fields: Toward a Sociology of Collective Sexual Life* (pp. 57–69). Chicago: University of Chicago Press.
- Weinberg, M.S., Williams, C.J., & Moser, C. (1984). Social constituents of sadomasochism. *Social Problems*, 31 (4), 379–389.
- Weinberg, M.S., Williams, C.J., & Pryor, D.W. (1994a). *Dual Attraction: Understanding Bisexuality*. Oxford: Oxford University Press.
- Weinberg, M.S., Williams, C.J., & Calhan, C. (1995). ‘If the shoe fits...’: Exploring male homosexual foot fetishism. *Journal of Sex Research*, 32 (1), 17–27.
- Weinberg, M.S., Williams, C.J., & Laurent, B. (1999). Medicalizing and demedicalizing hermaphroditism. In E. Rubington, & M.S. Weinberg (Eds.), *Deviance: The Interactionist Perspective* (7th ed.) (pp. 433–448). Boston: Allyn & Bacon.
- Weinberg, M.S., Williams, C.J., & Pryor, D. (1994b). *Dual Attraction: Understanding Bisexuality*. Oxford: Oxford University Press.
- Weinberg, M.S., Shaver, F.M., & Williams, C.J. (1999). Gendered sex work in the San Francisco Tenderloin. *Archives of Sexual Behavior*, 28 (6), 503–521.

- Weinberg, T.S. (1978). Sadism and masochism: Sociological perspectives. *Bulletin of the American Academy of Psychiatry and the Law*, 6 (3), 284–295.
- Weinberg, T.S., & Magill, M.S. (1995). Sadomasochistic themes in mainstream culture. In T.S. Weinberg (Ed.), *S & M: Studies in Dominance and Submission* (pp. 223–230). Amherst, NY: Prometheus Books.
- Weitz, R. (1989). Uncertainty and the lives of persons with AIDS. *Journal of Health and Social Behavior*, 30 (September), 270–281.
- Weitzer, R. (2007). The social construction of sex trafficking: Ideology and institutionalization of a moral crusade. *Politics and Society*, 35 (3), 447–475.
- Weitzer, R. (2013a). Researching sex work in the twenty-first century. *Contemporary Sociology*, 42 (5), 713–722.
- Weitzer, R. (2013b). Rethinking human trafficking. *Dialectical Anthropology*, 37 (2), 309–312.
- Westhaver, R. (2006). Flaunting and empowerment: Thinking about circuit parties, the body, and power. *Journal of Contemporary Ethnography*, 35 (6), 611–644.
- Williams, C.J., & Weinberg, M.S. (2003). Zoophilia in men: A study of sexual interest in animals. *Archives of Sexual Behavior*, 32 (6), 523–535.
- Williams, C.J., Weinberg, M.S., & Rosenberger, J.G. (2013). Trans men: Embodiments, identities, and sexualities. *Sociological Forum*, 28 (4), 719–741.
- Wilson, M. (2002). 'I am the prince of pain, for I am a princess in the brain': Liminal transgender identities, narratives and the elimination of ambiguities. *Sexualities*, 5 (4), 425–448.
- Wosick-Correa, K. (2010). Agreements, rules, and agentive-fidelity in polyamorous relationships. *Psychology and Sexuality*, 1 (1), 44–61.
- Wouters, C. (2010). Sexualization: Have sexualization processes changed direction? *Sexualities*, 13 (6), 723–741.
- Wysocki, D.K. (1998). Let your fingers do the talking: Sex on an adult chat-line. *Sexualities*, 1 (4), 425–452.

Cognitive Deviance

Unconventional Beliefs

Robin D. Perrin

Sociological discussions of deviance focus almost exclusively on *behaviors* that violate norms, and/or have been judged negatively by others. Deviance is not limited to behavior, however. Here, I'd like to focus on *cognitive* deviance, sometimes referred to as deviant *beliefs* or *intellectual* deviance. The study of cognitive deviance "reveals that social rules apply not only to how one behaves but also to how and what one thinks" (Douglas & Waksler, 1982, p. 366). Cognition refers to "knowing" – what people believe to be true. "When sociologists refer to 'knowing,' we do not imply that these beliefs are empirically correct (or that they are wrong). What we mean is that people *think* that they are true" (Goode, 2015, p. 228).

Unconventional beliefs are crucial because they reveal basic social processes by which cognition is formed and affirmed. In addition, like all forms of deviance, cognitive deviance has an important evolutionary function in societal change. Deviant beliefs are often bellwethers that indicate our future. Some of yesterday's most prominent cognitive deviants – Jesus, Martin Luther, Galileo, Martin Luther King, Jr., to name but a few – are today's heroes. We can likewise assume that some of today's deviant ideas may well be tomorrow's truth.

At the core of a sociological understanding of deviance is the concept of *stigma*. According to Erving Goffman (1963, p. 3), a stigma is an "attribute that is deeply discrediting." Possessing stigmata makes a person both "different from others" and "of a less desirable kind – in the extreme, a person who is quite thoroughly bad, or dangerous, or weak," which reduces him or her "from a whole or usual person to a tainted, discounted one" (1963, p. 3). In addition to behaviors, Goffman also discussed non-behavioral attributes, including physical disability and deformity, race, obesity, and surgical impairment. All of these attributes can be stigmatizing. Can unconventional, fringe, unusual, or fantastical beliefs also be regarded as deviant?

In democracies such as the United States there is considerable tolerance for non-normative beliefs. The First Amendment of the US Constitution explicitly protects the right to hold and express fringe beliefs. This does not mean, however, that people who have fringe beliefs will necessarily escape the judgment of others. Consider a belief as commonplace as atheism. Is atheism in the US deviant? Atheism is most certainly non-normative, at least in the US. In a May 2013 Gallup poll, roughly nine Americans in ten believe in a “universal God or spirit.” Just because a belief is non-normative, however, does not necessarily make it deviant. What is even more sociologically relevant is how most of us *react* to someone’s expression of atheism. In a May 2012 Gallup poll, roughly four Americans in ten said that they would be unwilling to vote for an atheist for president. Moreover, as Goode points out (2015, p. 226), opposition to an atheist is greater than that of a Muslim or a homosexual candidate. The numbers suggest that being an atheist makes one, in the words of Goffman, a “less desirable kind.”

Depending on the social setting, furthermore, being an atheist might be especially discrediting. I teach at a church-affiliated university, and many students who have non-normative religious beliefs most certainly feel judged as deviant. The following excerpt is from a paper written by one of my students, as she describes what it is like to be a non-Christian attending a Christian university (quoted with the permission of the student):

I have encountered people that have reacted poorly to it, ...somewhat separating themselves from me because of my label as a non-Christian and its potential threat to the Christian mission of the student body. Usually, I am more subject to my own fears of their unspoken responses – of them thinking less of me in some fashion. It’s as if I’ve implanted this apprehension that I may be a less than moral person with the “wrong” values. Although I am not always harshly stigmatized, these potentially harmful perceptions often leave me altering my self-identity, feeling embarrassed of my label in anticipation of a negative response.

Clearly, non-normative beliefs in certain settings can lead to negative reactions – even exclusion from sociability.

Defining Cognitive Deviance

What makes a belief deviant? Some sociologists of deviance stress a *normative* definition, defining deviance as the violation of institutionalized expectations, norms which call for appropriate behavior, beliefs, or appearance. Other sociologists adopt a *reactivist* definition, defining deviance as a negative judgment that expresses itself in rejecting behavior. A third definition, the *absolutist conception*, is non-sociological, although it is held by the majority of the population.

The normative conception

The normative conception has dominated discussions of deviance from the pioneering work of Emile Durkheim (1858–1917) to well after the middle of the twentieth century. According to the normative conception, a belief is deviant if it violates a norm. The

more strongly held the norm, the more deviant it is. For Robert K. Merton, deviance “refers to conduct that departs significantly from the norms set for people in their social statuses” (1966, p. 805). For Albert Cohen, deviance “violates institutionalized expectations – that is, expectations that are shared and recognized as legitimate within a social system” (1955, p. 62). Some observers define as deviant that which departs from a widely held or institutionalized norm. Since norms are measurable, they serve as a standard against which we can compare behavior with beliefs (Ward, Carter, & Perrin, 1994, pp. 6–10).

The reactivist conception

According to the reactivist perspective – which sociologists refer to as the *interactionist*, *subjectivist*, or *constructionist* conception – deviance is anything that observers so label, that is, which they react to in a negative, condemnatory, or punishing fashion. This perspective traces its roots to the 1960s, when scholars such as Howard Becker (1963), Kai Erikson (1962), and John Kitsuse (1962) announced a shift in the definitional focus in the study of deviance away from norms to reactions. In a sense, the reactivists turned the equation around. Sociologically, what counts is not the characteristics or qualities of deviant behavior, but how audiences or observers react to the behavior. According to the normative conception, norms predict reactions; according to the interactionist, reactions are the key to the deviance equation; presumably – although not always – the reaction manifests or embodies the norms. Kitsuse argued that deviance is defined by the “responses of the conventional and conforming members of the society who identify and interpret behavior as deviant which sociologically transform persons into deviants” (1962, p. 253). Likewise, for Becker, deviance is not a “quality of the act a person commits, but rather a consequence of the application by others of the rules and sanctions” to someone they consider an offender or *outsider*. “The deviant is one to whom that label has successfully been applied; deviant behavior is behavior that people so label” (Becker, 1963, p. 9). For Erikson, deviance is not “inherent in certain forms of behavior.” Rather, it is a property “conferred upon” some behavior and some people. “Sociologically, the critical variable in the study of deviance is the social audience” (1962, p. 308). Whereas for the normativists, deviance is said to be “objectively given,” that is, a violation of the norms, for the reactivists, deviance is said to be “subjectively problematic” (Rubington & Weinberg, 2008), that is, interpreted by audiences and manifested in their overt reactions.

The absolutist conception

Most people and most popular discussions adopt a third conception of deviance – the absolutist perspective. This approach is distinctly non-sociological; it misleads more than it clarifies, though it does tell us a great deal about how most people understand or conceptualize deviance. The absolutist definition of deviance holds that some behavior and beliefs are *inherently* immoral, harmful, sinister, and wrong – everywhere,

for all time, and in all contexts and situations. Of course, some beliefs are factually or empirically wrong – for instance, a belief in the corporeal existence of ghosts – but this is not what the absolutist refers to when sociologists refer to a belief as “inherently” wrong. The absolutist argues that some beliefs violate an inherent moral standard – a law of nature, or a God-given law. For the sociologist, even an empirically or scientifically “wrong” belief may be accepted as right within a given society or social circle – for instance, in some societies, people believe that a certain chant will produce a bountiful crop. The fact that it does not is irrelevant to the fact that it is accepted by members of a society or a social circle or collectivity. For the sociologist, deviance is not about the inherent rightness or wrongness of certain beliefs, but about culturally and societally *perceived* right and wrong. What is sociologically deviant is relative to time and place. What is deviant here and now may not be considered deviant there and then. It is the norms and the reactions to the norms that inform our sociological conceptions of deviance. Since the absolutist conception insists that deviant beliefs reflect inherent wrongness or badness, existing apart from social and cultural context, it is virtually of no sociological use to us. Sociologists of deviance are interested in the part played by certain beliefs in a given society; their perspective is relative to time and place. Hence, judgments of right and wrong are more important than the scientific status of these beliefs.

Reconciling the normative and reactivist conceptions

It is important to recognize that the normative and reactivist conceptions are not necessarily contradictory. Both are sociological, both are relevant to our understanding of how societies work, and we need not choose one over the other. They focus on different aspects of the definitional process. And they also ask different theoretical questions; they *explain* different things.

Every cognition, every belief, can be looked at both *across* societies, from one collectivity to another, and in a hierarchical fashion, that is, how *institutionalized* a given belief is. Horizontally, across a given society, a belief is judged and reacted to separately and independently from one social circle to another. Among fundamentalist, evangelical Christians, God created Heaven and Earth in six days; assertions by scientists about the origin and age of the universe, and biological evolution, are considered irrelevant, unacceptable, and wrong to literal Bible-believing Christians. In the horizontal view, all definitions of reality are coequal; no hegemonic standard exists to judge one as more true or valid than the other. As sociological observers move from one social circle or collectivity to another, they notice that many of the beliefs held from one group to another are incommensurable with those in other circles or collectivities – but in each one, the beliefs that are held are regarded as valid and true by its members. Sociologically, we do not attempt to prove or disprove these assertions; each is valid on its own ground and in its own terms. The horizontal view of deviance regards society as made up of a kind of mosaic pattern, with social circles scattered across the societal landscape. What is important is how these social circles construct and judge beliefs to be true, right, good, and proper – or wrong and immoral – rather than what are considered the dominant beliefs in major institutional realms.

In contrast, when we look at society as a vertical hierarchy, we recognize that some beliefs represent the normative consensus, or the view of the dominant elite, while others reflect the views of a normative minority. In other words, some collectivities are more powerful or numerous than others; someone who expresses certain views is more likely to encounter opposition, rejection, hostility, or refutation than is true of someone who expresses the view of the majority, or the view of the elite. In other words, some views are more *hegemonic* than others, and this dominant view is expressed in overt denigration toward minority views. For the reactivist, the correct view as opposed to the “other side” is defined vertically. Reactions sit on a hierarchical continuum. And when considering reactions to behavior and beliefs, power is the key. What is relevant to the vertical perspective toward deviance is the influence of particular groups or social categories to legitimate their own particular views of right or wrong, true or false, in the society as a whole. Again, *in* creationist circles and *to* creationist audiences, evolutionists are considered deviant. But with respect to power, influence, legitimacy, and credibility, creationists are marginalized in that their views are not mainstream in the society at large. Creationism is not taught in the public schools, the largest, most prestigious, and well-funded museums do not promulgate or validate creationism, and the most influential mainstream media – both broadcast and print – reject the view that God created the universe less than 10,000 years ago. And the vast majority of the members of the most prestigious, wealthiest, and powerful religious denominations – Episcopalianism, Congregationalism, Presbyterianism, the Catholic Church, Reform and Conservative Judaism, and so on – reject fundamentalist religious views; they are, in fact, more ecumenical than sectarian. Moreover, belief in creationism is inversely correlated with education: the higher the education, the lower the likelihood that someone believes in special creation. It is this marginality, lack of societal legitimacy, and relative powerlessness that makes creationism a deviant belief system; its empirical truth or falsity is a separate matter (Goode, 2015, pp. 236–241). In this sense, then, the *vertical* perspective views cognitive deviance as a hierarchy, with certain beliefs dominant over others in the institutional and social realm.

Explaining Deviant Beliefs

How do we explain deviant beliefs? How do some members of the society come to hold views that are denigrated or rejected either by the majority or are out of step with those promulgated in the dominant institutions, such as the media, the educational system, the major religious institutions, the political system, and so on? The answer to this question depends in large part on how one defines deviant beliefs. For the normativist, deviance is a belief that violates a norm, so normativist theories attempt to explain how one comes to adopt non-normative beliefs; hence, the intellectual puzzle becomes, what motivates some people to hold minority views. For the reactivist, deviance, including cognitive deviance, is a label, so the theoretical focus thus shifts to reactions. Which beliefs are judged negatively, why are they judged as such, and what are the consequences (for the individual) of this judgment? For the absolutist, some beliefs are inherently “immoral” or wrong. Often explanations from this perspective

are consistent with what sociologists refer to as the pathology or “medical model.” Medical theories could include theories of psychopathology, or popularized (and largely discredited) psychological theories such as “brainwashing.” Sociologists reject the pathology theory of deviant belief systems; it tells us nothing of what we want to know about cognitively non-normative beliefs, except as itself a sociologically interesting phenomenon.

Normative theory

For the normativist, conformity to norms does not need to be explained; it is assumed. Most people, most of the time, conform to dominant, mainstream norms. What needs to be explained is the *violation* of norms. Normative theories are etiological in focus; they attempt to explain why some people do not conform. Several macro-level forces are relevant here. For example, societies that protect the rights of their citizens to access fringe information and express fringe beliefs have high levels of considerable cognitive deviance. In contrast, these freedoms are absent in some societies where deviant beliefs are uncommon. North Korea serves as a prime example; its authorities repress freedom of thought. While not much is known about the beliefs of the people of North Korea, we do know that very few of North Korea’s 26 million citizens have ever been on the Internet. There is no independent media. The North Korean people essentially have no contact with the outside world (Choney, 2013). Plus, the North Korean government severely sanctions deviant beliefs, and those who dare to question often end up in prison or dead. Organizations like Amnesty International and Human Rights Watch, as well as the United Nations, identify North Korea as one of the worst human rights offenders in the world. Under these conditions, we might reasonably assume near-uniformity of belief among North Koreans.

Not so in countries like the US, where freedoms are protected and deviant beliefs abound. Examples of deviant beliefs are all around us:

- In Texas, some 250,000 members and supporters of the Texas Nationalist Movement advocate for secession from the US, and believe that an independent Texas would be one of the more powerful nations in the world (texnat.org).
- White supremacist groups, many of them quasi-Christian, maintain that the supremacy of the Aryan race is God-ordained. The most widely publicized group, the Aryan Nations, states among its many goals the desire to establish a divinely ordained Aryan nation free of “alien” and “mongrel” people (aryan-nation.org).
- “Spiritualist” Anamika claims to have been born with a unique gift of “transmitting resonant frequencies of love that catalyze profound change.” Anamika’s dogs have also been born with this unique prophetic gift (anamika.com).
- The people who contribute information, research, and photographs to the website *Alien Abduction Theory and Research* believe they have been abducted by aliens (abduct.com).
- Members of Westboro Baptist Church believe that homosexuals should be put to death (godhatesfags.com).

In countries like the US, people are free to believe what they want to believe, so deviant beliefs abound. We can take the explanation one step further and observe that even *within* certain societies people in some social circles are freer than they are in others. Imagine a high-school senior in a little town in Oklahoma. Her parents are conservative Christians, as are most of her friends. In fact, most of the people in her town attend the same church. In this community, there is a shared understanding of what the norms are, and why they are correct. To borrow from Durkheim (1897), we would say that this community is characterized by a high degree of *moral integration*. In contrast, imagine a high-school senior living in New York City. Her father, an atheist, and her mother, a non-practicing Catholic, believe that she should think creatively and independently, and that she is free to believe what she wants to believe. Her friends, likewise, are an eclectic bunch. Few people in her community attend formal religious services, and there is a low degree of moral integration. In communities like this there is less consensus about what the norms are, and why they are correct. We would expect communities like this to be especially fertile ground for cognitive deviance. We see this illustrated when we examine patterns of fringe religions across the US.

Sociologists typically distinguish between three types of religious organizations in a society. *Churches* are well established, culture-affirming, and tend to intellectualize religious teachings. Clergy are highly trained, and services tend to be unemotional, formal, and scripted. In the US, the churches would include Catholicism, as well as large, mainstream Protestant denominations, such as the United Methodist Church, the Presbyterian Church (USA), and the Episcopal Church. *Sects* represent schismatic “revivals” of the institutionalized church. Sects tend to be more emotional and experiential, and members are typically more fervent in their beliefs. Sects also tend to be in a higher state of tension with surrounding society, and to some degree do challenge the norms of mainstream religion and secular society. However, as revivals of traditional religion, sects would not typically be conceptualized as deviant religion.

The deviant religions in a society are the *cults*. Cults are a form of religious innovation – that is, they are new religions. Because cult movements violate the norms of established religion, they are deviant according to the normative conception. Most people in the society judge cults negatively; that makes cults deviant according to the reactivist conception. To much of the public, the term “cult” is a denigrating, pejorative term; to them, it seems to imply that members are manipulated and brainwashed. To the sociologist, cult simply refers to a newly-established religion. Examples of cult movements would include The Unification Church and the Church of Scientology, which we will look at shortly. Jesus and his followers promulgated a “cult” in Roman-occupied Judea 2,000 years ago – a cult, sociologically, because it was a new religion, one that challenged the dominance of both Old Testament Judaism and the established Roman empire’s polygamy-worship. Centuries later, of course, mainly in Europe, it was Christianity that became the established church, and new challenges or alternatives to it, cults.

The *2010 US Religion Census: Religious Congregations & Membership Study (RCMS)* identifies Salt Lake City, Utah, as the most Christian large city in the US, with 73% of the city’s residents identifying themselves as a Christian adherent. In Portland, Oregon, the least religious city in the US, only 30% are Christian adherents. Across the “Bible

Belt,” and to a slightly lesser degree, the Midwest, rates of Christian adherence and church attendance are relatively high. In the Northeast and West, rates of Christian adherence and church attendance are relatively low. Because Christian adherence rates in the West and Northeast are relatively low, these areas are said to be relatively *secularized*.

Sociologists of religion argue that geographic regions that are secularized will be fertile ground for religious innovation, or cults (Stark & Bainbridge, 1985, 1996). This argument rests on the assumption that finding answers to life’s “ultimate questions” – including the desire for immortality – is “probably the single most urgent human desire” (Stark & Bainbridge, 1985, p. 6). In geographic areas where normative religion is strong (in the form of sects and churches) there are relatively fewer religious seekers. In Salt Lake City, most of the population grew up in an established religious faith and only a minority are searching for answers. Given the uniformity of beliefs in such a region, deviant religious beliefs would come at great social and interpersonal cost. Given various factors, we might reasonably assume that Salt Lake City would not be the best place to start a cult.

In Portland, on the other hand, with a much lower Christian adherence rate, relatively few people have found answers, at least not in normative or mainstream religions (i.e., Christian churches and sects). If we can assume that the residents of Portland continue to ask ultimate questions, then we would hypothesize that a disproportionate number of them are finding answers in fringe religions.

This is exactly what the research suggests. The highest rates of cult activity are in the West and Southwest (California, New Mexico, and Nevada have especially high rates), and in several Northeastern states (New York, Massachusetts, and Rhode Island). Rates of cult activity are especially low across the “Bible Belt” states (Stark & Bainbridge, 1985). Focusing specifically on Scientology, Bainbridge (2009) estimated that rates are 10 to 15 times higher in the Pacific region than across the Bible Belt.

The same macro-level forces help to explain cult activity in Europe. Like the US, Europe is culturally predominantly Christian. Unlike the US, however, very few Europeans are actively Christian. Because Christian adherence and church attendance rates are lower than in the US, we would expect to find high rates of cult activity in secularized Europe. Again, this is exactly what the data suggest. In general, cult activity rates in Europe are twice as high as in the US, with dramatically higher rates in some European countries. Switzerland, for example, has a cult movement rate nearly 10 times the US rate (Stark & Bainbridge, 1996).

These macro level forces help us to understand when and where deviant beliefs arise, but they do not address the question of who adopts deviant beliefs, and why they do so. To answer this question we turn to learning theories of deviance (Akers, 1973). For learning theorists, deviance is a normal result of social influence. The etiological source of deviance is attachment to people who are deviant.

We may be tempted to underestimate the social nature of beliefs. We tend to think of beliefs as reflecting our individuality: that our core beliefs are ours and ours alone. Yet beliefs, like behavior patterns, are formed in interaction with others. There is a simple explanation for why people born in Iraq tend to be Muslim, just as there is a simple explanation for why people born in the US tend to be Christian. We also know

that a Muslim from Iraq becomes a “less desirable kind” when he immigrates to a Western country such as France or the US. He has, in short, become a deviant.

But the experiences of a Muslim in Iraq – or France, or the US – or a Christian in the US for that matter, reminds us of a fundamental observation that is essential to understanding deviant beliefs. The observation is this: we are surrounded by other people, and how they feel and act toward us influences our lives, including how we think and feel. In short, it is not easy to believe all by oneself.

Sociologist Peter Berger put it this way in *Invitation to Sociology* (1963, p. 64):

Only the madman or the rare case of genius can inhabit a world of meaning all by himself. ... Most of us acquire our meanings from other men [and women], and require their constant support so that these meanings may continue to be believable. Churches are agencies of mutual reinforcement of meaningful interpretations. The beatnik must have a beatnik subculture, as must the pacifist, the vegetarian and the Christian Scientist. But the fully adjusted, mature, middle-of-the-road, sane and sensible suburbanite also requires a specific social context that will approve and sustain his way of life.

Beliefs are formed collectively. This observation applies to normative and non-normative beliefs alike. Of course, deviant beliefs have to begin with someone, presumably that rare “madman” or “genius” to which Berger refers. But most of us learn by example and receive our notions of right and wrong, how to act and how not to act, from others. So the fringe beliefs of the madman or genius are of less interest here than are the processes by which most people adopt these beliefs. How does this happen?

We may find the answer, at least in part, in the widely cited work of John Lofland, who looked at conversion among the earliest followers of the Unification Church, popularly called the Moonies, in the US (Lofland, 1977). Lofland identified three *predisposing conditions* – that is, tensions and outlooks that existed prior to contact with the group – that were present in all the converts he encountered. Keep in mind that Lofland was trying to explain conversion to a religious ideology, but it is not hard to imagine how the model might be applied to non-religious ideologies as well. The first predisposing condition is *tension*, the process that ultimately produces ideological change and begins with a felt tension or dissatisfaction on the part of the actor. The Moonie converts that Lofland encountered all had a *religious problem-solving perspective* and were *religious seekers*. The idea here is that religion is only one of a number of ways an actor might seek to relieve a state of tension. In the case of the Moonie converts encountered by Lofland, all had been seeking religious solutions for some time, but had grown disillusioned with mainstream religion. Any of a number of factors might predispose one to seek out, or at least be open to, a deviant ideology. In the end, however, these predisposing conditions explain very little. They may be a necessary precondition, but they are hardly sufficient.

For the Moonie recruits Lofland studied, conversion only occurred after several *situational conditions* were met. The first situational contingency, *turning point*, refers to any of a number of specific disruptive events (for instance, dropping out of college, losing a job, making a big move) that push the recruit towards a conclusion that it is time for a big change. *Intragroup affective bonds* are especially important in the

conversion process. Close personal attachments must form between the recruit and cult members if conversion is going to occur. The factor *weakened extra-cult affective bonds* refers to the necessity to neutralize, or perhaps even sever, relationships with family and friends outside the deviant group. Compared with more mainstream conversions, neutralizing outside bonds is especially important in deviant conversions. Finally, total conversion – that is, full acceptance of the deviant ideology – only occurs after a prolonged period of *intense interaction*.

It is important to take notice of the fact that the individual is not fully converted until there is prolonged *intense interaction* with other Moonies. People do not convert overnight. Only after attachments within deviant groups are formed, after attachments outside the group are neutralized, and after prolonged intense interactions, does the convert fully adopt the deviant belief system. It is, as we concluded above, not easy to believe all by oneself. Beliefs are formed in interactions with others.

Reactivist theory

Normative theories tend to be etioloical in focus. They ask the question: why do people violate norms? For the reactivist, however, this is not the primary focus. Deviance is a label. No reaction, no deviance. In shifting focus away from norms and behavior, the reactivist redirects the theoretical focus on to the creation and application of deviance definitions. Who decides that a belief is deviant and how do they get to decide? For reactivists, explanations must begin with the social and political process by which the deviant label is created and applied.

Macro-level reactivist theories focus on the various social, political, or economic “interest groups” that compete for the right to define cognitive deviance. A belief becomes deviant to the extent that it is defined as such by claims-makers. Claims-making refers to the “activities of individuals or groups making assertions of grievances or claims with respect to some putative condition” (Spector & Kitsuse, 1977, p. 75). Some groups will have more status and power than others, and will therefore be in a better position to impose their belief and value judgments on others. From this perspective, norms matter less than reactions. I might, for example, have any number of beliefs that are non-normative. I might believe that my palm reader has me all figured out. I might believe the world was created in six 24-hour days. I might believe that the supremacy of the Aryan race is God-ordained. Whether these fringe beliefs are judged as harmless superstition (going to a palm reader), or “nutty” fundamentalism (six-day literalists), or conspiratorial and dangerous (Aryan supremacy), will depend in large part on how those in power judge my beliefs. In and of themselves, normative violations are sociologically marginal; what counts is how audiences or observers react to the relevant behavior, or putative behavior, or beliefs, or conditions.

For Gusfield (1963), the creation of definitions of deviance is understood in terms of “status politics.” If the beliefs of certain groups threaten the status of established groups, then the established groups will organize themselves to condemn the beliefs as dangerous: “Victory in issues of status is the symbolic conferral of respect upon the norms

of the victor and disrespect upon the norms of the vanquished" (Gusfield, 1963, p. 174). Deviance definitions are thus created to protect the prestige of a society's dominant group.

We see this illustrated in the sociological classic, *Wayward Puritans*, by Kai Erikson (1966). In colonial New England during the seventeenth century, Puritan ministers had unquestioned authority regarding beliefs and morality. Only the ministers could interpret the Bible, and only ministers could determine right from wrong. Anne Hutchinson, a respected member of the Salem community, argued otherwise. Hutchinson began to host gatherings in her home, where she and her friends openly questioned the omnipotence of several Puritan ministers. Although the Puritan ministers were less than thrilled with her questioning, they were not quite sure what to do about it. There were, in fact, no laws that explicitly forbade her beliefs. This did not stop the leaders, however, from bringing her to trial, convicting her, and banishing her from Salem Village. When Hutchinson questioned why she was being forced to leave Salem, Governor Winthrop responded: "Say no more. The court knows wherefore and is satisfied" (Erikson, 1966, p. 100). In other words, we are sending you away because we are sending you away. *Wayward Puritans* provides a fascinating illustration of the role of power in the creation of deviance definitions. Hutchinson's views threatened the interests of those in charge. The court effectively clarified the boundaries of dissent, and in doing so sent a clear message to the people of Salem.

Interest group theory is more broadly focused than the above illustrations suggests. The "ruling class" is most certainly an interest group, but so too are countless other claims-making groups and organizations in society. In general, we might think of interest groups as falling into two broad categories. Some categories, groups, segments of society, or social circles or collectivities may have a *vested interest* in the outcome. This seemingly describes the claims-making activities of the Puritan ministers above, who clearly stood to lose status, power, and influence if Hutchinson's views had been widely endorsed. At other times, interest groups may be *moral entrepreneurs*, engaged in a purely moral crusade (Becker, 1963). Contemporary debates surrounding deviant religion, for example, typically involve both vested interests and moral interests. Scientologists have a vested interest in being recognized as a legitimate religion, as not only power but also significant tax advantages hang in the balance. Scientology also costs a lot of money, a fact that is not lost on the critics of Scientology. We must be careful, however, not to assume that Scientologists are "only after the money." Presumably, many Scientologists are also moral entrepreneurs – "true believers" who try to win converts over to their version of truth. Persons who oppose Scientology are also engaged in a moral crusade, as they try to stamp out the "evil cult." The ongoing debate about the legitimacy of fringe religion, therefore, is best understood as a conflict of moral and vested interests of several claims-making groups.

At the micro-level, the theoretical issue shifts to the question of how audience reactions, in the form of stigmatizing labels, push cognitive deviants further into deviant subcultures and "deviant careers" (Becker, 1963, pp. 25–29). This perspective, often referred to as *labeling theory*, locates the cause of deviance in audience reactions that ultimately alter identities. The expression of beliefs deemed dangerous, sick, or deviant evokes a condemning audience reaction. As an "outsider," the cognitive deviant

is excluded from conventional groups and becomes increasingly involved in a subculture of deviants whose members have been similarly excluded. Within the context of these subcultural interactions, members come to share a “set of perspectives and understandings about what the world is like and how to deal with it” (Becker, 1963, p. 38).

We can speculate about how this process might in part explain the cognitive journey of a spiritualist like Anamika, briefly mentioned above. According to her biography (anamika.com), Anamika received her undergraduate degree in psychology from Wellesley College, a highly respected women’s liberal arts college in Massachusetts. One can assume that Anamika’s unconventional beliefs about psychology would have been viewed somewhat skeptically by the mainstream psychology faculty members at Wellesley. Given these presumed reactions, it is not at all surprising that Anamika continued her education at the unaccredited, and now defunct, Columbia Pacific University, where she received her “non-traditional” PhD in psychology. From there she received a four-year degree in “healing arts” at the Barbara Brennan School of Healing, which espouses a “hands-on healing system that works with an individual’s energy consciousness system to create physical, emotional, mental and spiritual health” (<http://barbarabrennan.com/page-contents.php?pageId=23>). Along each step of the way, Anamika would have been in interaction with an ever-narrowing subculture of like-thinkers. Within these deviant subcultures, the learning principles discussed above take hold.

Absolutist theory

As I pointed out, the absolutist conception is non-sociological since it ignores the definitional relevance of both norms and reactions. Absolutists hold that some beliefs are inherently “immoral” or “wrong” or “sinister” or “sick.” If one accepts these absolutist assumptions, then how do we explain the appeal of deviant beliefs systems? Why would any rational person accept a belief system that is inherently evil or sick? Here, we are interested mainly in the sociological processes that produce unconventional beliefs. But it is also worth noting that, to some degree, clinical psychology and psychiatry adopt something of an absolutist conception of deviance belief systems. Some beliefs, and behavior, are interpreted as signs of inherent illness, and the *Diagnostic and Statistical Manual of Mental Disorders* (2013) documents these illnesses and treatment strategies. As we might expect, reactivists – which rely on both labeling theory and interest group theory – critique the psychiatric and clinical psychology perspective (Kirk & Kutchins, 1992). Some reactivist theorists have even gone so far as to argue that mental illness is a “myth” (Szasz, 1974).

The popular or off-the-street answer to this question is that adherents must have been “brainwashed.” The theory of brainwashing is not a social scientific theory of cognitive deviance. It is essentially a medical theory, locating the deviant cognition “within the individual, postulating a physiological, constitutional, organic, or, occasionally, psychogenic agent or condition” as the cause of the deviance (Conrad & Schneider, 1992, p. 35). The argument is that the actor is subjected to coercion by the “sinister” group, eventually succumbing to the psychological onslaught and adopting

the deviant identity espoused by brainwashers. The deviant cognitions are not volitional, and the actor is understood to be a victim in need of help. Sociologists have harshly criticized the brainwashing theory (Barker, 1984; Bromley & Shupe, 1981; Robbins & Anthony, 1982), and it would make sense that they would do so. The theory is based on a conception of deviance (the absolutist conception) that the sociologist rejects.

Illustrating Cognitive Deviance: Two Examples

Recall that sociologists use the word “cult” without prejudice. *Cult* is merely the term used to designate the new religions in a given society. Because cults sit on the normative fringe they are, according to the normative conception, a deviant religion. Of course, cults also elicit hostile reactions in mainstream circles. Most of the members of the society consider them, and their members, “bizarre,” “strange,” “dangerous,” and their leaders are, at best, “misguided” and “delusional,” and at worst, “greedy” and “manipulative brainwashers.” Because cults are judged negatively they are, according to the reactivist conception, a deviant religion. To the average American, the cults are to be watched and feared. Their purpose, it is assumed, goes far beyond spreading religious truth. They intend to take over the world!

A quick look at history leads to two observations concerning fringe religion. First, religious innovation (that is, starting a cult) is no easy task. Most religious prophets are dismissed as quacks, and their ideas die along with them. Therefore, while many will try to start a new religion, very few will succeed. Second, those rare new religious movements that succeed will eventually lose their deviant status. Yesterday’s cults are today’s mainstream religions. Christianity began as a Jewish cult led by a prophet, Jesus Christ, who was ultimately killed by the Roman authorities, who perceived him to be a religious and political threat. Today, Christianity is the largest religion in the world. The Mormon Church began as a cult movement in New York State in the early 1800s. Mormons were persecuted, their leader Joseph Smith was killed, and most Mormons ultimately fled to Utah where they hoped to be free of religious persecution. Today, some two centuries after the movement was founded, The Church of Jesus Christ Latter-Day Saints has joined the religious mainstream to the point where a Mormon politician, Mitt Romney, was almost elected as President of the United States. The point should be obvious: *all* religions begin as cognitive deviance.

Scientology

What is the most prominent, most newsworthy, new religious movement today? In 1987, sociologist William Sims Bainbridge had this to say about Scientology (1987, p. 75): “While it is impossible to predict the fate of Scientology as a particular religious organization, we must suspect that some religion very much like Scientology will be a major force in the future of our civilization.”

While we could debate the degree to which Scientology has become a “major force,” Scientology has most certainly grown in size and influence. Although its claims of

10 million members are routinely dismissed by serious scholars (Cowen, 2009), Scientology has, arguably, become the most recognizable and influential new religious movement in the world. Despite its success, however, it remains as controversial as ever: "Though other nontraditional religious groups that have been involved in dramatic incidents have attracted more public attention for short periods of time, the Church of Scientology is arguably the most *persistently* controversial of all contemporary new religious movements" (Lewis, 2009, p. 4)

Scientology traces its roots to 1950 when science-fiction writer and adventurer L. Ron Hubbard published *Dianetics: The Modern Science of Mental Health*. *Dianetics* became a bestseller, and Hubbard himself garnered attention as a lecturer and writer. Among Scientologists, *Dianetics* is considered the most important work of the century. In 1951, Hubbard announced the birth of Scientology, which incorporated a spiritual dimension missing from the purely psychological *Dianetics* (Lewis, 2009).

Scientology has always walked a fine line between the psychological/therapy realm and the supernatural/mythological realm. *Dianetics* is largely a therapeutic book, in which Hubbard describes a series of techniques, called "auditing" (counseling with a trained *Dianetics* therapist), that rid the mind of irrational fears and painful memories. The "E-meter," developed a year after *Dianetics* was published, measures electronic reactions that presumably help the counselor in this "auditing" process. The supernatural/mythological side of Scientology includes beliefs about reincarnation, the immortality of the human spirit, and an elaborate story of the origins of humans, referred to as the "Xenu myth" (Lewis, 2009; Melton, 2009a).

Throughout its existence, Scientology, like all cult movements, has fought an uphill battle for legitimacy. Initially this fight focused on Hubbard's efforts to win acceptance of *Dianetics* as a therapeutic theory. The name he chose, "Scientology," was an attempt to capitalize on the legitimacy of the scientific method. In the early 1950s, Hubbard took his theories to the American Psychiatric Association and the American Medical Association in hopes that they would endorse his discoveries (Lewis, 2009). Suspicious of anyone who tried to "enter their ranks with magic bullets," both organizations were quick to label *Dianetics* worthless (Melton, 2009a, p. 23).

Beginning in the 1960s, the battle shifted to Scientology as a "destructive cult." Anson Shupe (2009) locates the conflict in the larger "culture war" of the 1960s. Many new religious movements, including Scientology, the Unification Church, and the Hare Krishna, trace their roots to this era of questioning. According to Shupe (2009, p. 271), the "perceived onslaught" of fringe religious groups in the late 1960s turned into "something resembling a minor national scare" in the late 1970s and mid-1990s, as groups such as the People's Temple, the Branch Davidians, and Heaven's Gate attracted national headlines.

Aligned against the new religious movements were a variety of family-based organizations and mainstream religious organizations that came together in a shared desire to rescue "brainwashed" youth from these "destructive cults." Sociologists came to refer to this loose coalition of interest groups as the Anticult Movement. The most organized and visible arm of the Anticult Movement was the now defunct Cult Awareness Network (hereafter, CAN). Battles between CAN and Scientology escalated to the point where, in the mid-1980s, Scientology had become CAN's "personal arch-nemesis"

(Shupe, 2009). CAN held many cultural advantages in these battles. CAN was able to cultivate the image as family protector and advocate, presumably protecting middle America from an obscure, poorly understood, and poorly organized new religious movement. Compelling stories about broken parent–child relationships and dramatic rescues of “brainwashed” adherents played well in a media naturally intrigued by the sensationalistic stories about nefarious cults. CAN provided the “cult experts” who were able to explain the “dangers” to news organizations in search of a juicy story. CAN also became the logical home of angry defectors, whose personal testimonies were alarming. Finally, CAN effectively cultivated connections with mainstream religious organizations, who were natural competitors with new religious movements like Scientology.

With all of these forces working against it, Scientology was destined to lose the culture war. Scientology chose, therefore, to fight its battles in the courtroom. The First Amendment of the United States Constitution reads: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” According to CAN, Scientology was not protected under the free exercise clause because adherents had not, in fact, freely chosen to become Scientologists. They had been “brainwashed.” The brainwashing argument was effective in the popular media and among family members who had “lost” loved ones to Scientology, and it certainly served anticult interests well. However, the theory was largely bashed by mainstream academics, many of whom defended Scientology and other new religious movements accused of stripping adherents of their free will (see Robbins & Anthony, 1982; Barker, 1984). Further complicating matters for CAN was the revelation that the organization had not only served as a referral agency connecting families with “deprogrammers” (paid vigilantes who abducted Scientologists and attempted to “unbrainwash” them), but that some deprogrammers had paid a fee to CAN to remain on the referral list. Buried under a sea of litigation, CAN declared bankruptcy in 1996 (Shupe, 2009). Scientology, on the other hand, appears to be here to stay.

Satanism and satanic ritual abuse

At first glance one might logically assume that this section examines Satanism as yet another form of deviant religion. To be sure, the various quasi-religious “Satanic” organizations that have existed in the US the past half century would most certainly constitute cognitive deviance. Yet, the existence of Satanic churches is less of interest to us here than are the exaggerated and well-publicized *beliefs* about Satanists during the 1980 and 1990s – what some sociologists have referred to as the “Satanism Scare” or “Satanic Panic” (Richardson, Best, & Bromley, 1991; Victor, 1993).

First, however, a word on Satanism as a religious movement. The *Encyclopedia of American Religions* (Melton, 2009b) lists 13 separate organizations, many now defunct, under the category “Satanism.” Many of these organizations trace their roots to Anton LaVey (1930–1997), who founded the Church of Satan in 1966. LaVey attracted considerable media attention during the 1970s with a number of outrageous antics, including Satanic weddings and religious services with a nude woman reclining on an altar. He was a showman, with a largely fabricated biography and a long list of fabricated

accomplishments. For example, he claimed to have had an affair with actress Jayne Mansfield. He claimed to have had a small role playing the Devil in the movie *Rosemary's Baby*. Neither claim is true. It is also reasonable to assume that his claim of hundreds of thousands of members of the Church of Satan is also erroneous (Lewis, 2002).

LaVey, as well as most contemporary Satanists, preach self-indulgence and the pursuit of pleasure. They do not necessarily worship Satan as a supernatural force. Many are, in fact, atheists. According to the Church of Satan web site, for example, Satan is merely a "symbol" that describes our "carnal" nature (churchofsatan.com). The point is that The Church of Satan was, and is, little more than a fascinating footnote in the quasi-religious landscape.

The Church of Satan was significant, however, because it marked the beginning, and was the most visible sign, of a more general fascination with the occult and Satan that began in the late 1960s (Jenkins, 2004). This was the era of Charles Manson and the Manson family murders (which occurred in 1969). This was the era of Led Zeppelin and Black Sabbath, two bands that pushed limits with their pagan and Satanic imagery. During the 1970s, for example, many came to believe that groups like Led Zeppelin embedded hidden, subliminal, Satanic messages into songs – messages that were supposedly audible if one played the record backwards. During this time the occult became a sign of rebellion and a "familiar theme on the fringe of the hippy subculture" (Jenkins, 2004, p. 231).

These trends were important precursors to what would later become the "Satanism scare." What had been seen as random Satanic dabbling during the 1970s gave way in the 1980s to beliefs of a more pervasive and sinister network of nefarious and clandestine Satanists. Charles Manson was more than a sick murderer; he was part of a Satanic conspiracy. Satanists, we were told, had infiltrated the highest levels of government and business. Churches organized boycotts of companies with supposed links to Satanism (Procter & Gamble and Gloria Vanderbilt were both subject to such boycotts). Halloween increasingly came to be seen as a night for Satanists and witches to engage in some of their most heinous acts. We heard of women forcibly impregnated by Satanists who then used the infants in human sacrifices. Some therapists argued that they had discovered a new form of child abuse, termed "satanic ritual abuse," to describe adults who recovered repressed childhood memories of ritualistic atrocities inflicted upon them by Satanists (Victor, 1993).

The Satanism scare is a fascinating illustration of what some sociologists have called a *moral panic* (Cohen, 2002; Jenkins, 1998; Goode & Ben-Yehuda, 2009). A moral panic is an extreme overreaction to a perceived threat to societal values and interests. Once a moral panic takes hold, overreactions become the norm, and exaggerated claims made by professional experts and media go largely unchallenged. "Statements that in calmer years would mark the speaker as hyperbolic or paranoid suddenly acquire the status on incontestable fact, while skeptics are pitied for their callous denial" (Jenkins, 1998, pp. 6–7).

In the case of Satanism, the panic never reached this level of uniformity, as the skeptics have always outnumbered the true believers. However, the fear of the Satanic threat most certainly entered the cognitive mainstream during the 1980s and early 1990s. Mainstream ministers called for boycotts of "Satanic" companies that were not Satanic. Mainstream psychiatrists, psychologists, and therapists endorsed recovered memories

of Satanic atrocities that were not true. Governments appointed task forces to examine a Satanic threat that was only imagined. Academic journals published articles about secret societies of Satanists who actively manipulate multiple personalities in children, creating legions of brainwashed victims (Gould & Cozolino, 1992).

The Satanism scare serves as a fascinating example of cognitive deviance, in large part because most of the claims were not true. However, it is important to remember that the *not true* part of this story is *not* what makes the Satanism scare an example of cognitive deviance. As we have already seen, the fact that some beliefs are right and others wrong, or that some beliefs are true and others false, is more consistent with how an absolutist would see cognitive deviance. While competing claims about facts most certainly drive reactions and norms, for the sociologist it is norms and reactions that determine cognitive deviance.

How do we explain the Satanism scare? Part of the explanation, of course, is that the Satanism scare evolved naturally out of the general fascination with the occult during the 1970s. Another contributing factor was the “child abuse revolution” that was going on at the same time. “Believe the Children” became a “war cry of the era” (Jenkins, 2004), so adult testimonials of recovered childhood memories at the hand of the Satanists fell on receptive ears.

Interest group theory is also relevant to the discussion: who was making claims about Satanism, and whose interests were served in these claims? One interest group was conservative Christianity. The notion of an active and stealthy Satan is consistent with conservative Christian theology, and the Christian community was especially susceptible to the contagion. The moral panic was not confined to evangelical Christianity, however. Media coverage partly explains when and how concern about Satanists found its way into the cognitive mainstream. Initial media coverage of Satanism was alarmist, sensationalistic, and largely unquestioning (Jenkins, 1998). Some have pointed to the famous McMartin Preschool sexual abuse criminal case in Manhattan Beach, California, as indicative of how the media responded to the Satanism Scare. The McMartin case began in 1983 when the mother of one of the students at McMartin alleged that teacher Ray Buckey had sodomized her child. This initial allegation touched off a series of events that ultimately led to the arrest of Buckey and six other teachers in 1984. In 1990, after six years of investigations and criminal trials, all the charges were dropped. The McMartin trial was, at the time, the longest and most expensive in US history (Jenkins, 1998).

Many of the details surrounding the case were outrageous and implausible, and begged for media scrutiny. Activists talked of underground tunnels where children would be taken off campus and abused. One 10-year-old talked of religious rituals involving adults dancing around in black robes. Some activists claimed that the McMartin School was a “sex ring” explicitly designed by Satanists as a place to exploit and torture children (Jenkins, 1998). Early media coverage of the trial, however, left these claims largely unchallenged, with most media accounts assuming that a “ruthless criminal organization had been at work in ‘California’s nightmare nursery’” (Jenkins, 1998, p. 167).

News magazine programs and daytime talk shows also found stories of Satanism difficult to resist. Both Oprah Winfrey and Sally Jesse Raphael ran shows on satanic

ritual abuse in the late 1980s. Geraldo Rivera's 1988 special, "Exposing Satan's Underground," attracted one of the largest television audiences in NBC documentary history (Richardson *et al.*, 1991).

The media would have had little to report, however, were it not for the numerous survivors willing to tell their stories. Personal testimonies, some of them "recovered memories" offered by adults who had supposedly witnessed atrocities as children, proved compelling, and fueled the Satanism scare. The true believers asked a reasonable question: why would anyone make up stories about abuses that were not true? It is likely that in most cases, those who told atrocity tales were not consciously making up anything. By the late 1980s, satanic ritual abuse had become a cottage industry, with experts traveling around the country conducting seminars on Satanism and satanic ritual abuse. Although these seminars were advertised as professional training workshops, they more closely resembled proselytizing enterprises (Mulhern, 1991). A small, but not insignificant, number of well-meaning professionals, including police, therapists, social workers, and child advocates, came to believe that the Satanic threat was serious. Law enforcement would have taken beliefs about clandestine Satanists into investigations with them. Social workers and therapists would have had a new explanatory framework for the psychological problems of some of their troubled clients. With the advantage of hindsight, it now seems safe to assume that many of the memories recovered in therapeutic settings were false.

For some of the atrocity tales, it is reasonable to speculate that money may have played a role. Psychiatrist Lawrence Pazder and his patient (and later wife) Michelle Smith, authors of the most well-known survivor testimonial, *Michelle Remembers* (Smith & Pazder, 1980), were paid \$342,000 in advance for the rights of their story. No doubt they earned considerably more in the numerous television and conference appearances that followed the publication of their book (Victor, 1993). Another survivor story, *Satan's Underground*, by Lauren Stratford (Stratford, 1988), has sold hundreds of thousands of copies. Stratford herself appeared on numerous television shows, and used her notoriety to launch a career as a therapist for abuse survivors (Victor, 1993). By the mid-1990s the social hysteria that Satanism and satanic ritual abuse had stirred up largely dissipated – a clear indication that this concern represented a moral panic.

Conclusion

We tend to associate the term deviance with behaviors. Indeed, most academic courses and text books on the subject have the term *behavior* in the title. As Goffman (1963) reminded us, however, one can be stigmatized for far more than behavior. Physical deformities can be stigmatizing. Race can be stigmatizing. And, yes, beliefs can be stigmatizing.

Cognition refers to what we humans know to be true. Most of our cognitions, our beliefs, we share with others. Culture is, by definition, *shared* attitudes, values, and beliefs. Some of our cognitions, on the other hand, violate norms and are judged negatively by others. They are deviant.

The sociological understanding of cognitive deviance differs sharply from popularized understandings. For the sociologist, deviance is always relative to time and place. What is deviance here and now may not be there and then. The sociologist thus

avoids thinking in absolutist terms about cognitive deviance. A belief is not deviant because it is inherently wrong, or factually inaccurate. To be sure, most sociologists would acknowledge that absolute rights and wrongs exist. I am willing to state unequivocally, for example, that racism is wrong. It was wrong then and there, just as it is wrong now and here. But the inherent wrongness of racism is not what makes it deviant – norms and reactions do. Societies create deviance categories.

Sociologists rely on two definitional conceptions of deviance. The normative conception defines deviance as a violation of norms. The reactivist conception, on the other hand, defines deviance as a label. These two conceptions are complementary rather than competing, but they do raise very different theoretical explanations. For the normativist, theory tends to be etiological in focus. When, where, and how do deviant beliefs arise (a macro question)? Who adopts deviant beliefs, and why do they do so (a micro question)? For the reactivist, the focus shifts away from etiology, focusing instead on the social and political process by which the deviant label is created and applied. Whose moral or vested interests are served in judging a belief deviant, and how is power used in the pursuit of these interests (a macro question)? What are the consequences of these reactions for individuals (a micro question)?

The sociological interpretation of a deviant group like Scientology thus differs sharply from popularized interpretations. There is nothing inherently deviant about Scientology. Nor are people who join necessarily coerced or brainwashed. Scientology is an example of cognitive deviance because it violates mainstream religious norms and because a variety of interests have aligned against it, labeling it an “evil cult.” People who join Scientology do so because they are actively searching for answers, have formed attachments with other Scientologists, and have over time aligned their beliefs with those around them.

The study of unconventional, unacceptable, and disapproved-of beliefs represents a contemporary extension of a deviant behavior literature that, from a normative perspective, dates back to the very beginnings of sociology; moreover, though the initial formulations of the social construction of deviance among reactivists in the 1960s (Becker, 1963; Erikson, 1966; Kitsuse, 1962) focused on behavior, the field ineluctably began incorporating beliefs into its approach toward deviance. This endeavor is important, as it explains that social process by which beliefs are formed and affirmed, how they inevitably change over time, and how certain heterodox beliefs come to be regarded as unacceptable – heretical and *deviant* – and how holders of the dominant views react to these variant beliefs and their promulgators, as well as how the ensuing struggle plays itself out. Beliefs are as foundational for understanding deviance as is behavior; they broaden the perspective, enrich its vision, and deepen our understanding of the dynamics of deviance.

References

- Akers, R. (1973). *Deviant Behavior: A Social Learning Approach*. Belmont, CA: Wadsworth.
- American Psychiatric Association. (2013). *Diagnostic and Statistical Manual of Mental Disorders* (5th ed.) (DSM-V). Washington, DC: American Psychiatric Association.

- Bainbridge, W.S. (1987). Science and religion: The case of Scientology. In D. Bromley, & P. Hammonds (Eds.), *The Future of New Religious Movements* (pp. 59–79). Macon, GA: Mercer University Press.
- Bainbridge, W.S. (2009). The cultural context of scientology. In J.R. Lewis (Ed.), *Scientology* (pp. 35–51). Oxford: Oxford University Press.
- Barker, E. (1984). *The Making of a Moonie*. New York: Basil Blackwell.
- Becker, H.S. (1963). *Outsiders: Studies in the Sociology of Deviance*. New York: Free Press.
- Berger, P. (1963). *Invitation to Sociology: A Humanistic Perspective*. Garden City, NY: Anchor Books.
- Bromley, D.G., & Shupe, A. Jr. (1981). *Strange Gods: The Great American Cult Scare*. Boston: Beacon Press.
- Choney, S. (2013). North Korea's Internet? What Internet? For most, online access doesn't exist. Retrieved from <http://www.nbcnews.com/technology/north-koreas-internet-what-internet-most-online-access-doesnt-exist-1C9143426>
- Cohen, A.K. (1955). *Delinquent Boys: The Subculture of the Gang*. New York: Free Press.
- Cohen, S. (2002). *Folk Devils and Moral Panics* (3rd ed.). New York: Routledge.
- Conrad, P., & Schneider, J.W. (1992). *Deviance and Medicalization: From Badness to Sickness*. St Louis: C.V. Mosby.
- Cowen, D. (2009). Researching Scientology: Perceptions, premises, promises, and problematics. In J.R. Lewis (Ed.), *Scientology* (pp. 53–79). Oxford: Oxford University Press.
- Douglas, J., & Waksler, F. (1982). *The Sociology of Deviance: An Introduction*. Boston: Little, Brown.
- Durkheim, E. (1897/1966). *Suicide*. New York: Free Press.
- Erikson, K. (1962). Notes on the sociology of deviance. *Social Problems*, 9, 307–314.
- Erikson, K. (1966/2005). *Wayward Puritans: A Study in the Sociology of Deviance*. New York: Macmillan/Boston: Allyn & Bacon.
- Goffman, E. (1963). *Stigma*. Englewood Cliffs, NJ: Prentice-Hall/Spectrum.
- Goode, E. (2015). *Deviant Behavior* (10th ed.). Boston: Pearson.
- Goode, E., & Ben-Yehuda, N. (2009). *Moral Panics: The Social Construction of Deviance* (2nd ed.). Malden, MA & Oxford, UK: Wiley-Blackwell.
- Gould, C., & Cozolino, L. (1992). Ritual abuse, multiplicity, and mind-control. *Journal of Psychology and Theology*, 20 (Fall), 194–196.
- Gusfield, J.R. (1963). *Symbolic Crusade*. Urbana, IL: University of Illinois Press.
- Jenkins, P. (1998). *Moral Panic: Changing Concepts of the Child Molester in Modern America*. New Haven, CT: Yale University Press.
- Jenkins, P. (2004). Satanism and ritual abuse. In J.R. Lewis (Ed.), *The Oxford Handbook of New Religious Movements* (pp. 221–242). Oxford: Oxford University Press.
- Kirk, S., & Kutchins, H. (1992). *The Selling of the DSM: The Rhetoric of Science in Psychiatry*. Hawthorne, NY: Aldine de Gruyter.
- Kitsuse, John I. (1962). Societal reactions to deviant behavior: Problems with theory and method. *Social Problems*, 9 (Winter), 247–257.
- Lewis, J.R. (2002). Diabolical authority: Anton LaVey, the Satanic Bible and the Satanist 'tradition'. *Marburg Journal of Religion*, 7 (1), 1–16.
- Lewis, J.R. (2009). The growth of Scientology and the stark model of religious 'success'. In J.R. Lewis (Ed.), *Scientology* (pp. 117–140). Oxford: Oxford University Press.
- Lofland, J. (1977). *Doomsday Cult*. New York: Irvington.
- Melton, J.G. (2009a). Birth of a religion. In J.R. Lewis (Ed.), *Scientology* (pp. 17–33). Oxford: Oxford University Press.
- Melton, J.G. (2009b). *Encyclopedia of American Religions* (8th ed.). Thomson Gale.

- Merton, R.K. (1966). Social problems and sociological theory. In R.K. Merton, & R. Nisbet (Eds.), *Contemporary Social Problems* (2nd ed.) (pp. 775–827). New York: Harcourt Brace and World.
- Mulhern, S. (1991). Satanism and psychotherapy: A rumor in search of and inquisition. In J. Richardson, J. Best, & D. Bromley (Eds.), *The Satanism Scare* (pp. 145–172). Hawthorne, NY: Aldine de Gruyter.
- Richardson, J., Best, J., & Bromley, D. (Eds.) (1991). *The Satanism Scare*. Hawthorne, NY: Aldine de Gruyter.
- Robbins, T., & Anthony, D. (1982). Deprogramming, brainwashing and the medicalization of deviant religious groups. *Social Problems*, 29 (3), 283–297.
- Rubington, E., & Weinberg, M.S. (Eds.) (2008). *Deviance: The Interactionist Perspective* (10th ed.). Boston: Allyn & Bacon.
- Shupe, A. (2009). The nature of the new religious movements – anticult ‘culture war’ in microcosm: The Church of Scientology versus the Cult Awareness Network. In J.R. Lewis (Ed.), *Scientology* (pp. 269–281). Oxford: Oxford University Press.
- Smith, M., & Pazder, L. (1980). *Michelle Remembers*. New York: Pocket Books Division of Simon Schuster.
- Spector, M., & Kitsuse, J. (1977). *Constructing Social Problems*. Menlo Park, CA: Benjamin Cummings.
- Stark, R., & Bainbridge, W.S. (1985). *The Future of Religion*. Berkeley, CA: University of California Press.
- Stark, R., & Bainbridge, W.S. (1996). *Religion, Deviance, and Social Control*. New York: Routledge.
- Stratford, L. (1988). *Satan’s Underground: The Extraordinary Story of One Woman’s Escape*. Eugene, OR: Harvest House Publishers.
- Szasz, T. (1974). *The Myth of Mental Illness: Foundations of a Theory of Personal Conduct*. Harper & Row.
- Victor, J. (1993). *Satanic Panic: The Creation of a Contemporary Legend*. Chicago: Open Court Press.
- Ward, D., Carter, T., & Perrin, R. (1994). *Social Deviance: Being, Behaving, and Branding*. Boston: Allyn & Bacon.

Abominations of the Body

Physical Characteristics as Deviance

Erich Goode

It is an axiom of the constructionist perspective that what is considered “normal” is a matter of definition, a social construction, a cultural product, heavily dependent on which sectors of the society wield power. Moreover, persons who fall under the penumbra of normalcy tend to be treated positively and favorably and those who do not are denied certain rights and privileges that are extended to “normals” (Goffman, 1963); they are typically marginalized, isolated, shunned, and censured. In the case of physical traits and characteristics, it is the human *body* that, and its possessor who, experience such outcomes. Physical traits are not universally looked at as a form of deviance, even within the field of sociology. It seems undeniable, however, that persons who possess certain bodily characteristics, those who depart from a socially constructed notion of physical normalcy, are pitied, often regarded as morally inferior, and are negatively reacted to by persons who do not possess such characteristics, that is, those who are in fact deemed “normal.” For more than a decade, cultural and literary studies scholars have “interrogated” society’s definition and treatment of *deviant bodies* (Terry & Urla, 1995; Garland-Thompson, 1996); dozens of universities in the United States have offered courses in “deviant bodies” and “disability in American culture” (www.journalofliterarydisability.com/exemplarycourses.html). Here, I’m arguing that this territory should be no less the domain of the sociologist. In this chapter, we’ll look at the consequences of four body types that are judged wanting – abnormal, deficient, repugnant, defective, unaesthetic, unappealing: the *physically disabled*, the *aesthetically wanting* – in common parlance, persons who are regarded as *ugly* – the *radically altered*, and the *obese*.

In her memoir, *Poster Child*, Emily Rapp describes the experience of becoming and being a girl with one leg. Because of a birth defect, an orthopedic specialist “recommended the amputation of my left foot. After this procedure and other operations to modify my body, he believed I could be fitted with an artificial limb and have hope for

a normal life. ... I regained consciousness in the recovery room with my head over a plastic bowl, vomiting. ... I looked down at my body. My left leg looked like a rounded, bat-like object, covered in plaster. The foot was gone" (Rapp, 2007, pp. 14, 22, 23). After the operation, Emily was fitted with a prosthetic leg, which she learned to use effectively. Her mom and dad taught her not to feel handicapped. "I saw myself as strong, able, and special." The idea that she was "disabled" rarely crossed her mind (p. 60). She became a "poster child" for a local March of Dimes campaign. When she was twelve, she began skiing. But in school one day during recess, a girl began limping and dragging her arms like a monkey; Emily realized that the girl was making fun of her. "*Do I look like that? Like an animal?*" she thought. "The strength of my shame confused me because it felt like a physical force – it was overwhelming. ... I thought, *I'm ugly; I'm a bad person...* Is that what people think about me?" (p. 77). She began thinking of herself as a circus freak, like "the people who used to tour in carnivals. *The bearded lady. The four-hundred-pound man. The legless girl*" (p. 78). Her shame deepened.

The possession of undesirable physical characteristics is stigmatizing; hence, sociologists define it as a form of deviance. Erving Goffman's *Stigma* (1963) focuses on the *grading system* of stigma based on behavior, belief, and physical characteristics. Stigma is the manifestation or outward appearance of a supposed inner deficiency, one that either *has been* or *may be* noticed, which results, or would result, in *infamy, dishonor, disvaluation*. Deviance and stigma are closely related concepts; the parallels are so strong it is difficult to distinguish them. A stigmatized person, Goffman writes, is "a blemished person," a person who is "disqualified from full social acceptance" (p. 1). Such a person is considered "different from others... , reduced in our minds from a whole and usual person to a tainted, discounted one" (p. 3). In sum, "the person with a stigma is not quite human" (p. 5).

To be stigmatized is to possess a *contaminated* or *discredited* identity. Interaction with "normals" is likely to be strained, tainted, awkward, inhibited. While "normals" may, because of the dictates of polite sociability, attempt to hide their negative feelings toward the stigmatized trait or person, they remain, nonetheless, acutely aware of the other's blemish. They may even feel ambivalent about the physically different person. Likewise, the stigmatized person remains self-conscious about his or her relations with "normals," believing (often correctly) that the stigma is the exclusive focus of the interaction. "I am always worried about how Jane judges me because she is a real beauty queen and the main gang leader," explains a girl who considers herself – and would be widely considered – overweight. "When I am with her, I hold my breath hard so my tummy doesn't bulge and I pull my skirt down so my fat thighs don't show. I tuck in my rear end. I try to look as thin as possible for her. I get so preoccupied with looking good enough to get into her gang that I forget what she's talking to me about. ... I am so worried about how my body is going over that I can hardly concentrate on what she's saying. She asks me about math and all I am thinking about is how fat I am" (Allon, 1976, p. 18).

In contrast, some persons regard their difference from the majority as a badge of honor – or at least, no cause for shame. Political, ideological, and religious non-conformists tend to adopt this position, and most would bridle at being referred to as "deviants." Holders of unconventional beliefs, such as creationism, as the reality of Bigfoot, the conviction that extraterrestrials currently live on Earth among humans or

that one has been kidnapped by aliens, or that paranormal forces (such as parapsychology, astrology, parakinesis) are valid, do not feel that there is anything deviant or unacceptable about their views; indeed, most regard themselves right and the majority cognitively wrong.

Goffman (1963) distinguishes stigmata that manifest themselves in physical characteristics from the stigma that appears as violations of notions of proper behavior and belief. He refers to physical stigma as “abominations of the body – the various physical deformities” (p. 4). Goffman refers to behavior and belief as “blemishes of individual character perceived as weak will, domineering or unnatural passions, treacherous and rigid beliefs, and dishonesty, these being inferred from a known record of, for example, mental disorder, imprisonment, addiction, alcoholism, homosexuality, unemployment, suicidal attempts, and radical political behavior” (p. 4). Goffman also delineated a third type of stigma, “tribal stigma of race, nation, and religion,” which is rarely discussed as a form of deviance.

In distinguishing his own perspective on deviance from that of Goffman’s, Ned Polsky argues that Goffman missed the fact that he and some other sociologists exclude from their definition of deviance “people who were not *morally* stigmatized; that is, they exclude non-voluntary characteristics from our definition (and our courses on the sociology of deviance), such as those unusually ugly (according to society’s current standards of physical attractiveness) who might indeed be stigmatized (by for example being avoided socially or joked about and discriminated against in employment) but whose condition is recognized to be ‘not their fault’” (Polsky, 1998, pp. 202–203).

Polsky is wrong about this. *Many* negative definitions of statuses are entirely unearned. At one time, and in many societies of the world, children born out of wedlock were referred to as “bastards” and were stigmatized – considered deviants – but were not responsible for their status. The moral infamy from which they suffered did not reside in behavior they enacted; we have to look to the parents, not the child, for that behavior. I do *not* exclude physical characteristics from my definition of deviance. Recently, in India, a 16-year-old girl was raped; as a result of the intense stigma the rape brought on the family, her father committed suicide, and she dropped out of school. In India, especially in the small villages, “a rape victim is usually regarded as a shamed woman, unfit for marriage. ... Even sympathizers of the teenage victim doubt she can assimilate back” into the village’s life (Yardley, 2012, pp. 1, 12). The same applies to people who possess traits or characteristics, which are not the “fault” of their possessors, and yet they *are* stigmatized and *are* treated differently – in a pejorative, derogatory, or down-putting fashion – by persons who are not similarly blemished, whom, as we saw, Goffman refers to as “normals.” In fact, the very concept, “not their fault,” is not as simple as Polsky implies. Of course, the labeling of deviance and stigma varies by locale and culture and throughout historical time, so what is shameful in one place and at one time may not be so regarded elsewhere, or during a different era.

As Lutz Kaelber, whose University of Vermont course on “Disability as Deviance” demonstrates, the Nazi regime accused the mentally and physically disabled – feeble-minded, schizophrenic, epileptic, deaf, “criminally insane,” persons suffering from dementia, encephalitis and other chronic neurological disorders – of *euthanasia-worthy crimes*, and exterminated them without mercy. It is possible that the Nazi

extermination of the physically and mentally “unfit” paved the way for the Holocaust. To the Third Reich, the involuntary disabled were *deviants*, even though their disability was “not their fault.”

Closer to home, in the first half of the twentieth century, as a result of the eugenics movement, all states of the United States passed a law that mandated that people with an unacceptable appearance, low IQ, mental disability, criminal “tendencies,” and moral “degeneracy” be involuntarily sterilized so that they could not produce defective children and place an undue burden on “normals.” This policy was supported by “progressive” luminaries, including two American presidents, Theodore Roosevelt and Woodrow Wilson, an early feminist, Margaret Sanger, who argued that birth control and contraception would weed out the physically and mentally unfit, a physical anthropologist and professor at Harvard named Earnest Hooton, who believed blacks were closer to apes than whites, a socialist and novelist, H.G. Wells, and a supposedly progressive playwright, George Bernard Shaw. In all likelihood, the Third Reich’s advocacy of eugenics discredited the program. In the United States, between 1907 and 1941, 60,000 disabled people were involuntary sterilized because they were “unfit” to breed children; the laws mandating such sterilization were not repealed until the 1960s. Likewise, in the interests of reducing antisocial behavior and public health, between 1934 and 2012, the Swedish government pursued a eugenics or involuntary sterilization program. Again, supporters of eugenics regarded the mentally and physically defective as deviants, even though their condition was “not their fault.” And again, we see all the manifestations of deviance and stigma directed specifically at persons who were considered less than abled.

Moreover, as we’ll see, many condemners of possessors of unacceptable physical traits believe that these traits *are* “their fault.” In addition to categorizing physical characteristics as deviant or undesirable, we also have to consider whether these traits are acquired voluntarily or involuntarily. The acquisition of certain physical traits or characteristics that are widely regarded as undesirable is not always *entirely* involuntary. Some physical features are chosen outright: tattoos, for example. And some are the result of engaging in risky – including deviant – behavior, for example, sexually transmitted diseases. But whether observers take note of this connection is partly a matter of interpretation, a social construction. Someone may have become paralyzed as a result of a skiing, sky-diving, bungee jumping, or a motorcycle accident – that is, as a result of engaging in behavior that entails a certain measure of risk – but very few of us will say the people this happens to *should be blamed* for their condition. Critics will charge those who make such an attribution with “blaming the victim.” But the fact is, engaging in risky behavior *can be* causally related to the possession of certain undesirable physical conditions. However, “cause” and “blame” are distinct and separate notions (Felson, 1991); causality is an empirical and scientific notion while blame is a *moral* one. And it is blame, not cause, that’s intricately intertwined with condemnation, deviance, and stigma.

For instance, most (although far from all) persons infected with HIV/AIDS received the virus as a result of unprotected, high-risk sex, often anal intercourse, or through intravenous illicit drug use. Many observers believe it is unfair to blame AIDS sufferers for their plight – and I agree with this assessment – but the fact is, much of the public *does* hold a condemnatory attitude toward them. Somehow, many people feel, AIDS

sufferers *are* responsible for their plight. Early in the AIDS epidemic, fundamental Christian spokespersons claimed that the disease was God's retribution for engaging in wicked behavior. The point is, seeing a connection between "deliberate" behavior and possessing a physical trait is a cultural and constructed phenomenon, not a simple factual or empirical matter. Many people deem that some physical conditions are more or less entirely a product of the possessor's own behavior. Here we have the example of obesity. Much of the non-obese public holds negative attitudes toward the obese because they believe fat people are gluttonous and self-indulgent and "could control their weight if they really wanted to" (Katz, 1981, p. 4). On the other side of the spectrum, we find persons who are heavily tattooed from one's bald, shaved skull to one's toes, and are thus totally responsible for their physical condition – which is, to many members of this society, a case of *extreme* deviance (Goode and Vail, 2008).

Here are a few possible routes to how a person came by certain physical traits or characteristics. *First*, a person can be born with them as a result of the genetic roll of the dice; here we have dwarfism and albinism. *Second*, someone can get into an accident or suffer from a disease, whether in the womb or after birth, for instance, most forms of blindness. *Third*, the actor can engage in risky, harmful behavior, for instance, the smoker's lung cancer, the addict's or homosexual's AIDS, the skydiver's broken neck. *Fourth*, cultural norms may mandate that the person acquire them, for instance, the Maori's tattoos. And *fifth*, a person may choose to acquire them, for instance, tattoos in Western culture, various forms of body-piercing or alteration, and shaving or dyeing one's hair into unconventional forms, colors, or patterns.

Abominations of the Body

In earlier eras, babies born with serious deformities were referred to as "monsters." Their appearance was regarded as an evil omen, a sign of divine retribution, a prediction of disasters and epidemics to come. In fact, the word "monster" derives from the Latin verb, *monere*, which means "to warn," "to predict" or "to foretell." Throughout ancient times, in certain societies, many deformed children were killed or exposed to the elements and left to die. A number of Roman authors, including Cicero and Tacitus, describe the drowning or burning of deformed children, an effort to propitiate the gods. The ancient Greeks, likewise, usually put to death children with undesirable characteristics, less out of fear of the wrath of the gods than being ruled by an ethic that was strongly oriented to physical perfection. Aristotle opposed the feeding of handicapped children, believing that their appropriate end would be to starve to death. Plato wrote: "Deformed and infirm children should be hidden away in a secret place." The ancient Assyrians believed that if a woman gave birth to a disabled child, her house would be destroyed; if a woman gives birth to twins joined at the spine, "the gods will forsake the people and the king will abdicate his throne" (Monestier, 1987, p. 13).

In the European Middle Ages, for the most part, Christianity attributed all "unexplained natural phenomena" either to God or the devil. Medieval theologians reasoned that if God created man in His own image, monsters – who were clearly *not* in God's image – were therefore created by the hand of Satan. Hence, the hunchback "bore the

weight of a horrible curse on his back,” the blind baby’s eyes “had surely been seared by the red-hot coals of Hell,” the “mute baby’s tongue had doubtless been wrenched from his head by infernal tongs,” the deaf child “was thought to be receptive only to the murmurings of the Beast, and unable to hear the teachings of men of God” (Monestier, 1987, p. 13). During the medieval era, the deformed and disabled suffered most distinctly from Goffman’s “abominations of the body.” Today, although far less severely, and less specifically because of satanic intervention, they do so as well.

“Abominations of the body”: What does Goffman mean by this term? Two distinctly different types of physical deviance come to mind: *violations of aesthetic norms* and *physical incapacity*.

Aesthetic norms represent standards that dictate how people ought to *look*: their height, weight, attractiveness, coloration, the possession of the requisite limbs and organs (no more, no less), the absence of disfigurement, the absence or presence of specific more or less permanent body adornment or alteration (scarification, tattoos, lip plugs, elongation of the ear lobes, etc.). For instance, the skin and hair of albinos lack pigmentation. In virtually all societies, albinos are stigmatized, treated as “blemished,” “tainted,” “spoiled”; they are “disqualified from full social acceptance.” Likewise, dwarfs and midgets, hermaphrodites (people born with sexual characteristics of both males and females), and persons who are extremely ugly by society’s standards – all are treated as less than fully human.

The second category of bodily “abomination,” physical incapacity, is made up of bodily impairments that limit one’s ability to perform certain activities considered important, such as walking, seeing, and hearing. Of course, all of us are limited in our ability to perform a number of activities. Most of us are too short, or simply can’t jump high enough, to slam-dunk a basketball, or too slow to run a four-minute mile. But walking, seeing, and hearing are regarded as so crucial to everyday life that persons who lack the ability to perform them at all are treated differently, and distinctly negatively, from those who possess it.

Numerous explanations have been offered for why the physically different are assigned to a deviant status. Many of us suspect that we could be afflicted by the same random, terrorizing forces that have afflicted the possessors of negatively evaluated physical characteristics. By interacting with them, we could, we fear, be contaminated with whatever struck them down. Hence we suspect we might very well be vulnerable to such forces and want to keep their possessors as far away from us as possible.

In his analysis of stigma, Irwin Katz (1981, pp. 1, 5–11) introduces the notion of *ambivalence*. Admittedly, most of us temper our negative feelings toward the disabled and the unaesthetic with positive ones. In addition to stigmatizing them, Katz claims, most people feel sympathy for the underdog, distress over their suffering, and respect for persons who are able to triumph over adversity. So why stigmatize them in the first place? The reasons are diverse, Katz argues, but they may be traced to a half-dozen widespread dynamics that are difficult to ignore; two of them are the “just world” hypothesis and the sense of vulnerability.

Interaction with persons who possess a socially undesirable trait or characteristic that is strictly involuntary (it’s “not their fault”) may “cast doubt” on the widely held belief that the world is a just place where the innocent do not suffer (Lerner, 1980;

Montada & Lerner, 1998). Many of us believe that we get pretty much what we deserve. The disabled remind us that there are many people out there for whom that is not true. Justice does not triumph, the wicked may not be punished, and extreme misfortune may befall the virtuous and the innocent. This is a painful lesson, one of which “normals” are reminded nearly every time they come face-to-face with someone who possesses a disability or a disfigurement.

If undesirable physical traits are inflicted on people who did nothing to deserve them, the conclusion is obvious, says Katz: we are all *vulnerable* to sudden, catastrophic, and undeserved misfortune. The disabled and the disfigured do not merely overturn one of our ideological and moral apple-carts, they also hit home with the message that we, ourselves, could be victims of the same misfortune that befell them. This is an extremely uncomfortable message, one that most “normals” do not want to be reminded of. Hence, we avoid the disabled and the disfigured, we put social distance between ourselves and them, we treat them in a pitying and condescending fashion, and the cruelest of us stigmatize them. If such a misfortune were to befall someone else simply as a result of happenstance, it could also happen to us. Coming face-to-face with the handicapped reminds us of *our own* vulnerability, and many of us find that experience painful. Hence, we want to banish the possessors of these traits from our presence.

Physical Disability

According to Eliot Freidson (1966), the possession of a physical disability or handicap is a form of deviance. This is so because it represents an imputation of undesirable difference as judged by Goffman’s “normals.” A person so designated departs or deviates from what others *believe to be normal or appropriate*. It is “normal” or “appropriate” to be able to see, walk, and hear. Not to be able to do so represents an undesirable departure from what is regarded as “normal.” Put another way, deviance is not merely statistical variation or difference from the average, the mode, or the statistical norm. Rather, it is that which “violates institutional expectations” (Cohen, 1959, p. 462). We are *expected* to be able to see, walk, and hear. When we are not able to do so, we violate the norms – the “institutional expectations” – that others have of our performance. In recent years, a variety of euphemistic and politically correct terms have been applied to the physically handicapped, such as the “differently abled,” the reasoning being that plain, straightforward, descriptive terms stigmatize persons to whom the terms apply. Simi Linton (1998, p. 14), a disabled spokesperson, refers to such terms as “nice words,” “well-meaning attempts to inflate the value of people with disabilities,” which are “rarely used by disabled activists and scholars (except with palpable irony).” Many deaf militants reject the label “disabled” and claim membership in the deaf culture. But the fact is, the norms in this society do call for certain kinds of performance, and persons who are unable to meet those norms are looked down upon in one way or another.

When such violations are in a significant and important sphere of life and are “persistent,” persons guilty of them are “assigned a special negatively deviant role” (Freidson, 1966, p. 73) and are “generally thought to require the attention of social control agencies” (Erikson, 1964, pp. 10–11). Social agencies that work with the physically

disabled and handicapped distinguish between those who cooperate and work at ameliorating their condition – who, for instance, play the role of the “good” amputee – as opposed to those who are uncooperative and do not work toward rehabilitation (Freidson, 1966, p. 81). What these agencies hold out is not an exit from the disabled role – indeed, even after their intervention, those who are rehabilitated by them will still occupy the status and play the role of handicapped person – but an *accommodation* to that role. In other words, the “handicapped *remain* deviant, and the task of rehabilitation is to shape the form of their deviance, which is quite a different task than that of healing the sick or punishing or salvaging the delinquent” (p. 95). In the words of Erving Goffman: “The stigmatized individual is asked to act so as to imply neither that his [or her] burden is heavy nor that bearing it has made him [or her] different from us. ... A *phantom acceptance* is thus allowed to provide the base for a *phantom normalcy*” (1963, pp. 122).

Disability, like behavioral deviance, is socially constructed, “produced,” or “created” (Freidson, 1966, p. 83). This does not mean that the *physical conditions* on which judgments of disability are based are “created” by the society. Rather, it means the definition demarcating a given condition as a disablement, and judgment that a specific case or person *belongs* to the general category of disablement, are to some degree arbitrary and based on social and cultural criteria. Agencies that deal with the disabled as well as the general public create such definitions. They “objectify” or “reify” (p. 83) disability – much the same way all social entities do with deviance in general – in that they assume every member they so classify by a given category possesses all of the characteristics the category refers to. But as it turns out, *most* people who are legally classified as physically “handicapped” can walk, even though the assumption is that they cannot; most people who are legally “blind” can see, even though the assumption is that they cannot. The stereotype “normals” hold is that persons defined as handicapped will fit the most severely impaired end of the impairment continuum, even though most are in fact at the less impaired end of that spectrum (p. 84).

One of the central tasks of the person who possesses a physical handicap, and who is widely regarded as disabled, is dealing with the nondisabled, that is, with persons Goffman refers to as “normals.” Rehabilitation agencies usually encourage the fiction that the population at large does not stigmatize the disabled, since this fiction furthers their rehabilitative goals. But the fact is, most “normals” do hold a stigmatizing attitude of one kind or another toward the disabled. True, as we saw, most also feel *ambivalence* toward the handicapped, that is, compassion is mingled with the stigma (Katz, 1981, pp. 5–11). But stigma is there nonetheless. “Normals” generally reject and avoid the handicapped socially. A “social distance” scale reveals this rejection with crystal clarity. When samples of respondents are asked if they would “accept” persons who belong to various disvalued categories in a range of relationships – as neighbors, as coworkers, as friends – members of *none* of those categories are accepted, on average, as readily as persons who are normally abled. For instance, one study asked respondents if they would “accept” members of 22 categories, “every one was rejected to some extent”; cerebral palsy sufferers, epileptics, and paraplegics (along with dwarfs and hunchbacks) were rejected even as next-door neighbors (p. 18). Anecdotal evidence backs up these systematic surveys. “In a host of written and oral accounts [by the handicapped], the

theme of being pitied, subordinated, and ignored is expressed again and again" (p. 18). Content analyses of cultural materials, such as jokes, indicate the inferior status of the handicapped. In one study of jokes, the handicapped were made fun of 80 percent of the time, whereas jokes about farmers, dentists, and judges were vastly less likely to be insulting (p. 18). There is a measure of *aversion* toward the disabled, just as there is toward disfigurements, in part because they provoke anxiety in "normals," reminding them that they, too, could fall victim to the same misfortune (p. 20). In other words, "normals" fear the handicapped as much as they pity them.

Times are changing. In 1990, the Americans with Disabilities Act, which guaranteed prohibition against job discrimination and physical access to public spaces, was passed with bipartisan support. In the late 1990s, new style activist researchers – most of whom are disabled persons themselves – published a substantial spate of books that argue for changing the way things are rather than adapting to existing circumstances (Charlton, 1999; Davis, 1997; Fiffer, 1999; Hockenberry, 1995; Linton, 1998; Mairs, 1997; Mitchell & Snyder, 1997; Thompson, 1996, 1997). In 1997, Mattel introduced a "Barbie" doll friend in a wheelchair. In 1991, Dayton Hudson, an advertising firm, introduced ads using disabled models. In 1992, critics protested the muscular dystrophy telethon hosted by comedian Jerry Lewis; these protesters included some who were themselves disabled former poster children for the cause. They objected to the telethon fostering an image of the disabled as pitiable and childlike. Given these beginnings, the disability rights movement gained momentum during the course of the twenty-first century, and has gone global. According to Thomas Cook, Professor of Public Health at the University of Iowa, the Americans with Disabilities Act, signed into law by President George Bush in 1990, has generated an international grass-roots movement. In May 2012, the World Health Organization and the World Bank jointly published the first World Report on Disability. Worldwide, roughly a billion people suffer with a disability, many of whom are discriminated against and victimized, less likely to attend and complete school, and suffer from a higher rate of premature mortality; women are frequently victims of sexual violence. Nearly eight out of ten live in lower-income countries. The movement supports national legislation everywhere to protect the disabled and an international treaty that recognizes their right to access to the same resources that the conventionally abled enjoy; this movement "promises to improve the quality of people everywhere" (Cook, 2011). Disability rights movement activists abroad have experienced both successes and resistance, says Suzanne Richard, a movement activist; she seeks ratification of the Convention on the Rights of Persons with Disabilities (CRPD) around the world – for instance, in Macedonia and Myanmar (Burma), in 2011. Currently, in the Asia-Pacific region, 23 out of 50 countries have ratified the Convention; but in Bolivia, riot police prevented activists from delivering their petition to the legislature. The Zambian Deaf Women and Youth plan a "Hungry Walk Campaign" that will culminate in presenting the legislature with the demand that it implement the CRPD it has already ratified (<http://uscd.worldpress.com/2012/04/04/the-disability-rights-movement.org>). "Tertiary" deviance – when people who are judged non-normative by the rest of society fight for equal rights – is a crucial element in the physical deviance equation. It is effective, however, only to the extent that Goffman's "normals" share the view that a category of deviants *are* oppressed and that

their oppression *does* need to be redressed. Some other categories, such as the obese, possess less moral capital than the disabled, in the eyes of the general public.

Conformity to and Violations of Aesthetic Standards

"I'm too ugly to get a job," declared a Miami bank robber after the police apprehended him (Morin, 2006). This felon's rationalization may have some basis in fact. One of the more remarkable pieces of evidence suggesting that ugliness is a form of deviance comes from a study indicating that, among young adults (age 18 to 26), ugliness is statistically associated with criminal behavior (Mocan & Tekin, 2006). The uglier the person, the greater the likelihood he or she will have difficulty in high school and, seven to eight years later, will engage in a range of criminal activities, including burglary and drug selling; this is especially true of females. One possibility: judgments of deviance close off legitimate avenues of success and make illegitimate avenues seem more attractive. Violations of aesthetic standards offer one major type of "abominations of the body." All societies hold their members to certain standards of physical attractiveness. Says Nancy Etcoff, a neuroscientist conducting research on the role of looks in human attraction and author of *Survival of the Prettiest* (1999): "Every culture is a beauty culture. ... I defy anyone to point to a society anytime in history or any place in the world that wasn't preoccupied with beauty" (Cowley, 1996, p. 62). Moreover, in all societies, there are negative consequences for not measuring up to these standards of beauty; ugly people everywhere are treated as deviants. Naturally, these consequences vary from society to society and from one period of history to another; they vary from being an object of teasing to being put to death. In one way or another, all societies reward the attractive and punish the ugly.

At one time, most anthropologists believed that aesthetic standards were completely arbitrary, that looks judged attractive in one society may be regarded as ugly in another. Most contemporary researchers and scholars reject this radically relativistic view. In fact, the valuation of looks is considerably less variable and relativistic than was once believed. It turns out there is a fairly substantial measure of agreement in aesthetic standards from one society to another. There is some variability, of course, and it is interesting and significant. The crucial point to keep in mind is that the variation is much less substantial than was believed in the past, and the consensus is probably a great deal more significant than the variation. For the most part, looks that are considered beautiful in one society are regarded as beautiful in societies all over the world; looks that are considered ugly in one society tend to be regarded as ugly in societies the world over. When researchers show photographs of faces of people from all racial categories to subjects from backgrounds as diverse as Greece, China, India, and England, they find a remarkably high level of agreement as to which ones are attractive and which ones are unattractive. In the judgment of the evaluators in this study, the ethnic background of the subjects in these studies makes little or no difference.

Skeptics might argue that, as a result of the influence of Western, mainly American, movies, television programs, and magazines, the aesthetic standards that rule here have spread to the inhabitants of all societies. But when Judith Langlois projected images of

the faces of “attractive” and “unattractive” persons – males and females, adults and babies, whites and persons of African descent – before three- and six-month-old babies, the same pattern prevailed. These babies “gazed significantly longer” at the “attractive” than at the “unattractive” faces. Says Langlois: “These kids don’t read *Vogue* or watch TV. ... They haven’t been touched by the media. Yet they make the same judgments as adults” (Cowley, 1996, p. 63; Langlois *et al.*, 2000; Lemley, 2000).

What’s behind these judgments? Is there something about a face or a body that dictates that we find it attractive? Does the same process take place in reverse for the “unattractive” face? Some psychobiologists think they have the answer: evolution. They believe that many clues point to the possibility that humans are biologically “hard wired” to make specific, distinct, and universal aesthetic judgments.

Some of the rules of aesthetic judgment are commonsensical and not especially mysterious. In nearly all persons, physical good health is more attractive than illness. “As far as anyone knows,” according to Helen Fisher, an anthropologist who studies love, mating, and physical attractiveness, “there isn’t a village on earth where skin lesions [sores], head lice, and rotting teeth count as beauty aids” (Cowley, 1996, p. 63). Surprisingly, *symmetry* turns out to be a major factor in determining the physical attractiveness of human faces and bodies – a balance of each side with the other, in equal proportion. (Interestingly, the same principle holds for animals, some of them as lowly as scorpion flies. Females of many species refuse to mate with males who do not display the requisite symmetry.) Other features include, for human males, slightly above average height, a broad forehead, prominent brow and cheekbones, a large jaw and strong chin, slightly above-average body musculature, and a waist that is 90 percent the measurement of the hips. For females, these features include youth as well as large eyes, a small nose, delicate jaw, small chin, full lips, firm, symmetrical breasts, smooth, unblemished skin, and a waist–hip ratio of 70 percent (Cowley, 1996, p. 63).

Most evolutionary psychologists believe that these judgments are genetic in origin, that, without realizing it, our bodies are telling us to seek partners who offer the maximum potential to reproduce our own genes in our children and in subsequent generations. Each of these traits, from age to smooth, unblemished skin to the flair of a woman’s hips and the jut of a man’s jaw, evolutionary psychologists argue are maximally related to fertility and hence, according to their theory, maximum attractiveness. We find in a potential partner that which tells us that if we mate with him or her, our genetic material stands the highest likelihood of being propagated to later generations. Genes are “selfish”; they seek to reproduce themselves. Seeking out the most attractive available partner is a way of doing that. Our aesthetic judgments are ruled by our “selfish” genes.

In contrast, most sociologists, anthropologists, and other social scientists argue that culture – not genes – explains judgments of attractiveness. If judgments of beauty were biologically “hard-wired” and designed to perpetuate the judge’s genes, how do we explain homosexuality? Why do same-sex partners find many of the same physical traits attractive that opposite-sex partners do? Says Micaela di Leonardo, an anthropologist who studies human attractiveness: “People make decisions about sexual and marital partners inside complex networks of friends and relatives. ... Human beings cannot be reduced to DNA packets” (Cowley, 1996, p. 66).

Regardless of the source or cause of the consistency of aesthetic judgments about human appearance, they are a fact of life. And studies have shown that, just as *conforming* to a society's aesthetic standards is likely to bring forth rewards, *violating* those standards is likely to result in punishment. We "set narrow standards of beauty and then insult and hurt those who fall outside those standards" (Beuf, 1990, p. 1). The possession of an unaesthetic appearance is not the possessor's "fault," and this punishment is decidedly unfair. Yet such punishment is a reality in the lives of many people who fail to attain the aesthetic ideal.

In a classic study by social psychologist Karen Dion (1972), a sample of college women was asked to read over a teacher's notes describing the behavior of the children in her class. Attached to the notes was a photograph of the child. The notes did not describe a real child or actual behavior; in fact, they were manipulated to describe a fictional incident in which the child hurt a dog or another child in a trivial or a serious way. The photographs, likewise, were varied so that they depicted one attractive girl, one unattractive girl, one attractive boy, and one unattractive boy. The researchers asked members of the sample to evaluate the behavior and the child. Dion hypothesized that physical appearance would make a difference in these evaluations – and they did.

If the child's misbehavior was mild (stepping on a dog's tail), the women in the sample were not influenced by the children's looks. But when the misbehavior was more serious (throwing stones at a dog, causing it to yelp and limp away), for the unattractive children, members of the sample regarded this as a serious character flaw; for the attractive children, the sample of college students tended to be more lenient and indulgent, to give them the benefit of the doubt, passing off their misbehavior as trivial. One student who read the notes and saw the photograph of an attractive girl made these comments about an attractive girl who had thrown rocks at the dog: "She appears to be a perfectly charming little girl, well-mannered, basically unselfish. It seems that she can adapt well among children her age and make a good impression. ... She plays well with everyone, but, like everyone else, a bad day can occur. Her cruelty ... need not be taken too seriously" (Berscheid & Walster, 1972, p. 45).

In contrast, here are the remarks another student made, commenting on an unattractive girl who committed exactly the same act: "I think the child would be quite bratty and would be a problem to teachers. ... She would probably try to pick a fight with other children. ... She would be a brat at home. ... All in all, she would be a real problem" (p. 45). In addition to evaluating attractive and unattractive children and their behavior differently, these respondents expressed expectations that the unattractive ones would be likelier to commit similar transgressions in the future. In short, the attribution of deviance is closely tied to looks: other things being equal, unattractive people are more likely to be suspected of engaging in wrongdoing, more likely to be evaluated negatively, and more likely to be punished.

Standards of beauty are crucial to defining its absence – ugliness – as deviant. The fact is, "uglier people are assigned all kinds of undesirable qualities. They are expected to do evil things, and their misdeeds are judged as more wicked than if the same thing was done by a better looking wrongdoer" (Jones, 1984, p. 53). An enormous number of studies have confirmed the impact of looks on how we are treated by others. After they

have met them, people are more likely to forget about less attractive people than those who are more attractive; they evaluate work done by less attractive people more negatively than work done by more attractive people; people tend to work less hard for more unattractive people than for attractive people; and they are less likely to return something that is lost if the owner is physically unappealing (p. 53). As a result of this differential treatment, less attractive people tend to have a lower sense of self-esteem and to have less satisfactory relations with peers (p. 54). In sum, “ugly or physically deviant people are clearly disadvantaged both by the immediate negative effect they elicit and by the longer term cumulative consequences of coping with the avoidant and rejecting behavior of others” (p. 56).

At the age of nine, Lucy Grealy was diagnosed with cancer. To save her life, surgeons removed a third of her jaw. After the operation, when she looked in the mirror, Lucy realized she was different. She endured 30 separate operations, most of them to reconstruct her jaw so that she would look normal. The boys in her school taunted her cruelly. “Hey, girl, take off that monster mask – oops, she’s not wearing a monster mask,” shouted one (Grealy, 1995, p. 118). “*What on earth is that?*” yelled another (p. 124). “*That is the ugliest girl I have ever seen*” declared a third (p. 124). The taunts, which were especially frequent during lunch period, became so painful for Lucy that, in the seventh grade, she went to her guidance counselor to complain. Rather than reprimand the children who hurled them, he asked if she wanted to eat lunch in his office, an offer she decided to accept. Sadly, in 2002, at the age of 39, Lucy Grealy, a talented writer, sensitive poet, and perceptive observer of unconventional human identities, succumbed to an overdose of heroin.

All societies value beauty. Hence, “the person whose appearance is impaired, who stands out because of obvious flaws and disfigurements, is perceived as a deviant.” Such a person is deviant in two ways – one, by failing to live up to an ideal cultural standard of beauty, and two, by failing to live up to what is regarded as a “normal” or *unexceptional* appearance (Beuf, 1990, p. 7). Ugly or extremely unattractive persons are often stared at, teased, taunted (“How did your face *get* like that, anyhow?”), humiliated; people with average or “normal” appearance often feel disgusted, repelled, even *tainted* to be in their presence. The cruelty of children toward the appearance-impaired “seems limitless” (p. 51). It is clear that, in spite of the fact that such people did not *do* anything to deserve their appearance, many audiences regard – and treat – them as deviants.

Should ugliness be against the law? Is it fair to criminalize someone for their appearance? Every one of us would say that such a thing is grossly unfair and unjust, that how one looks should most emphatically not be against the law. Today, no such laws remain on the books, but consider the fact that, in 1881, the city of Chicago passed a municipal ordinance that read: “Any person who is diseased, maimed, mutilated, or in any way deformed, so as to be an unsightly or disgusting object, or an improper person to be allowed in or on the streets, highways, thoroughfares, or public places in this city, should not therein expose himself to public views.” The penalty was a fine of a dollar, or about \$20–25 today. As it turns out, a similar law had been passed in San Francisco fourteen years earlier, and similar versions were soon enacted in Portland, Oregon, Denver, and Lincoln, Nebraska. The law attempted to

outlaw the “unsightly beggar,” the mendicant who displays his deformities so as to generate more sympathy and collect more money from a disgusted public. The issue for the law is whether and to what extent the law can mandate *sequestration*, or hiding the unsightly beggar from the citizenry. And what was the intention of the local lawmakers – to prohibit people with noticeable physical disabilities from visiting public spaces (Schweik, 2009, p. 4). These so-called “ugly laws” remained on the books until well into the 1970s. The last recorded arrest on the basis of the unsightly beggar statute took place in 1974, in Omaha; the arresting officer, who had been trying to get the mendicant off the streets for some time, reasoned that the suspect had “marks and scars across his body” and hence, was fair game (p. 6). No such laws exist today (p. 18). Nonetheless, all of us are still judged, informally, according to our looks, and looks deemed unusually unsightly are considered *deviant* – beyond the pale – and their bearer tends to be shunned, humiliated, and punished. Even in organizational settings, deviant features attract negative judgments. Schweik (p. 284) describes a court case, *Robichard v. RPH Management*, involving an employee of MacDonald’s whose superiors informed her that she would never become a member of management because she had an “unsightly” birthmark on her face. Why are looks so important? The “ugly” laws may be off the books, but *informal* judgments of deviance remain in force. This is unjust in the extreme, but it’s a seemingly ineradicable feature of conventional norms.

Most forms of deviance entail judgments and actions made by the general public. In the case of the “unsightly beggar” ordinance, it is the police, not the public at large, who initiates agency, although most arrests on minor charges begin with a complaint by a citizen. In the case of the ugly law, residents of local neighborhoods or small merchants took the initiative to remove the unaesthetic mendicant from their midst. Another parallel: with most forms of behavioral deviance, we find that contingencies (age, sex, status, the characteristics of the observer or the victim, if there is one) play a role in judgments of deviance; in the case of the “ugly law,” the police ignored most instances of its violation; when a complainant stepped forward, often, action was taken. What has happened is an “astonishingly rapid transformation in American attitudes toward disabled people” (Imrey, 1996, p. 61). While ugliness and physical disability are still forms of physical deviance, public attitudes toward the disabled and the ugly have softened, and virtually no one wants to invoke the might of the law against poor people who are unsightly and, in all probability, unable to support themselves. The dynamism of what’s considered deviance is one of its most remarkable features. While some aspects of physical deviance have stayed the same, others have undergone an impressive turnaround. To the extent that aesthetic standards are applied to desirability, ugliness will remain a form of deviance. By dominant cultural standards, attractive marital partners still gravitate toward one another, since the rewards and punishments on the basis of the desirability of the looks of one’s partner likewise remain. But the virulence of aesthetic judgments – how much the ugly are punished – has diminished over the centuries, and is likely to be even more tempered as alternate values are weighed against the sledgehammer of looksism. In an achievement-oriented society, persons who are deemed wanting in the aesthetic department lose out less than in one where looks are everything.

Extreme Body Modification as Physical Deviance

Some people modify their bodies in ways that elicit suspicion, stigma, and condemnation. Erik Sprague (born, 1972) is a “performance artist.” Previously a PhD candidate at SUNY Albany, Mr. Sprague has transformed himself into a lizard-like being. Scale-like tattoos appear on his body from head to foot. He has had the scales filled in, one by one, with green coloring. He convinced surgeons to implant a bony ridge above his eyebrows and shape his tongue into a reptile’s proverbial forked tongue. His fingernails are in the form of claws and several of his teeth are filed down to look like crocodile’s “chompers.”

Sprague calls his transformation an “experiment.” The idea isn’t to shock, he says, but to “stimulate dialogue, to get people thinking, to make people wonder.” He wants to test the limits of what it means to be human. He says he knows who his real friends were by their willingness to remain friends with him, even after his dramatically changed appearance. “I learn a lot more about a person by their reaction to me than they could ever learn about me by just looking at my physical appearance.”

Sprague has worked as a performer with a circus, swallowing swords, eating live insects, breathing fire, and sticking metal skewers through his cheeks. He has appeared on television, in a documentary film, performed with his rock band, Lizard Skynyrd, and is the author of a self-published volume, *Once More Through the Modified Looking Glass*. Says Sprague, “I am a professional freak. I perform sideshow acts, stand-up comedy, and front a band. According to Wikipedia, “the Lizardman lives in Austin, Texas, with his wife Meghan and their pet ferrets.

Aside from ear-piercing, which, for women, is considered conventional and normative, tattooing is probably the most widely practiced form of voluntary body alteration. No statistics are kept on the number of people who receive a permanent tattoo, but in the United States the number certainly runs into the millions. Is tattooing a form of physical deviance?

In many societies of the world, of course, getting a tattoo is not only accepted, it is also normatively demanded. In Western society generally and in the United States specifically, people who “choose to modify their bodies” by getting a tattoo “violate appearance norms” and hence “risk being defined as socially and morally inferior. Choosing to be a physical deviant symbolically demonstrates one’s disregard for the prevailing norms” (Sanders, 1989, p. 2). In many ways, persons who choose to be tattooed play on that unconventionality by demonstrating their “disaffection from the mainstream.” For many people who are unconventional, tattooing is a symbolic affirmation – indeed, a public proclamation – of the tattooee’s “special attachments to deviant groups” (p. 2). It is an “effective social mechanism for separating ‘us’ from ‘them’” (p. 3). This separation may be partial, as exemplified by the Wall Street lawyer who receives a single, small, inconspicuous tattoo to affirm his or her *mild* unconventionality, or it may range up to *total* unconventionality, as with the person who is tattooed from head to toe in wild designs and who therefore cannot move in any social circle whatsoever without being regarded as an out-and-out deviant – and wants it that way (Goode & Vail, 2008).

Tattooing is deviant both for its direct symbolic value and for its symbolically connected with deviant groups and categories. Here we have “voluntary guilt by association.” Tattooing is common among convicts, prostitutes, bikers, drunken sailors,

and other disreputable types. Therefore wearing a tattoo symbolizes the “general deviance and untrustworthiness of the wearer” (Sanders, 1989, p. 126). Wearing a tattoo announces to the world, “I am a great deal like these other disreputable people who are known for wearing a tattoo.” Hence, wearing “a stigmatizing mark by most members of mainstream society,” one became aware of “the potential negative social consequences of being tattooed” from employers, relatives, one’s spouse, and other representatives of “straight” society (p. 126). Many tattooed persons do belong to deviant groups for whom the tattoo is a badge of honor rather than shame.

In addition, tattooing represents a major commitment. Before the advent of lasers, tattoos could be removed only through conventional surgery, which was expensive and produced scarification. Hence, until recently, a tattoo, once on the body, remained there for life. In a phrase, the wearer was “indelibly marked” (p. 126). Although vastly more common than a decade or two ago, even today, getting a tattoo is considered a “big deal.” As a result, most receivers of a tattoo “start small.” Getting a small, inexpensive, and readily concealable tattoo is the usual way of limiting one’s commitment (p. 126). By testing the waters in this fashion, one can determine whether, in one’s group or circle, social reactions to the tattoo are sufficiently negative as to call a halt to further body alterations. If these reactions are mild among their peers, more accepting than rejecting, many recipients will escalate the process, receiving larger and more conspicuous tattoos.

In short, there is a “certain level of risk” in receiving a tattoo. One may not choose an artful or reputable tattooist, the process is somewhat painful, one risks infection, the final product may not be quite what one had hoped for, one may later have a change of heart, one may be criticized or condemned for bearing a tattoo on one’s body by one’s peers, or one may take up with new friends or lovers who will find the connection with tattooing repugnant, one’s employers may react more harshly than one had anticipated, and so on. In short, yes, tattooing is a form of physical deviance, albeit a relatively mild form. In contrast, more complete or full-body tattooing may be regarded as more “extreme” deviance. To put the matter another way, the degree of deviance of tattooing runs the gamut from mildly deviant (a small, inconspicuous tattoo) to strongly deviant (being tattooed over one’s entire body, including one’s face). What makes it especially interesting is that, unlike many forms of physical deviance, it is voluntary. Many tattooees *choose* to receive tattoos on their body specifically because of its association with deviant social categories and groups (Sanders, 1989).

One among a number of indications that tattooing is an instance of deviance is that the National Longitudinal Study of Adolescent Health included a question about tattooing in its survey, as well as, in a later survey wave, whether the respondents later matriculated into college. High-school students who had tattoos were significantly less likely to go to college than students without them, and the difference was as substantial as more traditional factors such as educational attainment and socioeconomic status of the respondent’s family of origin. Having tattoos was also associated with a variety of deviant activities, such as smoking, participation in delinquency and gang membership, drinking, marijuana smoking, and infrequent use of birth control. Clearly, tattooing did not cause but *tapped into*, *symbolized*, or indirectly *indicated* a deviant, non-college oriented lifestyle that accompanied later lack of success in a variety of ways (Silver, Silver, Siennick, & Farkas, 2011).

Alicia Horton (2010) argues that “extreme body practices” such as the insertion of cheek skewers, flesh hook pulling, inserting and sewing objects under one’s skin onto one’s body, and radical branding make claims that critique prevailing standards of normalcy and attractiveness, challenge body-changing practitioners to negotiate and manage a stigmatized identity and conventional audiences to defend their practices, and reorients the notion of what’s blameworthy and what’s praiseworthy. These represent a bold, even outrageous “in your face” challenge to notions of deviance and conventionality. Manifestations of the practice of extreme body alteration, in Goffman’s terms, are not only blatantly visible and evident to the “normal” but they are *obtrusive* – difficult to ignore and “disattend to.” They remind the “normal” that one stigmatized trait spreads to others, and to other parties in the interaction, and that these close connections tell conventional people that such relations should be avoided or, if initiated, terminated. They question such assumptions – whether and to what extent they are based on prejudice or wisdom (Goffman, 1963, p. 30).

Obesity

Obesity represents a prime example of an “abomination of the body” that violates aesthetic standards. What makes it even more interesting than most of the characteristics with which it shares this quality is that, in addition to being physical in nature, most people mistakenly believe it to be the product of immorality, or deviant behavior. The majority of people who are not fat feel that the obese became fat because they are gluttonous and lazy – that is, because they eat too much and don’t exercise enough. Hence, obesity partakes of both of Goffman’s forms of stigma: it is both an “abomination of the body” and a “blemish of individual character.” Some stigmatizing traits, Goffman says, are highly visible or *self-evident* to others in a social interaction, and obesity is one such extremely evident trait. However, the capacity of audiences to “disattend” to or “decode” stigmatizing characteristics depends on the audience. Some traits are very obtrusive; they are noted because they interfere with the flow of social interaction. Most audiences of average size find it difficult to ignore the fact that the person they are face-to-face with is extremely large; it remains the center of attention and, though they may try to ignore that fact, it intrudes into relations between “normals” and the obese.

In this society, extreme fatness is itself looked upon with repugnance because most Americans consider it unsightly and unaesthetic, and, in addition, fatness is a sign or manifestation that the person who carries the weight got that way because of a weak, self-indulgent nature. In other words, not only does the thin majority regard obesity as unfashionable and unaesthetic, they also consider it “morally reprehensible,” a “social disgrace” (Cahnman, 1968, p. 283). They set apart fat people from themselves, men and women of average size. They socially isolate the obese from “normal” society (Millman, 1980). Today, being obese bears something of a stigma.

“Generally speaking,” declares an anthropologist who studied body ideals in an Arab area of Niger, an African country, “fat bodies are appreciated where food is hard to come by, and thin ones are admired in places where food is abundant.” Worldwide, she says, roughly 80 percent of human societies “have had a preference for plumper bodies”

(Popenoe, 2005, p. 18). But as Western ideals of beauty spread to societies everywhere, and as societies begin having an abundant food supply, female bodies come to be seen “in a new way” that “make new kinds of bodies desirable” (p. 18). “Fat Stigma,” reads a *New York Times* headline, “Is Fast Becoming a Global Epidemic” (Parker-Pope, 2011). And in contemporary America, the obese are more decidedly stigmatized. Fat people are considered less worthy human beings than thin or average-sized people are. They receive less of the good things that life has to offer and more of the bad. Men and women of average weight tend to look down on the obese, feel sorry for them, pity them, feel superior to them, reward them less, punish them, make fun of them. The obese are often an object of derision and harassment for their weight. What is more, average-sized persons tend to feel that this treatment is just, that the obese deserve it, and that it is even something of a humanitarian gesture, since such humiliation will supposedly inspire them to lose weight. The stigma of obesity is so intense and pervasive that many, perhaps most, fat people come to see themselves as deserving of it, too.

The obese, in the words of one observer, “are a genuine minority, with all the attributes that a corrosive social atmosphere lends to such groups: poor self-image, heightened sensitivity, passivity, withdrawal, a sense of isolation and rejection.” They are subject to relentless discrimination, they are the butt of denigrating jokes, they suffer from persecution; it would not be an exaggeration to say that they attract cruelty from the average-sized majority. Moreover, their friends and family rarely give the kind of understanding they need in order to deal with this cruelty. In fact, it is often friends and family who mete out the cruel treatment. The social climate has become “so completely permeated with anti-fat prejudice that the fat themselves have been infected by it. They hate other fat people, hate themselves when they are fat, and will risk anything – even their lives – in an attempt to get thin. ... Anti-fat bigotry ... is a psychic net in which the overweight are entangled every moment of their lives” (Louderback, 1970, pp. v, vi, vii).

Negative feelings toward being overweight are a matter of degree, of course. If the grossly obese are persecuted mightily for their weight, the slightly overweight are persecuted proportionally less – they are not exempt. In spite of the fact that Americans are gaining weight over time (or perhaps because of it), we remain a weight-obsessed society. It is impossible to escape reminders of what our ideal weight should be. Standing at the checkout counter in our local supermarket, we are confronted by an array of magazines, each with its own special diet designed to shed those flabby pounds. Television programs and advertising display actresses and models who are considerably slimmer than average, setting up an almost impossibly thin ideal for the public. If we were to gain 10 pounds, our friends would notice it, would view the gain with negative feelings, and only the most tactful would not comment on it.

Obesity is sociologically interesting, among other reasons, because the thin or average-sized majority consider it as both a physical characteristic, like blindness and paraplegia, and a form of behavioral deviance, like prostitution and alcoholism. They hold the obese, unlike the physically disabled, responsible for their condition. The non-obese majority view fatness both as a physical deformity as well as a behavioral aberration (Cahnman, 1968, p. 293; Allon, 1982, p. 130). They regard being fat as a matter of *choice*. The obese have gotten that way because of something they have done, many feel, as a result of a major character flaw.

Overweight persons "are stigmatized because they are held responsible for their deviant status, presumably lacking self-control and will-power. They are not merely physically deviant as are physically disabled or disfigured persons, but they [also] seem to possess characterological stigma. Fat people are viewed as 'bad' or 'immoral'; supposedly, they do not want to change the error of their ways" (Allon, 1982, p. 131). Contrary to the strictly and involuntarily disabled, "the obese are presumed to hold their fate in their own hands; if they were only a little less greedy or lazy or yielding to impulse or oblivious of advice, they would restrict excessive food intake, resort to strenuous exercise, and as a consequence of such deliberate action, they would reduce." In contrast, Cahnman argues, while blindness "is considered a misfortune, obesity is branded as a defect. ... A blind girl will be helped by her agemates, but a heavy girl will be derided. A paraplegic boy will be supported by other boys, but a fat boy will be pushed around. The embarrassing and not infrequently harassing treatment which is meted out to obese teenagers by those around them will not elicit sympathy from onlookers but a sense of gratification; the idea is that they have got what was coming to them" (Cahnman, 1968, p. 294).

The obese are overweight, according to the popular view, because they eat immodestly and to excess. They have succumbed to temptation and hedonistic pleasure-seeking, where other, more virtuous and less self-indulgent persons have resisted. As with all forms of behavioral deviance, getting fat represents a struggle between vice and virtue. Most of us are virtuous – witness the fact that we are not fat. Some of us are consumed with vice – and the proof of the pudding, so to speak, is in the eating. Therefore, the obese must pay for their sin of overindulgence by attracting well-deserved stigma (Cahnman, 1968; Maddox, Back, & Liederman, 1968). The obese suffer from what the public sees as "self-inflicted damnation" (Allon, 1973, 1982). In one study of the public's rejection of persons with an array of behavioral and physical traits and characteristics, researchers found that the degree of the stigma of obesity was somewhere in between that of physical handicaps, such as blindness, and behavioral deviance, such as drug abuse and sexual transgressions (Hiller, 1981, 1982). In other words, the public stigmatizes the obese significantly *more* than they do the possessors of involuntarily acquired undesirable characteristics, but somewhat less than persons who engage in unconventional, despised behavior.

This introduces a *moral* dimension to obesity that is largely lacking in most other physical characteristics. The stigma of obesity entails three elements or aspects: (1) the obese attract public scorn; (2) they are told that this scorn is deserved; (3) they come to accept this negative treatment as just (Cahnman, 1968, p. 293). A clear-cut indication that the obese are put down because of their presumed character defects is seen in the fact that when respondents were informed that a person's obesity was caused by a hormonal disorder – in other words, it was not his or her "fault" – they stigmatized him or her far less than if their condition is left unexplained (DeJong, 1980). Unless otherwise informed, most of us assume that obesity is the fat person's "fault." A trait that is seen as beyond the person's control, for which he or she is held not to be responsible, is seen as a misfortune. In contrast, character flaws are regarded in a much harsher light. Obesity tends to be seen as the outward manifestation of an undesirable character. It therefore invites retribution in much of the public's eyes.

In an editorial in *The New York Times*, one observer (Rosenthal, 1981) argues that obesity has replaced sex and death as our “contemporary pornography.” We attach some measure of shame and guilt to eating well. Our society is made up of “modern puritans” who tell one another “how *repugnant* it is to be fat”; “what’s really disgusting,” we feel, “is not sex, but fat.” We are all so humorless, “so relentless, so determined to punish the overweight. ... Not only are the overweight the most stigmatized group in the United States, but fat people are expected to participate in their own degradation by agreeing with others who taunt them.” Not much has changed since this editorial was published.

Summary

Undesirable or non-normative physical characteristics represent a form of deviance. They tend to attract stigma and generate a contaminated identity for their possessors. Although some sociologists insist that involuntarily acquired traits cannot be a form of deviance because they are not the possessor’s fault, the fact that their possessors *do* attract stigma, disvaluation, and social isolation is specifically how sociologists define deviance; hence, they are, according to this definition, deviants. In fact, there is a *continuum* of personal causality or responsibility for possessors of deviant characteristics – yet all are stigmatized to a degree. Personal responsibility is only weakly related to the dimension of deviance. Responsibility (or “fault”) for one’s physical characteristics is not only a matter of degree, it is also a social construct. Many eras and cultures have claimed divine retribution for past sins as the cause of a range of disabilities and aesthetic violations.

Why do “normals” fear and avoid physical deviants? Irwin Katz argues that, though we feel ambivalence toward them, our repugnance is based on a non-conscious faith in “the just world hypothesis,” that is, they believe that we all get what we deserve; if someone is disabled, maybe they deserve their fate. To deny the just world hypothesis opens up the possibility that we are vulnerable to the possibility that we, too, could end up like the disabled. Moreover, the “normal” feel, perhaps nonconsciously, that they will be “contaminated” by contact with someone with a disabling physical feature.

Erving Goffman referred to a form of stigma as “abominations of the body.” For our purposes, two such “abominations” stand out: violations of aesthetic norms and physical incapacity. Aesthetic norms refer to the way we look; our appearance is judged by audiences and found normal or unacceptable. The latter, if extremely so, is deemed worthy of punishment, condemnation, social isolation. Persons who fail to meet an acceptable standard are seen as possessing a “spoiled” identity, “disqualified from full social acceptance.” Physical incapacity is made up of the inability to perform at life’s various essential tasks, such as walking, seeing, hearing, and so on. Given the achievement norms in our society, persons unable to perform everyday functions or tasks are deemed unworthy on certain dimensions – even deviants.

Attractiveness is obviously the flip side of ugliness; in fact, a violation of aesthetic standards is the extreme absence of beauty. Standards of attractiveness are not nearly as relative as has been assumed in the past. In fact, from society to society, from culture to culture, many of the same standards prevail. Most of the traits or characteristics that are

found attractive in one place are likewise found attractive in others. In fact, beauty is *not* in “the eye of the beholder,” at least, not entirely. Very likely, some universal causal force or dynamic influences or determines what humans (and other creatures) find attractive and desirable in a mating partner. Some researchers with an evolutionary orientation believe that it is the impulse to pass on one’s genetic material to later generations that explains this pan-human tendency to judge physical attractiveness. Many culturally oriented researchers are skeptical of this explanation. Whatever the tendency or explanation, children deemed unattractive tend to bear the brunt of the negative side of evaluations of attractiveness. That is, their actions are deemed more deviant and more worthy of punishment than the same actions engaged in by more attractive actors. In a phrase, unattractiveness is a form of deviance; it attracts stigma and condemnation.

Some forms of physical deviance are voluntary, for instance, body modification, especially extreme tattooing. Tattooing indicates identity, namely that one belongs to a category that is alienated from the mainstream. But the mainstream also “reads” a message in sporting tattoos: such a person is an untrustworthy, reprehensible person – a deviant. In the past couple of decades, many more or less conventional people have been getting small tattoos on inconspicuous places on their bodies as a mild form of rebellion.

Obesity is a prime example of a deviant or undesirable physical characteristic. What makes obesity more interesting than most other forms of physical deviance is that it is regarded as both physical and behavioral. That is, the obese are denigrated for being fat *and* for behaving in such a shamelessly self-indulgent fashion – usually over-eating and not being sufficiently active – that *caused* their obesity. Most non-obese persons feel superior to the obese, and the obese, in turn, tend to internalize stigma, that is, they usually think that they are *worthy* of the condemnation that average-sized persons visit upon them. The condemnation of the obese operates, in scale, on people who are only somewhat above average – that is, the hugely obese receive the harshest condemnation for their weight while the merely somewhat overweight receive condemnation in proportion to their more moderate degree of overweight. Standards of weight fall unequally on the shoulders of women: women tend to be condemned more harshly for every degree overweight than is true of men. Over the years, the ideal standard of female beauty has gotten slimmer and slimmer; hence, the downside of being obese has become correspondingly steeper and deeper, the stigma and condemnation, more intense and pervasive.

Freaks are both fascinating and fearful to the majority, in part because they challenge the separation between categories we regard as so solid and unbridgeable: normal vs. pathological, male vs. female, tiny vs. averaged-sized vs. huge, human vs. beast. At one time, freaks were exhibited in circus sideshows. Now, such a practice is regarded as inhumane, exploitative, and politically incorrect, although some claim that, as sideshow performers, freaks had a legitimate place in the society; today, through genetic and surgical intervention, medical science attempts to correct these “mistakes of nature.”

Physical deviants have challenged their demeaned status through political movements and demands for equal rights. This militancy of a previously oppressed minority may lead to the end of their categorization as deviants, although some sociologists would argue that, as with alcoholism, an inability to fully perform conventional roles will always be disvalued and regarded as a form of deviance.

Note

1. This chapter was adapted from "Deviant Physical Characteristics," Chapter 12, *Deviant Behavior* (10th ed.). Boston: Pearson, 2015, pp. 276-303. © 2015. Reprinted by permission of Pearson Education, Inc., Upper Saddle River, NJ.

References

- Allon, N. (1973). The stigma of overweight in everyday life. In G.A. Bray (Ed.), *Obesity in Perspective* (pp. 83–102). Washington, DC: US Government Printing Office.
- Allon, N. (1976). *Urban Life Styles*. Dubuque, IA: W.C. Brown.
- Allon, N. (1982). The stigma of overweight in everyday life. In B.B. Wolman (Ed.), *Psychological Aspects of Obesity: A Handbook* (pp. 130–174). New York: Van Nostrand Reinhold.
- Anonymous. (2000). He's shedding his human skin. *Chronicle of Higher Education*, January 28, A12.
- Berscheid, E., & Walster, E. (1972). Beauty and the Best. *Psychology Today*, March, 43–46, 74.
- Beuf, A.H. (1990). *Beauty Is the Beast*. Philadelphia: University of Pennsylvania Press.
- Cahnman, W.J. (1968). The stigma of obesity. *Sociological Quarterly*, 9 (Summer), 283–299.
- Charlton, J.I. (1999). *Nothing About Us Without Us: Disability, Oppression, and Empowerment*. Berkeley, CA: University of California Press.
- Cohen, A.K. (1959). The study of social disorganization and deviant behavior. In R.K. Merton, L. Broom, & L.S. Cottrell Jr. (Eds.), *Sociology Today: Problems and Prospects* (pp. 461–484). New York: Basic Books.
- Cook, T. (2011). Disability rights: A global grass-roots movement. *The Gazette*, 28 July.
- Cowley, G. (1996). The biology of beauty. *Newsweek*, June 3, pp. 61–66.
- Davis, L.J. (Ed.). (1997). *The Disability Studies Reader*. New York: Routledge.
- DeJong, W. (1980). The stigma of obesity: The consequences of naive assumptions concerning the causes of physical deviance. *Journal of Health and Social Behavior*, 21 (March), 75–87.
- Dion, K.K. (1972). Physical attractiveness and evaluation of children's transgressions. *Journal of Personal and Social Psychology*, 24 (2), 207–213.
- Erikson, K.T. (1964). Notes on the sociology of deviance. In H.S. Becker (Ed.), *The Other Side: Perspectives on Deviance* (pp. 307–314). New York: Free Press.
- Etcoff, N.L. (1999). *Survival of the Prettiest: The Science of Beauty*. Garden City, NY: Doubleday.
- Felson, R.B. (1991). Blame analysis: Accounting for the behavior of protected groups. *The American Sociologist*, 22 (Spring), 5–23.
- Fiffer, S. (1999). *Three Quarters, Two Dimes, and a Nickel: A Memoir of Becoming Whole*. New York: Free Press.
- Freidson, E. (1966). Disability as deviance. In M.B. Sussman (Ed.), *Sociology and Rehabilitation* (pp. 71–99). Washington, DC: American Sociological Association.
- Garland-Thompson, R. (Ed.) (1996). *Freakery: Cultural Spectacles of the Extraordinary Body*. New York: New York University Press.
- Goffman, E. (1963). *Stigma: Notes on the Management of Spoiled Identity*. Englewood Cliffs, NJ: Prentice-Hall/Spectrum.
- Goode, E., & Vail, A. (Eds.). (2008). *Extreme Deviance*. Thousand Oaks, CA: Pine Forge Press/Sage.
- Grealy, L. (1995). *Autobiography of a Face*. New York: HarperCollins.
- Hiller, D.V. (1981). The salience of overweight in personality characterization. *Journal of Psychology*, 108 (2), 233–240.

- Hiller, D.V. (1982). Overweight as a master status: A replication. *Journal of Psychology*, 110 (1), 107–113.
- Hockenberry, J. (1995). *Moving Violations: War Zones, Wheelchairs, and Declarations of Independence*. New York: Hyperion.
- Horton, A. (2010). *Making Meaning of Extreme Flesh Practices*. MA thesis, Department of Sociology, Queen's University, Kingston, Ontario, Canada.
- Imrey, R. (1996). *Disability and the City: International Perspectives*. New York: St. Martin's Press.
- Jones, E.E. (1984). *Social Stigma: The Psychology of Marked Relationships*. New York: W.H. Freeman.
- Katz, I. (1981). *Stigma: A Social Psychological Analysis*. Hillsdale, NJ: Lawrence Erlbaum.
- Langlois, J., et al. (2000). Maxims or myth of beauty: A meta-analytic and theoretical review. *Psychological Bulletin*, 126 (3), 390–423.
- Lemley, B. (2000). *Isn't she lovely?* Discover, January, 43–49.
- Lerner, M.J. (1980). *The Belief in a Just World: A Fundamental Delusion*. New York: Plenum Press.
- Linton, S. (1998). *Claiming Disability: Knowledge and Identity*. New York: New York University Press.
- Louderback, L. (1970). *Fat Power: Whatever You Weigh Is Right*. New York: Hawthorn Books.
- Maddox, G.L., Back, K.W., & Liederman, V. (1968). Overweight as social deviance and disability. *Journal of Health and Social Behavior*, 9 (December), 287–298.
- Mairs, N. (1997). *Waist-High in the World: A Life among the Disabled*. Boston: Beacon Press.
- Millman, M. (1980). *Such a Pretty Face: Being Fat in America*. New York: W.W. Norton.
- Mitchell, D.T., & Snyder, S.L. (Eds.) (1997). *The Body and Physical Differences: Discourses of Disability*. Ann Arbor: University of Michigan Press.
- Mocan, N., & Tekin, E. (2006). *Ugly Criminals*. Cambridge, MA: NBER Working Paper No. 12019, January.
- Monestier, M. (1987). *Human Oddities* (trans. R. Campbell). Secaucus, NJ: Citadel Press.
- Montada, L., & Lerner, M.J. (Eds.) (1998). *Responses to Victimization and Belief in a Just World*. New York: Plenum Press.
- Morin, R. (2006). The ugly face of crime. *The Washington Post*, February 17, 2.
- Parker-Pope, T. (2011). Fat stigma is fast becoming a global epidemic. *The New York Times*, March 31, A1, A3.
- Polsky, N. (1998). *Hustlers, Beats, and Others* (exp. ed.). New York: Lyons Press.
- Popenoe, R. (2005). Ideal. In D. Kulick, & A. Meneley (Eds.), *Fat: An Anthropology of an Obsession* (pp. 9–28). New York: Jeremy P. Tarcher/Penguin.
- Rapp, E. (2007). *Poster Child: A Memoir*. New York: Bloomsbury.
- Rosenthal, J. (1981). The pornography of fat. *The New York Times*, May 29, A26.
- Sanders, C.R. (1989). *Customizing the Body: The Art and Culture of Tattooing*. Philadelphia: Temple University Press.
- Schweik, S.M. (2009). *The Ugly Laws: Disability in Public*. New York: New York University Press.
- Silver, E., Silver, S.R., Siennick, S., & Farkas, G. (2011). Bodily signs of academic success: An empirical examination of tattoos and grooming. *Social Problems*, 58 (November), 538–564.
- Terry, J., & Urla, J. (Eds.) (1995). *Deviant Bodies: Critical Perspectives on Difference in Science and Popular Culture*. Bloomington: Indiana University Press.
- Thompson, R.G. (1997). *Extraordinary Bodies: Figuring Physical Disability in American Culture and Literature*. New York: Columbia University Press.
- Thompson, R.G. (Ed.). (1996). *Freakery: Cultural Spectacles of the Extraordinary Body*. New York: New York University Press.
- Yardley, J. (2012). A village rape shatters a family, and India's traditional silence. *The New York Times*, October 28, 1, 12.

Part VI

Institutional Deviance

Mental Illness as a Form of Deviance

Historical Notes and Contemporary Directions

Peter Conrad and Julia Bandini

The categories of deviance that have been called madness, insanity, lunacy, mental illness, or psychiatric disorder have been recognized for millennia. These include at various times specific labels such as schizophrenia, depression, melancholia, bipolar illness, paranoia, hysteria, and more recently diagnoses like obsessive-compulsive disorder, autism, and ADHD. We will use the common term mental illness in this chapter, while also recognizing that some disorders can be very severe (schizophrenia) while some are much milder (ADHD). In the eighteenth century, the severely mad were seen as a separate class of deviants, and by the nineteenth century these so-called lunatics were excluded from society and confined in asylums (Foucault, 1965; Rothman, 1971). Sociological interest in mental illness as a form of deviance was a bit slow in developing, eventually emerging full-blown in the 1960s.

Sociologists have had substantial interest in mental illness since the earliest days of the development of the discipline. Durkheim's classic *Suicide* (1897/1951) in part set the boundaries of sociological analysis by showing that "social facts" like suicide rates needed to be explained by sociological factors rather than individual psychological factors. In a sense Durkheim opened new pathways for understanding how sociological research can be useful in understanding the development of a phenomenon that is often associated with mental illness – suicide.

Sociologists rarely studied mental illness before the 1960s, but a few studies stand out (for example, Durkheim's *Suicide*). These key studies focused on examining social factors that were seen to contribute to the etiology or epidemiology of mental disorder. By current standards, these studies would be constrained by their measure of mental illness as limited to admissions to mental hospitals, or at best mental illness that was under some kind of psychiatric treatment. But these were among the most important early studies of sociological factors contributing to mental disorder.

In the 1920s and 1930s, Chicago School sociologists studied various kinds of social pathology (Abbott, 1999) such as gangs, unadjusted girls, career criminals, hobos and the like, but they paid little attention to mental illness. The study that stands out from this period is Faris and Dunham's (1939) *Mental Disorders in Urban Areas*. Using empirical data from Chicago, they found that admissions to mental hospitals, especially for schizophrenia, were highest in the most disorganized parts of the city center and were less frequent in the outer and less urban parts of the city. Initially, Faris and Dunham concluded that urban social isolation caused mental illness, but after some criticisms, they shifted their view that the higher rates of admissions in the central city resulted from the mentally ill moving to zones with that had rooming houses where individuals who manifested mental illness symptoms could find lodging. Rather than the inner city breeding mental illness, the city *attracts* and *selects* the mentally ill. Later studies resurrected the hypothesis that social isolation contributed significantly to mental illness (Kohn & Clausen, 1955).

Hollingshead and Redlich's (1958) *Social Class and Mental Illness* was probably the most comprehensive and influential study of mental illness conducted before 1960. This community study in New Haven attempted to include all individuals who sought psychiatric treatment in a calendar year. The study focused both on diagnosis and treatment and, for the time, rigorously examined the impact of social class. The study divided the participants into five social classes, with I the highest and V the lowest. Their findings were compelling to researchers and clinicians. Patients in the higher social class tended to be diagnosed with milder mental disorders ("neuroses") and get treatment with psychotherapy in private settings. Poverty seems to have a particularly strong effect on mental disorder. Patients from the lower classes were usually diagnosed with more severe disorders ("psychoses" like schizophrenia), admitted to public hospitals, and treated with physical types of treatment. Hollingshead and Redlich persuasively demonstrated that social class has a powerful influence on the etiology, diagnosis, and treatment of mental disorder.

More recent studies confirm that relationship between socioeconomic status and serious mental illness (Dohrenwend, 1990; Kessler *et al.*, 2005b). There is still some debate as to whether socioeconomic status, or SES, affects the production of psychiatric symptoms, or whether lower class individuals are more likely to be observed and labeled with serious mental disorders. It is likely a combination of both (Aneshensel, Phelan, & Bierman, 2013). With mild psychiatric disorders, like ADHD, there may be a reverse relationship with SES, in that middle-class children are more likely to be diagnosed with and treated for the disorder (Conrad, 2006). Currently, differences in SES produce mental health disparities and combine with gender, race, culture, and ethnicity to provide a more complex picture of mental health versus disorder.

Mental Illness as a Social Role

The 1960s brought the emergence of the labeling or societal reaction theory of deviance. This approach suggested that the labeling, psychiatric processing, and societal reaction to certain types of deviance could exacerbate the plight of those deemed mentally ill.

In the past, most persons deemed seriously mentally ill in the US were committed to state and private psychiatric facilities. In 1955, there were nearly 560,000 patients in the US who were institutionalized in mental hospitals; most of them had been committed for very long periods of time, and a substantial number would remain confined for the remainder of their lives. Institutionalization represented the standard response to mental illness for well over a century (Rothman, 1971). Journalists (Deutsch, 1949), filmmakers (*The Snake Pit*, a film released in 1948), and psychiatrists (Szasz, 1961) critiqued the vagueness of psychiatric diagnosis, the lack of due process in commitment, and the terrible living conditions in these institutions. In addition, sociologists began studying mental illness from the point of view of stigma (Goffman, 1963) and labeling (Scheff, 1966). The reality of mental illness and mental hospitals – the *treatment* of mental disorder – began changing dramatically in the mid-1950s, and the factor that brought about the change had virtually nothing at all to do with these analyses and critiques, but was brought about by an innovation in pharmaceutical technology.

As David Rothman (1971) pointed out in his classic study, *The Discovery of the Asylum*, state mental hospitals had been the prime locus of care for well over a hundred years. By the first third of the twentieth century, mental hospitals were overcrowded and provided mostly “custodial” care – that is, no real psychiatric treatment beyond hospital housing, usually in locked wards, and feeding. Most hospitals were old and overcrowded, offering little in the way of treatment, especially to the long-term or chronic mentally ill. But in 1952 in France, and in 1955 in the US, psychiatrists began administering doses of a newly-developed psychotropic drug, an *antipsychotic* medication, chlorpromazine, to mental patients, whom the hospitals subsequently released by the hundreds of thousands (Callaway, 1958). The antipsychotics reduce the manifestations of mental disorder appreciably and allow schizophrenic patients to function and live in the outside world. Between 1970 and 1992, there was a 72% reduction of in-patients; by 2010, 277 state mental hospitals had been closed, and there had been a 90% in-patient reduction (Fischer, Geller, & Pandiani, 2009). Today, there are fewer than 100,000 institutionalized mental patients in the US – what psychiatrists consider an “irreducible minimum.” In short, in the years after 1955, American society experienced a huge deinstitutionalization of the mentally ill, mainly schizophrenics, from psychiatric hospitals. We no longer housed them in locked-ward institutions; instead, increasingly, we released them into the community and gave prescriptions for their disorder. This represented a radical and momentous transformation in how the society dealt with and treated a particular form of deviance.

The work of two major sociologists who focused on the treatment of mental patients in the US stands out in the deviance literature. Based on intensive participant observation in the 1950s, Erving Goffman published his classic book, *Asylums*, in 1961. In this volume he described in detail how little psychiatric treatment actually occurred in the mental hospitals, criticized the limitations of the medical model of mental illness, detailed how the patients were regimented in this “total institution,” emphasized how difficult life was for patients in mental hospital, yet stressed that mental patients were usually capable of finding a little corner of rebellion in all this repression. Parallel with the emergent labeling theory of deviance (Becker, 1963), Goffman depicted how patients adjusted to different aspects of the “career” of being a mental patient. Goffman

conceptualized and identified the pre-patient, patient, and post-patient status, indicating that there are discernible stages in the societal response to mental illness. Upon admission, the main task of the patient is adjustment to the patient culture, which may render him or her an institutionalized patient with an atrophy of interactive skills and experience in the pre-hospital world. Goffman made it very clear that mental hospitals were not a therapeutic environment at the time, and were more likely to transform the somewhat disordered individual into an institutionalized, chronic mental patient. He implied that the socialization into the patient role may be as responsible for this change as the patient's initial condition. While patients inevitably lose out to the hegemonic definition laid on them by the psychiatric establishment, they frequently engage in forbidden activities, ritual insubordination, and countless acts of micro-rebellion.

Writing roughly a decade later, sociologist Thomas Scheff (1966) published his study, *Being Mentally Ill*, based on his observation of the admissions process to mental hospitals. Scheff posited that the labeling of a person as mentally ill was the most significant event in the mental patient's deviant career, and was key in the development as a stable (or chronic) mental patient. In his research he found that mental hospital admissions examinations were often cursory and tilted toward eliciting information that would justify admission and thus labeling the individual as mentally ill. Based on a strict rendition of labeling theory, Scheff argued that the label of mental illness and the stigma that usually accompanied it were a causative factor in becoming mentally ill. In a debate that lasted decades, Walter Gove (1975, 1980) criticized Scheff's claims (1966, 1984, 1999), arguing that it was actually the patient's psychiatric symptoms that were the most significant in becoming mentally ill. Subsequently researchers have developed what they term as modified labeling theory, which does not claim that labeling is a direct cause of mental illness, but that labeling and stigma limit an individual's life chances in employment and lowers his or her self-esteem, thus exacerbating the mental disorder (Link, 1987). Today, virtually no member of the mental health profession takes Scheff's argument seriously, and among sociologists, perhaps it serves more as metaphor than empirical reality, reminding us that labeling is a crucial factor in the mentally ill patient's deviantization process.

Mental Illness and Stigma

Sociological approaches to stigma emerge from the formulation of labeling theory (Pescosolido, 2013). Stigma has long been associated with mental illness, and consistent with labeling theory, it is believed to have a negative effect on individuals who are considered deviant members of society (Rosenfield, 1997). Goffman's early conception of stigma in the 1960s as a quality that reflects an individual's difference in a negative way from other members of society is still important today, half a century after its publication, in understanding the relationship between stigma and mental illness (1963, p. 3).

Goffman's work on stigma developed out of his ideas on identity and public reactions, especially in his mental illness research on *Asylums* (1961). In his well-known book, *Stigma: Notes on the Management of Spoiled Identity* (1963), Goffman expanded on his ideas of stigma from mental illnesses to include stigma that encompasses a range of

positions in social life that carry with them some type of negative connotation. It is here that Goffman provided a clear definition to describe stigma: a negative “mark of shame” on an individual’s character, a “spoiled identity.” He pointed to “blemishes of individual character” that highlight one’s alleged weakness in character to describe the stigma associated with mental illness (Goffman, 1963, p. 4).

Since Goffman’s early work on stigma, sociologists have used a variety of definitions for stigma and have been criticized for its rather narrow, individualized focus. Link and Phelan (2001) clarify and broaden the concept of stigma and “apply the term stigma when elements of labeling, stereotyping, separation, status loss, and discrimination co-occur in a power situation that allows them to unfold” (2001, p. 367). This conceptualization of stigma focuses on the interconnectedness among the multiple layers of stigma, and is directly relevant to social reactions to mental illness.

As Goffman noted, stigma is produced through social interaction, and public reaction is important to creating the negative connotation associated with some types of behavior (Pescosolido, 2013). While mental illness is often stigmatized, the degree to which it places a negative mark on an individual differs according to the type of mental illness and context. For example, not all mental disorders are equally visible to others. In the case of an “invisible” illness, individuals often feel that they must conceal their identities, so as not to divulge what society sees as their faults or vulnerabilities (Link & Phelan, 2013, p. 531). As researchers have pointed out, a large part of dealing with mental illness is to manage the potentials of stigma.

Mental illness is often not well-understood in our society today: it can be perceived as different and weak, which then places a negative label on those who deal with a mental disorder, as well as on the families and caregivers who care for the mentally ill. Link and Phelan (2013) suggest the notion of the “package deal,” or the idea that the effects of being labeled are also associated with having a mental illness as individuals are faced with many decisions and dilemmas about how to live their life. Stigma is an important component of this “package deal,” as an individual with a mental disorder journeys through life with the burden of the stigma associated with their illness.

The stigma associated with mental illness arises from the public perception and the lack of understanding of mental illness in society today. Those who suffer from a major mental illness are often considered to be dangerous and a threat to society (Hayward & Bright, 1997). As Pescosolido, Boyer, and Medina’s (2013a) most recent study of mental illness and stigma in 16 countries reveals, prejudice against individuals who suffer from a mental illness is still present, even in countries where stigma is less prominent. This global study suggests that while depression is more recognizable by members of the public than is true of schizophrenia, there is still a substantial measure of stigma placed on individuals with a mental illness in many countries throughout the world. Pescosolido and her colleagues describe this notion as “the backbone of stigma” or the cultural opinions and views associated with mental disorder that pose a challenge to those who deal with the illness every day (Pescosolido *et al.*, 2013a, p. 853). Link and Phelan offer another explanation for why stigma exists in our society, arguing that those who stigmatize others increase their power through making negative judgments of others, which elevates their own sense of self.

The consequences of the stigma associated with mental illness are important in evaluating the difficulties and obstacles that those with a mental illness face in our society. As Rosenfield suggests, both the services that individuals with a mental illness receive and the stigma associated with having a mental illness have similar effects on an individual's quality of life but in opposite directions, where services improve measures of quality of life and where stigma has equally negative effects (Rosenfield, 1997, p. 660). The notion that the stigma associated with the diagnosis and the identification of living with a mental illness can be just as debilitating as the mental illness itself is an important one in evaluating the consequences of coping with a mental illness. It is not just that the illness alone is an obstacle for those who suffer from a mental disorder, but also that the stigma that accompanies having a mental illness contributes equally to one's ability to overcome an illness (Link & Phelan, 2013). Those with a mental illness may face disadvantages and discrimination in society because they are viewed as weak, deviant, and often dangerous, members of society. Discrimination manifests itself on the micro-level in terms of interactions with other members of society, in employment, and in living situations, and on the more macro-level in terms of health insurance policies. While these prejudices primarily originate from those who are unfamiliar with the individual, it is not unlikely for those who are close to the patient suffering from a mental illness, including family members, friends, and mental health caregivers, to contribute to mistreatment.

Because of the stigma and the fear of discrimination associated with having a mental illness, many individuals deny behaviors and potentially more serious symptoms of a mental disorder and do not seek treatment for fear of being labeled "mentally ill" or deviant (Hayward & Bright, 1997). In addition, many family members of individuals with a mental illness ignore or deny signs of a potential problem because of negative stereotypes. Gender is an important factor in seeking help, as women are more likely to recognize abnormal behaviors as problematic and possible evidence of a mental illness (Pescosolido *et al.*, 2013a).

Unfortunately, the stigma associated with mental illness can be problematic in many stages of one's coping with a mental illness: from seeking treatment, to dealing with the illness, to communicating to other members of society about one's limitations. The literature on stigma suggests that collective action by those who suffer from a mental illness is needed in order to overcome the stigma associated with mental illness (Link & Phelan, 2013), as well as an increased level of public awareness and education (Hayward & Bright, 1997) on the cultural level to eliminate the deviant nature often attached to mental disorders (Pescosolido *et al.*, 2013a).

Deinstitutionalization

As we saw, beginning in the mid-1950s, mental hospitals began to administer antipsychotic medication to their patients, which resulted in significant improvement in their symptoms, and a huge discharging of hundreds of thousands of them into the community, resulting in the closing of many psychiatric hospitals. During this period, the policy consensus was that the mentally ill would be better off outside the hospital

rather than committed to an institution. There were a number of factors that underlie the deinstitutionalization. Without a doubt, the first and foremost factor was the administration of psychoactive drugs to mental patients, allowing some number of long-hospitalized patients to function outside mental hospital in spite of their serious mental illness. Second, maintaining state mental hospitals was expensive, so given certain policy changes, the states wanted to get out of the mental hospital business to save tax dollars. Third, and far less important, the research by Goffman, Scheff, and other critics and psychiatrists led mental health professionals to the conclusion that mental hospitals were not beneficial to the patient's mental health. Fourth, several court cases supported the notion that there could be no treatment without the patient's consent, and that individuals that are not a danger to self and others had the right to refuse treatment, including hospitalization and medications; today, unlike during and before the 1950s, it is very difficult to commit a mentally disordered person to a psychiatric hospital. Fifth, ideally, there would be resources in the community, some sort of community mental health facilities, which would house, treat and rehabilitate former mental patients. In short, the consensus was that commitment to mental hospitals was more of a form of social control than it was a therapeutic intervention. Today, a pill serves as an agent of social control.

To a large extent, deinstitutionalization was a policy failure. Many mental patients got little or no post-hospital treatment, often becoming part of the homeless population (Snow & Anderson, 1993). The original psychotropic medications had many side-effects, so that those who were prescribed medication treatment often stopped using it with some kind of therapeutic support. Patients were readmitted to the hospital when they became symptomatic and were then discharged, creating a "revolving door" policy for treating mental patients. In the 1950s, the average hospital stay for patients was six months; today, it is two weeks. As Phil Brown (1985) pointed out, there was often more of a trans-institutionalization, where former mental hospital patients ended up in other types of institutions, such as mentally ill elderly in nursing homes, or others in halfway houses or even prisons. But there were just not enough community services for the huge number of people who needed them.

This situation continues. Andrew Scull (1977) predicted that there would be a "decarceration" of the mentally ill and prisoners, due to state policies and inmate costs. He was right with the mentally ill in terms of deinstitutionalization and the closing of mental hospitals. But he was completely wrong about the decline of prisons; in the US there are now more prisons and more inmates than ever. In terms of mental illness, this is quite revealing and disturbing. It turns out that many mentally ill individuals now end up in prisons, a kind of penal reinstitutionalization of the mentally ill. A 2006 study found that over half the prison population, and approximately 1.25 million inmates, are suffering from some kind of mental illness. Mental illness has a two-to-fourfold greater representation in the prison system. Jonathan Metzl (2011) has argued that an overwhelming number of patients diagnosed with schizophrenia are African-American, and a high number of them are incarcerated in prisons. Thus we have both a penal and medical response to different kinds of mental disorders perhaps due to the characteristics of the individual (mainly race and class).

Expansion of Mental Illness

DSM as a touchstone

Behaviors and actions that are considered problematic and deviant in our society are defined in part by the psychiatric profession. The *Diagnostic and Statistical Manual of Mental Disorders (DSM)* is used as a standard for diagnosing mental illness and is considered the “bible” of American psychiatry due to its classificatory system (Kirk & Kutchins, 1992). The first edition of the *DSM* was published in 1952, but has since undergone numerous changes over the years and is now in its fifth edition, which was most recently released in 2013. In order to gain a comprehensive view of the *DSM*’s influence on the categorization of mental illnesses, we first present a brief review of the history of this manual.

Following World War II, as the field of psychiatry shifted from mental hospitals to private practice and other clinics, it was increasingly common for psychiatrists to treat patients with more mild mental disorders (Kirk & Kutchins, 1992). In order to provide a clear standard for these less severe disorders, the United States Army developed a set of criteria to diagnose different types of mental disorders. Not long after, the World Health Organization (WHO) published the sixth edition of the *International Classification of Diseases (ICD)*, which incorporated mental illness as a distinct category. Following the publication of the sixth edition of the *ICD*, the first edition of the *Diagnostic and Statistical Manual (DSM)* was released in 1952, which became the first distinct manual for the use of diagnosing mental illness in the clinical realm (American Psychiatric Association, 2014). This first edition of the *DSM* was developed from the standpoint of psychodynamics and psychoanalysis, and also relied heavily upon psychiatrist Adolf Meyer’s view that “mental disorders represented reactions of the personality to psychological, social, and biological factors” (American Psychiatric Association, 2014). The second edition of the *DSM*, published in 1968, rejected Meyer’s views on the “reaction,” but otherwise did not differ greatly from the first edition.

The publication of the *DSM-III* in 1980 was a transformative moment not only in the manual’s direction but also in diagnostic psychiatry in the US (Horwitz, 2002; Kirk & Kutchins, 1992; Wilson, 1993). Considered the most significant publication in the field of psychiatry of the 1970s (Wilson, 1993), the *DSM-III* grew in size from 119 pages in the second edition to 494 pages in the third edition (Mayes & Horwitz, 2005), and it included many more specific diagnoses. The development of the *DSM-III* was coordinated with the preparation of the ninth edition of the *ICD*, similar to the two previous editions of the manual. The significance of the publication of the *DSM-III* is exemplified by the shift in authority in psychiatry, from psychodynamics and clinicians as the primary source of knowledge, to a more dominant biomedical approach (Wilson, 1993). There was more of an emphasis on research in psychiatry and less importance on the psychodynamic approach. Many developments in the methodological realm also enabled psychiatrists to develop more standardized criteria for diagnosis (Kirk & Kutchins, 1992). As Wilson notes, the “*DSM-III* is commonly declared to be the most significant factor in promoting what has been called the ‘remedicalization’ of American psychiatry” (1993, p. 399). The *DSM-III* took a more medical approach and promoted

clarity in the definition of mental illness. The *DSM-III-R*, the revision to the third edition, was published in 1987 in order to provide updated edits to the existing criteria in the *DSM-III*.

The *DSM-IV* was published in 1994 and nearly doubled in size from the third edition, growing to 886 pages (Mayes & Horwitz, 2005). It is quite clear that an increasing number of now-enshrined medical diagnoses of deviant behaviors were established in the new *DSM*. As with previous editions of the manual, the *DSM-IV* was developed with the ICD-10, and the publication resulted from six years of research and preparation with collaboration from over 1,000 individuals in the field of psychiatry (American Psychiatric Association, 2014). The changes implemented in the *DSM-IV* emphasized classification, and new disorders were added while others were removed from the manual (Kirk & Kutchins, 1992). The newest *DSM*, the fifth edition of the manual, was released in May 2013, took over ten years of extensive research and planning to complete, but is not without controversy and criticism from members of the psychiatric and medical communities as well as from members of the public (American Psychiatric Association, 2013). Each subsequent publication of the *DSM* resulted in an increase in diagnoses as well as in length of the manual: 106 diagnoses in the *DSM-I*, 182 diagnoses in the *DSM-II*, 265 diagnoses in the *DSM-III* and 297 diagnoses in the *DSM-IV* (Mayes & Horwitz, 2005).

The importance of the *DSM* lies in its ability to define what may be “deviant” behavior and to provide a clear, standard diagnosis for clinicians based on scientific evidence in order to treat these “problematic” conditions. However, the jurisdiction of the *DSM* spreads beyond that of the medical and psychiatric fields and holds authority over other various areas of social life to judge what is considered deviant from the rest of society. The *DSM*’s importance is evident today in the judiciary and legal systems, especially in determining the mental state of a potential criminal. The *DSM* is also important in terms of insurance coverage for numerous disorders through public funding and private insurance (Horwitz, 2002; Kirk & Kutchins, 1992). Finally, the *DSM* has the utmost authority in determining what behaviors are considered normal and abnormal in society, which ultimately influences what society deems as different or deviant in the world in which we live today.

Attention deficit hyperactivity disorder (ADHD)

Attention deficit hyperactivity disorder (ADHD) as a medicalized label for children’s troublesome behaviors has its root in the 1950s. The first specific diagnosis was deemed “Hyperkinetic Impulse Disorder in Children’s Behavior Problems” (Laufer, Denoff, & Solomons, 1957), which proposed a disorder of unknown origin that was characterized by hyperactive and impulsive behaviors, and to a lesser degree, inattention. This disorder went under a number of names throughout the 1960s, but was commonly called hyperactive syndrome, with hyperactivity and impulsivity deemed the characteristic symptoms. This disorder was increasingly diagnosed in school children (primarily aged 6–12), mostly boys, and frequently treated with medications like Ritalin. It was estimated that roughly 350,000–500,000 children had the disorder in the US (perhaps

3% of the elementary school population), and that in about half of those diagnosed, the hyperactive behavior would diminish by adolescence. Peter Conrad (1976) published the first sociological study of what is now ADHD, *Identifying Hyperactive Children*, where he examined hyperactivity as the medicalization of deviant behavior. Conrad pointed to some of the sociological origins and consequences of medicalization (see also Conrad & Schneider, 1992).

With a new focus on attention, in 1982 the diagnosis was changed from hyperactive syndrome to attention deficit disorder (ADD), and in 1987 it became attention deficit hyperactivity disorder or ADHD (Conrad, 2006). In 1994 this diagnosis was institutionalized in the revised *DSM-IV*. With the change in name came a change in diagnostic symptoms: now inattention was a key characteristic joining hyperactivity and impulsivity typified symptoms for the disorder. This significantly affected the types of behavior that were designated as deviant and thus diagnosable and in need of treatment. Now not only hyperactive and disruptive children would be diagnosed ADHD, but also the “hypoactive” or “spacey” (mostly girls) would also be deemed ADHD. Over the next decade the gender ratio of ADHD diagnosis would shift from 10-to-1 to 3-to-1 boys to girls.

Another major expansion of the diagnosis was in terms of age. On the young side, some researchers reported preschool children as young as 3 years were being diagnosed and treated for ADHD (Zito *et al.*, 2000). In the 1980s there were numerous studies that showed that whatever ADHD was, it tended to persist through adolescence and even into college. So now we saw more adolescents labeled as ADHD. What is most interesting was the emergence in the 1990s of adult ADHD (Conrad & Potter, 2000), mostly among adults who had never been diagnosed as children. These adult individuals mostly self-diagnosed then went to their physicians as if they had such a diagnosis. Typical encounters were, “my son was just diagnosed as ADHD, and I was just like him as a kid, do you think I have ADHD?” This often came with descriptions of adult disorganization, inability to focus, and difficulties at work or in relationships. Adult ADHD is now an accepted diagnosis and thus ADHD has gone from a children’s disorder to a lifespan disorder. The Centers for Disease Control (CDC) estimates there are 4 million adults with ADHD, though not all are identified (Hinshaw & Scheffler, 2014).

The diagnostic expansion of ADHD has included a change in the threshold for diagnosis and treatment as well as including individuals of different ages. Now one could be diagnosed as ADHD either for hyperactive behavior or attention problems, at both a younger and older age. This has widened the net of diagnosis and thus the prevalence has increased. The CDC in 2002 estimated 7% of American children between the ages of 6 and 11 as having ADHD; in 2013 the estimate increased to 11% of children aged 4 to 17, an estimated total of 6.4 million children (Centers for Disease Control, 2014). A related CDC estimate is that 20% of boys would be diagnosed as ADHD by the age of 25.

This is a clear example of diagnostic expansion, widening the ADHD net, increasing the labeling of ADHD, and increasing the number of individuals treated for the disorder usually with psychoactive medications like Ritalin, Adderall, and Concerta. Until the 1990s ADHD was a common diagnosis only in the US and a few other countries, but in the past two decades ADHD diagnosis and treatment has migrated to other countries and is now becoming a globally diagnosed disorder (Conrad & Bergey, 2012).

Depression

Depression is a classic example of a mental illness, and the category of what is considered depression has expanded throughout history and throughout the development of the different editions of the *DSM*. Historically regarded as melancholia in the age of the Greeks, depression was recognized as an illness throughout much of human history, but it was not until the twentieth century when the term was replaced by its common usage today (Horwitz & Wakefield, 2007). While the Greeks viewed depression as similar to today's conception of the mental disorder as represented by symptoms such as intense sadness, hopelessness, and emptiness, the diagnosis of depression has increased in the twentieth and into the twenty-first centuries due to the diagnostic system as well as to the rise in drug therapies for the treatment of depression (Conrad & Slodden, 2013; Horwitz & Wakefield, 2007). It is estimated that 6.7% of the adult American population suffers from depression each year (Kessler, Chiu, Demler, & Walters, 2005b), and that close to 20% of the population will experience some sort of depression during their lifetime (Blazer, Kessler, McGonagle, & Swartz, 1994).

The emergence of new treatments for depression in the 1950s and the advance in pharmaceutical treatments represented a significant change in the field of psychiatry, as an accessible treatment for those suffering from depression emerged. The first antidepressants in the 1950s were tranquilizers, and by the 1970s, more drugs appeared on the market, leading to what is known as the "antidepressant era" (Healy, 1997). The rise of selective serotonin reuptake inhibitors (SSRIs) in the 1990s also became a treatment for depression and contributed to the increase in diagnoses for depression (Conrad & Slodden, 2013). As Peter Kramer argues, many of these prescriptions were given to individuals believed to suffer from depression but in fact allowed them to function "better than well" (Kramer, 1993). In other words, these treatments enhanced the capabilities of individuals who may or may not have had major depression.

However, with the growth in the diagnosis of major depression, Horwitz and Wakefield argue that society has decreased its tolerance for what was once considered "normal" sadness. Because of the rise in prescription drug treatments for depression as well as a loose diagnostic system for the diagnosis of major depression, the line between what is considered abnormal and normal is now blurred (Horwitz & Wakefield, 2007). What may have once been conceived as "normal" sadness is now viewed as "deviant." The threshold for what is considered ordinary sadness has now been lowered, resulting in an increase in diagnosis of major depression and a larger percentage of the population believed to suffer from this mental illness – a clear example of "defining deviancy up" (Krauthammer, 1993).

With the expansion in depression diagnoses, depression is not always as "deviantized," as there is much less stigma associated with living with depression today than in the 1950s and 1960s, during the time at which Goffman was writing *Stigma*. In a comparative study of perceptions of mental illness in 1950 and 1996, Link, Phelan, Stueve, and Pescosolido (2000) found that mental illness in 1996 was generally considered less foreign and not as abnormal as it was in the 1950s. The authors contend that depression is now seen as a condition that can affect many people in everyday life. However, it is important to recognize that mental illness is not entirely free from stigma today, as indicated in the study by Pescosolido, Medina, Martin, and Long (2013b) of global prejudice of mental illness.

Of particular importance to the issue of the expansion of what is considered depression is the controversial issue of the bereavement exclusion in the *DSM-V* in which the diagnosis of major depression can now be made following *two weeks* of symptoms rather than the previous criteria of two months (American Psychiatric Association, 2013, p.155). Many have argued that the removal of the bereavement exclusion in the *DSM-V* will result in the medicalization of grief (Conrad & Slodden, 2013, p.68; Frances, 2010; Horwitz & Wakefield, 2007), as the length of time for an individual to properly grieve without psychiatric intervention is now quantified to two weeks. What was once considered “normal” grief is now deemed “pathological,” and with the changes in the criteria for bereavement-related depression in the *DSM-V*, it is likely that the number of individuals who are considered clinically depressed could greatly increase.

Pharmaceuticalization

The social response to mental illness has changed significantly in the past half a century. We no longer hospitalize or institutionalize individuals with serious mental illness for long periods of time, and we now diagnose and treat many more individuals with minor mental disorders. Psychiatry has changed as well, becoming much more biological, what Horwitz (2002) has called “diagnostic psychiatry.” Both the medical theories of mental illness and the psychiatric responses have become more somatic and biological. Where the old response was “should psychiatrists give drugs, therapy or hospitalization,” the current response is more likely to be “which drugs should be prescribed?”

The social response to mental illness can be called the “pharmaceuticalization” of mental illness. As Abraham (2010, p. 291) notes, “pharmaceuticalization is increasing along with pharmaceutical markets.” This is illustrated by our examples of depression and ADHD. According to the Centers for Disease Control (2011), 11% of Americans aged 12 and over take antidepressant medications (mostly SSRIs), with 60% of those taking them for two years or longer. And the number of prescriptions is rising: from the 1988–1994 period to 2005–2008, antidepressant use in the US increased by 400%. Stimulant medications like Ritalin, Adderall and Concerta, prescribed for ADHD, have been rising as well. The prevalence of children aged 4 to 17 taking ADHD medications increased from 4.8% in 2007 to 6.1% in 2011 (Centers for Disease Control, 2014). This is a rise of over 20% in four years. While it is true that some patients benefit from the medications, some experts argue that we are over-diagnosing and over-medicating human difficulties (Frances, 2012). In any case, ADHD and depression exemplify the increasingly pharmaceutical response to mental illness.

Concluding Remarks

Over a decade ago, Ronald Kessler, a respected psychiatric epidemiologist, estimated that 46% of the American population would have some kind of diagnosable psychiatric disorder in their lifetime (Kessler *et al.*, 2005a). At this point, given the continually expanding diagnoses, this number is likely higher. If one accepts these figures, this

means that over half the American population is likely to be labeled as having a mental disorder at some point. To us this raises the question about where we draw lines between normal and deviant mental health and with what consequences.

In conclusion, some of the classic sociological issues about mental illness like institutionalization and social exclusion have largely dissipated, while others like labeling, stigma, and social inequalities have changed but remain relevant, and still others like medicalization, diagnostic expansion, and the widespread use of psychoactive medications have become central sociological issues. In a way, the use of psychotropic drugs refutes the theory that mental illness is “merely” socially constructed and caused by social and psychiatric labeling; indeed, if a pill, dissolved in the body’s bloodstream, finds the brain’s relevant receptor sites, thereby reducing the symptoms of mental illness, then that illness must have been an essentialistic, neurochemically real cause of the disorder. On the other hand, stigmatizing and labeling the mentally ill as deviant is not only a social construction, it also has substantial consequences. The societal and psychiatric reaction to mental disorder often stabilizes the patient into a deviant or “mentally ill” role, causes the patient to suffer, and often retards or prevents recovery. Clearly, the “modified” labeling theory approach of Bruce Link and his colleagues seems to be the most productive model in understanding mental disorder (Link, Cullen, Struening, Shrout, & Dohrenwend, 1989).

References

- Abbott, A. (1999). *Department and Discipline: The Chicago School at One Hundred*. Chicago: University of Chicago Press.
- Abraham, J. (2010). The sociological concomitants of the pharmaceutical industry and medication. In C. Bird, P. Conrad, A.M. Fremont, & S. Timmermans (Eds.), *Handbook of Medical Sociology* (6th ed.) (pp. 290–308). Nashville, TN: Vanderbilt University Press.
- American Psychiatric Association. (1980). *Diagnostic and Statistical Manual of Mental Disorders* (3rd ed.) (DSM-III). Washington, DC: American Psychiatric Association.
- American Psychiatric Association. (1994). *Diagnostic and Statistical Manual of Mental Disorders* (4th ed.) (DSM-IV). Washington, DC: American Psychiatric Association.
- American Psychiatric Association. (2013). *Diagnostic and Statistical Manual of Mental Disorders* (5th ed.) (DSM-V). Washington, DC: American Psychiatric Association.
- American Psychiatric Association. (2014). *DSM: History of the Manual*. Retrieved from <http://www.psychiatry.org/practice/dsm/dsm-history-of-the-manual>
- Aneshensel, C.S., Phelan, J.C., & Bierman, A. (Eds.) (2013). *Handbook of the Sociology of Mental Health* (2nd ed.). Dordrecht: Springer.
- Becker, H.S. (1963). *Outsiders: Studies in the Sociology of Deviance*. New York: Free Press of Glencoe.
- Blazer, D.G., Kessler, R.C., McGonagle, K.A., & Swartz, M.A. (1994). The prevalence and distribution of major depression in a national community sample: The National Comorbidity Survey. *American Journal of Psychiatry*, 151 (7), 979–986.
- Brown, P. (1985). *The Transfer of Care: Psychiatric Deinstitutionalization and its Aftermath*. London: Routledge & Kegan Paul.
- Callaway, E., III. (1958). Institutional use of ataractic drugs. *Modern Medicine*, 1958 Annual, Part I (January 1–June 15), 26–29.

- Centers for Disease Control (CDC). (2011). NCHS Data Brief No. 76 (October). Retrieved from <http://www.cdc.gov/nchs/data/databriefs/db76.htm>
- Centers for Disease Control (CDC). (2014). Attention deficit/hyperactivity disorder. Data and statistics. Retrieved from <http://www.cdc.gov/ncbddd/adhd/data.html>
- Conrad, P. (1976). *Identifying Hyperactive Children: The Medicalization of Deviant Behavior*. Lexington, MA: D.C. Heath.
- Conrad, P. (2006). Introduction to the Expanded Edition. *Identifying Hyperactive Children: The Medicalization of Deviant Behavior* (exp. ed.). Aldershot: Ashgate.
- Conrad, P., & Bergey, M. (2012). *The Impending Globalization of ADHD*. Paper presented at the meetings of the Society for the Study of Social Problems.
- Conrad, P., & Potter, D. (2000). From hyperactive children to ADHD adults: Observation on the expansion of medical categories. *Social Problems*, 47 (1), 59–82.
- Conrad, P., & Schneider, J.W. (1992). *Deviance and Medicalization: From Badness to Sickness* (exp. ed.). Philadelphia: Temple University Press.
- Conrad, P., & Slodden, C. (2013). The medicalization of mental disorder. In C.S. Aneshensel, J.C. Phelan, & A. Bierman (Eds.), *Handbook of the Sociology of Mental Illness* (2nd ed.) (pp. 61–73). New York: Springer.
- Deutsch, A. (1949). *The Mentally Ill in America*. New York: Columbia University Press.
- Dohrenwend, B.T. (1990). Socioeconomic status (SES) and psychiatric disorders: Are the issues still compelling? *Social Psychiatry and Psychiatric Epidemiology*, 25 (1), 41–47.
- Durkheim, E. (1897/1951). *Suicide*. New York: Free Press.
- Faris, R.E.L. & Dunham, H.W. (1939). *Mental Disorders in Urban Areas*. Chicago: University of Chicago Press.
- Fischer, W.H., Geller, J.A., & Pandiani, J.A. (2009). The changing role of the state mental hospital. *Health Affairs*, 28 (3), 676–684.
- Foucault, M. (1965). *Madness and Civilization*. New York: Random House.
- Frances, A. (2010). Chimps grieve – do they need Prozac? *Psychology Today*. Retrieved from <http://www.psychologytoday.com/blog/dsm5-in-distress/201004/chimps-grieve-do-they-need-prozac>
- Frances, A. (2012). America is over-diagnosed and over-treated. *Huffington Post*, April 28. Retrieved from http://www.huffingtonpost.com/allen-frances/america-is-over-diagnosed_b_1157898.html
- Goffman, E. (1961). *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates*. Garden City, NY: Doubleday Anchor.
- Goffman, E. (1963). *Stigma: Notes on the Management of Spoiled Identity*. Englewood Cliff, NJ: Prentice-Hall/Spectrum.
- Gove, W.R. (1975). The labeling theory of mental illness: A reply to Scheff. *American Sociological Review*, 40 (2), 242–248.
- Gove, W.R. (Ed.) (1980). Labelling and mental illness: A critique. In W.R. Gove (Ed.), *The Labelling of Deviance: Evaluating a Perspective* (2nd ed.). Thousand Oaks, CA: Sage.
- Hayward, P., & Bright, J.A. (1997). Stigma and mental illness: A review and critique. *Journal of Mental Health*, 6 (4), 345–354.
- Healy, D. (1997). *The Antidepressant Era*. Cambridge, MA: Harvard University Press.
- Hinshaw, S.P., & Scheffler, R.M. (2014). *The ADHD Explosion: Myths, Medication, Money, and Today's Push for Performance*. Oxford: Oxford University Press.
- Hollingshead, A., & Redlich, F. (1958). *Social Class and Mental Illness*. New York: John Wiley.
- Horwitz, A.V. (2002). *Creating Mental Illness*. Chicago: University of Chicago Press.
- Horwitz, A.V. & Wakefield, J.C. (2007). *The Loss of Sadness: How Psychiatry Transformed Normal Sorrow Into Depressive Disorder*. Oxford: Oxford University Press.

- Kessler, R.C., Berglund, P.A., Demler, O., *et al.* (2005a). Lifetime prevalence and age-of-onset of DSM-IV disorders in the National Comorbidity Survey Replication. *Archives of General Psychiatry*, 62 (6), 593–602.
- Kessler, R.C., Chiu, W.T., Demler, O., & Walters, E.E. (2005b). Prevalence, severity, and comorbidity of twelve-month DSM-IV disorders in the National Comorbidity Survey Replication (NCS-R). *Archives of General Psychiatry*, 62 (6), 617–627.
- Kirk, S.A. & Kutchins, H. (1992). *The Selling of DSM: The Rhetoric of Science in Psychiatry*. New Brunswick, NJ: Transaction.
- Kohn, M.L., & Clausen, J.A. (1955). Social isolation and schizophrenia. *American Sociological Review*, 20 (3), 265–273.
- Kramer, P.D. (1993). *Listening to Prozac*. New York: Penguin Books.
- Krauthammer, C. (1993). Defining deviancy up. *The New Republic*, November 22, 20–25.
- Laufer, M.W., Denoff, E., & Solomons, G. (1957). Hyperkinetic impulse disorder in children's behavior problems. *Psychosomatic Medicine*, 19 (1), 38–49.
- Link, B.G. (1987). Understanding labeling effects in the area of mental disorders: An assessment of the effects of expectations of rejection. *American Sociological Review*, 52, 96–112.
- Link, B.G., Cullen, F.T., Struening, E., Shrout, P.E., & Dohrenwend, B.P. (1989). A modified labeling theory approach to mental disorders: An empirical assessment. *American Sociological Review*, 54 (3), 400–423.
- Link, B., & Phelan, J.C. (2001). Conceptualizing stigma. *Annual Review of Sociology*, 27 (August), 363–385.
- Link, B., & Phelan, J.C. (2013). Labeling and stigma. In C.S. Aneshensel, J.C. Phelan, & A. Bierman (Eds.), *Handbook of the Sociology of Mental Health* (pp. 525–541). London: Springer.
- Link, B., Phelan, J.C., Stueve, A., & Pescosolido, B. (2000). Public conceptions of mental illness in 1950 and 1996: What is mental illness and is it to be feared? *Journal of Health and Social Behavior*, 41 (2), 188–207.
- Mayes, R., & Horwitz, A.V. (2005). DSM-III and the revolution in the classification of mental illness. *Journal of the History of the Behavioral Sciences*, 41 (3), 249–267.
- Metzl, J. (2011). *The Protest Psychosis: How Schizophrenia Became a Black Disease*. Boston: Beacon Press.
- Pescosolido, B.A. (2013). The public stigma of mental illness: What do we think; what do we know; what can we prove? *Journal of Health and Social Behavior*, 54 (1), 1–21.
- Pescosolido, B.A., Boyer, C.A., & Medina, T.R. (2013a). The social dynamics of responding to mental illness. In C.S. Aneshensel, A. Bierman, & J.C. Phelan (Eds.), *Handbook of the Sociology of Mental Health* (pp. 505–524). London: Springer.
- Pescosolido, B.A., Medina, T.R., Martin, J.K., & Long, J.S. (2013b). The 'backbone' of stigma: Identifying the global core of public prejudice associated with mental illness. *American Journal of Public Health*, 103 (5), 853–860.
- Rosenfield, S. (1997). Labeling mental illness: The effects of received services and perceived stigma on life satisfaction. *American Sociological Review*, 62 (4), 660–672.
- Rothman, D. (1971). *The Discovery of the Asylum*. Boston: Little, Brown.
- Scheff, T.J. (1966). *Being Mentally Ill: A Sociological Theory*. Chicago: Aldine.
- Scheff, T.J. (1984). *Being Mentally Ill: A Sociological Theory* (2nd ed.). New York: Aldine de Gruyter.
- Scheff, T.J. (1999). *Being Mentally Ill: A Sociological Theory* (3rd ed.). New York: Aldine de Gruyter.
- Scull, A. (1977). *Decarceration*. Englewood Cliffs, NJ: Prentice Hall.
- Snow, D., & Anderson, L. (1993). *Down on their Luck: A Study of Homeless Street People*. Berkeley, CA: University of California Press.

- Szasz, T. (1961). *The Myth of Mental Illness*. New York: Harper.
- Wilson, M. (1993). DSM-III and the transformation of American psychiatry: A history. *American Journal of Psychiatry*, 150 (3), 399–410.
- Zito, J.M., Safer, D.J., dosReis, S., *et al.* (2000). Trends in prescribing psychotropic medications to preschoolers. *Journal of the American Medical Association*, 283 (8), 1025–1030.

Poverty and Disrepute

David L. Harvey

On the face of it, the association of poverty and disrepute seems obvious. Poverty's material misery is to be avoided, just as the diffuse sense of shame that attaches to those who "never had what it took," or "should have made it but didn't." Indeed, the commandment to succeed is central to Merton's (1968, pp. 185–214) theory of deviance. His "Anomie and Social Structure" posits an endorsement of success among all classes and an equal aversion to failure. Hence, his "anomic adaptations" Conformity, Innovation, Ritualism, and Retreatism (Rebellion is another matter) revolve around achieving success or in finding an alternate route to success.

Modern poverty, then, carries with it a *moral stain* as vexing as material uncertainty itself. Our understanding of poverty's disrepute is further complicated by the fact that the poor persons are labeled disreputable even as disrepute has become increasingly associated with today's ruling elites (Lasch, 1995, pp. 25–49). Moreover, nostrums describing the poor as "good and hard-working" merely confuse the issue. Too often, these shibboleths shield contempt for the poor and our own fear of failing.

David Matza has cut through this casuistry by defining the disreputable poor as being those who for extra-economic reasons remain unemployed even during periods of high labor demand and who, by dint of that fact, become objects of moral censure (Matza, 1966). Guided by this definition, he identifies several "disreputable fractions" of the poor: the *Dregs*, whose occupational careers deviate from the normal trajectories of their cohort; the *Newcomers*, strangers in a strange land, segregated and victimized by nativist prejudice; the downwardly mobile *Skidders*; and, finally, the *Infirm*. These categories echo Karl Marx's *Lumpenproletariat* and Jack London's "people of the abyss."

Poverty and Disrepute as Process

Like all sociological entities, poverty's disrepute is ontologically stratified. It is structured by the complex interaction of six elements. First, modern poverty originates in the objective contradictions of capitalism: in the dictum that industrial efficiency requires the continuous generation of *superfluous populations*. The production of these surplus populations is a *systemic requirement* of capitalism's political economy. That is, the structure of commodity production requires some proportion of the workforce to be held in reserve in order to accommodate sudden increases in market demand. Failure to maintain this standing army of unemployed or under-employed workers risks a breakdown of both market equilibration and its integrative pricing function. And, to the extent that markets are free (i.e., their pricing mechanisms operate independently of moral imperatives), this economic superfluity generates poverty amid material plenty.

Second, viewed *sociologically*, modern poverty's disrepute manifests itself as a social exclusion of the poor from full civic participation (Byrne, 1999). While the degree of exclusion varies, its legitimation requires the moral marginalization of the poor. This second element – the moral exclusion of the poor – lies at the symbolic core of modern poverty's disrepute. Indeed, it sets modern poverty off from historically prior poverties. Polanyi (1944) reminds us, because pre-capitalist markets were embedded in analgesic social institutions, poverty, no matter how grinding, provided a social nexus that guaranteed the poor a legitimate claim to social inclusion (Block, 1944). Unabrogated access to these embedded rights formed a “social contract” protecting the poor. That social contract came to an end, though, with the triumph of self-regulating markets. The commodification of life's necessities stripped the poor of those cultural buffers that had insured them their social personage. No longer shielded by traditional ties of kinship, communal fealty, or Christian charity, the utilitarian cast of bourgeois culture and self-regulating markets paved the way for socially excluding the economically superfluous.

Third, modern poverty has an ideological component: a set of indispensable accounts that either justify or deny the legitimacy of excluding the poor. Exclusionary accounts are invariably class-based. They center upon naturalistic accounts of poverty that justify existing inequalities. They are situated within a reified penumbra of pejorative judgments hierarchically ranking classes and their subcultures. Standing over and against such stigmatic labeling are those subterranean ideologies that debunk the accuracy and fairness of such labeling.

Taken together, these opposed constructions form the core of “ideological space.” This space is composed of rhetorics of exclusion fabricated from above and communicated downward through the class system, and subaltern arguments for inclusion manufactured from below and communicated upward. This double flow is integral to the class struggle. It morally partitions the superfluous into “deserving” and “undeserving” factions and, thereby, morally anchors the class system.

The fourth aspect of this process that structures poverty's disrepute underscores the historically conditioned nature of disrepute's social construction. Both hegemonic justification and subaltern pleadings of defeasibility draw their rationales from the immediate historical situation as they morally anchor the class system. Fifth, how an

excluded group acts out its moral stain is “ecologically and locally conditioned.” That is, the shifting terms of moral exclusion depend upon the *community’s concrete situation* and *past experience*. Sixth, the “wild card” of *human agency* allows individuals and collectives to negotiate “special terms” by which their ritual segregation from the community’s moral paragons is played out.

These six factors form a plausible starting point for grasping the dynamic link between poverty and disrepute. This link can best be seen by comparing the exclusionist ideology promulgated by Thomas Robert Malthus (1766–1834) and the inclusionist alternative Karl Marx (1818–1883) offered, especially as they relate to the origins of economic superfluity and the assigning of moral responsibility for that superfluity.

The Ideological Construction of Disrepute

The opposed paradigms of Malthus and Marx have remained paradigmatic of the modern poverty debate for more than 150 years. The ideological power of Malthus’s *An Essay on the Principle of Population* (published pseudonymously in 1798) lies in its contention that poverty is rooted in the natural order of things and is, moreover, part of the Divine design. Superfluous populations are generated by two demographic tendencies characteristic of all life forms. Animal populations, inclusive of humans, naturally reproduce at an ascending geometric rate while their means of subsistence increases at a slower, “arithmetic” rate. In a specific ecological setting, the incommensurate increase of the two ratios eventually precipitates a demographic catastrophe. During such catastrophes “excess populations” outstrip their resource base and are subsequently winnowed until their numbers once more conform to environmental capacity.

Malthus goes on to note that these “winter kills” occur less frequently than one might expect. This is because the “positive checks” of war, famine, plague, and misery (poverty) continually keep human populations below the catastrophic breakpoint. His religious training allows him, moreover, to move effortlessly from science to moral philosophy and theology by suggesting that these moral checks have their final cause in Divine intervention. Poverty, famine, etc. are, in the last analysis, trials for testing moral fiber and faith. As part of God’s grand design, positive checks should not be eliminated by Enlightenment reform, but endured as annealing devices of Christian virtue.

In a revision of his original essay – sometimes called *The Second Essay* – Malthus provides an exit from this dire scenario by giving “negative checks” – reason, foresight, and free will – a countervailing logic. Together, they form the basis of disciplined self-constraint and the cultivation of moral habits that limit family size. He argues that if the poor are schooled in moral self-discipline, most will willingly diminish their numbers and thereby command wages capable of lifting themselves from poverty. Moreover, the costs of church or state-based poor relief, once reduced, can lead to increased capital investment and new job creation. Hence, in his *Second Essay*, Malthus shifts the liberation of the poor from their squalor squarely on the shoulders of the poor, while simultaneously making their refusal to rationally limit family size a moral failure. That is, if bourgeois society magnanimously underwrites the education of all classes, the

lower orders must reciprocate. Failure to do so would be tantamount to an act of free choice and, hence, of moral perversity.

Malthus' line of reasoning not only blames the poor for their poverty, but in good conscience relieves society and Christian conscience of any further concern with these incorrigibles. Malthus can only make this argument, however, by reifying poverty on three levels: (1) by locating the origins of surplus populations in two natural ratios; (2) by defining poverty as part of God's benevolent plan; and (3) by locating the continued causes of economic malaise outside the political economy of capital. Indeed, this triad of reifications is the prototype of all ideologies designed to "blame the victim."

Marx's approach is diametrically opposed to Malthus's. While granting the validity of the latter's "law of population" in pre-capitalist formations, Marx argues that they no longer apply in modern industrial societies. These latter have technologically superseded Malthus's demographics of wealth and poverty. Indeed, the mechanized, mass production of commodity wealth has produced a new crisis: "over-production," not over-population, now threatened the industrial order.

In the early stages of industrialization, the production of commodity wealth hinged on the number of workers employed and on how effectively they could be sweated. Mechanization, however, largely resolved this problem. Labor's productive powers were so effectively enhanced that workers risked being replaced by their machines. This substitution of machines for men created a new economic entity: industrial reserve armies of unemployed and sub-employed workers. Indeed, superfluous populations existed, as Malthus claimed, but not because of undisciplined natural increase. Instead, superfluous populations were a product of capital's rational pursuit of ever-increasing rates of capital accumulation. Competing for an ever-diminishing number of occupational slots, Marx's industrial reserves formed the *demographic core* of the new poverty. Only a thoroughgoing reform of capitalist relations could eliminate poverty.

Malthus' and Marx's accounts still ideologically bracket debates over poverty's enduring enigma. The former's naturalistic doctrine, while cognizant of the contradictions of capital, nonetheless defends entrepreneurial capitalism by holding the poor accountable for their own misery. By contrast, Marx avoids victim blaming by locating modern poverty's roots in the structural contradictions of industrial capitalism itself.

The Historical Evolution of Ideological Space

Despite its evolution from entrepreneurial capitalism to monopoly capitalism, and from monopoly capitalism to globalization, today's capitalism still requires industrial reserve armies to sustain itself. It is little wonder, then, that debates over the disreputable poor have added but little to Malthus and Marx's original parameters – accounts that "blame the victim" and proposals for reforming capital's anti-social tendencies.

Following Phillips (2004), we can go a step further in suggesting that at any moment the plausibility of these opposed accounts is a function of capital's ability to maintain its hegemony over the warring class subcultures composing capital's *Lifeworld*. In surveying the recent history of the United States, Phillips identifies three periods of "capitalist blow-outs" – eras in which the equilibria of class power so necessary for

democracy have been shattered by a rampant “plutography.” These three eras of America’s anti-democratic excesses occurred during the Gilded Age, the Roaring Twenties, and in our own era. During each blow-out, the differences defining capital’s class hierarchies intensified and victim bashing of the poor flourished.

These asymmetrical blow-outs were punctuated by periods of economic crisis in which an egalitarian “contraction” of the class hierarchy and a relative restoration of political balance between classes ensued. These periods of contraction witnessed the agrarian revolts and Populist movements of the 1880s and 1890s; the Midwestern Progressivism of the last century; and, finally, what Phillips calls the Great Contraction of the New Deal. With each contraction, the personal stain of poverty diminished, the working class and the poor were celebrated, reforms were implemented, and, in several instances, social banditry in the name of the poor was given folkloric treatment in the arts.

The history of the social sciences in America shows parallel cyclical variations. Hence, the antithetical sociologies of William Graham Sumner (1840–1910) and Lester Frank Ward (1841–1913) continued the debate between social Darwinism and socialist reformers while remaining within the boundaries first set by Malthus and Marx. E. Digby Baltzell (1964) demonstrates that Malthusian-inspired social Darwinism scientifically buttressed the xenophobic sentiments and racist doctrines that legitimate the WASP establishment’s stigmatizing of foreign workers and agrarian populists alike. Opposing this misappropriation of science, the “New Social Science Movement” used a nature/nurture paradigm to explain the alleged racial differences dividing rich and poor. For them, these differences resided neither in biology nor in temperament. They were seen, instead, as originating in the caste-like monopolies in the education and economic systems that perpetuated the hegemony of the WASP establishment. Developing this line of thought, social science scholarship celebrated the self-redemption powers of the poor and effectively refuted the Malthusian reifications of the upper-class establishment. In time, the New Social Science became a lynchpin of the social reform programs of the New Deal.

In the 1960s, the War on Poverty extended New Deal entitlements to previously bypassed populations. When that movement foundered on the fiscal shoals of the Vietnam War, conservative counterattacks freely marshaled Malthusian-inspired “victim bashing.” Edward Banfield’s *The Unheavenly City* (1968), for example, argued that the anti-poverty reforms had hit a point of diminishing returns beyond which uplift and reform could not move. Striking a Malthusian stance, he argued that the impoverished residue remaining in America’s cities were moral incorrigibles. Their “present-oriented” culture and their preference for the excitement of “street life” placed them beyond redemption. Indeed, the growing number of poor suggested that reformers themselves had become part of the problem. Advances in health and poor support programs were now blunting the beneficial power of Malthus’ positive checks that in times past had limited the reproductive life spans of the incorrigibles.

Some 15 years later, Charles Murray’s *Losing Ground* (1984) appropriated these same Malthusian motifs, taking Banfield’s work several steps further. Murray now contended that poverty was caused by the welfare system itself – by the dependencies transfer payments induced among the poor. In the grand fashion of Malthus’s *Second Essay*,

Murray suggested poverty could be ended not only by eliminating government welfare programs, but also by ending all federal transfer payments *tout court*. Rhetorically parodying the closing passages of the *Second Essay*, Murray leads the reader through a “thought experiment,” asking what would happen if all such programs suddenly ended. He concludes little would change: legitimate programs would be continued by local agencies or private welfare groups; the remainder would deservedly die on the vine.

It would now appear that as capital’s global reach expanded into the twenty-first century, poverty and its disrepute have also become globalized. Not surprisingly, the debate over poverty’s global origins and its amelioration has developed along the lines discussed here. In *Globalization and Its Discontents* (2002), Nobel Laureate Joseph Stiglitz suggests that anti-poverty policies at the World Bank and the Import-Export Bank have divided in accord with the programs discussed here: neoliberal “market fundamentalism” and “neo-Keynesian” interventionism. The former has cloaked itself in a Smithian [named after the Scottish moral philosopher and economist Adam Smith (1723–1790), who believed in the benevolent “invisible hand” of unfettered capitalism] adulation of the free market, arguing that if free markets are allowed to operate without social interference, they will “naturally” eliminate both poverty and unemployment. For many neoliberals, unemployment is created largely by the individual “deciding” not to work (i.e., to engage in activities more pleasurable than disciplined wage labor). Beginning with this assumption, neoliberal anti-poverty strategies move away from Adam Smith and assume a distinctly Malthusian cast. When a given national economy falters due to lack of fiscal restraint, on the part of those managing a nation’s economy, neoliberal cures move directly to “restructuring” that economy: restricting as much as possible the latitudes of those traditional institutions impairing the impersonal mechanisms of the free market. In short, “market fundamentalists” seek to enhance the power of self-regulating markets by negating the buffering effects of the institutions that embed the economy.

Neo-Keynesians do not share this faith in untrammelled markets. They assume market processes are, *a priori*, imperfect and hence periodically invite temporary intervention if poverty is to be eliminated. Hence, efforts to ameliorate poverty often begin with strengthening those institutions embedding markets and protecting the social personage of the poor. Once these embedding agencies are stabilized, enforcing market discipline can follow. This approach is of course anathema to the neoliberals. And just as neoliberalism is ideologically isomorphic to Malthusianism and neo-Darwinism, so the neo-Keynesian paradigm remains isomorphic to a Marxist critique of capital. The former moves directly to place “disreputable traditions” on the Procrustean bed of market fundamentals, while the latter pragmatically repairs the embedding institutions themselves before proceeding.

The Stranger and the Vanquished

If modern poverty lies at the very heart of the capitalist mode of production and its exploitative social relations, then the stigma of its disrepute resides in the vastness of the differential distribution of wealth and power marking class society. This axiom

holds for the burgeoning system of global capital and its bypassed Fordist–Keynesian constellation, just as much as it held for nineteenth-century entrepreneurial capitalism. In each socio-historical formation, class differences must be technically reproduced each generation, just as they must be morally vindicated. Because class warfare has been, historically, a pandemic possibility, rendering the poor morally suspect stabilizes capitalist society in two ways. First, the stigma of poverty sustains the morale of ruling groups by legitimating their belief that they are naturally endowed with the moral capacity to rule. Second, the *disreputable* label has a redemptive function. It communicates to the “dangerous classes” both their social incompetence and the inferiority of their class subculture. This pre-emptive degradation thus becomes a powerful mechanism of social control, educating the poor and the near-poor into a grudging acceptance of their social exclusion.

Given these functions, there is still the issue of who among the poor get labeled “disreputable.” In addressing this question, one turns from the systemic issues of superfluity to the concrete communal processes regulating the assignment of disrepute. Matza (1966, pp. 291–292; 1971, pp. 644–651) bundles these processes under the rubric of “pauperization.” Pauperization can occur at two socio-historical junctures. First, a community or a society can be momentarily swamped by waves of unassimilated “new-comers.” This produces an institutional anomie that requires the social order to defend against social disorganization. Pauperization is one such defense. It allows the community to distance itself from the recent arrival by treating them as anathema – as morally disreputable.

However, the label of disrepute can also be applied to already assimilated members of a community. This second type of pauperization usually occurs when traditional modes of production and their occupational cultures are suddenly displaced by new technologies and new productive protocols of efficiency. Under these conditions, traditionally validated norms of care and craftsmanship are suddenly defined as dilatory, undisciplined, and indolent.

Hence, depending on pauperization’s socio-historical nexus, disrepute can assume one of two social forms: the “Stranger” or the “Vanquished.” Following Georg Simmel (1965; Hvinden, 1995), the Stranger role emerges when migrants processing a viable way of life resist immediate assimilation. Like Simmel’s Stranger, they walk *among* a people, but are not *of* them. In time, most Strangers will either move on or accommodate to the host order. There will be a residue, however, that does not adapt occupationally and continues to resist acculturation. They are soon relegated to the ranks of the disreputable poor.

The Vanquished, by comparison, belong to families that were assimilated long ago. They are descendants of those who earlier challenged the reigning hegemony and failed. These families or kin groups are subsequently folded into the life of the community, often as a distinct caste. In accepting their subaltern status such groups are asymptotically assimilated, even as differences are tolerated and even nurtured by the reigning orthodoxy. As occupants of a circumscribed social niche, the Vanquished learn how to play to the vanity of their betters and, in time, wrest from them special dispensations. In time, such exemptions can mature into long-term indulgences so that the Vanquished are paternalistically exempt from living up to the standards of social

and moral competence of the rest of the citizenry. As part of a longstanding system of patronage, the Vanquished are seldom “dangerous,” only disreputable. Indeed, their periodic failures at self-improvement are tolerated since their failures testify to the metaphysical rightness of the existing hegemony. Moreover, having “earned their place,” they can often form cross-class coalitions with communal elites by forming united fronts against the latest wave of Strangers. Indeed, in particularly stable communities disrepute can pass from one generation to the next as part of a symbolic estate. In America, poor white Southerners and various persons of color have played the role of the Vanquished. When enlisted in reactionary alliances, they are labeled by self-described progressives as “Red Necks” and “Uncle Tom,” or worse.

Note

1. This chapter is reprinted from David L. Harvey, “Poverty and Disrepute,” in G. Ritzer (Ed.), *The Blackwell Encyclopedia of Sociology*. Malden, MA & Oxford, UK: Blackwell Publishing, 2007, pp. 3589–3594.

References

- Baltzell, E.D. (1964). *The Protestant Establishment: Aristocracy and Class in America*. New York: Free Press.
- Banfield, E.C. (1968). *The Unheavenly City: The Nature and the Future of Our Urban Crisis*. Boston: Little, Brown.
- Block, F. (1944). Introduction. In K. Polanyi, *The Great Transformation: The Political and Economic Origins of Our Time* (pp. xvii–xxxviii). Boston: Beacon Press.
- Byrne, D. (1999). *Social Exclusion*. Buckingham: Open University Press.
- Hvinden, B. (1995). Poverty, exclusion, and agency. *Research in Community Sociology*, 5 (1), 15–33.
- Lasch, C. (1995). *The Revolt of the Elites and the Betrayal of Democracy*. New York: W.W. Norton.
- Matza, D. (1966). The disreputable poor. In R. Bendix, & S.M. Lipset (Eds.), *Class, Status, and Power: Social Stratification in Comparative Perspective* (2nd ed.) (pp. 289–302). New York: Free Press.
- Matza, D. (1971). Poverty and disrepute. In R.K. Merton, & R.A. Nisbet (Eds.), *Contemporary Social Problems* (3rd ed.) (pp. 601–656). New York: Harcourt, Brace and Jovanovich.
- Merton, R.K. (1968). *Social Theory and Social Structure* (2nd rev. & expanded ed.). New York: Free Press.
- Murray, C. (1984). *Losing Ground: American Social Policy, 1950–1980*. New York: Basic Books.
- Phillips, K. (2004). *American Dynasty: Autocracy, Fortune, and the Politics of Deceit in the House of Bush*. New York: Viking Books.
- Polanyi, K. (1944). *The Great Transformation: The Politics and Economic Origin of Our Time*. Boston: Beacon Press.
- Simmel, G. (1908/1965). The poor. *Social Problems*, 13 (2), 118–139.
- Stiglitz, J.E. (2002). *Globalization and Its Discontents*. New York: W.W. Norton.

Environmental Harm as Deviance and Crime

Avi Brisman

Deviance is behavior that violates the standards of conduct or expectations of a group or society at a given time and is likely to elicit a negative reaction from its members (Anderson, 2014; Curra, 2014; Heiner, 2008; Wickman, 1991). As Erikson (1962, p. 308) famously remarked, “Deviance is not a property *inherent* in certain forms of behavior; it is a property *conferred upon* these forms by the audiences which directly or indirectly witness them” (emphasis in original). Deviation from norms is not always criminal (if we understand “crime” to mean a violation of law for which some governmental authority applies formal penalties). In other words, while not all deviance is criminal, crime is a type of deviance representing a violation of social norms administered by the state.

With respect to “environmental crime,” a narrow interpretation would be one that covers or refers only to acts and omissions prohibited by current environmental law. But as Skinnider (2013, p. 2) points out, “many environmental disruptions are actually legal and take place with the consent of society.” Likewise, du Rées (2001, p. 116) notes that a “certain level of environmental damage is accepted in modern society since it serves to provide for other social interests.” Thus, for example, we acquiesce to the seven million deaths caused each year by air pollution (World Health Organization, 2014) because of the economic and social benefits collectively accrued from the activities causing air pollution. As Bell, McGillivray, and Pederson (2013, p. 276) explain: “Criminal law is normally reserved for the punishment of socially unacceptable behaviour; harm to the environment is, in many situations, considered to be acceptable.” For the most part, such harms continue, more or less unabated; societies typically permit specific types of industrial activities that cause significant pollution, “as long as those activities are controlled under license or authorization, because it is an inherent consequence of many industrial activities that provide us with significant benefits.” This is the rationale for having a system of regulation that defines the framework for

determining whether such benefits outweigh the harm caused. Criminal law is not suited to such a balancing process and thus is used mainly to address clearly unacceptable behavior or to reinforce the regulatory system.

On this point, Fortney (2003, pp. 1609, 1615), writing about corporate non-compliance with environmental law, adds, “by virtue of their size and industrial nature, corporations are often among the largest producers of pollutants.” At the same time, he adds, “corporations are not always ‘polluters’ in a derogatory sense; some amount of polluting byproducts is inevitable in any industrial enterprise, and American business cannot completely eliminate its emissions and effluent.” Perfect compliance, Fortney concludes, “with environmental laws is nearly, if not completely, impossible.”

Yet Passas (2005, p.773) observes, national laws “cannot provide the sole basis on which to define crime both for domestic and international/comparative purposes. Powerful actors constantly influence the laws of nation states. What is prohibited by criminal law and what is not may be decided by corrupt legislators, dictators, ruthless corporations, resourceful lobbies.” Such actors, he concludes, should not be allowed “to determine the scope of a social scientist’s object of study or a public policy maker’s actions.”

Thus, some acts and omissions, by individuals and groups (business, corporations, governments, and other institutions), are harmful to the environment but are legal and tolerable in (or are tolerated by) society. Other acts and omissions are environmentally harmful and proscribed by law (including administrative rules and regulations) at local, regional, national and international levels (House of Commons, 2004), but violations thereof are expected and accepted.

In this chapter, I would like to describe the relationship between environmental harm, crime, and deviancy. In the first part, I outline a range of environmental harms that are illegal at some level. Here, I distinguish between illegal acts or omissions that are environmentally harmful and socially deviant – subject to public opprobrium – and those illegal acts or omissions that are environmentally harmful, but not considered deviant by some segment of society. In the second part, I examine legal environmental harms – acts or omissions that are permissible under the law and accepted by society, but which are “ecologically deviant” in that they disrupt or “offend” ecosystems or the larger biosphere. In the third part of this chapter, I highlight instances where legal and illegal environmental harm contributes to or could lead to other (non-environmental) crime, delinquency, and deviance. In the fourth part, I provide an overview of activities that are beneficial to the environment, but that have been criminalized and that some portions of the population view as deviant. I conclude with some comments about the scope and potential of criminal law to protect the environment and reduce ecological deviancy.

Illegal Environmental Harm

In an early contribution to the subject, Halsey and White (1998) distinguished between two different conceptions of harm. A “legal-procedural approach,” they explained, defines “the parameters of harm by referring to practices which are proscribed by the

law” and “privileges the criminal law in the definition of what constitutes serious social injury” (1998, p. 345; see also Brisman, 2008, p. 731). Thus, a legal-procedural approach to environmental harm considers violations of laws regarding, for example, air and water pollution, food, trade of flora and fauna, and waste. A “socio-legal approach,” on the other hand, conceptualizes “harm in terms of damaging practices which may or may not be encapsulated under existing criminal law” (Halsey & White, 1998, p. 345; see also Brisman, 2008, p. 731). Here, I explore a legal-procedural approach to the relationship of environmental harm to deviance and crime. In the next section, I consider a socio-legal approach to the relationship of environmental harm to deviance and crime.

As I indicated above, crime is a type of deviance, but not all criminal acts or omissions are equally deviant. The extent to which society views a proscribed behavior or event with disapproval or condemnation will depend on a variety of factors, such as *mens rea*; seriousness of the crime (a misdemeanor versus a felony); nature, scope and irreparability of harm; social status/position of power of the offender; characteristics of the victims; and media coverage and public knowledge of the crime.

This is especially true in the case of environmental harm, where, as we saw, Fortney suggests that society tolerates corporation depredations of the environment as long as they contribute to a legitimate business enterprise. Moreover, some commentators have noted that processes of globalization and the liberalization of international trade policies have *facilitated* certain types of environmental crimes, such as the traffic in garbage and hazardous wastes (Liddick, 2010; Passas, 2005).

While large corporations and criminal organizations are frequently viewed as the major environmental violators, “average citizens” also engage in environmental law-breaking, such as illegal dumping, discharging, generating, storing, and transporting of waste (Groombridge, 2013; Situ, 1998). As Situ (1998) finds, both offenders and law enforcement trivialize this individual-level behavior (on the trivialization of environmental offenses by corporate defendants, see de Prez, 2000). There are, however, exceptions, such as the high-profile cases involving Michael Vick, the National Football League quarterback convicted for dogfighting (Brisman, 2008, pp. 735–736), and Harvey Updyke, Jr., the zealous University of Alabama football fan who was fined and imprisoned for poisoning two massive southern live oak trees on Auburn University’s campus (Fornelli, 2013; Hinnen, 2013, 2014). Both Vick and Updyke were widely excoriated for their environmental crimes – that is, illegal acts against non-human organisms. The two significant features of these cases were that they were individuals, not corporations, harming non-humans, and that much of the public became outraged and defined their acts as deviant, which is not the norm for environmental degradation. It is possible that the *personalization* of the cases – specific perpetrators and helpless victims – was what generated the public’s sense of wrongfulness.

In sum, that which is environmentally criminal is deviant (by definition), but often minimally so. It should come as little surprise, then, that some activities are or become so widely accepted in a particular context or setting that their commission is essentially deemed normal, rather than deviant. For example, as Duffy (2010, p. 11), in her account of wildlife conservation, points out: “When wildlife reserves are established, local communities can suddenly find that their everyday subsistence activities have been

outlawed and that they have been redefined as criminals.” It seems almost a contradiction that some of the “world’s best-known pristine wilderness areas are, in fact, engineered environments. Creating a national park means drawing up new conservation rules which outlaw the everyday subsistence activities of local communities, such as hunting for food and collecting wood” (Duffy, 2010, p.11; see also Hall, 2013, p. 229; Hill, 2010; White, 2013, pp. 102, 135, 155).

Instances in which previously legal behavior persists with social endorsement, even after proscription, are not confined to the non-West. For example, Jacoby (2001, p. 2), in his history of conservation in the United States, explains that in the late nineteenth century, to create and maintain “a rational, state-managed landscape, conservation erected a comprehensive new body of rules governing the use of the environment. But to create new laws meant to create new crimes. For many rural communities, the most notable feature of conservation was the transformation of previously acceptable practices into illegal acts: hunting or fishing redefined as poaching, foraging as trespassing, the setting of fires as arson, and the cutting of trees as timber theft.” In many cases transforming behavior that the members of those communities regarded as acceptable, conventional, customary – even a way of life – into crimes, country people reacted “with hostility. Indeed, in numerous regions affected by conservation, there arose a phenomenon that might best be termed ‘environmental banditry,’ in which violations of environmental regulations were tolerated, and sometimes even supported, by members of the local rural society” (Jacoby, 2001, p. 2; see also White, 2013, p. 101.)

Pendleton’s (1997, p. 338) study of the role and attitudes of United States Forest Service law enforcement officers toward tree theft in the 1990s demonstrates this clash of values, with differing interpretations concerning what is traditional and what is now criminal and deviant, as spelled out by the federal Forest Service, and what eventually comes down to a kind of accommodation to this dilemma: “To those who comprise the ‘forest community’ including loggers, their families, Forest Service professionals, as well as tree thieves, tree theft is viewed as a minor cost in service of the larger objective of a profitable industry.” This community does not view tree theft as a crime. “Rather tree theft contributes to community cohesion and stability. Acts of accommodation reinforce the stabilizing role of tree theft by creating a *socially recognized certainty* that the threat of sanction is not real. To formally treat tree theft as crime not only undermines social certainty, it also challenges the view that the forest is a desirable place, and that those who come to the forest are honorable people” (Pendleton, 1997, p. 338). As a routine practice, tree theft quite simply persists, in large part, “because the cultural integrity of the forest community is more valuable than the trees lost to theft. In effect, looking the other way preserves the forest community” (Pendleton, 1997, p. 339; see also White, 2013, p. 105.). White (2013, p. 104) also notes contemporary resistance to the conservationist agenda in the Maritime Provinces of Canada, “where lobster poaching is generalized across the community – with social approval” (see also McMullan & Perrier, 2002) – suggesting that the perpetuation of environmentally damaging activities after their prohibition or resistance to the (new) criminalization of environmental harm may be regarded as *less deviant* than obedience to the law. These developments indicate the strong relevance of the sociology of deviance’s stress on audiences: “*Whose rules?*” are we talking about when we indicate that a given practice is deviant. “Deviant

to whom?" To the locals who depend upon the natural resources for their livelihood and the meals they put on the table, it is the federal government that attempts to impede them from living a traditional, conventional way of life, whose representatives are committing deviant acts by doing so; to turn the equation around, to federal authorities, the tree cutters and lobster poachers are the deviants, the "bad guys," the wrongdoers.

Legal Environmental Harms that are Ecologically Deviant

According to Passas (2005, p. 779), our environment "is often treated with disregard or as a virtually limitless resource that can be irreversibly exploited without grave consequences." Yet, as he continues, "the abuse the environment takes is sometimes irreversible," such as with the extinction of non-human animal species (Passas, 2005, p. 779; cf. Fortney, 2003, pp. 1619–1620). Moreover, as White (2013, p. 1, 80) has recently explained, much actual harm is actually "*legitimate and lawful*," that is, in accord with the rules and regulations.

This is achieved through a combination of embedding harmful practices into everyday activities (such as animal food production and clearfelling-based forestry), pervasive propaganda efforts about the value of certain types of environmental and human exploitation (such as income generation and job opportunities), and political maneuvering around and manipulation of legislation, regulations and rules that allow the destruction and degradation of the environment (such as exceptions that deny animal cruelty provisions being applied to farm animals). (White, 2013, p. 1)

Essentially, by accommodating political and economic factions – each with interests that they have lobbied to protect – we wind up treating nature in a way that results in multiple transgressions "against humans, specific biospheres, and animal and plant species" and justify doing so on the grounds that this is "the way things are" (White, 2013, p. 1). Yet, White (2013, p. 80) adds, ecological justice "demands that how humans interact with their environment be evaluated in relation to potential harms and risks to specific creatures and specific locales as well as the biosphere generally. From this perspective, clearfelling of old growth forests, accompanied by the laying of poison baits to kill animals and the burning of remnants, is inherently wrong and deviant." Thus, Passas, White and others, adopting a socio-legal approach to environmental harm, do not "restrict their attention to criminal acts as legally defined," but "also call attention to and examine non-criminal acts which cause serious harm" (Agnew, 1998, p. 180).

For Agnew, acts or omissions, such as animal abuse, are worthy of criminological consideration even if they are not technically criminal "or considered deviant by most people" because they raise moral objections and may result in collective harm to people (1998, p. 180). Elsewhere, Agnew (2013, p. 58) explores "the ordinary acts that contribute to ecocide – or the contamination and destruction of the natural environment in ways that reduce its ability to support life" (citing South, 2009, p. 41). Such ordinary acts, which include regularly consuming meat, driving automobiles with poor fuel efficiency for most transportation, and living in a large, suburban home cooled to

comfortable levels, possess several characteristics: “they are widely and regularly performed by individuals as part of their routine activities; they are generally viewed as acceptable, even desirable; and they collectively have a substantial impact on environmental problems” (Agnew, 2013, p. 58). Indeed, as Agnew notes, *not* engaging in ordinary harms “may subject one to informal sanction, jeopardize one’s stake in conformity, and challenge one’s beliefs” (2013, p. 69).

For White, on the other hand, acts or omissions that threaten or harm the environment *are deviant*; he regards deviancy not as a human *construct*, but as an essentialistic, objective *reality* if the acts or omissions disrupt ecological processes and damage or destroy the environment. What matters, then, is not human society’s perspective about the degree of acceptability or desirability of a given act or omission, but the vantage point of an ecosystem or the biosphere more generally.

White’s suggestion that we conceptualize deviance from the position of the environment, rather than human society, reflects a more biocentric (species-centered) or ecocentric (socio-ecological centered) ecophilosophy than an anthropocentric (human-centered) one. Arguably, we may be more likely to reduce environmental harm and protect biodiversity and species integrity if we reject or move away from anthropocentrism’s instrumental view of non-human nature and adopt a biocentric perspective, which holds that “non-human species have *intrinsic* value” and that “human beings are simply ‘another species’ to be attributed the *same* moral worth as such organisms, for example, whales, wolves and birds” (Halsey & White, 1998, p. 352; White, 2013, p. 12), or an ecocentric perspective, which attempts to “strike a balance between ... instrumental and intrinsic conceptions of non-human nature,” and which acknowledges the “*dialectical* nature of the relation between human action and non-human processes” (Halsey & White, 1998, p. 356). By the same token, given that “most individuals have become enthusiastic practitioners of ordinary harms” (Agnew, 2013, p. 69), it may be difficult, if not impossible, to reduce the risks and instances of environmental degradation and destruction – to diminish or eliminate such “lawful but awful” practices (Passas, 2005; see also Hall, 2014) – *unless* people start viewing such quotidian behaviors as deviant.

Lynch and Stretesky (2010, p. 72) assert that “the fact that a behaviour has been ‘normalized’ (Moynihan, 1993) does not mean that it should be acceptable, especially when what is at stake is a significant degree of harm.” The question for them, as for Agnew, Passas, White and others, is how to transform behavior that is socially acceptable, but environmentally harmful and “ecologically deviant” (although not criminal) into something that is socially deviant and unacceptable. Agnew (2013) acknowledges the challenges of changing individual and group behavior, but as an example points to the dramatic reduction in smoking, stimulated in part by undermining the status of smoking, challenging the beliefs that foster smoking, and increasing the costs of smoking. With respect to the “ordinary acts that contribute to ecocide,” Agnew posits that “any successful change will require such things as reduction in the status attached to ordinary harms, redefinition of gender roles in ways that place less emphasis on consumption, increased costs of engaging in ordinary harms, undermining the specific beliefs that foster the harms, and making alternatives to ordinary harms more available and less costly” (2013, p. 17).

In essence, changes in the culture, social structure, and infrastructure of society (or large segments thereof) are necessary for acts and omissions that are “ecologically deviant” to become socially deviant (irrespective of their legal status).

The Impact of Legal and Illegal Environmental Harm on Other Deviance

In this section, I would like to consider animal abuse by humans and how it relates to harmful actions that humans inflict on one another, in the form of other types of delinquency, deviancy, and crime. A substantial number of researchers have explored connections between non-human animal abuse and inter-human violence (Beirne, 2007; Berry, 2012). Agnew (1998, p. 179) notes that data suggest a correlation between non-human animal abuse and violent crime against humans: “In particular, animal abuse is one of the symptoms of conduct disorder and is correlated with many of the other violent and antisocial behaviors that compromise that syndrome” (citing Offord, Boyle, & Racine, 1991; Ascione, 1993; Frick *et al.*, 1993). Animal abuse tends to be more common in families where child and spouse abuse also take place (Adams, 1994a, 1994b; Ascione, 1993; Beirne, 1995; Deviney, Dickert, & Lockwood, 1983; Kellert & Felthous, 1985). In particular, violent criminals are more likely to have a history of animal abuse than non-violent criminals as well as the members of the general population (Ascione, 1993; Felthous & Kellert, 1987; Kellert & Felthous, 1985). In addition, anecdotal data suggest that, when they were children, serial killers and mass murderers frequently engaged in animal abuse (Adams, 1994b; Beirne, 1995).

For Agnew, the study of non-human animal abuse may improve our understanding of human-directed crime, and reducing non-human animal abuse may contribute to a reduction of such crime. In addition, Agnew argues that it is important to study the causes of non-human animal abuse because non-human animals are “worthy of moral consideration in their own right” and because the production, processing, and consumption of meat – a form of animal abuse to some – “consumes much of our natural resources, is a leading cause of environmental pollution and the destruction of natural habitats, contributes to malnutrition in many parts of the world, and plays an important role in many health problems” (1998, p. 178, 179).

South, Brisman, and Beirne (2013, p. 34) acknowledge the “link” or relationship between non-human animal abuse and inter-human violence, but they also stress that “restricting the examination of animal abuse to those instances in which it is connected to inter-human abuse does not serve animals especially well because it ignores those [institutional] sites where animal abuse occurs much more often and is socially acceptable and almost invisible.” For them, the “link” is problematic because it privileges instances of one-on-one cruelty to non-human animals over systemic non-human animal abuse in social institutions, and because it fixates on the eventual or possible impact of non-human animal abuse on *humans*, while minimizing or ignoring the pain and suffering of the non-human animals, as well as the deprivation of their right to the future enjoyment of their lives.

Notwithstanding these criticisms, the “link” – or the “progression thesis,” as it is also called (Beirne, 2007, p. 59; see also Berry, 2012, p. 233) – does offer an example, for this essay’s purposes, of an association between environmental harm and other forms of deviancy and crime. More recently, some scholars have attempted to outline the potential impact of climate change on crime.

For example, Agnew (2012a, 2012b) has argued that climate change will promote crime by increasing strain, reducing social control, weakening social support, fostering beliefs and values favorable to crime, contributing to traits conducive to crime, increasing certain opportunities for crime, and creating social conflict. As Agnew describes, climate change involves several related phenomena: a rise in global average temperature; changing patterns of precipitation (for instance, the amount of rainfall will increase in some areas, mostly at higher latitudes and in the moist tropics, and decrease in others, principally in arid and semi-arid areas; the timing and nature of rainfall will change); a rise in sea-level (due to thermal expansion of the oceans and the melting of ice sheets and glaciers); and an increase in extreme weather events (such as cyclones/hurricanes, droughts, floods, heat waves, wildfires). These changes, Agnew speculates, will have major effects on the natural environment, health, the economy, and social life, including: habitat change (a loss of coastal wetlands and mangroves; forests will turn into grasslands, while grasslands will turn into deserts); flooding of coastal areas, deltas, low-lying islands, and river basins; negative health effects (climate change will affect the epidemiology of communicable diseases including vector-borne diseases); food, freshwater, and fuel shortages; loss of or threats to livelihood (especially farmers, fishermen, herders and those involved in snow- and water-related tourism); forced migration within and across borders; and increased social conflict. Agnew then suggests that these major effects on the natural environment, health, the economy, and social life may foster a range of crimes at the individual, corporate, and state levels. For instance, Agnew (2012a, p. 31) explains, strains “are more likely to lead to crime when they are easily resolved through crime. [By itself,] crime will not reduce climate change.” On the other hand, Agnew (2012a, p. 31) continues, certain criminal activities:

...may sometimes be a viable adaptation to many of the strains associated with such change. Crime may allow individuals and groups to obtain those resources that are in short supply, particularly food, water, shelter, fuel, and land. It may provide money, which aids in the adaptation to and recovery from climate change. It is a vehicle for obtaining revenge against those believed responsible for climate change and related targets.

In a similar vein, Hall and Farrall (2013) note that extreme weather events will destroy homes and livelihoods, prompting migration (for example, sea-level rise and flooding will force coastal inhabitants to move inland; drought may make land unviable for farmers and herders). This expected increase in displaced people and forced migrations, Hall and Farrall (2013, p. 126) continue, could affect the incidence and extent of human trafficking. If displaced persons cannot secure new employment, many people “who previously would not have considered offending, [may be] willing to commit such offenses” as prostitution and drug-importation/selling.

Hall and Farrall (2013, p. 127; see also Hall, 2014) also point out that climate change may contribute to a spike in the economic crimes of tax avoidance and insurance fraud, speculating, for example, that because many people “may not wish to pay increased rates of taxation” – specifically, in the form of new “eco-taxes” or “green taxes” – “rates of taxation avoidance may increase as a response.” On this, point, Agnew (2013, p. 32) adds: “As the negative effects of climate change become more apparent, states may attempt to exercise more direct control over those legal activities that contribute to high carbon levels in the atmosphere, particularly deforestation and the use or inefficient use of fossil fuels.” For example, Agnew (2013, p. 32) suggests, “there may be efforts to more closely regulate forestry practices and coal-fired power plants. Efforts in these areas may create new categories of crime or civil law violation, thus contributing to more *illegal* behavior.”

To be clear, neither Agnew nor Hall and Farrall predict that climate change will *lead directly* to crime. Rather, they wish to illuminate how the legal harm of climate change (including the largely legal activities and practices contributing to it, especially the burning of fossil fuels and, to a lesser extent, deforestation) may result in new offenders (or new *types* of offenders), new victims and new crimes – for, as Curra (2014, p. 18) puts it, “brutal conditions generate brutal behaviors.”

Deviant, but Environmentally Beneficial Activities

Most of the time, society lauds acts or omissions that benefit the environment, or do not otherwise degrade it, such as turning out lights when one leaves a room, and using non-disposable, canvas totes instead of plastic bags when shopping for groceries. Some activities that benefit the environment, however, are proscribed. In previous work (Brisman, 2010), I offered two examples of environmentally beneficial activities that are criminalized: (1) junk poaching, recyclable rustling, street scavenging, dumpster diving, and other forms of trash picking (which temper rampant production and consumption, and reduce the amount of garbage thrown into landfills and incinerators); and (2) pedicab driving in New York City (which serves as an environmentally friendly alternative to automobiles). With respect to the first category, I contended that fines, penalties, and other processes of criminalization function as exercises of influence and power by the state, helping to ensure that the state, rather than individuals, makes money from trash. In addition, such laws and ordinances benefit corporate entities, who would much rather sell you something inside their stores than have you get it for free elsewhere. And finally, such laws and ordinances are, in Ferrell’s (2006, p. 180) words, also “designed to keep ‘undesirables’ from fouling the consumption experiences of the city’s better classes” – thus lending credence to David Simon’s comments in his 2004 book, *Tony Soprano’s America*, regarding the correlation between criminalization and the repression of the rights of minority groups. By reclaiming urban waste, dumpster divers, freegans, street scavengers, junk poachers, recyclable rustlers, and other trash pickers perform an important ecological service (Brisman, 2010, pp. 176–177).

With respect to pedicab driving, I argued that a similar phenomenon was at play – namely, that pedicab drivers are being harassed by police officers (and often issued

tickets for disorderly conduct) as a result of pressure from the (less environmentally friendly) taxi industry and horse-carriage industry, who claim that pedicabs “steal” their business. Both examples, I maintained, illustrate the ways in which environmental harms stem from and are permitted by particular relations of power and selective criminalization.

In addition to junk poaching, recyclable rustling, street scavenging, dumpster diving, and other forms of trash picking and pedicab driving, four additional activities merit the “deviant, but beneficial” moniker: (1) clothesline drying; (2) graywater recycling; (3) hitchhiking; and (4) urban agriculture. Each of these activities offers some sort of environmental benefit, such as water conservation, reduced fossil fuel consumption, and reduced air pollution. To varying degrees, however, these activities have been subjected to practices and processes of criminalization, over-management, and over-regulation that encumber or prevent them. Here, I would like to provide a brief description of these activities – what they entail or consist of, their possible environmental benefits, and their legal status.

Line drying

Hanging laundry from a clothesline represents an inexpensive and energy-saving way to dry wet clothing (Hughes, 2007; Reed-Huff, 2010). While widespread adoption of clotheslines could significantly reduce energy consumption in the US – dryers account for about 6% of American residential electricity use – in a number of states, there are towns and cities with “no hanging” rules (Hurdle, 2009). Proponents of the “right to dry” (also known as the “right to hang”) contend that line-drying laundry saves money and reduces carbon emissions, but are prevented from engaging in this environmentally beneficial activity by community covenants, landlord prohibitions, and zoning laws (Reed-Huff, 2010, pp. 881–883; see generally Golden *et al.*, 2010). Opponents of the “right to dry,” reeking of classism, maintain that clotheslines are aesthetically unappealing and reduce property values (Reed-Huff, 2010, pp. 893–894; Lee, 2002; Salemme, 2007). Outside the US, residents of some cities who attempt to line-dry their laundry run the risk of severe penalties (Ahmedov, 2009; Hattam, 2009).

Graywater recycling

Graywater is water from bathroom sinks, showers, bath-tubs, and washing machines. While it may look dirty and while it may contain traces of dirt, food, grease, hair, and certain household cleaning products, it is not water that has come into contact with feces – either from the toilet or from washing diapers. Graywater can be re-used to water ornamental plants, fruit trees, and vegetables, as long as it does not come in contact with edible parts of the plants. Aside from the obvious benefits of conserving water – and thus saving money on a household’s water bill – re-using graywater keeps it out of the sewer or septic system, thereby reducing the chance that it will pollute local water bodies. More philosophically, re-using graywater for irrigation, much like

harvesting rainwater for the same purpose, reconnects urban residents and their backyard gardens to the natural water cycle (see, e.g., <http://greywateraction.org/content/about-greywater-reuse>).

Graywater policies, when they exist, vary from state to state. While some dry or drought-prone states (such as Arizona) are fairly permissive and, in fact, educate residents in graywater re-use, others are very restrictive and make it virtually unfeasible for people to afford to install a permitted system (as was the case in California until recently). As a result, residents wishing to irrigate their gardens with water from their sinks must either seek special variances from their states' plumbing codes, or build illegal systems which, if detected, can result in hefty fines (Carpenter, 2010; Dicum, 2007; McClanahan, 2014; <http://greywateraction.org/faqs/greywater-recycling>).

Resistance to graywater recycling stems from ignorance about its environmental benefits, misperceptions about its threat to public health, and notions that industrialized societies should have (and utilize!) public sanitation services – sentiments akin to those expressed in opposition to pedicab driving/riding and junk poaching, recyclable rustling, street scavenging, dumpster diving, and other forms of trash picking, which have been viewed as “Third World” phenomena (Brisman, 2010). Opposition to graywater recycling, like the hostility to line drying, also appears to reflect a perceived aesthetic threat that these activities pose to an area's residential attractiveness or economic vitality (Ahmedov, 2009; Ferrell *et al.*, 2008; Hattam, 2009). That graywater recycling is viewed favorably – and, indeed, *encouraged* – in countries such as Australia, Cyprus, Japan, and Korea, reveals the relativity of this kind of deviance (see Curra, 2014).

Hitchhiking

Like line drying and graywater recycling, hitchhiking is an inexpensive practice that conserves a natural resource. Like graywater recycling and line drying, it is also a practice that, despite its environmental benefits, has become largely stigmatized and criminalized in most of the US. Indeed, of the environmentally beneficial activities described in this part, it requires the least effort: one literally needs just to stick out one's thumb while standing by the side of the road. Yet it engenders the greatest fears (and some very vivid images!). As Purkis (2005, p. 5) writes: while “plenty of possible sociological explanations for hitchhiking's ‘official’ disappearance exist – rise of cheap coach/rail cards, rise in car ownership, growing public perception of risk, decline in ‘capacity-building’ of shared values across generations – the prevalence of the hitchhiker in popular representation seems paradoxical.” The cultural symbolism of hitchhiking, Purkis (2005, p.5) continues, “is still largely dominated by motifs of danger, poverty, dishonesty, youthful immaturity, female vulnerability or as the source of amusement – the film star whose car broke down.” Somehow, the practice seems incompatible in a modern, affluent, well-maintained society.

In other words, in an era of rising fuel prices and heightened awareness of the adverse environmental effects of fossil fuel consumption, we have rejected a simple and straightforward means of transportation – largely because of objections of the American automotive industry, its temporal/historical, cultural and subcultural symbolism, and the

fear (perhaps even *moral panic*) of violence committed by both drivers picking up hitchhikers and hitchhikers victimizing drivers (Strand, 2012).

Urban agriculture: keeping bees and raising chickens

Beehives promote sustainable agriculture in urban areas (Navarro, 2010). In addition to helping to pollinate gardens, a single beehive can produce about 27 kg of honey per harvest (depending on the keeper), thereby reducing the environmental costs of transporting honey (Applebome, 2009; Brustein, 2009; Cornes, 2008; McKinley, 2011; Mohn, 2010; Muessig, 2009; Navarro, 2010; Raffles, 2010). Although legal in Chicago, Dallas, London, Minneapolis, Paris, and San Francisco, beekeeping is illegal in New York City, where it is considered to pose a public health threat (Rules of the City of New York, Title 24: Department of Health and Mental Hygiene; Title IV: Environmental Sanitation; Part B: Control of Environment; Section 161.01 Wild animals prohibited). Indeed, in New York, honeybees are treated like cobras, dingoes, hyenas, and tarantulas – all of which are deemed too dangerous for city life.

In a similar vein, many cities and municipalities prohibit raising chickens and other livestock, despite the fact that such urban farming facilitates locavorism (diets based on eating foods grown only within a certain geographic radius), reduces “food miles” – “the distance food travels from farm to plate” (Englehaupt, 2008, p. 3282; Schindler, 2012, p. 274) – and allows immigrant communities to maintain aspects of their cultural heritage (Applebome, 2009; Blecha, 2007; Kilarski, 2003; Neuman, 2009; Price, 2007; www.madcitychickens.com; www.thecitychicken.com; <http://urbanchickens.org/chicken-ordinances-and-laws>). According to Littman (2009, p. 12), there appears to be “no consistency in the approach to regulations on backyard chickens” – with some cities prohibiting any pets besides cats and dogs and others permitting a wide range of animals. While many cities and municipalities are recognizing that urban agriculture can help combat “urban woes,” such as hunger, air pollution, and the proliferation of “derelict, crime-ridden abandoned properties,” other places have been reluctant to reexamine their attitudes towards and approaches to urban agriculture, and have viewed as aberrant those individuals wishing to practice apiculture and engage in urban poultry farming (Choo, 2011; Parker, 2014; Schindler, 2012). Such a perspective reflects a determined anthropocentric ecophilosophy. As White (2013, p. 121) puts it, when we weigh ecological criteria – such as biodiversity and the place of different species in the chain of being – in the balance of positive values, “a different picture emerges to the usual anthropocentric and populist one. For example, animal companions such as cats and dogs are highly valued in legal proceedings and in public discourse. Yet, from an ecological point of view, species such as bees and bats are more valuable for the crucial role they play in the wider ecosystems of the planet.”

White’s comments illustrate how some species are prioritized over others; taken as a whole, the examples of deviant, but environmentally beneficial activities – of proscribed practices that minimize harm to the Earth – demonstrate a calculus that favors some people’s fear, intolerance, power, profiting-making desires, and preference for preserving the status quo over ecological need.

Conclusion and Future Directions

In this essay, I have described the relationship between environmental harm, crime, and deviancy. I have also examined a range of *illegal environmental harms* (distinguishing between illegal acts or omissions that are environmentally harmful and socially deviant – subject to public reproach – and those illegal acts or omissions that are environmentally harmful, but not considered deviant by some segment of society), as well as *legal environmental harms* – acts or omissions that are permissible under the law and accepted by society, but which are “ecologically deviant” in that they interrupt, unsettle or “offend” ecosystems or the larger biosphere. This essay has also highlighted instances where legal and illegal environmental harm contributes to or could lead to other (non-environmental) crime, delinquency, and deviance, and it has offered an overview of activities that are beneficial to the environment, but that have been criminalized (or otherwise proscribed) and that some portions of the population regard as deviant.

Throughout this essay, I have offered evidence of how processes of resource extraction and consumption, waste disposal, the corporate colonization of nature, and species decline are adversely affecting the world’s ecology and the global environment (White, 2011, p. 8). Unfortunately, observes Passas (2005, p. 772), “just when regulatory action and oversight is imperative, part of the neo-liberal agenda and practice around the globe is to de-regulate business and further reduce the role of the state.” At the same time, Friedrichs and Rothe (2012, p. 248) note that we encounter “something of a paradox (and conundrum) to have progressives arguing in favor of more substantial intervention” – a statement that enjoys a measure of support from the examples above of deviant, but environmentally beneficial activities. The question, then, is how to reduce or eliminate environmental harm and crime effectively without recreating the horrors and injustices of the wars on crime, drugs, and terror (Curra, 2014). Given the difficulties of legislating individual and group behavior (especially when it comes to something like energy consumption), Mares (2010) has suggested that we address ecological harm through shaming, rather than criminalization. Whether, and the extent to which, this can be accomplished remains a challenge for those interested in minimizing environmentally harmful behavior and in the intersection of environmental harm, crime, and deviancy.

References

- Adams, C.J. (1994a). *Neither Man Nor Beast*. New York: Continuum.
- Adams, C.J. (1994b). Bringing peace home: A feminist philosophical perspective on the abuse of women, children, and pet animals. *Hypatia*, 9 (1), 62–84.
- Agnew, R. (1998). The causes of animal abuse: A social-psychological analysis. *Theoretical Criminology*, 2 (2), 177–209.
- Agnew, R. (2012a). Dire forecast: A theoretical model of the impact of climate change on crime. *Theoretical Criminology*, 16 (1), 21–42.
- Agnew, R. (2012b). It’s the end of the world as we know it: The advance of climate change from a criminological perspective. In R. White (ed.), *Climate Change from a Criminological Perspective* (pp. 13–25). New York: Springer.

- Agnew, R. (2013). The ordinary acts that contribute to ecocide: A criminological analysis. In N. South, & A. Brisman (eds.), *Routledge International Handbook of Green Criminology* (pp. 58–72). London & New York: Routledge.
- Ahmedov, A. (2009). Uzbekistan: Authorities using dirty tactics to clean up laundry. EurasiaNet.org, January 27. Retrieved from <http://www.eurasianet.org/departments/insightb/articles/eav012809c.shtml>
- Anderson, T.L. (Ed.). (2014). *Understanding Deviance: Connecting Classical and Contemporary Perspectives*. New York & London: Routledge.
- Applebome, P. (2009). Envisioning the end of 'don't cluck, don't tell.' *The New York Times*, April 30, A21.
- Ascione, F.R. (1993). Children who are cruel to animals: A review of research and implications for developmental psychopathology. *Anthrozoos*, 6, 226–247.
- Beirne, P. (1995). The use and abuse of animals in criminology: A brief history and current review. *Social Justice*, 22 (1), 5–31.
- Beirne, P. (2007). Animal rights, animal abuse and green criminology. In P. Beirne, & N. South (Eds.), *Issues in Green Criminology: Confronting Harms against Environments, Humanity and Other Animals* (pp. 55–83). Cullompton: Willan Publishing.
- Bell, S., McGillivray, D., & Pedersen, O.W. (2013). *Environmental Law* (8th ed.). Oxford: Oxford University Press.
- Berry, B. (2012). A critical interpretation of animal exploitation. In W. DeKeseredy, & M. Dragiewicz (Eds.), *Routledge Handbook of Critical Criminology* (pp. 230–240). London & New York: Routledge.
- Blecha, J.L. (2007). *Urban Life with Livestock: Performing Alternative Imaginaries through Small-Scale Urban Livestock Agriculture in the United States*. PhD dissertation, University of Minnesota.
- Brisman, A. (2008). Crime-environment relationships and environmental justice. *Seattle Journal for Social Justice*, 6 (2), 727–817.
- Brisman, A. (2010). The indiscriminate criminalisation of environmentally beneficial activities. In R. White (Ed.), *Global Environmental Harm: Criminological Perspectives* (pp. 161–192). Cullompton: Willan Publishing.
- Brustein, J. (2009). Beekeepers keep the lid on. *The New York Times*, June 21, MB5.
- Carpenter, S. (2010). Greywater report looks at wastewater's potential. *Los Angeles Times*, November 23.
- Choo, K. (2011). Plowing over: can urban farming save Detroit and other declining cities? Will the law allow it? *ABA Journal*, August 1. Retrieved from http://www.abajournal.com/magazine/article/plowing_over_can_urban_farming_save_detroit_and_other_declining_cities_will/
- Cornes, S. (2008). Sweet honey in the block. *edibleMANHATTAN*, September/October (1), 53–56.
- Curra, J. (2014). *The Relativity of Deviance* (3rd ed.). Thousand Oaks, CA: Sage.
- de Prez, P. (2000). Excuses, excuses: The ritual trivialization of environmental prosecutions. *Journal of Environmental Law*, 12 (1), 65–77.
- Deviney, E., Dickert, J., & Lockwood, R. (1983). The care of pets within child abusing families. *International Journal of the Study of Animal Problems*, 4, 321–329.
- Dicum, G. (2007). The dirty water underground. *The New York Times*, May 31.
- Duffy, R. (2010). *Nature Crime: How We're Getting Conservation Wrong*. New Haven, CT: Yale University Press.
- du Rées, H. (2001). Can criminal law protect the environment? *Journal of Scandinavian Studies in Criminology and Crime Prevention*, 2, 109–126.

- Englehaupt, E. (2008). Do food miles matter? *Environmental Science & Technology*, 42 (10), 3282.
- Erikson, K.T. (1962). Notes on the sociology of deviance. *Social Problems*, 9 (4), 307–314.
- Felhous, A.R., & Kellert, S.R. (1987). Childhood cruelty to animals and later aggression against people: A review. *American Journal of Psychiatry*, 144, 710–717.
- Ferrell, J. (2006). *Empire of Scrounge: Inside the Urban Underground of Dumpster Diving, Trash Picking, and Street Scavenging*. New York: New York University Press.
- Ferrell, J., Hayward, K.J., & Young, J. (2008). *Cultural Criminology: An Invitation*. London: Sage.
- Fornelli, T. (2013). Harvey Updyke released from jail. *CBSsports.com*, June 9. Retrieved from <http://www.cbssports.com/collegefootball/eye-on-college-football/22380593/harvey-updyke-to-be-released-from-jail-monday>
- Fortney, D.C. (2003). Thinking outside the 'black box': Tailored enforcement in environmental criminal law. *Texas Law Review*, 81 (6), 1069–1635.
- Frick, P.J., Van Horn, Y., Lahey, B.B., Christ, M.A.G., Loeber, R., Hart, E.A., Tannenbaum, L., & Hanson, K. (1993). Oppositional defiant disorder and conduct disorder: A meta-analytic review of factor analyses and cross-validation in a clinic sample. *Clinical Psychology Review*, 13, 319–340.
- Friedrichs, D.O., & Rothe, D.L. (2012). Crimes of the powerful: White-collar crime and beyond. In W. DeKeseredy, & M. Dragiewicz (Eds.), *Routledge Handbook of Critical Criminology* (pp. 241–251). London & New York: Routledge.
- Golden, J.S., Subramanian, V., Irizarri, G.M.A.U., White, P., & Meier, F. (2010). Energy and carbon impact from residential laundry in the United States. *Journal of Integrative Environmental Sciences*, 7 (1), 53–73.
- Groombridge, N. (2013). Matter all over the place: Litter, criminology and criminal justice. In N. South, & A. Brisman (eds.), *Routledge International Handbook of Green Criminology* (pp. 394–408). London & New York: Routledge.
- Hall, M. (2013). Victims of environmental harms and their role in national and international justice. In R. Walters, D.S. Westerhuis, & T. Wyatt (Eds.), *Emerging Issues in Green Criminology: Exploring Power, Justice and Harm* (pp. 218–241). Basingstoke: Palgrave Macmillan.
- Hall, M. (2014). *Interrogating Green Crime: An Introduction to the Legal, Social and Criminological Contexts of Environmental Harm*. Basingstoke: Palgrave Macmillan.
- Hall, M., & Farrall, S. (2013). The criminogenic consequences of climate change: Blurring the boundaries between offenders and victims. In N. South, & A. Brisman (Eds.), *Routledge International Handbook of Green Criminology* (pp. 120–133). London & New York: Routledge.
- Halsey, M., & White, R. (1998). Crime, ecophilosophy and environmental harm. *Theoretical Criminology*, 2 (3), 345–371.
- Hattam, J. (2009). Uzbek capital cracks down on clotheslines. *TreeHugger*, January 30. Retrieved from <http://www.treehugger.com/corporate-responsibility/uzbek-capital-cracks-down-on-clotheslines.html>
- Heckert, A., & Heckert, D.M. (2002). A new typology of deviance: Integrating normative and reactivist definitions of deviance. *Deviant Behavior*, 23 (5), 449–479.
- Heiner, R. (Ed.). (2008). *Deviance Across Cultures*. Oxford: Oxford University Press.
- Hill, A. (2010). Wildlife conservation projects do more harm than good, says expert. *The Guardian*, 29 July. Retrieved from <http://www.theguardian.com/environment/2010/jul/29/wildlife-conservation-projects-more-harm>
- Hinnen, J. (2013). Harvey Updyke pleads guilty, gets six months in jail. *CBSsports.com*, March 22. Retrieved from <http://www.cbssports.com/collegefootball/eye-on-college-football/21933129/harvey-updyke-pleads-guilty-gets-six-months-in-jail>

- Hinnen, J. (2014). Harvey Updyke denied reduced restitution payments to Auburn. CBSSports.com, January 14. Retrieved from <http://www.cbssports.com/collegefootball/eye-on-college-football/24409233/harvey-updyke-denied-reduced-restitution-payments-to-auburn>
- House of Commons. (2004). *Environmental Crimes and the Courts*. Environmental Audit Committee, Sixth Report of Session 2003–04. London: The Stationery Office Limited. Retrieved from <http://www.publications.parliament.uk/pa/cm200304/cmselect/cmenvaud/126/126.pdf>
- Hughes, K.A. (2007). To fight global warming, some hang a clothesline. *The New York Times*, April 12, F4.
- Hurdle, J. (2009). US residents fight for the right to hang laundry. Reuters, November 18. Retrieved from <http://www.commondreams.org/headline/2009/11/19-9>
- Jacoby, K. (2001). *Crimes against Nature: Squatters, Poachers, Thieves, and the Hidden History of American Conservation*. Berkeley, CA: University of California Press.
- Kellert, S.R., & Felthous, A.R. (1985). Childhood cruelty toward animals among criminals and noncriminals. *Human Relations*, 38, 1113–1129.
- Kilarski, B. (2003). *Keep Chickens! Tending Small Flocks in Cities, Suburbs and Other Small Spaces*. North Adams, MA: Storey Publishing.
- Lee, A. (2002). Clotheslines: A simple option. *Albany Law Environmental Outlook Journal*, 7 (1), 27–44.
- Liddick, D. (2010). The traffic in garbage and hazardous wastes: An overview. *Trends in Organized Crime*, 13 (2–3), 134–146.
- Littman, M. (2009). Chicken Not-So-Little. *ABA Journal*, 95 (7), 12.
- Lynch, M.J., & Stretesky, P.B. (2010). Global warming, global crime: A green criminological perspective. In R. White (Ed.), *Global Environmental Harm: Criminological Perspectives* (pp. 62–84). Cullompton: Willan.
- Mares, D. (2010). Criminalizing ecological harm: Crimes against carrying capacity and the criminalization of eco-sinners. *Critical Criminology*, 18 (4), 279–293.
- McClanahan, B. (2014). Green and grey: Water justice, criminalization, and resistance. *Critical Criminology*. doi:10.1007/s10612-014-9241-8
- McKinley, J. (2011). Farm thieves, go for grapes, and even bees. *The New York Times*, July 22, A1, A11.
- McMullan, J.L., & Perrier, D.C. (2002). Lobster poaching and the ironies of law enforcement. *Law & Society Review*, 36 (4), 679–720.
- Mohn, T. (2010). Fresh from the roof. *The New York Times*, October 19, B7.
- Moynihan, D.P. (1993). Defining deviancy down. *American Scholar*, 62 (1), 17–30.
- Muessig, B. (2009). Ya gotta bee-lieve! *The Brooklyn Paper*, 32 (6), 1, 6.
- Navarro, M. (2010). Bees in the city? New York may let the hives come out of hiding. *The New York Times*, March 15, A16.
- Neuman, W. (2009). Keeping their eggs in their backyard nests. *The New York Times*, August 4, B1, B4.
- Offord, D.R., Boyle, M.H., & Racine, Y.A. (1991). The epidemiology of antisocial behavior in childhood adolescence. In D.J. Pepler, & K.H. Rubin (Eds.), *The Development and Treatment of Childhood Aggression* (pp. 31–54). Hillsdale, NJ: Lawrence Erlbaum.
- Parker, R. (2014). Change in rules for Michigan farm animals creates confusion for some farmers, satisfaction for others. MLive.com, April 29. Retrieved from http://www.mlive.com/news/kalamazoo/index.ssf/2014/04/holda_change_in_rules_for_mich.html
- Passas, N. (2005). Lawful but awful: 'Legal corporate crimes.' *Journal of Socio-Economics*, 34 (6), 771–786.

- Pendleton, M.R. (1997). Looking the other way: The institutional accommodation of tree theft. *Qualitative Sociology*, 20 (3), 325–340.
- Price, C. (2007). A chicken on every plot, a coop in every backyard. *The New York Times*, September 19, D5.
- Purkis, J. (2005). Instead of an editorial: In praise of the gift. *Anarchist Studies*, 13 (1), 5–7.
- Raffles, H. (2010). Sweet Honey on the Block. *The New York Times*, July 7, A21.
- Reed-Huff, L.N. (2010). Dirty dishes, dirty laundry, and windy mills: A framework for regulation of clean energy devices. *Environmental Law Review*, 40 (3), 859–912. Retrieved from <http://law.lclark.edu/live/files/6138-403reedhuffpdf>
- Salemme, E. (2007). The right to dry. *Time*, December 3, 100.
- Schindler, S.B. (2012). Of backyard chickens and front yard gardens: The conflict between local governments and locavores. *Tulane Law Review*, 87 (2), 231–296.
- Simon, D.R. (2004). *Tony Soprano's America: The Criminal Side of the American Dream*. Boulder, CO: Westview.
- Situ, Y. (1998). Public transgression of environmental law: A preliminary study. *Deviant Behavior*, 19 (2), 137–155.
- Skinnider, E. (2013). *Effect, Issues and Challenges for Victims of Crimes that Have a Significant Impact on the Environment*. Vancouver: International Centre for Criminal Law Reform and Criminal Justice Policy. Retrieved from <http://icclr.law.ubc.ca/sites/icclr.law.ubc.ca/files/publications/pdfs/Final%20Paper%20-%20Effect%20Issues%20and%20Challenges%20for%20victims%20of%20Environmental%20Crime.pdf>
- South, N. (2009). Ecocide, conflict and climate change: Challenges for criminology and the research agenda in the 21st century. In K. Kangaspunta, & I.H. Marshall (Eds.), *Eco-Crime and Justice: Essays on Environmental Crime* (pp. 37–54). Turin: UNICRI.
- South, N., Brisman, A., & Beirne, P. (2013). A guide to green criminology. In N. South, & A. Brisman (Eds.), *Routledge International Handbook of Green Criminology* (pp. 27–42), London & New York: Routledge.
- Strand, G. (2012). Hitchhiking's time has come again. *The New York Times*, November 11, SR4.
- White, R. (2011). *Transnational Environmental Crime: Toward an Eco-global Criminology*. London & New York: Routledge.
- White, R. (2013). *Environmental Harm: An Eco-Justice Perspective*. Bristol: Policy Press.
- Wickman, P.M. (1991). Deviance. In R. Lachman (Ed.), *Encyclopedic Dictionary of Sociology* (4th ed.) (pp. 85–87). Guilford, CT: Dushkin.
- World Health Organization. (2014). 7 million premature deaths annually linked to air pollution. News release, 25 March. Retrieved from <http://www.who.int/mediacentre/news/releases/2014/air-pollution/en/>

Organizational Deviance

Where Have We Been and Where Are We Going?

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In the mid-1990s, Colin Sumner (1994, p. 311) argued that “the time has passed for behavioural concepts such as social deviance,” and that the sociology of deviance is in decline. This has led to discussion about the relevance of the sociology of deviance and its propensity to advance theoretically (Calhoun & Conyers, 2006; Goode, 2006). Questions have also been raised about whether sociology itself is in intellectual decline (Cole, 2001). Thompson and Smith (2009) draw attention to the re-homing of sociology, suggesting that it is increasingly being located in places such as business schools. There are certainly examples of organizational deviance coming out of disciplines such as management that strongly locate themselves within sociological theory. However, around the same time that Sumner (1994) raised his concerns about the future of social deviance, a growing body of literature focusing specifically on workplace deviance started to emerge from disciplines such as management.

A key concern that I have with this body of literature is that it largely fails to engage with the work of organizational sociologists and has limited connection with broader sociological thought. In raising this concern it is essential that I state my position on workplace deviance. I view deviance primarily through the social constructionist lens investigating how individuals come to be labelled as deviant. As a scholar within the management discipline, I have consistently questioned why employee behaviors are identified as the cause of many organizational failures. I conduct most of my academic research in the context of organizational change adoption in which a common discourse attributes employee resistance to unsuccessful change programs. My concern with these studies is that employees are not necessarily given opportunities to engage in organizational change planning or implementation. Further, they do not always possess the knowledge required to develop strategies to stop change, and might not even be aware of many of the changes that take place within their organizations (Dent & Goldberg, 1999). I hold a similar view of workplace deviance literature, in that

employees are featured front and centre of the deviance literature in a managerial context in which they are not always afforded agency. I acknowledge that deviant acts take place in organizations on a regular basis, and employees routinely engage in deviance. However, I also recognise deviance as a social construct, which one might consider as a consequence of social contexts and their interactions with others within them, rather than viewing it as behavior that is self-evident.

Research conducted under the umbrella term of *workplace deviance* (a term that I use interchangeably with *organizational deviance*) tends to view deviance as the act of rule-breaking without question, rather than “a matter of definition” (Goode & Vail, 2008, p. 2). This has led management scholars to conduct research seeking to find out *why* individuals engage in deviant behavior, creating an over-emphasis on objectivist approaches in which human behavior is reduced to testable variables. This is not to suggest that workplace deviance studies to date have not contributed to a growing body of knowledge within the discipline. Rather, I argue that workplace deviance research is at a crossroads, and that various limitations of the current body of literature need further consideration for it to move forward. My primary concern lies in the replication of studies that continue to make assumptions about why deviance occurs without questioning whether it has actually taken place or how it might be socially constructed. To advance workplace deviance theoretically, organizational scholars need to engage more effectively with discussions that have taken place in contexts such as sociology. Scholars also need to apply and consider a range of theoretical perspectives to better understand what actually transpires in organizational settings. Here, I’d like to discuss how deviance has been defined in workplace research, and then to draw attention to common themes and beliefs within the literature pertaining to what causes deviance in organizations, and offer examples of what constitutes deviant behavior in organizations. Finally, I’d like to highlight the limitations of organizational deviance research. I argue that two key areas require further attention by scholars. The first addresses the theoretical limitations already identified; and the second investigates how agency is afforded to different organizational members in deviance research.

The State of Workplace Deviance Research

Some scholars argue that, as it relates to the workplace or industrial setting, deviance theory has little to offer. According to Nancy Davis: “Deviance research as a field lacks theoretical and ideological continuity. Conceptual frameworks have shifted over time to reflect the changing points of view sociologists have taken in their efforts to define, describe, and explain the changing and bewildering industrial order” (Davis, 1980, p. 7). On the other hand, other scholars believe that organizational deviance falls within the rubric of deviant behavior generally, with normative violation as its fulcrum:

Employee deviance is ... voluntary behavior that violates significant organizational norms and in so doing threatens the well-being of an organization, its members, or both. Employee deviance is voluntary in that employees either lack the motivation to conform to normative expectations of the social context or become motivated to violate those expectations. (Robinson & Bennett, 1995, p. 556)

Organizational scholars have long explored concepts such as power and resistance in workplaces, and the variety of behaviors that individuals engage in as a consequence (Jermier, Knights, & Nord, 1994; Knights & Vurdubakis, 1994; Clegg, Courpasson, & Phillips, 2006). At the individual level, the recalcitrant worker has been discussed at length, exploring how workers respond to industrial regimes through actions such as sabotage, time-wasting, absenteeism, and theft (Thompson & Ackroyd, 1995). At a group level, Becker (1963) introduced us to the deviant occupation. In exploring the dance musician, Becker (1963, p. 79) argued that while dance musicians act “formally within the law, their culture and way of life are sufficiently bizarre and unconventional for them to be labelled as outsiders by more conventional members of society.” The dance musician is less likely to be labeled as deviant in current society. However, other occupational groups continue to be labeled so. For example, topless dancers (Thompson & Harred, 1992; Thompson, Harred, & Burk, 2003) and sex workers (Luckenbill, 1986) have also been the subject of sociological discussion with emphasis on how individuals neutralize or manage the stigma involved with being employed in deviant occupations.

Research on worker recalcitrance is comparable to more recent studies of workplace deviance in terms of the activities and behaviors in which workers engage. However, a key difference lies in the agency that workers are afforded. Within labor studies, recalcitrance is often considered a vehicle for change, indicating that workers have some control over their work and some agency within organizations. In comparison, the managerial view of deviance positions employees as passive organizational members unless they engage in “negative” behaviors such as resistance or deviance. This argument reflects a warning from Thompson and Ackroyd (1995, p. 615) in the mid-1990s in which shifting away from labor-focused research could construct a view of managers as “an active and successful agency” in terms of decision-making and leading change. If this shift has already taken place in organizational research, it could provide a partial explanation for the proliferation of workplace deviance research that focuses on determining the causes of deviance, for any employee activity that is not directed towards management goals would be assumed to be deviant (Ackroyd & Thompson, 1999).

In the discipline of sociology, deviance is difficult to define and dependent upon the theoretical perspectives used by scholars and researchers. For example, the social pathology approach – once the dominant approach in the study of social problems, but now nearly defunct – considers conventional norms calling for appropriate behaviour to be largely a matter of common sense. That is, the word “normal” has come to mean that which is in harmony with the general make-up and organization of the object under discussion – “that which is consistent with normal factors” (Fairchild, 1921, p. 16). For the functionalist, norms are developed through the equilibration of society in response to rule violation and deviant acts, highlighting deviance and its sanctioning as being integral and functional to the development and maintenance of society (Parsons, 1951; Durkheim, 1982). Alternatively, the interactionist considers norms to be socially constructed, suggesting that different individuals interpret behaviors differently and what may be deemed deviant to one may not be to another. Further, the label of deviant can be bestowed upon another by a group or individual, without the individual even being aware that their behavior is inappropriate (Rubington & Weinberg, 2008).

In comparison, workplace deviance research emerging from the management discipline is clearly defined. Robinson and Bennett's (1995) definition of "voluntary behavior that violates significant organizational norms and in doing so, threatens the well-being of an organization, its members or both" is frequently cited by management scholars. This particular definition assumes that norms are understood by organizational members in terms of what is *correct* or *appropriate* at work, and that actions that violate norms are intentional. These assumptions are also evident in other definitions, for example: "behaviors initiated by employees that contravene company norms" (Ferris, Spence, Brown, & Heller, 2012, p. 1789); or "voluntary or intentional action that is counter to organizational norms and harmful to organizational functioning" (Holtz & Harold, 2010, p. 340). It is noteworthy that some scholars use the definition promulgated by the *American Heritage Dictionary* (2010), which is also used by numerous organizational studies researchers. In their edited book on managing organizational deviance, Kidwell and Martin (2005, p. 4) draw upon the dictionary definition with emphasis upon both the verb and noun use, with deviance being: "to depart, as from a norm, purpose or subject" (verb); or "one that differs from a norm, especially a person whose behavior and attitudes differ from accepted social standards" (noun).

Although workplace deviance shares a common definition across much of the literature, a number of different expressions have been developed to describe it. The term *employee deviance* is often used, implying that deviance is primarily associated with employees rather than managers or stakeholders. Other variations include *counterproductive behavior* (Sackett, 2002); *anti-social behavior* (Boroff & Lewin, 1997); *dysfunctional behaviour* (Bolin & Heatherly, 2001); and there is even a subdiscipline of organizational behavior referred to as *organizational misbehavior* (Boddy, 2006), which serves as an umbrella term for a number of deviant employee acts. While these terms vary in their use of language, they tend to retain the central assumptions highlighted in Robinson and Bennett's (1995) definition above, that is, *counterproductive behavior* is considered to be intentional behavior engaged in by members of an organization that is contrary to organizational interests (Sackett, 2002). In comparison, the term *organizational misbehavior* is also used in management research drawing from the work of Ackroyd and Thompson (1999). However, rather than drawing from their broad definition of "anything you do at work you are not supposed to do" (Ackroyd & Thompson, 1999, p. 2), management scholars tend to define it in the same way as the term *workplace deviance* (see, for example, Vardi & Weiner, 1996; Kidwell & Valentine, 2009).

Regardless of the terminology used, an implication remains within the management discipline that deviance is about the act of norm-breaking. Rather than contesting norms or seeking to understand how individuals or groups come to be considered deviant by others, scholars have developed a path in which workplace norms are assumed to be "unproblematic and relatively stable objects of knowledge" (Bryant & Higgins, 2010, p. 250). Further, management researchers have primarily replicated this focus rather than seeking to problematize deviance from an alternative perspective. As a consequence, workplace deviance in the management context has focused primarily on discussions of what deviant behaviors "look like" and questions around the causes and consequences of deviance in and for organizations.

What is considered deviant in organizations?

“We used to go out exploring the grounds; a few of the boys used to be into tree chopping. So they’d take an axe and chop down a few trees and wait for [one of the managers’ vehicles] to come past and chop it down in their path. We would just leave them out there” (Bryant, 2003). Similar to the terminology used to identify it, examples of what constitutes deviance in organizations are many and varied. Perhaps one of the most cited studies in management is the work of Robinson & Bennett (1995), who developed a typology of deviance. Within the typology, workplace deviance is divided into four specific categories: property, production, property deviance, and personal aggression. It is not the intent of this essay to discuss all of these. Rather, I explore several examples as a way of reviewing their treatment and assumptions made about them in different contexts. As an example, discussions of property deviance in the form of sabotage and theft (Harris & Ogbonna, 2006; Mars, 2006; Xiao-Wei, 2012) resonate with sociological studies of recalcitrance in terms of the theme, but differ in terms of intent. That is, these studies are developed using a positivist approach, and seek to explore antecedents of production deviance (Harris & Ogbonna, 2006), or how conditions such as job satisfaction cause an individual to engage in production deviance (Xiao-Wei, 2012). In comparison, scholars such as Thompson & Ackroyd (1995) discuss shifting interpretations of activities such as sabotage, suggesting that deviance is not merely considered to be rule-breaking, but can also be seen as innovative or creative ways to take control of work, or as a way to negotiate rules around it. However, acts of sabotage are also viewed as having a criminal aspect, which is the focus of discussions that take place in the context of law and criminology (Mars, 2006).

Other studies of workplace deviance emphasize the scale of behavior ranging from minor to more serious actions. For example, Lawrence & Robinson (2007) indicate that deviance can include anything from being consistently late for work through to physical assaults. Other organizational scholars have picked up on similar themes, with discussions extending into sexual harassment (Anderson & Bouravnev, 2011; Pesta, Hrivnak, & Dunegan, 2007) and workplace bullying (Branch, Ramsay, & Barker, 2013; Sidle, 2010). At the more extreme end, school shootings (Fox & Harding, 2005), organizational violence and examples of corporate crime in which “corporations and their executives cause death and suffering” (Punch, 2000, p. 253) also feature. Other researchers focus more specifically on the general behavior of managers. For example, Tepper and colleagues (Tepper, 2000; Tepper, Henle, Lambert, Giacalone, & Duffy, 2008) explore the relationship between abusive supervision (which is also considered a form of workplace bullying) and employee deviance by looking at how management hostility or aggression can lead employees to voluntarily break organizational rules. This theme is also taken up by Litzky, Eddleston, and Kiddler (2006) in their discussion of management activity. They found that management behaviors around reward structures, ambiguity about performance expectations, trust, and social pressures at work create conditions that lead employees to engage in deviance.

More overt examples of deviance have been discussed in contexts such as organizational change in which a view is often held that managers implement change and employees merely resist it. Similar to workplace deviance research, responses or

reactions to change that are viewed negatively by management are largely considered as inappropriate and the product of troublemakers, even if valid concerns are raised by employees (Dent & Goldberg, 1999). Although this view has been widely challenged (Piderit, 2000; Pardo del Val & Fuentes, 2003), recent studies continue to seek explanation as to why employees demonstrate resistance and how to manage it away (Mariana & Violeta, 2011; Mariana, Braduțanu, & Roiban, 2013). This assumes that resistance is self-evident and an expected outcome of change programs, rather than exploring whether it actually exists or how it is constructed. This view also indicates that resistance is an employee problem rather than a managerial one; those who respond through actions that are misaligned with the managerial view of change are deviant or unable to cope (Bryant & Wolfram Cox, 2003, 2006). I argue that this also draws further attention to questions about agency in organization studies; that is, employees are passive consumers of management decision-making, yet are afforded agency when things go wrong.

Focusing on what resistant behavior might look like, a number of organizational researchers have studied examples such as humour. Humour has been linked to both resistance and acts of deviance in the workplace. On the one hand, humour is considered to be functional in terms of promoting organizational stability (Collinson, 2002; Rodrigues & Collinson, 1995). However, the rationalist view of organizations is thought to have led to “the need to control and contain the non-serious” (Westwood & Johnston, 2013, p. 227) aspects of organizational life. Rodrigues and Collinson (1995, p. 749) studied a Brazilian organization and found that criticism directed towards management by staff “was expressed through the subtle medium of satirical images, cartoons and metaphorical representations of particular individuals and practices.” Humour has also been used as a way of workers exerting masculinity in the workplace through engagement in joking or inappropriate discussion of women, demonstrating the role that such behaviors can play in identity construction (Collinson, 1988). At a different level again, “ironic, sardonic and satirical modes of humor” (Westwood & Johnston, 2013, p. 229) have been discussed in the context of organizational misbehaviour, in which Ackroyd & Thompson (1999) have also documented a more sinister use of humour in the form of practical joking bordering on organizational violence.

Focus on behaviors such as resistance and humour has led to a dialog in organization studies that seeks to understand when and why such behaviors take place. Continuing discussions in these areas would certainly advance management studies theoretically. However, such research is still somewhat limited, as many workplace deviance researchers maintain the view that it is “driven by provocations” (Lawrence & Robinson, 2007, p. 380). In comparison, sociologists, particularly within the interactionist tradition, have spent more time focusing on the social contexts in which deviance is constructed and the role that society plays in determining whether or not an individual is deemed to be deviant. While this is evident in the examples of humour already discussed, emphasis on how groups or individuals are positioned by others is not given a great deal of credence in management research (for some other exceptions, see Badham, Garrety, Morrigan, Zanko, & Dawson, 2003; Bryant & Higgins, 2010). This has led to a trend in workplace deviance in which researchers seek to find the cause rather than investigate the complexities.

Current theorizing of deviance in organizational research

The substantial within-individual component to deviant behavior suggests limits on the degree to which one can control workplace deviance by simply selecting out applicants predisposed to deviance or terminating employees on the basis of acts of deviance. ... Given that much of workplace deviance lies within individuals, deviant behavior would still occur. (Judge, Scott, & Ilies, 2006, p. 136)

Since the mid-1990s, workplace deviance research has predominantly focused on hypothesizing about, measuring or predicting the causes of deviance. Organizational psychologists have suggested that the existence of various intrapersonal psychological traits and conditions within individuals can predict whether or not an employee is likely to engage in deviant behavior (as an example, see Bolin & Heatherly, 2001). Internal motivations, personality traits, attitudes, and varying levels of emotional attachment have all been explored as possible explanations for deviance (Colbert, Mount, Harter, Witt, & Barrick, 2004; Galperin & Burke, 2006; Robinson & Bennett, 1995). Such intrapersonal traits are then measured alongside different variables to determine under which conditions deviant behaviors are likely to become salient. Variables might include different job-related conditions, factors within the internal or external environment, or demographics (Iverson & Deery, 2001; Lee & Allen, 2003). The ability to predict deviant behavior is thought to be useful for managers seeking control or stability in the workplace through careful selection or removal of staff (Judge *et al.*, 2006).

This perspective toward deviance resonates with the social pathologist view in which deviance is linked to “personal maladjustment or pathology” (Davis, 1980, p. 31). Individual traits thought to lead to deviant behavior require correction for the individual to align with organizational norms, or, as Judge *et al.* (2006) suggest, removal of the maladjusted individual from the organization. This approach assumes that deviance is an inherent state that can only be changed through specific intervention. Viewing deviance in this manner also ignores the role that the social context plays in the manifestation of particular behaviors. On a more practical and perhaps worrying level, suggestions made by Judge *et al.* (2006) imply that managers possess the relevant psychological knowledge and skill to assess whether or not employees possess “deviant” personality traits, and that in the event of any behavior taking place that they deem to be deviant, specific employees could be merely terminated. Views such as those proffered by Judge *et al.* also imply a shared knowledge of what is “normal” when it comes to personality and human behavior.

Similar assumptions about shared norms are also evident in research that links an individual's ideology to their propensity to engage in deviant behavior, suggesting that norms about the correct ideologies at work also exist. Focusing on idealist and relativist ideologies, Henle, Giacalone, and Jurkiewicz (2005) found that both “interacted to predict organizational deviance in such a way that there was only a relationship between idealism and deviant behavior when relativism was higher.” Others have emphasized organizational norms through exploration of individual acts of deviance in relation to their burnout or dissatisfaction at work, particularly in contexts in which employees

perceive that they are being treated inequitably or in an unjust manner (Cole, Walter, Bedeian, & O'Boyle, 2012; Evans, Goodman, & Davis, 2010; Holtz & Harold, 2010; Ménard, Brunet, & Savoie, 2011). These examples of workplace deviance provide further evidence that organizational members know and share norms that are fair, just, and equitable with respect to the promotion of employees and access to the criteria by which employees are judged. Uncontested norms are even more evident in research that investigates relationships between organizational culture and individual deviance. Research that links toxic cultures to workplace deviance (Appelbaum & Shapiro, 2006; Appelbaum, Iaconi, & Matousek, 2007) indicates that there are norms pertaining to what an acceptable culture is, while studies of organizational cultures that play a role in deviance by promoting profits above employee wellbeing (Appelbaum, Deguire, & Lay, 2005) imply that norms around the balance between profit and staff wellbeing are also known and achievable.

Besides the assumptions made about norms, a common theme across examples discussed so far is that the onus of deviant behavior is mostly placed upon the individual. The individualizing of deviance is self-evident in discussions that emphasize personal traits as the cause of deviance. However, individualizing is also evident in discussions that focus on the role that social processes and cultures play in creating contexts for deviant behaviors. For example, a toxic organizational culture might provide the social context for rule-breaking (Appelbaum *et al.*, 2005), but the individual is still thought to make a conscious choice about whether or not to engage in deviant behavior in response to it. This reflects an argument made by Westwood and Johnston (2013) about entrenched rationalist assumptions dominating management research. In response, a small group of researchers have sought to use social constructionist approaches to provide an alternative view. Warren (2003, p. 623) raised the question of "deviant compared to what?", arguing that employees are subjected to competing norms and constructions of appropriate behaviors at any one time. Thus, knowing how and when to behave in particular ways is challenging for organizational members. Badham and colleagues (2003) highlight further ambiguities: "Managers and employees may be caught in a situation of discursive and practical conflict between competing discourses of deviance: [That is] between one condemning the established organizational ethos and codes of conduct as 'deviant,' and the other criticizing those attempting to bring about such a change as the 'outsiders'" (Badham *et al.*, 2003, p. 725).

I share similar views (Bryant & Higgins, 2010), arguing that constructions around appropriate behavior are dynamic rather than static, shifting across time and context. Consequently, employees can be labelled deviant and stigmatized when new organizational norms are constructed or are not shared or understood across all levels of the organization. Examples such as these raise significant questions about how deviance is viewed in organizations and how it could be treated by organizational researchers. Nevertheless, they are limited in the management discipline and compete with the replication of dominant approaches discussed in this essay so far. Continuing this replication risks the development of circular discussions and the implosion of workplace deviance research, rather than its expansion. To avoid this, deviance scholars need to take a number of challenges into serious consideration.

Organizational Deviance Research at a Crossroads

“Do the salient characteristics that lead to diagnoses reside in the patients themselves or in the environments and contexts in which observers find them?” (Rosenhan, 1973, p. 59). Becker (1963) stated that scientific research has:

... accepted the common-sense assumption that the deviant act occurs because some characteristic of the person who commits it makes it necessary or inevitable that he should. Scientists do not ordinarily question the label ‘deviant’ when it is applied to particular acts of people but rather take it as a given. In so doing, they accept the values of the group making the judgment. It is easily observable that different groups judge different things to be deviant. This should alert it to the possibility that the person making the judgment of deviance, the process by which that judgment is arrived at, and the situation in which it is made may all be intimately involved in the phenomenon of deviance. (Becker, 1963, pp. 3–4)

Scholars of organizational deviance face a number of challenges in advancing the body of knowledge. Several limitations have already been raised by scholars before me, highlighting both the static nature of deviance studies (Bennett & Robinson, 2003), and the exclusive focus on individual differences and the role they play in predicting deviance (Judge *et al.*, 2006). I agree with these limitations. However, I argue that there are more pressing challenges facing organizational researchers, the first of which is a theoretical challenge.

Theoretical limitations

Decades ago, Davis (1980) highlighted concerns about expanding the theory and ideology of deviance, yet current organization studies still do not adequately engage with theory. This is evident in the functionalist bent of workplace deviance research to date. That is, the act of norm breaking is assumed and rarely questioned. Further, research citing definitions from the mid-1990s (Robinson & Bennett, 1995) is replicated with scholars not acknowledging research that took place before this or within non-organizational contexts. Consequently, deviance is reduced to a set of measurable variables instead of a social concept or construction.

I too have argued that workplace deviance relies too heavily upon functionalist approaches (Bryant & Higgins, 2010). I maintain that ongoing assumptions made about the norm-breaking nature of workplace deviance limit our thinking about organizational behavior. However, on reflection, I believe that specific engagement with functionalist theory is largely missing and perhaps misunderstood; that is, scholars draw on only parts of the functionalist tradition. Central to Durkheim’s (1982) functionalist view of deviance is the belief that deviance can make a fundamental contribution to society. A degree of crime and misbehavior is not only required for society to establish norms and social order, but is healthy, for it plays an essential role in promoting unity. Within the management context, deviance is primarily viewed as

aberrant behavior that harms the organization and is something that needs to be controlled and, if possible, eliminated. It is important to acknowledge that a growing body of research has discussed the positive benefits of deviance for organizations and their members (Spreitzer & Sonenshein, 2004; Morrison, 2006). However, very few authors engage with the work of Durkheim or others in explaining the role of norm-breaking for social stability. Scholars seem to be somewhat nervous about stating that deviance is good for organizations. For example, researchers frequently view deviance as functional for individuals but damaging to organizations: "Although deviant actions may be perceived as dysfunctional by the organization itself, they may be functional to those engaging in them because ... they serve to maintain and protect their needs for autonomy and sense of self-respect and fairness" (Lawrence & Robinson, 2007, p. 379).

Continued assumptions about deviance as norm-breaking raises both epistemological and methodological challenges for researchers. Organizational researchers appear to be more concerned with finding an objective truth about deviant behavior than exploring social contexts. This has led to a proliferation of positivist research focused on developing and testing hypotheses. Further, quantitative approaches based on existing instruments or developed with researchers' interpretations of the literature have ultimately set the direction of workplace deviance research. This has formed an uneven picture of deviance in organizational contexts – one that depersonalizes individuals and largely ignores social contexts or reduces them to variables.

A further theoretical challenge for researchers is better engagement with the array of approaches to deviance to tease out such complexities. Further research questions need to be asked about others' constructions of deviance. Of note, Goffman (1963, p. 127) argued that all human beings possess "half-hidden" failings that fall short of social norms. However, it is the stigmatization of these failings by others that determine whether or not they constitute deviance. If all individuals possess characteristics or idiosyncrasies that lie beyond social expectations, we should raise and explore questions around what *normal* is in organizational contexts. For example, how does humour shift from being viewed as a constructive behavior to a deviant one? Such a question draws attention to the importance of further research that focuses on the social constructionist nature of deviance in organizations. Researchers also need to pay attention to the role that social discourses play in dictating *what* and *when* certain characteristics are viewed as deviant. Management studies are also devoid of consideration for the environment in which those labelled deviant are or have been immersed. Further, what of those accused of breaking norms? Without such perspectives and knowledge, we are not able to understand the individual's social world in terms of how it might normalize behaviors that society deems deviant. Nor can we understand how an individual can shift from victim to offender.

The problem with agency

Above, I acknowledged that a body of work focusing specifically on management-led organizational deviance exists. Nevertheless, overwhelming emphasis is placed upon the employee as the cause and source of deviance, raising serious questions about

agency. Scholars discussed earlier in this paper highlight the sociological view of recalcitrance in which employee behavior is a vehicle for change. A social constructionist movement in the management discipline has also enabled scholars to focus on employee experiences as well as competing discourses providing information about the roles that various organizational members play in change. While such studies afford agency to different levels of the organization, this has yet to transfer adequately to workplace deviance research.

It is fair to argue that the nature of the labor relationship might never afford employees complete autonomy and free choice. This point is not of particular concern in this essay. Rather, my concern lies in research that relates employee deviance to organizational problems, while simultaneously omitting the employee from the picture. This in part is caused by the epistemological and theoretical challenges already discussed, as the objectivist view of deviance distances the researcher from the researched. It also reflects competing discourses within the management literature. On the one hand, workplace deviance research is underpinned by a discourse of managerialism. Managers are the ultimate power holders in organizations, and need to observe and control what takes place at lower levels, leading us to assume that when things go wrong, they are the responsible parties. However, when investigating the causes of the failure of an organization to achieve its goals, the literature on organizations has a tendency to look for employee rather than management failure. This reveals a competing discourse in which employees are held accountable, indicating that agency is afforded to them in particular contexts. This discourse is not new. Notions such as resistance in organizational studies view it as a "concept in which resistance is sited within the individual, and the manager's task is to overcome [it]" (Dent & Goldberg, 1999, p. 34). Although in the organizational change context, some observers have challenged this view, its promulgation raises questions concerning deviance research and agency. For example, why are employees only afforded agency when their behaviors are viewed by managers as deviant? Further, why are organizational problems attributed to employee deviance and resistance, but not the behaviors of managers? Shifting agency is an ongoing paradox for management studies, for it enables one to question the value of continued studies that investigate employee deviance as a cause of problems experienced at strategic levels of the organization of which employees have never been a part. Rather than replicating objectivist workplace deviance research, these are the types of questions with which scholars need to engage.

Conclusion

Throughout this essay I have drawn attention to the current state of organizational deviance research and the directions that researchers can take to advance scholarship theoretically. Whether or not deviance has a future within the sociological context is a question best addressed by those working specifically in the field. However, I believe that organizational researchers have only begun to understand deviance within the workplace context. Organizational and industrial sociologists have discussed deviance in the workplace long before the proliferation of deviance studies from the mid-1990s.

Yet, sadly, this research is often neglected in current literature, with a preference for objectivist approaches. Consequently, the employee is largely absent from the research, with little opportunity to defend or debate accusations of choosing to behave in a deviant manner, or possessing deviant traits.

Although Thompson and Smith (2009) have argued that sociology is increasingly being conducted in business schools, the current state of workplace deviance literature may suggest otherwise. It appears that we are faced with a significant gap between where the sociology of deviance left off in the 1980s and 1990s, and where workplace deviance began. It is imperative that management scholars bridge this gap, for I argue that both areas have a lot to offer the other in terms of disciplinary longevity. However, there are several characteristics of the management discipline that I believe are holding workplace deviance research back. Economic shifts such as neoliberalism have caused organizations to review employment strategies. Secure employment and paternalistic organizational cultures no longer exist, and organizations are increasingly using strategies such as engaging secondary workforces to fulfil labor needs. Coupled with the increasing use of technology, organizations are in some ways becoming more innovative and flexible, while at the same time experiencing more routinization and standardization of work. This undoubtedly impacts upon the ways in which we think about managing organizations and people. It also raises implications for the construction of further competing discourses in organization studies.

Whether or not global economic changes have led to increased managerial control and organizational compliance is an area that organizational researchers need to investigate further. However, it might provide a partial explanation for the direction in which workplace deviance research is currently going. It could be that organizations seek to temper uncertainties caused by external environmental shifts through seeking to more tightly control the internal workforce. Further, "under these conditions, managers attempt to ensure that expended effort approaches the full potential of labor power" (Sewell, 1998, p. 398). Thus, the use of disciplinary power and surveillance likely increases, and employees are provided with less space to engage in behaviors viewed by managers as non-compliant. This explanation seems plausible, particularly when seeking to explain the disparity between theoretical conceptualizations of deviance in sociology and management. That is, the bulk of management researchers have begun to explore deviance at a time when the perceived need for organizational control has likely increased, although this should not excuse scholars from failing to engage with prior research.

Organizational researchers need to better connect with two specific areas to explore workplace deviance. The first refers to the use of different theoretical approaches. This is essential for providing an alternative view of deviance in organizations. It is also essential for teasing out the implications of currently used approaches to deviance, particularly as researchers position themselves as being judgement- and value-neutral. The second area relates to the treatment of agency in organization studies. The positioning of employees as deviant complicates agency in a context where agency is primarily afforded to managers. This is further complicated in the use of objectivist approaches in which researchers distance themselves from the researched, but clearly make a judgment about who is deviant in organizations. I believe that, through

engagement in such issues, knowledge around workplace deviance can not only advance, but also add value to broader sociological debates.

References

- Ackroyd, S., & Thompson, P. (1999). *Organizational Misbehavior*. London: Sage.
- American Heritage Publishing Company. (2010). *American Heritage Dictionary*. Boston: Houghton Mifflin Company.
- Anderson, W.L., & Bouravnev, A. (2011). Sexual harassment: The good, the bad, and the ugly? *Franklin Business and Law Journal*, 4 (1), 31–37.
- Appelbaum, S., Deguire, K., & Lay, M. (2005). The relationship of ethical climate to deviant workplace behavior. *Corporate Governance*, 5 (1), 43–56.
- Appelbaum, S., Iaconi, G., & Matousek, A. (2007). Positive and negative deviant workplace behavior: causes, impacts and solutions. *Corporate Governance*, 7 (5), 586–598.
- Appelbaum, S., & Shapiro, B. (2006). Diagnosis and remedies for deviant workplace behaviors. *Journal of American Academy of Business*, 9 (1), 14–20.
- Badham, R., Garrety, K., Morrigan, V., Zanko, M., & Dawson, P. (2003). Designer deviance: Enterprise and deviance in culture change programmes. *Organization*, 10 (4), 707–730.
- Becker, H.S. (1963). *Outsiders: Studies in the Sociology of Deviance*. New York: Free Press.
- Bennett, R., & Robinson, S. (2003). The past, present and future of workplace deviance research. In J. Greenberg (Ed.), *Organizational Behavior: The State of the Science* (pp. 247–281). Mahwah, NJ: Lawrence Erlbaum.
- Boddy, C. (2006). The dark side of management decision: Organisational psychopaths. *Management Decision*, 44 (10), 1461–1475.
- Bolin, A., & Heatherly, L. (2001). Predictors of employee deviance: The relationship between bad attitudes and bad behavior. *Journal of Business and Psychology*, 15 (3), 405–418.
- Boroff, K., & Lewin, D. (1997). Loyalty, voice and the intent to exit a union firm: A conceptual and empirical framework. *Industrial and Labor Relations Review*, 51 (1), 50–63.
- Branch, S., Ramsay, S., & Barker, M. (2013). Workplace bullying, mobbing and general harassment: A review. *International Journal of Management Reviews*, 15 (3), 280–299.
- Bryant, M. (2003). *From Organisational Change to Organisational Talk: A Study of Employee Narratives* (PhD dissertation). Department of Sociology, Monash University.
- Bryant, M., & Higgins, V. (2010). Self-confessed troublemakers: An interactionist view of deviance during organizational change. *Human Relations*, 63 (2), 249–277.
- Bryant, M., & Wolfram Cox, J. (2003). The telling of violence: Organizational change and atrocity tales. *Journal of Organizational Change Management*, 16 (5), 567–583.
- Bryant, M., & Wolfram Cox, J. (2006). The expression of suppression: Loss and emotional labour in narratives of organisational change. *Journal of Management and Organization*, 12 (2), 116–130.
- Calhoun, T., & Conyers, A. (2006). Introduction: A sociology of deviance in the new millennium. *Sociological Spectrum*, 26 (November), 529–531.
- Clegg, S., Courpasson, D., & Phillips, N. (2006). *Power and Organizations*. Los Angeles: Pine Forge Press.
- Colbert, A., Mount, M., Harter, J., Witt, L.A., & Barrick, M. (2004). Interactive effects of personality and perceptions of the work situation on workplace deviance. *Journal of Applied Psychology*, 89 (4), 599–609.
- Cole, M.S., Walter, F., Bedeian, A.G., & O'Boyle, E.H. (2012). Job burnout and employee engagement: A meta-analytic examination of construct proliferation. *Journal of Management*, 38 (5), 1550–1581.

- Cole, S. (Ed.). (2001). *What's Wrong with Sociology?* New Brunswick, NJ: Transaction.
- Collinson, D. (2002). Managing humour. *Journal of Management Studies*, 39 (3), 269–288.
- Collinson, D.L. (1988). Engineering humour. *Journal of Management Studies*, 39 (3), 269–288.
- Davis, N. (1980). *Sociological Constructions of Deviance: Perspectives and Issues in the Field*. Dubuque, IA: William Brown.
- Dent, E., & Goldberg, S.G. (1999). Challenging resistance to change. *Journal of Applied Behavioral Science*, 35 (1), 25–41.
- Durkheim, E. (1982). *The Rules of Sociological Method*. London: Macmillan.
- Evans, W.R., Goodman, J.M., & Davis, W.D. (2010). The impact of perceived corporate citizenship on organizational cynicism, OCB, and employee deviance. *Human Performance*, 24 (1), 79–97.
- Fairchild, H. (1921). *Outline of Applied Sociology*. New York: Macmillan.
- Ferris, D.L., Spence, J.R., Brown, D.J., & Heller, D. (2012). Interpersonal injustice and workplace deviance: The role of esteem threat. *Journal of Management*, 38 (6), 1788–1811.
- Fox, C., & Harding, D. (2005). School shootings as deviance. *Sociology of Education*, 78 (1), 69–97.
- Galperin, B., & Burke, R. (2006). Uncovering the relationship between workaholism and workplace destructive and constructive deviance: An exploratory study. *International Journal of Human Resource Management*, 17 (2), 331–347.
- Goffman, E. (1963). *Stigma: Notes on the Management of Spoiled Identity*. New York: Simon & Schuster.
- Goode, E. (2006). Is the deviance concept still relevant to sociology? *Sociological Spectrum*, 26 (November), 547–558.
- Goode, E., & Vail, D.A. (Ed.) (2008). *Extreme Deviance*. Los Angeles: Pine Forge Press.
- Harris, L.C. & Ogbonna, E. (2006). Service sabotage: A study of antecedents and consequences. *Journal of the Academy of Marketing Science*, 34 (4), 543–558.
- Henle, C., Giacalone, R., & Jurkiewicz, C. (2005). The role of ethical ideology in workplace deviance. *Journal of Business Ethics*, 56 (3), 219–230.
- Holtz, B.C., & Harold, C.M. (2010). Interpersonal justice and deviance: The moderating effects of interpersonal justice values and justice orientation. *Journal of Management*, 39 (2), 339–365.
- Iverson, R., & Deery, S. (2001). Understanding the 'personological' basis of employee withdrawal: The influence of affective disposition on employee tardiness, early departure, and absenteeism. *Journal of Applied Psychology*, 86 (5), 856–866.
- Jermier, J., Knights, D., & Nord, W. (1994). *Resistance and Power in Organizations*. London: Taylor & Francis/Routledge.
- Judge, T.A., Scott, B.A., & Ilies, R. (2006). Hostility, job attitudes, and workplace deviance: Test of a multilevel model. *Journal of Applied Psychology*, 91 (1), 126–138.
- Kidwell, R.E., & Martin, C.L. (2005). The prevalence (and ambiguity) of deviant behavior at work. In R.E. Kidwell, & C.L. Martin (Eds.), *Managing Organizational Deviance* (pp. 1–21). Thousand Oaks, CA: Sage.
- Kidwell, R., & Valentine, S. (2009). Positive group context, work attitudes, and organizational misbehavior: The case of withholding job effort. *Journal of Business Ethics*, 86 (1), 15–28.
- Knights, D., & Vurdubakis, T. (1994). Foucault, power, resistance and all that. In J.M. Jermier, D. Knights, & W.R. Nord (Eds.), *Resistance and Power in Organizations* (pp. 167–198). London: Routledge.
- Lawrence, T.B., & Robinson, S.L. (2007). Ain't misbehavin: Workplace deviance as organizational resistance. *Journal of Management*, 33 (3), 378–394.

- Lee, K., & Allen, N. (2003). Organizational citizenship behavior and workplace deviance: The role of affect and cognition. *Journal of Applied Psychology*, 87 (1), 131–142.
- Litzky, B., Eddleston, K., & Kiddler, D. (2006). The good, the bad, and the misguided: How managers inadvertently encourage deviant behaviors. *Academy of Management Perspectives*, 20 (February), 91–103.
- Luckenbill, D. (1986). Deviant career mobility: The case of male prostitutes. *Social Problems*, 33 (4), 283–296.
- Mariana, P., Braduțanu, D., & Roiban, R.N. (2013). Forces that enhance or reduce employee resistance to change. *Annals of the University of Oradea, Economic Science Series*, 22 (1), 1606–1612.
- Mariana, P., & Violeta, S. (2011). Opportunity to reduce resistance to change in a process of organizational change. *Annals of the University of Oradea, Economic Science Series*, 20 (2), 698–702.
- Mars, G. (2006). Changes in occupational deviance: Scams, fiddles and sabotage in the twenty-first century. *Crime, Law & Social Change*, 45 (4/5), 285–296.
- Ménard, J., Brunet, L., & Savoie, A. (2011). Interpersonal workplace deviance: Why do offenders act out? A comparative look on personality and organisational variables. *Canadian Journal of Behavioural Science*, 43 (4), 309–317.
- Morrison, E. (2006). Doing the job well: An investigation of pro-social rule-breaking. *Journal of Management*, 32 (1), 5–28.
- Pardo del Val, M., & Fuentes, C.M. (2003). Resistance to change: A literature review and empirical study. *Management Decision*, 41 (2), 148–155.
- Parsons, T. (1951). *The Social System*. Glencoe, IL: Free Press.
- Pesta, B.J., Hrivnak, M.W., & Dunegan, K.J. (2007). Parsing work environments along the dimensions of sexual and non-sexual harassment: Drawing lines in office sand. *Employee Responsibilities & Rights Journal*, 19 (1), 45–55.
- Piderit, S.K. (2000). Rethinking resistance and recognizing ambivalence: A multidimensional view of attitudes toward an organizational change. *Academy of Management Review*, 25 (4), 783–794.
- Punch, M. (2000). Suite violence: Why managers murder and corporations kill. *Crime, Law and Social Change*, 33 (3), 243–280.
- Robinson, S.L., & Bennett, R.J. (1995). A typology of deviant workplace behaviors: A multidimensional scaling study. *Academy of Management Journal*, 38 (2), 555–572.
- Rodrigues, S.B., & Collinson, D.L. (1995). 'Having fun?': Humour as resistance in Brazil. *Organization Studies*, 16 (5), 739–768.
- Rosenhan, D. (1973). On being sane in insane places. *Science*, 179 (19 January), 250–258.
- Rubington, E., & Weinberg, M. (Eds.) (2008). *Deviance: The Interactionist Perspective*. Boston: Pearson.
- Sackett, P. (2002). The structure of counterproductive work behaviors: Dimensionality and relationships with facets of job performance. *International Journal of Selection and Assessment*, 10 (1/2), 5–11.
- Sewell, G. (1998). The discipline of teams: The control of team-based industrial work through electronic and peer surveillance. *Administrative Science Quarterly*, 43 (2), 397–428.
- Sidle, S.D. (2010). Eye of the beholder: Does culture shape perceptions of workplace bullying? *Academy of Management Perspectives*, 24 (3), 100–101.
- Spreitzer, G., & Sonenshein, S. (2004). Toward the construct definition of positive deviance. *American Behavioral Scientist*, 47 (6), 828–847.
- Sumner, C. (1994). *The Sociology of Deviance: An Obituary*. Buckingham: Open University Press.

- Tepper, B.J. (2000). Consequences of abusive supervision. *Academy of Management Journal*, 42, 178–190.
- Tepper, B.J., Henle, C.A., Lambert, L.S., Giacalone, R.A., & Duffy, M.K. (2008). Abusive supervision and subordinates' organization deviance. *Journal of Applied Psychology*, 93 (4), 721–732.
- Thompson, P., & Ackroyd, S. (1995). All quiet on the workplace front? A critique of recent trends in british industrial sociology. *Sociology*, 29 (4), 615–633.
- Thompson, P., & Smith, C. (2009). Labour power and labour process: Contesting the marginality of the sociology of work. *Sociology*, 43 (5), 913–930.
- Thompson, W., & Harred, J. (1992). Topless dancers: Managing stigma in a deviant occupation. *Deviant Behavior*, 13 (3), 291–311.
- Thompson, W., Harred, J., & Burk, B. (2003). Managing the stigma of topless dancing: A decade on. *Deviant Behavior*, 24 (6), 551–570.
- Vardi, Y., & Weiner, Y. (1996). Misbehavior in organizations: A motivational framework. *Organization Science*, 7 (2), 151–165.
- Warren, D.E. (2003). Constructive and destructive deviance in organizations. *Academy of Management Review*, 28 (4), 622–632.
- Westwood, R.I., & Johnston, A. (2013). Humor in organization: From function to resistance. *Humor: International Journal of Humor Research*, 26 (2), 219–247.
- Xiao-Wei, G. (2012). Counterproductive work behaviors, confucian values, and productive deviance: The mediating effect of job satisfaction. *Social Behavior and Personality: An International Journal*, 40 (6), 1045–1056.

Marginalizing Migrants

Illegality, Racialization, and Vulnerability

Dean Wilson

Recent decades have witnessed two contradictions in global mobility. Hypermobile flows of capital and goods cascade around the globe, facilitated by an increasingly hegemonic neoliberal economic model and an accompanying web of trade agreements, and yet, increasingly, governments of the global North restrict persons leaving the global South from entering their borders (Bauman, 1998). During the past decades, the social, legal, technological, physical, and law enforcement construction has intensified, building a “wall around the West” (Andreas & Snyder, 2000), resulting in a massive aggregation of illegal aliens in the global North (Fassin, 2011, p. 214). As the potential pathways for those seeking to escape economic deprivation or political and social persecution in the global South have been progressively barricaded, so too have such movements been progressively criminalized. The fabrication of this wall around the West has witnessed the emergence of a substantial border control apparatus, often technologically mediated and buttressed by punitive legal developments, that is itself criminogenic and instrumental in the construction of deviant migrant identities. Border control has been loosened from its moorings, no longer constituting a distinct geographical line but a deterritorialized netherland of indistinct lineaments (Walters, 2006), so that now it is possible to speak of “ubiquitous borders” (Wilson & Weber, 2008) that may be enacted before, at, and after the physical borderline at a variety of switch points and by a multiplicity of agents.

The exclusion and construction of deviant migrant identities is intertwined with two other notable developments. The first is the weakening of the nation-state. Research suggests that under conditions of neoliberal globalization, states with diminished control of economic and social questions within their boundaries increasingly turn to border security and migration control as key “performances” which assert their sovereignty and continued relevance and strength (Wilson, 2006; Wilson & Weber, 2008).

Paradoxically, as Wendy Brown has suggested, border militarization and building of walls more accurately represents “the waning relevance and cohesiveness” (2010, p. 24) of the nation-state under globalization. Linked also to the social dislocation and anxiety that attends neoliberal globalization has been the emergence of virulent forms of what Balibar (1991) termed “racism without races” – hostilities directed particularly at post-colonial migrants, their supposed cultural incompatibility with the host society, and their potential ties to “deviant” or “rogue” states, and nationalizing projects in their homelands (Appadurai, 2006; Silverstein, 2005). As anthropologist Michel Agier argues, “at the dawn of the twenty-first century, xenophobic and identitarian attitudes form a public pressure that tends to restrict the right of asylum and promote the building of walls and camps” (2011, p. 34).

The second development centers on the ascension of derogatory or deviant national, racial, and ethnic stereotypes, which influence image and interaction, both at the formal and informal level. If the marginalization, criminalization, and stigmatization of irregular migrants is fashioned at the macro-level by transformations of the nation-state, sovereignty, and identity, it is also propelled at another level by hostile social representations, media and political discourse (Huysmans, 2006), and by the occupational cultures of security professionals (Bigo, 2002). This chapter will examine how migrant deviance is constructed at the global and local level through processes of control manifested through law and policing. Commencing at the global level, the discussion will then move to consider the constitutive role of national and local border control agents in processes of exclusion and criminalization. The chapter will then consider the individual experiences of such control, and how such intensified controls both fabricate and escalate deviance. The discussion then moves to consider the intensified incarceration and deportation of irregular migrants, and how the stigma and criminalization of the deportation experience lingers upon individual identities following their forced return to the global South.

Deviant States and Global Migration Policing

Since the attacks of September 11, 2001, authorities have increasingly redefined irregular migratory flows as a problem of security. Such a redefinition has endeavored to position mobility “above the realm of normal politics” (Loader, 2002, p. 137) where considerations of social justice are evaded and questions of “effectiveness” emerge as paramount (Loader, 2002). Importantly, within this securitization paradigm, irregular border crossings become fused within a “security continuum” whereby the act of migration itself becomes criminalized, and where organized transnational crime and terrorist threats are seamlessly congealed with irregular migration (Huysmans, 2006). A consequence of this has been the emergence of a series of highly militarized and extensive border control assemblages that extend into the global South and intensively police the entrance points to the North. The practices of exclusion enacted through these assemblages perform multifaceted symbolic tasks of ascribing deviant and criminalized identities to individual border crossers, projecting sovereign power, and defining the boundaries of citizenship through exclusion. On a material level these border control practices are frequently brutal and sometimes fatal, and moreover can

themselves have the unintended consequence of escalating and stimulating deviant enterprise and entrepreneurship.

On a global level, mobility is governed by the international visa regime, with ease of transit reflecting designations of risk. The European Union provides a salient example, with a list of blacklisted nationalities designated as potential security risks for varying reasons including risk of illegal migration, political violence, or criminality. Moreover, Frontex, the European Border Control Agency, produces its own “Top Ten Nationalities” list of those assessed to pose the most risk with respect to illegal border crossings, illegal stay, applications for asylum, refusal of entry, and return decisions. The threat assessment is rooted in the assumption that “untrustworthy states produce untrustworthy identities” (Aas, 2013, p. 30). Some of the countries that appeared in Frontex’s “top ten” nations, according to these criteria, with respect to flow into Europe, include Syria, Afghanistan, Pakistan, Somalia, Eritrea, Albania, Serbia, and Nigeria. In addition, states of the global North have increasingly to immobilize “risky” migratory flows before their physical borders. The United Kingdom Borders Agency (UKBA), for example, maintains an extensive Risk and Liaison Officers Network (RALON) posted in international locations, who, within their remit, aim to “filter out high risk or undocumented individuals before they appear” (Cabinet Office, 2007, p. 21). Through a web of bilateral and regional agreements, the global North also exports border control hardware, software, and practices to the global South to help to make “risky states” responsible for the border work of the global North, and to neutralize potentially menacing transnational flows at the perceived source. The construction of the anticipatory “pre-border” also deputizes a whole new raft of actors into the service of security assemblages. Sending and transit countries, airline staff, travel agents, and freight carriers, are all required to perform “remote control” border policing tasks before the border (Guiraudon, 2003).

As well as the construction of pre-borders that aim to stem undesired migratory flows before they appear, there has also been an intensive militarization of borders, especially evident at the US–Mexico border and the Mediterranean edges of the European Union. With advanced surveillance technology, drones, military and naval patrols, razor wire, watchtowers, and armed guards, the border is increasingly configured as a war zone (Wilson, 2015). The militarized border control of the global North pushes further out into the pre-border through a range of digital and material techniques – advanced passenger processing, third country agreements, security collaborations, and exports of technology and expertise. The consequences of this thickening and militarizing of the border are manifold. Both academics and activists have drawn attention to the escalating body count along militarized border zones as border control agents mobilize their high-technology armory to block transit routes (Weber & Pickering, 2011). The militarized border also stimulates acts of resistance that are the “weapons of the weak” (Scott, 1985) in border wars, but in the process also generates intensified risks and harms – what has been termed “border iatrogenesis” (Weber & Pickering, 2011, pp. 200–201). Sub-Saharan migrants undertake hazardous voyages in inflatable toy boats across the Straits of Gibraltar to skirt radar detection (Wilson, 2015), while others are compelled to traverse ever more treacherous routes in an effort to reach the global North.

Additionally, the militarized border, far from extinguishing cross-border threats, animates their mutation, adaptation, and continual reinvention. The Frontex joint operation HERA II planned to close off the migratory route from Africa to Europe through the Canary Islands, drastically inflated the price of passage, and motivated the professionalization of smuggling activities (Vives, 2009). Similarly, Harding (2012, p. 16) observes that “little by little, the routes asylum seekers once took to safety have been choked off.” The formidable growth in underground “travel agencies – document forgers, chaperones, drivers, boatmen – is the result.” However, the emergence of new forms of deviant enterprise, rather than leading to strategic policy change, energizes processes of security amplification wherein freshly materializing security risks and threats form the validation for intensified militarization and augmented funding. Moreover, despite their brutality in terms of the escalating body count and the counter-productivity in terms of coproducing transnational deviance, they do little to reduce the numbers of those with irregular status inside the global North, many of whom initially entered on valid travel documents and have already established lives within the barricades. However, they too are increasingly excluded and marginalized, as the circuits of migration control have infused the inlands of the global North.

The Migration Policing Web

Jurisdictions across the global North have witnessed a significant intensification of internal immigration policing over the past three decades. A significant element of this has been the progressive criminalization of irregular migrants through the emergence of what has been termed “crimmigration” law – the gradual merging of immigration law with the criminal law (Stumpf, 2006). Outlined by numerous scholars (Aliverti, 2012; Stumpf, 2006; Zedner, 2010), the development of crimmigration law is evidenced by a proliferation of immigration offenses, the progressive criminalization and exclusion of non-citizens, and the mobilization of criminal sanctions for breaches of immigration law. For example, while 70 immigration offenses were passed in the UK from 1905 to 1996, 84 new immigration offenses were created from 1997 to 2010 in six Acts passed by the UK Government (Zedner, 2013). The trend towards the proliferation of immigration offences and its infusion with the criminal law is mirrored across jurisdictions in the EU, the US, Canada, and Australia.

Twinned with the development of crimmigration law has been an escalation in crimmigration policing and a more generalized intensification of internal migration controls within nation-states. In Europe the intensification of internal migration controls has been noted by scholars, particularly subsequent to the Schengen Agreement and the diminishment of external borders at national boundaries. In Germany every public agency must report information about irregular migrants to the foreigners’ office, which is required to commence an expulsion process (Cyrus & Vogel, 2006). In 2001 the Netherlands changed its Aliens Law, subsequently allowing police to stop and detain persons to examine their residence status, which they have been able to check since the 1990s on a national database, provided there is a “reasonable presumption” that they had irregular status (Leerkes, Engbersen, & van der Leun, 2012a). This is also

evident in the US, where the devolution of immigration policing to state and local governments represents a reconfigured “immigration geopolitics” that is reinforced via the twinning of two policies – the criminalization of immigration law, and extended pressure by the Federal Government upon local and state police to enforce civil immigration violations (Coleman, 2007, 2009; Stumpf, 2006; Varsanyi, 2008). Recently Weber (2013) has charted a similar trajectory in Australia, examining cooperation between state police and immigration agents.

As Coleman (2012) notes in the case of the US, the 1996 Illegal Immigration Reform and Immigrant Responsibility Act outlined how non-federal agencies could directly police immigration offences. The law authorized state and local police to supplement Immigration and Naturalization Service activities during a mass immigration emergency, and more broadly for the wholesale delegation of federal immigration powers to non-federal agencies, and has given birth to an addition to the Immigration and Nationality Act – Section 287(g). While initially there was limited take up of this legislative provision, it accelerated after 9/11, with approximately 70 non-federal law enforcement authorities enrolled in 287(g) in two dozen US states. This section is enforced through both “jail-based models” where local police scrutinize arrestees for immigration status, and “roving” models where immigration documents are requested in the course of routine police patrols, and, importantly, not in relation to any specific criminal charge. Such measures have been supplemented by an offshoot program of 287(g) called Secure Communities, which facilitates immigration checks at the local level while not mandating that those detained be turned over to federal custody at the end of the process.

The particular configuration assumed by such in-country immigration policing is variable across nation-states. In the UK, operating under a variety of monikers, specific “Enforcement Teams” dealing exclusively with the detection of immigration offenders perform a similar task, although often in cooperation with specific police forces. The intensity of immigration policing enforcement is also variable across the US, with the most intensive activity evident in the southern and southwestern states (Coleman, 2012). At the spearhead of this, as revealed in the research of Provine and Sanchez (2011), is the state of Arizona, which has enacted its own legislation (SB 1070) to enhance police stop and search powers. Moreover, the wealth of recent research into the intensification of internal immigration policing reveals how such practices are deeply racialized. Research conducted in the US reveals how such tactics particularly target those identified as Mexican – reflecting a longer historical conflation of the category *Mexican* with that of *illegal* (De Genova, 2005).

While there has been an intensification of direct policing activity enacted through various policing agencies, there has also been an evident trend towards deputizing a wide range of agencies into the work of immigration policing. This is largely predicated on a drive to exclude illegal migrants from access to public and social services, and is conjoined with a political and media discourse that projects images of undocumented migrants as leeching social services and economies. This is a trend evident across the global North. Studies in numerous jurisdictions indicate that immigration policing is enacted through assemblages of agencies. This is particularly the case in the UK where a variety of agencies are involved in immigration policing partnerships that aim to

identify, immobilize, and eject those designated as irregular. As van der Luen (2003) charted in the Netherlands, the Linking Act, passed in 1998, rendered access to a range of public and semi-public provisions, including social benefits, healthcare, housing, and education, conditional upon residency status. Despite the Act's intensely exclusionary potential, however, van der Luen's study noted that in different agencies there are "tendencies of severe exclusion as well as tendencies to soften the impacts of the law," and that the official policy objective of systematic exclusion of irregular immigrants is "mitigated by professional, humanitarian and ethical standards" (2003, p. 152). Importantly, this suggests that attempts to make other agencies responsible for the work of exclusion and expulsion may be softened by organizational cultures that do not share the values of populist politicians or security professionals.

Nevertheless, there is a powerful drive to draw a range of government agencies into the work of migration control, a phenomenon illustrated in recent efforts in the UK to detect illegal workers. New measures to address illegal working were introduced in February 2008, which included a civil penalty regime for those employing workers illegally, along with a new offence of knowingly employing an illegal worker. Since that time, workplace enforcement has been underpinned by the language of partnership. One example of such partnership working was the Joint Workplace Enforcement Pilot (JWEP), conducted in the West Midlands, and connecting UKBA officers with Her Majesty's Revenue and Customs, the Department of Work and Pensions, the Gangmasters Licensing Authority, the Health and Safety Executive, and the Enterprise and Regulatory Reform's Employment Agency Standards Inspectorate. The *Enforcing the Deal* strategy claimed that this resulted in shared intelligence regarding 245 employers and 372 visits to business premises (UKBA, 2008, p. 7). The emphasis upon workplace enforcement is buttressed by a harsh civil penalties regime, introduced in 2008, which imposes fines of up to £10,000 per undocumented worker for businesses, accompanied by a "name and shame" campaign which publishes details of offending employers on the UKBA website.

As the example of workplace immigration enforcement in the UK evidences, an ever-greater range of agencies is being deputized into the work of immigration policing, which envisages migration control as a fine mesh linking agencies together through a common purpose. Thus a range of institutions including the National Health Service, local governments, universities, and schools have been drawn in through a range of legal and administrative mechanisms to participate in immigration policing and reporting those suspected of irregular status. In the UK such attempts to make other elements of the state responsible for the work of immigration policing have extended down to the individual level. In October 2011, Prime Minister David Cameron called upon the public to "shop an illegal immigrant" through an arrangement with the Crimestoppers phone number or via the UKBA website. The mobilization of the public was evident in Cameron's claim that "together we will reclaim our borders and send illegal immigrants home" (Webber, 2012, p. 161). One movement in this direction has been the establishment in the UK of the National Allegations Database, designed to facilitate the systematic counting of allegations from the public and following them through to outcome (Home Affairs Committee 2012 HC 603, p. 47). The same efforts at involving individual citizens in the work of immigration control have been evident

in Australia, where a “Dob-In Service” was established in 2004, which allowed individuals to report instances where they suspected illegals to be working or just present in Australia. Tellingly, the press release from the Australian Immigration Minister at the time promoted this hotline by claiming illegal workers “take employment opportunities away from Australians,” and she urged the public to aid in “tracking people down” (Weber, 2013, p. 135).

Efforts to trace and make irregular migrants legible to the state are closely linked to the development of electronic databases. This is connected to the overall intensification of internal border controls. Surveillance of key groups is linked to attempts to exclude them from key government services, to discourage their residency within nation-states, and ultimately to facilitate their expulsion from national territories. Consequently it is perhaps unremarkable that biometric identification systems have initially been deployed on asylum-seeker populations, where they serve as technological signifiers of the securitization of migration. Biometric identification systems involving fingerprinting those seeking asylum have become increasingly common and are in use in the UK, Netherlands, and Australia (Wilson, 2006). Databases established in the interests of security have focused squarely on those with irregular status. In Europe the Schengen Information System (II), the Eurodac database and Visa Information System are vast systems, often including biometric data, to regulate migratory flows and identify and sort legal from illegal migrants (Aas, 2011; Broeders, 2007). Security logics have also motivated a ceaseless quest for system interoperability and the prising open of databases to ever more agencies. Following the Madrid bombings in March 2004, the EU Declaration on Combatting Terrorism suggested the European Commission “explore the creation of synergies between existing and future information systems (SIS II, VIS and Eurodac) in order to exploit their added value ... in the prevention of and fight against terrorism” (cited in Baldaccini, 2008, p. 45).

To be captured fixes a deviant non-citizen identity on those seeking asylum or who have irregular status. Consequently, some who have entered the EU boundaries mutilate their fingerprints with hotplates, razors, glue, or acid to avoid biometric capture and the bleak prospect of expulsion (Jones, 2014, p. 5). Nor, despite the fact that these digital profiling practices are “concealed in the glossy techno-science of algorithmic calculation” (Amoore, 2009, p. 49), are such databases immune from the racialized stigmatization so frequently evident in physical policing. The digital ascription of risk may be presented as an abstracted and scientific calculation that dispassionately sorts friend from foe and the safe from the dangerous. Nevertheless, as Bigo argues, the aura of technological neutrality makes the designation of specific identities as “high risk” appear “reasonable and not subject to classic racism” as it relies upon “an anticipation process in which the computer has no soul and, therefore, does not have the human defect of classifying persons according to skin colour” (2007, p. 30). However, critical scholarship, particularly that focusing upon biometric technology, indicates that, the aura of high-technological abstraction and neutrality notwithstanding, digital databases assembled to trace non-citizens are steeped in historic codes of racism, colonialism and criminalization (Wilson, 2007; Pugliese, 2010). The scientific calculation of security threats is then informed by more instinctive stereotypes garnered from the global North’s historical gallery of suspect and mobile populations (for a

discussion, see Weber & Bowling, 2008). Consequently the colonial dispossessed and the internally marginalized of the past are digitally reconstructed in the present as deviant identities within the body politic, to be immobilized and expelled. Moreover, such criminalization has in some jurisdictions stretched even further, where indeed not being legible to state through satisfactory identification documents itself becomes a criminal act (Aas, 2013).

The escalation of internal immigration policing represents a “shift in the spatiality of power” (Walters, 2006) of the border from a Foucauldian notion of “disciplinary societies,” whereby governance is situated in particular sites and technologies, to a Deleuzian “society of control” (Deleuze, 1992) where decentralized networks form a multitude of gateways through which immigration status becomes a principal category of inclusion or exclusion, and through which Goffman’s (1963) famously termed “spoiled identities” are constructed. Increasingly, immigration policing occurs not in a single act of expulsion or exclusion from or at the physical border, but through a multitude of encounters embedded within public and private agencies that are dispersed *within* the nation-states. As Bigo argues (2002), the intensification of these exclusionary circuits is propelled through a network of security professionals, the “managers of unease,” who are instrumental in the expansion of these networks, but who also often elide questions of social justice and human rights via a discourse of technical efficiency.

The contribution of political and media discourse in the mobilization of these exclusionary and stigmatizing processes should also be taken into account. Indeed, as Wacquant (2009) suggests, the criminalization of immigrants has been “powerfully reinforced and amplified by the media and by politicians of all stripes, eager to surf the xenophobic wave that has been sweeping across Europe since the neoliberal turn of the 1980s by making an amalgam – sincerely or cynically, directly or indirectly, but with ever more banality – of immigration, illegality and criminality” (2009, p. 98).

The honing of policing and governmental attention and suspicion on those perceived to carry the stigma of illegality forms what Jock Young (1971) famously termed a “deviancy amplification spiral,” wherein, through a combination of exclusion, marginalization and criminalization, irregular migrants are forced further into the social and economic shadowlands and simultaneously accumulate heightened visibility in the eyes of enforcement authorities.

Everyday Illegality

The web of surveillance and policing that engulfs irregular migrants forms, as Weber suggests in the Australian context, “a border drawn around unlawful non-citizens themselves, intended to separate them from all that is necessary to sustain a reasonable life” (2013, p. 143). Increasingly then, as already outlined, the border materializes through a dispersed array of technologically mediated and physical switch points dispersed within the routines of daily life. Here, I would like to examine how the construction of “illegality” is manifest throughout the interior of nation-states, but more specifically how it is experienced by those who are its targets. The previous section outlined how a complex web of agencies, both state and private, are engaged in

forms of immigration policing that construct migrant identities as deviant. As journalist Jeremy Harding noted of American border policing in Arizona, “the pursuit of aliens is no longer confined to a costly cat-and-mouse game along the frontier. It is a grim paper chase that takes place in traffic queues and metered parking zones in Phoenix, the kitchens of fast food restaurants, mechanics workshops and building sites miles from the fence” (2012, p. 97).

The implications of this are that migrant illegality and deviance can materialize throughout the circuits of daily life. Social centres, schools, food banks, welfare offices and police stations all become potential sites where the border can materialize at any moment. Moreover, everyday actions, such as working, driving, attending schools or seeking healthcare can rapidly be transformed into criminal and illicit actions with dire consequences.

As numerous studies have indicated, the lived experiences of irregular migrants are not uniform, but are rather contingent upon the strength of legitimate migrant social networks patterned upon nationality and ethnicity, additionally mediated by age and gender (Bloch, 2013; Engbersen, van San & Leerkes, 2006; Sigona, 2012). Nevertheless, there are commonalities evident across areas of work, housing, healthcare, and social interaction that evidence the vulnerability and precariousness of irregular status. This is starkly apparent in terms of employment. The lack of authorization to seek employment makes working itself a criminal activity, and has been argued to be in effect the state sanctioning exploitative working conditions. The testimonies of irregular migrants certainly bear this out. Not infrequently, employers take advantage of irregular status to impose low wages and extract longer working hours. As one Kurdish man from Turkey residing in the UK recounted to Bloch: “It’s a form of slavery. They exploit us. If I was able to work legally I could go and say I work such hours and demand such amount. But as they know we need the work and they know the conditions they exploit us” (Bloch, 2013, p. 8).

The employment opportunities of irregular migrants are in general confined to the lowest reaches of the labor market. As Khosravi succinctly suggests in the Swedish case, “if you lack ‘papers’ you are placed at the bottom” (2010, p. 100). Working in often dirty and dangerous occupations, irregular workers are vulnerable not only to exploitation through low wages or, in some cases, no wages at all, but also to significant health and safety risks. Burnett and Whyte (2010) revealed that irregular workers experienced a disproportionately high level of workplace accidents and were frequently exposed to health and safety risks, something against which they felt powerless to complain due to their undocumented status.

Workplace raids by immigration authorities, employer sanctions written into law, and the constant threat of deportation serve to deepen racialized fault lines in the labor market and exacerbate the vulnerability of the most marginalized. Webber (2012) has charted the shifting sands of labor migration policy, which has progressively witnessed the withdrawal of rights and the increasingly bulimic tendency to ingest and expel migrant labor at will. In some senses the deepening grid of legislative control and policing tactics that attacks the lower rungs of the labor market appears to betoken the deep contradictions of globalized mobility, whereby capital circulates unimpeded while labor – particularly that moving from the global South – is subject to tightening webs

of control. Nevertheless, the apparently paradoxical binary between mobile capital/immobile labor is in actuality more complex and politically expedient.

A number of critical scholars indeed argue that capital accumulation is in fact *the* rationale for border control mechanisms that cannot feasibly block all mobility, but which suspend certain flows within gray zones of vulnerability and stigmatization (De Genova, 2002; De Giorgio, 2010; Samers, 2003). It is an argument that has some substance. Intensifying border control has fuelled an explosion of undocumented immigrants into the global North, while hostile social representations persistently portray these social groups as undermining native working conditions. The British Government provides one example, having persistently reiterated the idea that undocumented migrant workers undermine “the terms of and working conditions of British workers” (Home Office, 2007, p. 2). Thus immigration controls, which themselves produce illegality, supply a docile labor force, while the vulnerability of the undocumented echoes through the lower rungs of the employment hierarchy, creating a more generalized sense of precariousness. As Anderson notes, the interests of capital accumulation “gain from cheap migrant workers and from labour being divided as a political force” (2012, p. 148).

Exposure to potential exploitation also extends into the housing market, with numerous studies indicating that irregular migrants frequently pay above market rents, and often in substandard accommodation (Calavita, 2005; Sigona & Hughes, 2012). With social services generally, including health, irregular migrants may be reluctant to seek assistance as the capillaries of migration control, and potential detection and deportation, infuse a greater array of public and private agencies. Such avoidance of state authorities is evident in Castañeda’s (2010) research in Germany, where pregnant women with irregular status preferred to conceal their visibility from the state, rather than apply for a *Duldung* (a permit that suspends deportation), which would qualify them for prenatal care and delivery (2010, p. 255). The desire to reduce visibility, and to render oneself invisible to the state and its border control apparatus, significantly impacts on social interactions and the pathways of daily life. Daily mobility may indeed be shaped by irregular status, avoiding public parks, checkpoints and other public spaces where irregular status may be detected (Coutin, 2005). The testimony of those with irregular status suggests daily itineraries that are often clouded with the fear and anxiety of detection (Sigona, 2012). The threat of detection, or of being reported to authorities, can also attenuate potential social bonds, with some choosing to engage in only superficial interactions within the society they have entered.

Limited access to civil, social and political rights, and the unrelenting peril of deportation, creates a “grey area of vulnerability,” constricting the socioeconomic chances of migrant workers by positioning them in the most precarious sectors of the economy, and driving them into the recesses of the illegal economy (De Giorgio, 2010). Studies in the Netherlands indicate that the severing of access to social services and the labor market for irregular migrants produced a spike in criminal activity, much of it subsistence crime. Increases in the use of forged documents, petty theft, drug dealing, and prostitution can thus constitute survival techniques within an underground criminal economy where invisibility can be maintained (Broeders & Engbersen, 2007; Leerkes, Varsanyi, & Engbersen, 2012b). This constitutes – to extend Marx’s (1981) concept of the “ironies of social control” – the ironies of migration control, as

enforcement measures coproduce the very deviant phenomenon they are supposedly combatting. Moreover this process all too easily mutates into a self-fulfilling prophecy, whereby racialized notions of criminality propounded in the media and political discourse feed upon putative empirical facts, as ever greater numbers of foreign nationals are herded through prison gates.

Detention and Deportation

Accompanying the intensified surveillance of irregular migrants within nation-states, there has also been an explosion of detention of those detected, usually for the purpose of pending deportation. Since the 1990s, the detention of asylum-seekers and other migrants has escalated and is now extensive across Europe (Bloch & Schuster, 2005). The acceleration of immigration detention has been noted by a number of authors. For example, Welch and Schuster (2005) suggest that immigration detention has exploded since 9/11, and is based upon the political manipulation of images of asylum-seekers and irregular migrants. Drawing upon David Garland's (2001) notion of a *criminology of the other*, they suggest that harsh criminal justice measures aimed at immobilizing those designated as dangerous are rationalized amidst a climate of fear in which, as they suggest, "fear of crime is almost indistinguishable from a fear of strangers" (Welch & Schuster, 2005, p. 348). Thus there is an explosion of immigration detention both in specific facilities, but also via criminalization in various prison estates. Within these, irregular migrants are trapped within "non-spaces" that, while within national boundaries, are spaces of exception where the rights of citizenship and legal protection are suspended. The statelessness and absence of political and legal rights of deportation regimes has thus drawn many scholars to the work of Giorgio Agamben (1998), whose concept of *bare life* is an existence stripped of social bonds, political inclusion, and belonging (De Genova, 2010).

While it is evident that a substantial detention infrastructure, often administered by private contractors, has materialized across the global North, our knowledge of the lived experience of immigration detention remains fragmentary. What is clear, nevertheless, is that it is predominately couched in the language of *administrative* rather than punitive incarceration. As such, some scholars have linked the expansion of immigration detention to broader shifts in penalty that, while disputed, have moved from a goal of rehabilitation towards that of incapacitation as the goal of imprisonment (Leerkes & Broeders, 2010). Thus, with an evident affinity to contemporary prison systems which make little effort to reform socially deviant individuals, both prisons and immigration detention are targeted primarily at removing those designated dangerous from the body politic, and warehousing – and in the case of immigration detention, ultimately expelling them from the boundaries of the nation-state. The detention experience itself is mediated by the intersections of race, gender, class, and sexuality (Hernández, 2008). While accounts of the lived experience of detention remain scant, research conducted by Bosworth (2013) suggests that immigration detention is experienced as punishment, and detention centres are frequently equated with prisons by those incarcerated. In her research, Bosworth suggests that it was the statement "I feel like I am in prison" which

reverberated as a “constant refrain” (2013, p. 155). Moreover, custody officers frequently compared themselves to prison officers, even if perceiving key differences in their tasks, a point revealed in other studies (Hall, 2012).

Immigration detention in a variety of “non-places” is only one element of proliferating deportation regimes (De Genova & Peutz, 2010). This carceral complex (in the region of 100 centres in Europe) detains without offence, and forms a matrix of “waiting zones.” And unlike the modernist prison that seeks to discipline, the purpose of immigration detention is not primarily disciplinary but simply incapacitation and expulsion. Nevertheless, as already mentioned, the lived experience may very much be that of punishment. Moreover, the immigration detention complex operates parallel to a wider racialization of imprisonment, fuelled by the gravitation of policing activity towards those whose immigration status may be disputed (often on racial grounds), and where minor legal violations can result in incarceration and deportation. As Wacquant (2009) notes, the process of identifying and immobilizing those whose phenotype indicates “foreignness” creates a ripple effect whereby the exclusionary dragnet targeted at illegal migrants echoes outward, extending the vulnerability and anxiety of deportability throughout migrant communities. Indeed, there has been an expansion of foreign national prisoners in the prison estate, who, even though they may not have been convicted of serious offences, nevertheless find themselves liable to deportation at the end of their sentence (Bosworth, 2011).

Governments across the global North have become forcefully determined to tighten up deportation and repatriation policies, often with the aim of preserving the “integrity” of their asylum and immigration systems. In particular, there is a strong desire on the part of particular states not to be perceived as a “soft touch” through failing to remove illegal migrants (Walters, 2010, p. 87). Accounts from those deported reveal that the experience is often one of humiliation, degradation, and violence. In Coutin’s (2010) retelling of the experience – deportation from the US to El Salvador – shackles, lack of water, and extremes of heat and cold formed a debasing experience, with the shackles in particular being vivid markers of illegality and criminality. The physical violence and use of excessive force in deportation proceedings has come to public attention through some notorious cases, such as that of Jimmy Mubenga, an Angolan man who had lived for 20 years in the UK and was asphyxiated on a British Airways flight in October 2010, with an inquest returning a verdict of “unlawful killing” against the staff of the private security firm with the government contract to carry out deportations (Webber, 2012). The documentation of humiliation, degradation, violence, and death as a result of deportations is alarmingly frequent across Europe (Fekete, 2005).

Violence and death may also occur post-deportation, as those designated either as “failed” asylum-seekers, “illegals,” or foreign criminals are deported, either directly or through third countries (a process known as “chain deportation”) to nation-states known for their poor human rights standards and for practices of illegal detention and torture (Fekete, 2005). The growing scholarship that examines the post-deportation experience also reveals generalized experiences of stigma, marginalization, and isolation for deportees, many of whom have lived for much of their lives outside their country of birth. Brotherton and Barrios’ (2009) interviews with Dominican deportees from the US revealed the stigmatization and criminalization of returnees, in this

instance fuelled by a media campaign in the local press which equated deportation with criminality. Other research in this area also reveals wider circuits of social marginalization upon return (Coutin, 2010; Golash-Boza, 2014). In her fieldwork with deportees to Somaliland, Peutz (2010) noted that they were met upon arrival with the suspicion of carrying HIV/AIDS or being drug addicts. Moreover, lacking clan ties and local connections, they were unable to take advantage of the potential social capital that their knowledge of English and computer skills may have granted them. The post-deportation experience is, for some, potentially fatal. For others, even the physical and linguistic markers – tattoos, clothing, accent – that signal their time in the global North come to constitute deviant and stigmatized identities upon return.

The criminalization, marginalization, and stigmatization of irregular migrants is largely produced by the expanding control apparatus – legal, technological, and physical – dedicated to their detection and removal. Migrants who enter and attempt to stay in the more affluent nations through unconventional channels are increasingly defined as deviants; we are in fact witnessing the *deviantization* of a major swathe of humanity. Although we should not assume that the experience of these migrants is homogenous, the control efforts themselves often escalate migrant deviance, as those with irregular status are forced into the recesses of underground economies, and more often than not their means of survival or mere presence is criminalized. The circuits of exclusion visited upon irregular migrants are also intensely racialized, drawing colonial patterns of oppression into the post-colonial present. For irregular migrants also, the ever-present potential of having illegality unmasked or assigned, combined with spectacles of enforcement and deportation, fashions wider experiences of “deportability” (De Genova, 2002), where the anxiety of potential deportation curtails and shapes everyday experiences. Harsh enforcement measures also function as sovereign performances for nation-states, testifying to their capacity to define and police the lines between “insiders” and “outsiders” and by extension the boundaries of belonging and citizenship. This is not to say that irregular migrants are without agency. There are a multitude of acts of individual resistance to the dispersed forces of border control, and there are numerous examples of collective organization where irregular migrants assert their “right to have rights” (Arendt, 1951), and access to forms of citizenship (Nyers, 2003, 2008). Nevertheless, confronted with increasingly punitive legal and policy frameworks, political populism, hostile media discourses, xenophobic nationalisms, and dispersed and expanding networks of border control – which all converge to both construct and normalize deviant migrant identities – such struggles remain decidedly asymmetrical.

References

- Aas, K.F. (2011). ‘Crimmigrant’ bodies and bone fide travellers: Surveillance, citizenship and global surveillance. *Theoretical Criminology*, 15 (3), 331–346.
- Aas, K.F. (2013). The ordered and bordered society: Migration control, citizenship, and the Northern penal state. In K.F. Aas, & M. Bosworth (Eds.), *The Borders of Punishment: Migration, Citizenship and Social Exclusion* (pp. 21–39). Oxford: Oxford University Press.
- Agamben, G. (1998). *Homo Sacer: Sovereign Power and Bare Life*. Stanford, CA: Stanford University Press.

- Agier, M. (2011). *Managing the Undesirables: Refugee Camps and Humanitarian Government*. Cambridge: Polity Press.
- Aliverti, A. (2012). Making people criminal: The role of the criminal law in immigration enforcement. *Theoretical Criminology*, 16 (4), 417–434.
- Amoore, L. (2009). Algorithmic war: Everyday geographies of the war on terror. *Antipode*, 41 (1), 49–69.
- Anderson, J. (2012). Borders in the new imperialism. In T. Wilson, & H. Doonan (Eds.), *A Companion to Border Studies* (pp. 139–157). Malden, MA: Wiley-Blackwell.
- Andreas, P., & Snyder, T. (Eds.) (2000). *The Wall around the West: State Borders and Immigration Control in North America and Europe*. Lanham, MD: Rowman & Littlefield.
- Appadurai, A. (2006). *Fear of Small Numbers: An Essay on the Geography of Anger*. Durham, NC: Duke University Press.
- Arendt, H. (1951). *The Origins of Totalitarianism*. New York: Harcourt, Brace & World.
- Baldaccini, A. (2008). Counter-terrorism and the EU strategy of border security: Framing suspects with biometric documents and databases. *European Journal of Migration and Law*, 10 (1), 31–49.
- Balibar, É. (1991). Is there a 'neo-racism'? In É. Balibar, & I. Wallerstein (Eds.), *Race, Nation, Class: Ambiguous Identities* (pp. 17–36). London: Verso.
- Bauman, Z. (1998). *Globalization: The Human Consequences*. Cambridge: Polity.
- Bigo, D. (2002). Security and immigration: Toward a critique of the governmentality of unease. *Alternatives: Global, Local and Political*, 27 (1), 63–93.
- Bigo, D. (2007). Detention of foreigners, states of exception, and the social practices of the banopticon. In P.K. Rajuram, & C. Grundy-Warr (Eds.), *Borderscapes: Hidden Geographies and Politics at Territory's Edge* (pp. 3–33). Minneapolis: University of Minnesota Press.
- Bloch, A. (2013). Living in fear: Rejected asylum seekers living as irregular migrants in England. *Journal of Ethnic and Migration Studies*. doi:10.1080/1369183X.2013.859070
- Bloch, A., & Schuster, L. (2005). At the extremes of exclusion: Deportation, detention and dispersal. *Ethnic and Racial Studies*, 28 (3), 491–512.
- Bosworth, M. (2011). Deportation, detention and foreign-national prisoners in England and Wales. *Citizenship Studies*, 15 (5), 583–595.
- Bosworth, M. (2013). Can immigration detention centres be legitimate? Understanding confinement in a global world. In K.F. Aas, & M. Bosworth (Eds.), *The Borders of Punishment: Migration, Citizenship and Social Exclusion* (pp. 149–165). Oxford: Oxford University Press.
- Broeders, D. (2007). The new digital borders of Europe: EU databases and the surveillance of irregular migrants. *International Sociology*, 22 (1), 71–92.
- Broeders, D., & Engbersen, G. (2007). The fight against illegal immigration: Identification strategies and immigrants' counterstrategies. *American Behavioral Scientist*, 50 (12), 1592–1609.
- Brotherton, D., & Barrios, L. (2009). Displacement and stigma: The social-psychological crisis of the deportee. *Crime, Media, Culture*, 5 (1), 29–55.
- Brown, W. (2010). *Walled States, Waning Sovereignty*. New York: Zone Books.
- Burnett, J., & Whyte, D. (2010). *The Wages of Fear: Risk, Safety and Undocumented Work*. Leeds: PARFAS/University of Liverpool.
- Cabinet Office. (2007). *Security in a Global Hub: Establishing the UK's New Border Arrangements*. London: The Stationery Office.
- Calavita, K. (2005). *Immigrants at the Margins: Law, Race and Social Exclusion in Southern Europe*. Cambridge: Cambridge University Press.

- Castañeda, H. (2010). Deportation deferred: 'Illegality', visibility, and recognition in contemporary Germany. In N. De Genova, & N. Peutz (Eds.), *The Deportation Regime: Sovereignty, Space and the Freedom of Movement* (pp. 245–261). Durham, NC: Duke University Press.
- Coleman, M. (2007). Immigration geopolitics beyond the US–Mexico border. *Antipode*, 39 (1), 54–76.
- Coleman, M. (2009). What counts as the politics and practice of security, and where? Devolution and the immigrant insecurity after 9/11. *Annals of the Association of American Geographers*, 99 (5), 904–913.
- Coleman, M. (2012). From border policing to internal immigration control in the United States. In T. Wilson, & H. Doonan (Eds.), *A Companion to Border Studies* (pp. 419–437). Malden, MA: Blackwell.
- Coutin, S.B. (2005). Contesting criminality: Illegal immigration and the spatialization of legality. *Theoretical Criminology*, 9 (1), 5–33.
- Coutin, S.B. (2010). Exiled by law: Deportation and inviability of life. In N. De Genova, & N. Peutz (Eds.), *The Deportation Regime: Sovereignty, Space and the Freedom of Movement* (pp. 351–370). Durham, NC: Duke University Press.
- Cyrus, N., & Vogel, D. (2006). Managing access to the German labour market: Opportunities and restrictions. In F. Düvell (Ed.), *Illegal Immigration in Europe Beyond Control?* (pp. 75–105). New York: Palgrave.
- De Genova, N. (2002). Migrant 'illegality' and deportability in everyday life. *Annual Review of Anthropology*, 31 (1), 419–447.
- De Genova, N. (2005). *Working the Boundaries: Race, Space and 'Illegality' in Mexican Chicago*. Durham, NC: Duke University Press.
- De Genova, N. (2010). The deportation regime: Sovereignty, space and the freedom of movement. In N. De Genova, & N. Peutz (Eds.), *The Deportation Regime: Sovereignty, Space and the Freedom of Movement* (pp. 33–65). Durham, NC: Duke University Press.
- De Genova, N., & Peutz, N. (Eds.) (2010). *The Deportation Regime: Sovereignty, Space and the Freedom of Movement*, Durham, NC: Duke University Press.
- De Giorgio, A. (2010). Immigration control, post-Fordism, and less eligibility: A materialist critique of the criminalization of immigration across Europe. *Punishment and Society*, 12 (2), 147–167.
- Deleuze, G. (1992). Postscript on societies of control. *October*, 3–7.
- Engbersen, G., van San, M., & Arjen Leerkes, A. (2006). A room with a view: Irregular immigrants in the legal capital of the world. *Ethnography*, 7 (2), 209–242.
- Fassin, D. (2011). Policing borders, producing boundaries: The governmentality of immigration in dark times. *Annual Review of Anthropology*, 40 (1), 213–226.
- Fekete, L. (2005). The deportation machine: Europe, asylum and human rights. *Race & Class*, 47 (1), 64–91.
- Garland, D. (2001). *The Culture of Control: Crime and Social Order in Contemporary Society*. Oxford: Oxford University Press.
- Goffman, E. (1963). *Stigma: Notes on the Management of Spoiled Identity*. Englewood Cliffs, NJ: Prentice-Hall/Spectrum.
- Golash-Boza, T. (2014). Forced transnationalism: Transnational coping strategies and gendered stigma among Jamaican deportees. *Global Networks*, 14 (1), 63–79.
- Guiraudon, V. (2003). Before the EU border: Remote control of the 'huddled masses.' In K. Groenendijk, E. Guild, & P. Minderhoud (Eds.), *In Search of Europe's Borders* (pp. 191–214). The Hague: Kluwer.
- Hall, A. (2012). *Border Watch: Cultures of Immigration, Detention and Control*. London: Pluto Press.

- Harding, J. (2012). *Border Vigils: Keeping Migrants Out of the Rich World*. London: Verso.
- Hernández, D.M. (2008). Pursuant to deportation: Latinos and immigrant detention. *Latino Studies*, 6 (1), 35–63.
- Home Office. (2007b). *Enforcing the Rules: A Strategy to Ensure Compliance with our Immigration Laws*. London: The Stationery Office.
- House of Commons Home Affairs Committee. (2012). The work of the UK Border Agency (April–June 2012). Eighth Report of the Session 2012–13. HC 603.
- Huysmans, J. (2006). *The Politics of Insecurity: Fear, Migration and Asylum in the EU*. London: Routledge.
- Jones, C. (2014). *11 years of Eurodac. Statewatch Analysis*. Retrieved from www.statewatch.org
- Khosravi, S. (2010). An ethnography of migrant ‘illegality’ in Sweden: Included yet excepted? *Journal of International Political Theory*, 6 (1), 95–116.
- Leerkes, A., & Broeders, D. (2010). A case of mixed motives? Formal and informal functions of administrative immigration detention. *British Journal of Criminology*, 50 (5), 830–850.
- Leerkes, A., Engbersen, G., & van der Leun, J. (2012a). Crime among irregular immigrants and the influence of internal border control. *Crime, Law and Social Change*, 58 (1), 15–38.
- Leerkes, A., Varsanyi, M., & Engbersen, G. (2012b). Local limits to migration control: Practices of selective migration policing in a restrictive national policy context. *Police Quarterly*, 15 (4), 446–475.
- Loader, I. (2002). Policing, securitization and democratization in Europe. *Criminal Justice*, 2 (2), 125–153.
- Marx, G. (1981). Ironies of social control: Authorities as contributors to deviance through escalation, non-enforcement and covert facilitation. *Social Problems*, 28 (3), 221–246.
- Nyers, P. (2003). Abject cosmopolitanism: The politics of protection in the anti-deportation movement. *Third World Quarterly*, 24 (6), 1069–1093.
- Nyers, P. (2008). No one is illegal between city and nation. In E. Isin, & G. Nielsen (Eds.). *Acts of Citizenship* (pp. 160–181). London: Zed Books.
- Peutz, N. (2010). Criminal alien deportees in Somaliland: An ethnography of removal. In N. De Genova, & N. Peutz (Eds.), *The Deportation Regime: Sovereignty, Space and the Freedom of Movement* (pp. 371–409). Durham, NC: Duke University Press.
- Provine, D.M., & Sanchez, G. (2011). Suspecting immigrants: Exploring links between racialised anxieties and expanded police powers in Arizona. *Policing and Society*, 21 (4), 468–479.
- Pugliese, J. (2010). *Biometrics: Bodies, Technologies, Biopolitics*. London: Routledge.
- Samers, M. (2003). Invisible capitalism: Political economy and the regulation of undocumented immigration in France. *Economy and Society*, 32 (4), 555–583.
- Scott, J.C. (1985). *Weapons of the Weak: Everyday Forms of Peasant Resistance*. New Haven, CT: Yale University Press.
- Sigona, N. (2012). ‘I have too much baggage: The impacts of legal status on the social worlds of irregular migrants. *Social Anthropology*, 10 (1), 50–65.
- Sigona, N., & Hughes, V. (2012). *No Way Out, No Way In: Irregular Migrant Children and Families in the UK*. Oxford: Centre on Migration, Policy and Society, University of Oxford.
- Silverstein, P. (2005). Immigrant racialization and the new savage slot: Race, migration and immigration in the new Europe. *Annual Review of Anthropology*, 34 (1), 363–364.
- Stumpf, J. (2006). The crimmigration crisis: Immigrants, crime and sovereign power. *American University Law Review*, 56 (2), 367–419.
- UKBA. (2008). *Enforcing the Deal: Our Plans for Enforcing the Immigration Laws in the United Kingdom's Communities*. London: The Stationery Office.
- Van der Leun, J. (2003). *Looking for Loopholes: Processes of Incorporation of Illegal Immigrants in the Netherlands*. Amsterdam: Amsterdam University Press.

- Varsanyi, M. (2008). Rescaling the "alien", rescaling personhood: Neoliberalism, immigration and the state. *Annals of the Association of American Geographers*, 98 (4), 877–896.
- Vives, L. (2009). Over the fence: The militarization of the Senegalese-Spanish sea border. *African Geographical Review*, 28 (1), 5–9.
- Wacquant, L. (2009). *Prisons of Poverty*. Minneapolis: University of Minnesota Press.
- Walters, W. (2006). Border/Control. *European Journal of Social Theory*, 9 (2), 187–203.
- Walters, W. (2010). Deportation, expulsion and the international police of aliens. In N. De Genova, & N. Peutz (Eds.), *The Deportation Regime: Sovereignty, Space and the Freedom of Movement* (pp. 69–100). Durham, NC: Duke University Press.
- Webber, F. (2012). *Borderline Justice: The Fight for Refugee Migrant Rights*. London: Pluto Press.
- Weber, L. (2013). *Policing Non-Citizens*. London: Routledge.
- Weber, L., & Bowling, B. (2008). Valiant beggars and global vagabonds: Select, eject, immobilize. *Theoretical Criminology*, 12 (3), 355–375.
- Weber, L., & Pickering, S. (2011). *Globalization and Borders: Death at the Global Frontier*. London: Palgrave.
- Welch, M., & Schuster, L. (2005). Detention of asylum seekers in the US, UK, France, Germany and Italy: A critical view of the globalizing culture of control. *Criminal Justice*, 5 (4), 331–335.
- Wilson, D. (2006). Biometrics, borders and the ideal suspect. In S. Pickering, & L. Weber (Eds.), *Borders, Mobilities and Technologies of Control*. Dordrecht: Springer.
- Wilson, D. (2007). Australian biometrics and global surveillance. *International Criminal Justice Review*, 17 (3), 207–219.
- Wilson, D. (2015). Border militarization, technology and crime control. In S. Pickering, & J. Ham (Eds.), *The Routledge Handbook of Crime and International Migration* (pp. 141–154). London: Routledge.
- Wilson, D., & Weber, L. (2008). Surveillance, risk and preemption on the Australian border. *Surveillance and Society*, 5 (2), 124–141.
- Young, J. (1971). The police as amplifiers of deviance, negotiators of reality and translators of fantasy. In S. Cohen (Ed.), *Images of Deviance* (pp. 27–61). Harmondsworth: Penguin.
- Zedner, L. (2010). Security, the state, and the citizen: The changing architecture of crime control. *New Criminal Law Review*, 13 (2), 379–403.
- Zedner, L. (2013). Is the criminal law only for citizens? A problem at the borders of punishment. In K.F. Aas, & M. Bosworth (Eds.), *The Borders of Punishment: Migration, Citizenship and Social Exclusion* (pp. 40–57). Oxford: Oxford University Press.

Political Deviance

Pat Lauderdale

Increasingly, sociologists define political deviants as those individuals or groups who challenge or deny the legitimacy of rules, laws, or norms because of some commitment to a higher or different moral order (Beck & Miner, 2013; Oliverio & Lauderdale, 2005). Apolitical deviants, or simply “deviants” in the present hegemonic order, on the other hand, are those individuals who accept the existing societal order, but who seek to circumvent its restrictions to achieve personal ends (Ben-Yehuda, 2002). Intent is the key here. Politically deviant behavior, while not viewed by society as fully legitimate, is often exempt from the usual stigma attached to illegitimate behavior by virtue of the intent of the actors.

The perspective using intent as the key concept is similar to traditional legal criteria, without relying on formal legal constructions. For example, under the principle of *mens rea*, criminal intent, the seriousness of an action under the law is closely linked with the intent of the actor. If you kill someone, then you are criminally liable only if there is criminal intent. If you kill a person while he is attempting to rob you with a deadly weapon, then you may be legally exonerated of any crime. If, on the other hand, you carefully plan and carry out the shooting of a person, then your action may be constituted as first degree murder. There is also the legal controversy surrounding an exemption from *mens rea*, the insanity defense. Shooting and killing another person may not be a crime because you were incapable of telling right from wrong and/or were driven by an uncontrollable impulse. Uncontrolled impulses may be momentary, making it extremely difficult to distinguish between sane and temporarily insane actors. The insanity plea often has turned into a bargaining device, the status of sanity being something to be negotiated. While a person's intent is clearly a basic concept in the construction of deviant definitions, it also has the unintended negative consequence of injecting into sociological analysis all of the uncertainties associated with the legal application of the *mens rea* criterion.

We can find poignant examples illustrating the question of intent throughout history. Was former President Reagan, by offering millions of dollars of aid to the Contras in Nicaragua, “fighting for a people’s right to live in a democratic society,” or was he acting to “subvert a legitimate government to achieve the political and economic goals of his administration”? Did the Zapatistas in Chiapas, Mexico, act as patriots in defending themselves and the land they inhabited for thousands of years from further plunder and exploitation – or are they terrorists? Was the leader of loose-knit bands of hit-and-run killers of British soldiers a deviant or terrorist? Or was he a revolutionary hero or freedom fighter? What is your assessment of George Washington? What is your reaction to Nat Turner, who executed Virginia slave owners and their families in 1830? And how were their intentions “socially negotiated”?

Of course, for sociologists the consequences of action are crucial. This concern with explaining society’s reaction to deviance rather than the motivation was addressed by the labeling theories of the 1960s (Becker, 1963; Goffman, 1963). These sociologists suggested that the critical factor needing attention was the public reaction to deviance. The labeling theorists, however, remained partially tied to the old concerns with motivation, despite their revolutionary perspective. In particular, they focused on demonstrating how negative sanctioning and the associated stigma serve to reinforce the deviant behavior of the individual. Labeling theorists viewed their mission as the exorcism of explanations of deviance in terms of individual characteristics with the slogan that deviance is a property conferred on, rather than inherent in, the actor. In fighting this war with their predecessors and focusing on the consequences of stigma, labeling theorists usually failed to investigate the sources of the deviant labels being imposed by powerful agencies and the explicit processes of political power underlying the development and imposition of labels. Adopting a more political take on the labeling theorists of the 1960s briefly resulted in the rebirth of the sociology of law (Inverarity, Lauderdale, & Feld, 1983). As Randall Collins (1975) suggested some four decades ago, we might consider that the next step should be to abolish the field of deviance entirely and link its materials with general explanations of stratification and political power. At least we now should examine issues of intent and consequence in the larger context of shifting moral boundaries via differences in time and space, and factors such as moral entrepreneurs, social movements, organizations, the state, and globalization (Lauderdale, 2010). Of course, no one working in the field of the sociology of deviance has accepted Collins’ suggestion.

Reliance on the individual’s own interpretations leaves a heavy burden of proof on observers to determine whether the actor’s justifications are legitimate or simply intended to mitigate the perceived severity of their actions. Even if observers are able to discern with some certainty the underlying motives behind the words, we are still left with an incomplete analysis of deviance. Consider the infamous example of Ambassador Andrew Young. In the midst of the human rights campaign of President Carter’s administration (1977–1981), Young, ambassador to the United Nations, noted that there are “hundreds, perhaps thousands of persons in the U.S. I would call political prisoners.” Young received a presidential reprimand, demands for his dismissal from politicians, and a brief discussion in the mass media of “political prisoners.” Young appeared to include under this label anyone who had failed to receive justice in the

criminal courts. Increasingly, the public began to understand Young's statement as an expression of his personal background, and realized his position was that people convicted because of ethnicity ("race") or class bias should be labeled political prisoners, but not in the same sense as political dissidents imprisoned for offenses such as criticizing the regime. This controversy continues to inflame the smoldering issues and reveals an insight into the definition of the nature of deviance that has so far eluded most analysts in both non-academic and academic circles. More recent debates concern important related processes about security and "moral entrepreneurs" – such as Daniel Ellsberg (b. 1931), a former military analyst for the RAND Corporation who released the Pentagon Papers to *The New York Times* in 1971; Mark Klein (b. 1946), a former AT&T technician, who in 2006 leaked information relating to his firm's cooperation with the National Security Administration (NSA); Julian Assange (b. 1971), Australian publisher and journalist, and editor-in-chief of WikiLeaks, who published classified military and diplomatic documents in 2010; Edward Snowden (b. 1983), a systems administrator for the CIA on contract with the NSA, who disclosed thousands of classified documents; and Bradley/Chelsea Manning (b. 1987), a transsexual US Army soldier, who released classified documents and was convicted under the Espionage Act. The debate on whether they are patriots or traitors reveals a great deal about the state of hegemony in the US. Did these individuals simply cross society's moral boundaries or are they challenging the society to change these boundaries?

Crossing the Moral Boundaries

The classical perspectives on deviance assume that individuals become deviant by crossing society's moral boundaries. The concepts of anomie, developed by Robert K. Merton (1938), of subculture by Albert K. Cohen (1955), differential association by Edwin H. Sutherland (1939), conflict by Richard Quinney (1970), including the derivatives of these concepts, not to mention concepts so essential to explaining deviant and criminal behavior, contain three basic assumptions. Firstly they assume the pre-existence of a deviant category or definition; second, deviants are perceived as violating an established moral boundary, or norm; third, particular actors within society will react to the perceived violator by negatively sanctioning the behavior. Assuming the pre-existence of a deviant category, however, is highly problematic. It establishes "deviance" as a fixed category with unchanging parameters historically and comparative across different cultures. Of course, most contemporary sociologists of deviance do not make such assumptions.

Definitions of appropriate and inappropriate social conduct are subject to a variety of shifting historical conditions. Most "deviance" definitions of appropriate social behavior pre-exist via hegemony and are lodged almost permanently within society, which fundamentally ignores or misrepresents the parameters of deviance and political power. In the earlier part of the last century, the Chicago School of sociology firmly opened the door for this analysis of the importance of political power via W.I. Thomas's observation that if people define situations as real, then they are real in their consequences. The Chicago School noted the transition zone where more recent immigrant

groups would find themselves likely to be defined as deviant as they struggled to become integrated into mainstream society. The research explicates the conflict of power for immigrants, and implicitly the roles of the market economy, which often restricted access to the mainstream, and led to the clash of social classes. Such research raises critical questions about the political issues of definition. Why is it the case that offenses committed by high-status members of society typically are lightly sanctioned (for example, corporate offenses are often adjudicated under civil rather than criminal law), yet offenses committed by lower-status individuals receive not only a harsher (criminal) sanction, but in many instances a sanction vastly disproportionate to the relative harm of the offense?

The origin of the sociology of deviance is also replete with debates concerning the relative importance of legal and extralegal factors in society's reaction to deviancy. The notion that societal reaction is the most fundamental process of deviance is an established observation. The literature to date reveals that society nearly always *reacts* to deviancy, so continued efforts to estimate the relative impact of legal and extralegal factors are no longer particularly fruitful. The attendant body of knowledge currently consists of a number of competing and divergent arguments, and while each has some merit and potential in explaining the process of the reaction to deviant behavior, they appear incapable of being reconciled with one another, and moreover fail to address the role of power by which behavior comes to be defined as deviant (Cohen, 2004). Ironically, a number of years ago, Colin Sumner (1994) wrote what he thought was the obituary on the sociology of deviance; however, the field did not need to be resuscitated. It was and is still alive, if not well (Anderson, 2014; Atkinson, 2014).

Much of the genesis of the sociology of deviance was psychologically based, centered on attempting to explain the problematic behavior of the isolated individual. Since the problem of deviance was essentially dictated by a research tradition that took individual personality as the unit of analysis, the role of power and social organizations in separating deviance from normality was not seen as an important issue. Each new group of researchers was content to modify the psychological tradition in the study of deviance without considering how the behavior being studied first came to be defined as deviant. And, despite Goode's (2002, p. 7) admonition that the concept of deviance "need not be pejorative or negative," many scholars seem unable to maintain such a perspective. The academic "freak of the week" presentations continue in the classrooms, and are amplified by most sociology of deviance and abnormal psychology courses. Deviance is rarely discussed as positive action, despite the fact that many ostensibly deviant actions are done for a higher moral good or now are seen as having positive consequences (Amster, 2004; Beck & Miner, 2013; Oliverio & Lauderdale, 2005; Heckert & Heckert, this volume).

When sociologists eventually began studying the relationship between power and deviance, they maintained key assumptions from the psychological approaches (Lauderdale, 2011). The commitment to explaining individual motivation remains for sociologists who ignore definitional issues related to social phenomena, despite using such variables as social stratification, hierarchy, and social conflict in their research. There is no doubt that funding agencies are part of this commitment. When "deviance" researchers examine political factors, they still usually focus upon individual actors.

Yet, is a society's political deviant of the last ten years an animal rights proponent, a conservationist, an Earth Firster, an opponent of NAFTA (North American Free Trade Act), the WTO (World Trade Organization), activists who oppose the National Security Agency, neoliberalism – or war?

The Movement of Moral Boundaries

We can begin to address such questions by examining the moral boundary between deviant (bad) and normal (good) activity, and then explicating the issue of shifts in the boundary. Returning to the theoretical overview from *Wayward Puritans* (Erikson, 1966/2004), we can explore a variety of central issues in politics, power, and who and what might account for the shift in the boundary between good and bad. His specific finding of intolerance by the Puritans is important in this context: the fact they encountered diversity and reacted to it as deviance is significant, especially since the Puritans desired to move away from the pomp and circumstance of the church in England. Erikson's theoretical overview focused upon crises as one major source of the movement of moral boundaries. These crises often led to more specific, dramatic changes such as a realignment of power within the group, or the appearance of new adversaries outside it (2004, p. 68). These are two of the conditions under which the boundary might shift, independent of the actions of individuals. Erikson also detailed the role of cultural domination regarding definitions of deviance.

Controversies over cultural domination and construction of reality are informed by the concept of hegemony. Hegemony typically refers to the dominance of a shared system of ideas, values, and ethics within a society or community during a particular historical period. The concept is helpful in examining the processes by which the majority of society come to believe that societal norms or law are made to benefit each member more or less equally, leading to widespread agreement with these norms or laws. This consensus includes a shared notion of the relative seriousness of deviant acts. The problem is in accounting for the pervasiveness of hegemony in modern societies. The concept helps us with the importance of understanding the manipulation of culture as a form of domination, where various dominant groups with similar interests will impress these interests on all citizens. Hegemony is not simply a matter of applying political power, but a way of thinking. Of course, there can be some similarities in interpretations of political reality between those in power and those subjected to that power. Politics, as the ongoing discussion of means and ends, under hegemony wrongly suggests, however, that what is meaningful for the rulers also appears meaningful for the ruled. This connection between hegemony and the construction of consent is a central issue (Oliverio, 1998) because it is essential to understanding the related areas of deviance, politics, rulemaking, law, and the legal system (Cooney & Burt, 2008).

The assumption that deviance is a property of acts or actors, and that it has individual, identifiable causes, has a long history and is still popular today. Recently, hormonal imbalances, heavy metal poisoning, Internet fixation, low blood sugar or chromosomal arrangements have been proposed to cause some forms of deviant behavior (Lauderdale, 2011). Even in response to the *Wayward Puritans*, an explanation of the Salem witchcraft

episode contends that bread contaminated with a parasitic fungus induced hallucinations in the young women who were labeled as witches. It is not clear which, if any, of these causal factors may ultimately be shown to cause variations in behavior that is labeled deviant. The important point here, especially with regard to chemical or biological analyses, is that none of this research can tell us why such behaviors are first defined as deviant. Viewing deviance as an individual phenomenon creates a myopia that has prevented and continues to prevent most scholars from considering how social and political power can impact the definitions of deviant behavior, and the movement of moral boundaries.

Some of the important factors that may contribute to changes in the definition of acts or actors have been touched upon by the labeling theorists, including the methods used by the deviants, and the status of the definers (labelers) and the defined. Moreover, recently there has been a call for examining the contingent effects of labeling, the causes of gaps between social control discourse and practice, and the diffusion of social control practices from deviants to non-deviants (Grattet, 2011). The focus of the labeling approach, however, has been somewhat misdirected. As one example, compare these developments with contemporary developments in the study of stratification. The research in stratification has taken the direction of emphasizing individual motivational and dramatic issues at the expense of political and structural ones. The research became consumed with the process of status attainment by individuals, tracing out career trajectories of individuals in occupational structure with relatively precise estimations of the role of actual performance versus unearned progress in an individual's career development; yet it failed to adequately account for implementation of the attainment of status, for example, as a result of inequities in power.

The role of dramatic and unitary events was important for the social reaction perspective. For example, the changing public awareness of harm is revealed by the history of federal legislation on adulterated foods and drugs. Evidence of adulteration and outright poisoning of commercial food products around 1900 had rapidly accumulated. A major proponent of federal regulation of the industry was Harvey Wiley, whose detailed research revealed health hazards in many of the foods and drugs on the market. Despite the evidence and warning, the public remained largely indifferent, and the industry was able to stymie legislative reform. But matters were to change very quickly.

In 1906, writer Upton Sinclair published, *The Jungle*, an account of the "wage slaves of the Beef Trust" in the Chicago stockyards. Sinclair was at the vanguard of a movement called the "Muckrakers," a group of progressive journalists, writers, and intellectuals which also included Ida Tarbell, Jacob Riis, and Lincoln Steffens, among numerous others, who wished to reform the truly horrendous aspects of American society – the exploitation of labor and the brutal, dangerous conditions in which they worked; the inadequate, dilapidated housing in which the poor lived; the racist Jim Crow laws in the South; the horrendous abuse of the mentally ill; the abject living conditions of Native American Indians; greedy, monopolistic business practices; political corruption; and the selling of medications that contained harmful, addicting psychoactive drugs, such as cocaine and morphine – these and dozens of other miserable conditions that harmed and killed poor people. The Muckrakers demanded reform, and in specific,

delimited ways, they got it. Sinclair's book described the life of a Lithuanian immigrant, who experienced daily encounters with economic exploitation, industrial accidents, and slum housing.

In establishing the setting of his tale of class conflict, Sinclair described the operations of the stockyard, especially when tubercular pork was used in the making of sausages; how poisoned bread was used to kill rats, with the dead rats being dumped into the sausage grinder; and vivid examples of workers occasionally falling into the open vats of boiling lard, as their bodies became an ingredient of "pure lard" sold in grocery stores. *The Jungle* had a significant, immediate impact. Meat sales dropped quickly. President Theodore Roosevelt appointed a commission to investigate the allegations made by Sinclair. The commission reported that the accuracy of *The Jungle's* portrayal of the stockyard conditions was sound. The book produced a sensation of outrage, and soon after its publication, Congress passed, and President Theodore Roosevelt signed, the Pure Food and Drug Act, and six weeks later, the Federal Meat Inspection Act. By hitting the public squarely in the stomach, Sinclair raised awareness of the widespread harm, which led to a law to regulating the wrongdoing – now designated by the law as "deviance."

Let's consider the study of defining a particular action or behavioral pattern as deviant from perspectives that are inherently political, since power is used to impose the definition or label (Beck & Miner, 2013; Ben-Yehuda, 1985; Henry, 2009; Lauderdale, 1976; Mills, 1942; Pfohl, 2009; Schur, 1980). Political processes are "behind the creation of rules that lead to some people's behavior being sanctioned and others' behavior being celebrated" (Henry, 2009, p. vii). Deviance, in part, is created by stereotyping others' different behavior or appearance and judging it negatively. Yet, under close inspection the moral boundary between a drug user and an abuser can become questionable, and even the definition of a drug becomes problematic (Goode, 2015, pp. 101–106). Or, how do we compare a Watergate or Iran–ContraGate thief with a "drug user"? Clearly, most definitions of what is considered and judged as *deviant* change over time, and hence the very notion of what deviance is, at its very core, culturally and temporally relative (Ben-Yehuda, 1985, 2001).

In the political process of selectively banning, there is often a cycle of labeling and deviancy amplification that can send actors who internalize or concede to a deviant label into subterranean worlds that often provide excuses, justifications, and rationalizations for their acts that support continued, even expanded, deviations (Marshall, Douglas, and McDonnell, 2007; Matza, 1969). Henry (2009) details the central role of political processes in the social construction of stigma and the creation of moral identity.

A political deviance approach specifies and then seeks to explicate the conditions under which amorphous behavior becomes *defined* as deviant; or behavior that was once characterized as deviant becomes *redefined* as some type of non-deviant conduct or attribute (Gusfield, 1963), for example, when the medical or psychiatric communities redefine a deviant behavior as a physiological malady or cognitive abnormality – and, just as important, how specific persons come to be labeled as "a" deviant.

A Political Deviance Approach

From a political perspective, to understand social definitions, we must transcend the preoccupation with studying strictly the intent and consequences of behavior, and instead examine alternate paths by which behavior is defined as deviant as opposed to “normal.” In essence, through a variety of societal mechanisms, most of the diversity of individuals is categorized via hegemony as normal variation, a small fraction as deviance, and an even smaller fraction as political deviance. Our basic question concerns how the boundaries of these categories are drawn, and what determines the placement of specific people and actions within any given category. We suggest that the creation of categories and the placement of individuals within these categories reflect two basic deeper processes of social definition that are found to be outcomes of political variables.

At a concrete degree of abstraction, consider the following factors as some of the key steps for taking the political deviance approach: first, what is the status of the definer (Ridgeway, 2014)? Is the individual creating the definition a respected opinion leader, or someone who is powerless, marginal, perhaps a deviant – let’s say, someone who is labeled as a terrorist? Second, what is the historical period during which the controversy emerges? Does the debate emerge during a politically tumultuous period of social unrest? Would such a period be more likely, or less, to produce deviant labels for politically threatening actors than during a period of high social cohesion? And third, what are the ideological and material differences between and among the conflicting parties? What stake or interests do these parties have? What resources do they wield to achieve their goals? By explicating these variables, we can derive an initial perspective on how definitions are created and provide an initial understanding of the definitional process involved in deviance. We can, for example, pinpoint the role of the relevant moral entrepreneurs, social movements, organizations, and agencies of social control, including the state, in determining social perception of actions and their consequences (Toggia, Lauderdale, & Zegeye, 2000; Ferrell, 2002) in a creative analysis of inequality, non-violent activism, and social movements.

Sociologists make use of these concepts to investigate the possible roles of these actors in shifting society’s moral boundaries. Moral entrepreneurs usually initiate public discourse on specific issues, garner the resources to ensure that their voice is heard, and try to persuade politicians, the public, and relevant actors in the controversy, in order to convince them of their view of the truth. Throughout history, moral entrepreneurs of every conceivable stripe have made use of these forces, factors, resources, and processes to convince the public and others that their goal was worthy and should be achieved. Harry Anslinger (1892–1975), an anti-marijuana crusader during the 1930s, and Eugene McCarthy (1916–2005), a progressive liberal who campaigned for President of the United States in 1968, worked during different eras for different causes – but what they had in common was their moral entrepreneurship. This approach can be extended to examine most supporters of virtually all political crusades or programs. They could include, at the very least, supporters of political causes such as Pat Robertson (b. 1930), a Southern Baptist spokesperson and a 1988 Republican presidential campaigner; Ralph Nader (b. 1934), an automobile safety

activist and frequent presidential candidate; Russell Means (1939–2012), an American Indian movement spokesperson; Bobby Seale (b. 1936), co-founder of the Black Panthers; Leonard Peltier (b. 1944), an American Indian spokesperson who was accused of killing two FBI agents and is currently imprisoned despite similar trials that ended in a judgment of self-defense; Mother Teresa (1910–1997), a Catholic Sister who worked with lepers in India and won a Nobel Prize in 1979; Edward Snowden (b. 1983), as we saw, a former employee of the CIA who illegally publicized NSA files; Pope Francis (b. 1936), an Argentinian Jesuit elected in 2012; and Nelson Mandela (1918–2013), a South African anti-apartheid activist and President of the country from 1994 to 1997.

A focus on social movements include those protesting in numerous arenas such as the diverse movements against the North American Free Trade Agreement (NAFTA), and the World Trade Organization, those demanding free access to water, air, and public space, and more specific movements such as MADD (Mothers Against Drunk Driving), the anti-abortion (pro-life) movement, the pro-gun or anti-gun movements, anti-pornography groups, the movement for the medicalization of marijuana, and Food First. We can also continue to explore the factors that lead to the transformation of a social movement into a social organization, especially since most social movements do not reach institutional levels (McAdam & Su, 2002).

A heuristic recent example is the movement against genetically modified (GM) organism-based foods and against Monsanto specifically – a chemical corporation that is in the forefront of producing GM food. GM foods are not natural; they are *modified* (Schurman & Munro, 2010). Researchers have found ways to “knock down” specific genes that trigger particular reactions – for example, resistance to certain insects or fungus. A GM plant may look and taste the same as a natural plant, but it will lack components necessary to the survival of harmful microbes – the microbe-susceptible genes are knocked down so the microbes die off and the modified plant survives (O’Brien, 2002). But what else changes in the organism?

Some microbes are essential to particular ecosystems, in that they help to break down the sun’s energy that is stored in plants and animals. For example, the grasses of the Great Plains had a special growth rate whenever under “stress” – the plant would grow quickly and strongly. The “stress” exerted on these grasses were the millions of grazing buffalo, eating at the grasses. This created a symbiotic relationship: the grasses needed the buffalo and the buffalo needed the grasses. Also, wolves, grizzly bears, and coyotes preyed on the buffalo, extending the food chain. As a result of the introduction of “modified” plants, by unnaturally suppressing microbes – a natural pest of plants, which, as a result, no longer “stresses” these plants – genetic engineers have disrupted the fine balance of nature’s ecosystem and increased the likelihood of biological chaos.

Monsanto claims that the only question about the difference between GM crops and natural crops should be addressed to the *outcome* – the produce. This argument is called “substantially equivalent,” which means that each plant’s *produce* is virtually the same. Monsanto’s website says this: “So long as the introduced protein is determined to be safe, food from GMO crops determined to be substantially equivalent is not expected to pose any health risks.” This erroneous argument is based in part on the belief that genetic material from food is not absorbed into the human body (Schurman & Munro, 2010).

The research on the role of social organizations in creating, maintaining, or transforming deviance and politics has recently concentrated on the media (Altheide, 2006; Grattet, 2011). This thrust can be complemented by examining organizational forces influencing the media. Moreover, the historical overview of scholars such as Mies (1986) suggests the importance of unraveling the deep connection between expanding organizations, the law, trials, and the state.

The barriers or obstacles to the type of research suggested above are obvious. Certainly, most scholars are struck by the continued pressure to publish research (especially for students) on “nuts, sluts, and preverts” (Liazos, 1972). Such “deviance” is supported much more heavily by funding agencies, and publishers who want best-sellers. Despite Liazos’s urgent call, framed in critical ways as a result of the earlier work of C. Wright Mills (1942) and Alvin Gouldner (1968), it has become necessary for us to move away from the common titillating view of deviance – what we might call the tourist gaze – and work within a more critical, politically driven framework. Unfortunately, the responses to this clarion call by much of the field have been muted or defensive. Of course, this volume expands its scope substantially beyond the “nuts and sluts” roster, comprising an entire section on institutional deviance – which includes not only this chapter, but others on race and ethnicity, gender and deviance, the way in which putative deviants are depicted in the media, poverty and disrepute, environmental harm, organizational deviance, and the stigmatization and marginalization of immigrants.

As we see in the chapter by Austin Turk in this volume (“Terrorism and Counterterrorism”), the creation of the category of *political terrorist* exemplifies the political processes that defining a given behavior as deviance entails. What we now routinely view as political terrorism was once defined as a heinous deviant act or the work of a criminally insane actor (de Graaf, 2013). For example, until recently the car bombing of European political officials, the murder of a group of Israeli or Palestine citizens, or the execution of American military officers in Lebanon would have been reported typically as a morally reprehensible act by a group of “sick,” unstable individuals. Today, these common occurrences are each labeled under the umbrella term of political terrorism. If this type of analysis is applied to specific cases such as that of Lee Harvey Oswald, who assassinated President John F. Kennedy in November 1963 (and who was himself killed two days later while in police custody by a shooter whose motive remains unclear), Sirhan Sirhan (b. 1944), a Palestinian of Jordanian citizenship who killed Senator Robert F. Kennedy (b. 1925) in 1968, and other assassins, then the recent politicalization of their activities becomes more understandable.

The State of Terror by Annamarie Oliverio (1998) and her framework for studying both terrorism and deviance, for example, explicates the importance of the connection between the two subject areas. Following her political examination of deviance, Oliverio (1998, p. 5) suggests that:

The task then becomes not to expose or define who the terrorist of the week is, whether it is the Unabomber threatening national security or the CIA conducting covert actions, but to examine the political processes and practices that maintain, create, and change the definitions of certain action as terrorist. Accordingly, we may be better able to understand the status of terrorism as either an act of deviance, social control, politics, and coercion or understand it in a particular time and place as a social problem.

The study of terrorists or terrorism, for example, can be one way of using the political deviance approach to understand social benefit or harm (Ben-Yehuda, 2001; Tilly, 2005). Again, *Wayward Puritans* (1966) by Kai Erikson has made a significant impact on this growing body of research. Erikson's analysis of specific cases of deviance creation or amplification by the Puritans, when they encountered diversity and reacted to it as deviance, is relevant, especially in light of the Puritans' desire to move away from the pomp and circumstance of the Church of England. The Puritans "terrorized" the categories of people who were designated as deviants –heretics, Quakers, and witches. In particular, Erikson's witchcraft and witchcraft trials analysis detailed the "terror" that was created by the emerging Puritan state. Erikson suggests that, in order to understand deviance, we focus on the emerging state and the emergence of modern society. In generating deviant categories such as "terrorist," the state *infuses* the element of terror into the character, behavior, and status of the designated enemy – the deviant. The state creates the role of terrorist by attributing certain threatening, subversive, and *dangerous* attributes to the relevant parties and their behavior.

In her research, Mies (1986, p. 83) emphasized that midwives were "terrorized" as witches. The witch-craze purge, she argued, was directly connected with the emergence of modern society. It ushered in:

...the professionalization of medicine, the rise of medicine as a natural science, the rise of science and of modern economy. The torture chambers of the witch-hunters were the laboratories where the texture, the anatomy, the resistance of the human body, mainly the female body, was studied. One may say that modern medicine and the male hegemony over this vital field were established on the base of millions of crushed, maimed, torn, disfigured and finally burnt, female bodies. There was a calculated division of labor between Church and State in organizing the massacres and the terror against the witches.

From an analytical, historical perspective, the "terrorizing" of witches in Europe and their trials also suggests the importance of the role of the state. Consider a political analysis of trials. Here, politics are the principle of organization of all social fields and power relations. Politics are present everywhere, and before anything else in social life, there is politics (Deleuze & Guattari, 1988). The political character of social relations becomes more obvious as we leave the group levels of society and approach the institutional level. What institution uses politics more obviously than a formal system of defining what can be done, what can't be done, and the sanctions for such actions? Law determines some of the basic relations among people, arranging, for example, an authoritarian set in the courtroom, expressing the modern society, representing the state and its basic principles, reproducing state power, manifesting particular social norms, and being able to remove people from normal society, among many other powers. From this view, law as a formal system is deeply political and each single trial based on this system is intrinsically political. The trials of a few hundred people have been transformed over time into political, often famous figures (Christenson, 1999). And while we have gained enormously from studying transformations such as these, subjecting the vast majority of other trials to the realm of the ordinary is a hegemonic facade which detracts us from greater understanding. The political, legal, and economic reasons that led to some nine-tenths of felony charges ending in plea bargaining to the

current process of jury selection suggest that the framework supporting trials that treat defendants as criminal deserve more attention and analysis.

The crucial roles of the state and globalization are becoming more relevant (Chew & Lauderdale, 2010; Kellner, 2002; Lauderdale, 2008; Nader, 2002). The impact of global organizations such as the World Bank, the World Trade Organization, the World Health Organization, the United Nations, and the International Monetary Fund, as well as multinational firms and capital, increasingly are relevant to the study of deviance and terror experienced by poor people and social movement protestors. Changes in capital concentration and modes of production at varying levels of abstraction are central to understanding alterations in other forms of power (Inverarity *et al.*, 1983; Lauderdale, 1976). The shifting view of the practice of slavery, imperialism, and democracy are relevant here. Democracy, or the "tyranny of the multitudes," for example, has been viewed as terrorism by those who wanted to preserve monarchical rule and who promoted the idea of misery as a blessing for the masses. Aristocracy was once presented as ordained by God. In the eighteenth century, scholars such as Rousseau and Voltaire were treated not only as treasonous but also mentally disturbed (Oliverio, 1998, p. 31). Now, as then, we need careful research to differentiate among action that often shifts from being defined, for example, as radical chic to radical, or vice versa.

Conclusion

Today, scholars rarely if ever pursue the study of deviance as deviation from a particular statistical mean. They ignore the view of a bell-curve distribution with three degrees of deviation on both sides (Wilkins, 1965). Yet this view suggests the relevance of determining whether a deviation is positive or negative for society (Ben-Yehuda, 2006; Cooney & Burt, 2008; Ferrell, 2002; Gamson, 1975; Garland, 2002; Hamm, 2007; Lauderdale, 2011). What labels are applied to people who deviate three standard deviations from the mean? Under what conditions is deviation seen as creative versus destructive? Under what conditions are deviations defined as leadership rather than stigmatized, or aggression instead of assertiveness (Baehr, 2002)?

We can also investigate the celebration of diversity within most universities, and examine the factors that often lead to a facade rather than a celebration. What, for example, determines whether someone or something is seen as diverse versus deviant? Or, from a historical perspective, what made an American Indian come to be seen as good or bad? Vine Deloria, Jr. (1992, p. 25) emphasized that American Indians were stereotyped. "They were," he argued, "either a villainous warlike group that lurked in the darkness thirsting for the blood of innocent settlers or the calm, dignified elder sitting on the mesa dispensing his wisdom in poetic aphorisms."

At a more specific level, it may prove useful to consider alternative methods for extending the study of political deviance in courtroom settings by examining recent antiwar court cases comparatively; social movements, protest and the media; by analysing other cracks in the hegemonic facade of state control, especially the unprecedented global peace protests of 2003 and Occupy Wall Street; the politics of occupational control, including the control or expansion of violence at various levels

of organization (e.g., from childhood athletics to the political economy of professional sports); the erroneously termed “race riots,” in particular the role of agents of the state; and suggestions for improving our analyses of the political creation of deviance, including, for example, Emile Durkheim’s (1899/1973) call for the abolition of inheritance to level the ground or move closer to the ideal that all persons are created equal.

The sociology of deviance can be greatly informed by the study of stratification and social mobility, rather than simply a shift of moral boundaries resulting in the amplification or creation of deviance (see Gould, 2002, on status hierarchies; Lauderdale & Cruik, 1993). “Deviants” often struggle to overcome their positions at the bottom of a status hierarchy, and/or others attempt to shift the balance of power (Cummins, 1994; Downes & Rock, 2007). In his research on moral boundaries, Ben-Yehuda (1985, 2001) reveals some of the processes by which people attempt to legitimate their own views and actions of themselves or others while trying to neutralize negative ones.

If power is increasingly concentrated, the hegemonic forces that create and enforce rules and laws, and proscribe certain conduct as deviant, play a concomitantly greater role in the promotion, revision, and maintenance of demonizing categories and labels. Where power is more diffuse, “deviance” may still persist but is more likely to be construed positively, as with the work of certain geniuses, artists, musicians, scientists, or leaders. And where power approaches complete diffusion, deviance might come to be seen as “diversity” and not as abnormal, immoral, or unlawful. Thus, the consolidation of power and the persistence of categories of deviance correspond in a manner that highlights the utility of an approach that incorporates analyses of both political power and deviance.

When studying deviance, most researchers ignore the importance of political factors, or examine political factors by focusing upon individual actors. What, then, precisely differentiates a “politically” deviant actor from an apolitical actor? Are American society’s political deviants of the last ten years an animal rights proponent, a conservationist, an Earth Firster, an opponent of NAFTA (North American Free Trade Act), the WTO (World Trade Organization), critics of the National Security Agency, or none of the above? This idea can be examined more specifically, in part, by examining the actions of moral entrepreneurs, social movements, organizations, the state, and globalization, which often have the power to shift the boundaries. These concepts can become intellectual tools to investigate their possible roles in shifting the moral boundaries.

We know that the intent of an individual or group and the consequences of action are important in understanding such processes and practices. The study of terrorists or terrorism, for example, can be one way of using the sociology of deviance to understand social benefit or harm (Hamm, 2007). How is the moral boundary between benefit and harm, or good and bad constructed, maintained or changed? In his research on moral boundaries, Ben-Yehuda (1985, 2006) revealed some of the processes by which people attempt to legitimate their own views and actions of themselves or others, while trying to neutralize negative ones. We might consider that the next step should be integrating the field of deviance into the sociology of law and sociological research on stratification and politics (Grattet, 2011; Lauderdale, 2011).

Note

1. I appreciate the comments and suggestions of Annamarie Oliverio and Dillon Diffie. For related research on this topic, please see Lauderdale and Amster (2008).

References

- Altheide, D. (2006). *Terrorism and the Politics of Fear*. Walnut Creek, CA: AltaMira.
- Amster, R. (2004). *Street People and the Contested Realms of Public Space*. New York: LFB Scholarly.
- Anderson, T.L. (2014). *Understanding Deviance*. New York: Routledge.
- Atkinson, R. (2014). *Shades of Deviance*. New York: Routledge.
- Baehr, P. (2002). Identifying the unprecedented: Hannah Arendt, total totalitarianism and the critique of sociology. *American Sociological Review*, 67 (6), 804–831.
- Beck, C.J. & Miner, E. (2013). Who gets designated a terrorist and why. *Social Forces*, 91 (3), 837–872.
- Becker, H.S. (1963). *Outsiders: Studies in the Sociology of Deviance*. New York: Free Press.
- Ben-Yehuda, N. (1985). *Deviance and Moral Boundaries: Witchcraft, the Occult, Deviance Sciences and Scientists*. Chicago: University of Chicago Press.
- Ben-Yehuda, N. (2001). *Betrays and Treason: Violations of Trust and Loyalty*. Denver, CO: Westview Press.
- Ben-Yehuda, N. (2002). *Sacrificing Truth: Archaeology and the Myth of Masada*. New York: Humanity Books/Prometheus.
- Ben-Yehuda, N. (2006). Contextualizing deviance within social change and stability, morality, and power. *Sociological Spectrum*, 26 (6), 559–580.
- Chew, S., & Lauderdale, P. (Eds.) (2010). *Theory and Methodology of World Development: The Writings of Andre Gunder Frank (Evolutionary Processes in World Politics)*. London: Palgrave Macmillan.
- Christenson, R. (1999). *Political Trials* (2nd ed.). New Brunswick, NJ: Transaction.
- Cohen, A.K. (1955). *Delinquent Boys: The Subculture of the Gang*. New York: Free Press.
- Cohen, C.J. (2004). Deviance as resistance: A new research agenda for the study of black politics. *Du Bois Review*, 1 (1), 27–45.
- Collins, R. (1975). *Conflict Sociology: Toward and Explanatory Science*. New York: Academic Press.
- Cooney, M., & Burt, C.H. (2008). Less crime, more law. *American Journal of Sociology*, 114 (2), 491–527.
- Cummins, E. (1994). *The Rise and Fall of California's Radical Prison Movement*. Stanford, CA: Stanford University Press.
- de Graaf, B. (2013). *Evaluating Counterterrorism Performance*. New York: Routledge.
- Deleuze, G., & Guattari, F. (1988). *A Thousand Plateaus: Capitalism and Schizophrenia*. London: Athlone.
- Deloria, V., Jr. (1992). *God is Red* (2nd ed.). Golden, CO: North American Press.
- Downes, D., & Rock, P. (2007). *Understanding Deviance: A Guide to the Sociology of Crime and Rule-breaking* (5th ed.). New York: Oxford University Press.
- Durkheim, E. (1899/1973). Two laws of penal evolution (trans. T.A. Jones, & A.T. Scull). *Economy and Society*, 2 (3), 285–308.
- Erikson, K. (1966/2004). *Wayward Puritans: A Study in the Sociology of Deviance*. New York: Macmillan/Allyn & Bacon.

- Ferrell, J. (2002). *Tearing Down the Streets: Adventures in Urban Anarchy*. London: Palgrave Macmillan.
- Gamson, W. (1975). *The Strategy of Social Protest*. Homewood, IL: Dorsey Press.
- Garland, D. (2002). *The Culture of Control: Crime and Social Order in Contemporary Society*. Chicago: University of Chicago Press.
- Goffman, E. (1963). *Stigma: Notes on the Management of Spoiled Identity*. Englewood Cliffs, NJ: Prentice-Hall/Spectrum.
- Goode, E. (2002). *Deviance in Everyday Life*. Prospect Heights, IL: Waveland Press.
- Goode, E. (2015). *Drugs in American Society* (9th ed.). New York: McGraw-Hill.
- Gould, R.V. (2002). The origins of status hierarchies. *American Journal of Sociology*, 107 (4), 1143–1178.
- Gouldner, A.W. (1968). *Coming Crisis of Western Sociology*. New York: Avon.
- Grattet, R. (2011). Societal reactions to deviance. *Annual Review of Sociology*, 37 (April), 185–204.
- Gusfield, J. (1963). *Symbolic Crusade: Status Politics and the American Temperance Movement*. Urbana, IL: University of Illinois Press.
- Hamm, M. (2007). *Terrorism as Crime: From Oklahoma City to Al-Qaeda and Beyond*. New York: New York University Press.
- Henry, S. (2009). *Social Deviance*. London: Polity Press.
- Inverarity, J., Lauderdale, P., & Feld, B. (1983). *Law and Society*. Boston: Little, Brown.
- Kellner, D. (2002). Theorizing globalization. *Sociological Theory*, 20 (3), 285–305.
- Lauderdale, P. (1976). Deviance and moral boundaries. *American Sociological Review*, 41 (5), 660–676.
- Lauderdale, P. (Ed.) (2008). In the light of Andre Gunder Frank: Terror, domination and dependency. *Journal of Developing Societies*, 24 (1), 13–119.
- Lauderdale, P. (2010). Political deviance. In C. Bryant (Ed.), *The Handbook of Deviant Behavior* (pp. 119–133). London: Routledge.
- Lauderdale, P. (2011). *A Political Analysis of Deviance* (3rd ed.). Toronto: de Sitter Publications.
- Lauderdale, P., & Amster, R. (2008). Power and deviance. In L. Kurtz (Ed.), *Encyclopedia of Violence, Peace and Conflict* (2nd ed.) (pp. 1911–1923). New York: Academic Press.
- Lauderdale, P., & Cruik, M. (1993). *The Struggle for Control*. New York: State University of New York Press.
- Liazos, A. (1972). The poverty of the sociology of deviance: Nuts, sluts, and perverts. *Social Problems*, 20 (February), 103–120.
- Marshall, H., Douglas, K., & McDonnell, D. (2007). *Deviance and Social Control: Who Rules?* Oxford: Oxford University Press.
- Matza, D. (1969). *Becoming Deviant*. USR, NJ: Prentice-Hall.
- McAdam, D., & Su, Y. (2002). The war at home: Antiwar protests and congressional voting, 1965–1971. *American Sociological Review*, 67 (5), 696–721.
- Merton, R. (1938). Social structure and anomie. *American Sociological Review*, 3 (October), 672–682.
- Mies, M. (1986). *Patriarchy and Accumulation on a World Scale*. London: Zed Books.
- Mills, C.W. (1942). The professional ideology of social pathologists. *American Journal of Sociology*, 49 (2), 165–180.
- Nader, L. (2002). *The Life of Law*. Berkeley, CA: University of California Press.
- O'Brien, D. (2002). *Buffalo for the Broken Heart: Restoring Life to a Black Hills Ranch*. New York: Random House.
- Oliverio, A. (1998). *The State of Terror*. Albany: State University of New York Press.

- Oliverio, A., & Lauderdale, P. (2005). *Terrorism: A New Testament*. Whitby, ON, Canada: de Sitter Publications.
- Pfohl, S. (2009). *Images of Deviance and Social Control: A Sociological History*. Long Grove, IL: Waveland Press.
- Quinney, R. (1970). *The Social Reality of Crime*. Boston: Little, Brown.
- Ridgeway, C. (2014). Why status matters for inequality. *American Sociological Review*, 79, 1–16.
- Schur, E. (1980). *The Politics of Deviance*. Englewood Cliffs, NJ: Prentice-Hall.
- Schurman, R., & Munro, W. (2010). *Fighting for the Future of Food*. Minneapolis: University of Minnesota Press.
- Sinclair, U. (1906). *The Jungle*. New York: Doubleday.
- Sumner, C. (1994). *The Sociology of Deviance: An Obituary*. Buckingham: Open University Press.
- Sutherland, E.H. (1939). *Principles of Criminology* (3rd ed.). Philadelphia: Lippincott.
- Tilly, C. (2005). Terror as strategy and relational process. *International Journal of Comparative Sociology*, 46 (1), 11–32.
- Toggia, P., Lauderdale, P., & Zegeye, A. (2000). *Crisis and Terror in the Horn of Africa: Autopsy of Democracy, Human Rights, and Freedom*. Aldershot: Ashgate.
- Wilkins, L.T. (1965). *Social Deviance: Social Policy, Action, and Research*. London: Tavistock/Englewood Cliffs, NJ: Prentice-Hall.

Terrorism and Counterterrorism

Austin T. Turk

To speak of countering terrorism assumes one knows what ideological values or political regimes are to be prevented or eliminated. Perhaps one indicator of the absence of a universally accepted definition, after myriad attempts, is reflected in the fact that, frequently, opponents in contemporary political struggles accuse each other of terrorism. Nonetheless, despite rhetorical differences, the international community of nations passes resolutions, makes treaties, undertakes joint punitive operations, and otherwise acts against regimes as well as non-governmental actors who are deemed to be engaged in excessive or indiscriminate violence. Still, the term “state terrorism” is not generally used, so that nearly all governmental and media-driven public concern is with non-state terrorism.

Allowing for the reality of state as well as non-state internationally unacceptable political violence, a usable assumption is that terrorism is violence intended to force changes in political decisions, actions, or relationships where victims are targeted without regard for their degree or form of involvement in the conflict. Because the prevalent discourse is about non-state terrorism, the focus here is on what has been said and done in the name of counterterrorism directed against non-state actors, including but not exclusive to al Qaeda. In brief, counterterrorism is what governments say they are doing against what they regard as terrorism.

Given that the concepts of terrorism and counterterrorism are nebulous, the terms acquire meaning only in reference to usage. Consequently, anyone discussing terrorism has to address concerns as to what governments do in the name of counterterrorism. How do they justify what they do, and how may their actions and claims to legitimacy be reconciled? The United States is the pre-eminent global power and leader in developing the technology of counterterrorism. Accordingly, the primary focus here is on developments in American counterterrorism strategy.

Doing Counterterrorism

In practice, counterterrorism encompasses preventive and reactive operations of accepted or questionable legality. Concomitant with proactive operations are defensive measures emphasizing the “hardening” of sites considered likely to be targets of terrorist attacks. The “first line of defense” features increased electronic surveillance of public spaces, especially high-density urban sites (such as shopping centers, major streets, office and apartment buildings), transportation hubs (mainly airports, railway stations, seaports), communications centers (broadcasting stations, computer networks, satellites), power control centers (oil, gas, and electricity production, transmission, and storage facilities), and government locations (for instance, capitols, embassies, residences and other official buildings, military bases, and police stations). Complementing electronic monitoring are measures such as public or secret inspections of persons, residential and business properties, shipments, postal and other communications, and financial and other documents.

Whether publicly or secretly authorized (the special courts created under the amended Foreign Intelligence Surveillance Act, now Section 218 of the USA Patriot Act of 2001), monitoring the communications and related activities of suspected terrorists and supporters has led to searches and seizures (with or without warrants) of their financial and other resources, as well as public or secret detentions. In addition to the hundreds of persons incarcerated at military prisons such as Guantanamo Bay and Abu Ghraib, some number exceeding one hundred have been detained by the CIA at secret locations outside the US. In lieu of formal extradition under the restrictions of international agreements, “extraordinary rendition” has been adopted to transfer detainees secretly to and from foreign sites. Transfers are intended to facilitate interrogation, especially when using procedures that are questionable or illegal under prevailing understandings of existing laws.

“Severe” interrogation methods range from less physically painful ones such as sleep deprivation, solitary confinement, and threats of bodily harm to the subject or close associates, to more painful ones such as near-drowning (“waterboarding”), electric shocks, and even mutilation. At some point the line between severe interrogation and torture is obscured, becoming an issue of often-heated debate. To those who abhor any infliction of pain, no interrogation is acceptable. The extreme opposite view is that any method is acceptable if public safety or national security is deemed to be at stake. Between the extremes, the most common position is that severe methods are acceptable insofar as they are legally authorized, publicly or secretly, which usually precludes treatment resulting in irreversible physical or mental harm, sometimes narrowed to injuries necessitating hospitalization.

Whatever the degree of allowable severity, there is also continuing debate over the quality of information obtained from persons subjected to severe interrogation. Predictably critics cite instances in which severe interrogation (“torture”) elicited little if any useful information, while proponents offer examples of information otherwise unobtainable that was significant in preventing terrorist attacks, apprehending terrorists, or disrupting terrorist networks. Because severe interrogation has sometimes produced useful and arguably otherwise unobtainable results, governments are unlikely to

stop using such methods – employed by ruling powers in the Western world since their ancient Greek origins (Peters, 1985, pp. 11–18).

Severe interrogation clearly becomes torture when physical injuries are predictably fatal. Whether out of humane concern or merely to prolong the time available for interrogation, physicians have occasionally been required to monitor and revive those subjected to painful treatment. Killing the subject may be intended as the eventual or alternative objective of severe interrogation to obtain information. Or the mutilated person may be released so that those who see the consequences of anti-government behavior, factual or putative, will be intimidated (a specialty of the “ton-ton macoutes” in Haiti under the Duvalier dictatorship).

An extreme deviation from severe interrogation is torture by beheading, in which pain is maximized by slowly cutting off the victim’s head – a punishment which has been inflicted from ancient times by rulers (“the death of a thousand knives”) as well as rebels such as contemporary Islamic jihadists.

Though generally prohibited under international and national laws, assassination continues to be an option in counterterrorist strategy. Killing leaders of identified terrorist groups and other key personnel such as demolition experts has been accomplished by ambushes, raids, and air strikes. Assassination missions are usually assigned to intelligence, military, or law enforcement agencies specializing in covert operations.

A landmark example of government-sanctioned assassination is the Israeli retaliation against the Black September faction of the Palestine Liberation Organization (PLO) for murdering 11 members of the Israeli team, mainly the wrestlers, participating in the 1972 Munich Olympics (Jonas, 1984). All the attackers were killed fighting the German security forces attempting unsuccessfully to rescue the nine Israelis taken hostage during the assault. In a nation where capital punishment for any offense, no matter how heinous, had been rejected at its inception, Prime Minister Golda Meir authorized Mossad to create and assign a special group (the Wrath of God) to find and exterminate those PLO personnel responsible for planning and ordering such attacks (Jonas, 1984, pp. 81–82). Of the 11 names on the target list, only three were not located. An innocent Arab waiter was mistakenly killed in Lillehammer, Norway. The Israeli operation arguably shows that even the most reluctant government will, under sufficient pressure, include assassination as an option in its counterterrorism strategy.

When over 3,000 Americans and other nationals were killed in the airliner attacks of September 11, 2001, a major consequence was to shift policy debates from whether to when and how to assassinate terrorists. Responsibility for the attacks was attributed to and proudly accepted by Osama bin Laden, founding leader of al Qaeda and inspirational voice of worldwide violent Islamist jihad. The US orchestrated a “war on terrorism” to destroy al Qaeda and specifically to kill, catch, or otherwise neutralize bin Laden. The US invaded Afghanistan to eliminate Taliban occupiers who protected al Qaeda bases, providing havens for bin Laden and his lieutenants to train and dispatch attackers to implement their decisions. The American-led military forces succeeded in driving the Taliban into easternmost Afghanistan and across the border into Pakistan. After hiding as long as possible in the mountains of Tora Bora, bin Laden escaped to Pakistan.

Ten years of surveillance, intelligence analysis, and searches finally located Osama bin Laden surreptitiously living in Islamabad, the capital of Pakistan. After reviewing

the options with his chief military and security advisors, President Barack Obama ordered a specially selected unit of the highly experienced SEAL Team Six to capture (if possible) bin Laden. On May 1, 2011, bin Laden was killed in the ensuing assault on his living compound (Owen, 2012, pp. 197–275). Media reportage included a televised segment of President Obama and his advisors viewing the raid in real time. The clear signal from the assassination seems to be that secrecy is now pre-eminently a tactical concern in assassination decisions, no longer inhibited by legal or moral objections.

Even as assassination has become acceptable, technological developments have made it an increasingly attractive option. With the US by far the leading developer and user, unmanned aircraft (or drones) are being rapidly added to the world's arsenals; a growing number of states possess "predators," drones capable of eliminating as well as locating targets. Beginning in 2009, the Central Intelligence Agency (CIA) and the Joint Special Operations Command have used predators to assassinate hundreds of "high-value targets" and enemy combatants in the Middle East, particularly in Yemen and Pakistan. The drone weapon systems are widely considered to be ideal cost-beneficial substitutes for human forces, minimizing one's own casualties while maximizing the capacity to find and destroy enemies in almost indefensible surprise attacks. As the reach and impact of counterterrorism operations escalate, issues of legitimacy and responsibility are becoming increasingly urgent.

Justifying Counterterrorism

The "new kind of war" clearly transcends prior understandings of international and national legal restrictions on doing counterterrorism. Public debates have swirled in particular around four general concerns: the expansion of surveillance capabilities, the transfer and incarceration of detainees with little or no explicit legal authorization, the widespread use of severe interrogation techniques, and the growing reliance on secretive operations by special forces and drones.

Surveillance

Especially in the Western democracies, governmental surveillance has historically been associated with totalitarian domination. Intrusions into private spaces have been facilitated by technological innovations, making possible the accumulation and analysis of now virtually unlimited quantities of information. Moreover, growing awareness of the development of records-linking systems (legal, medical, occupational, educational, biographical background, computer and other communication device usage) and biophysical identification markers such as DNA analysis, facial and hand-print recognition patterns, somatic imaging, and microchip insertion techniques, has fueled the concerns reflected in libertarian fears and politics. But there has also been a history of public acceptance of or indifference to covert police operations, particularly when directed against "the Mafia" and other "criminal elements," foreigners,

militants and radicals, anarchists and other revolutionaries, and more recently terrorists (Marx, 1988, pp. 1–35; 2013).

In the US the debate over surveillance has acquired new impetus since the 9/11 attacks. Responding to the perceived need for greater flexibility in monitoring the activities of foreign threats to national security, the Foreign Intelligence Surveillance Act of 1978 (FISA) established the legal basis for secret searches and electronic surveillance by the Federal Bureau of Investigation (FBI) directed for the sole or primary purpose of obtaining intelligence against agents of foreign governments. Applications to proceed were secretly reviewed by the special FISA court, which was not bound by the probable cause requirement unless the target was an American citizen, resident alien, or business engaged in espionage.

The USA Patriot Act of 2001 (passed with little debate a month after the 9/11 attacks) provided far more sweeping authority for countering terrorism, including Section 218 amending FISA to permit searches and surveillance of anyone suspected of being an international terrorist, with intelligence-gathering required to be only a “significant” aim of the operation. Further, the Patriot Act requires the Attorney General to detain any alien found to be linked to terrorism. Critics were especially distressed by the government’s position that the law permitted refusal to disclose the names of detainees, monitoring of communications between prisoners and their lawyers, and indefinite detention without adjudication.

After several legal skirmishes, including a federal district judge’s opinion that detainees’ names must be disclosed, the government and its critics finally met in a “showdown case” when the Second Circuit appellate court agreed with the lower court that the plaintiffs had legal standing to bring the suit. The decision was accepted for review by the US Supreme Court when the administration appealed in *Clapper, Director of National Intelligence, et al. v. Amnesty International, USA et al.* (No. 11-1025, 2013). A 5-4 majority rejected arguments by Amnesty International, the American Civil Liberties Union, lawyers representing Guantanamo Bay detainees, and other respondents (“attorneys and human rights, labor, legal, and media organizations”) that their need to communicate with parties outside the US has been curtailed by contacts’ fears of American surveillance, forcing them to travel abroad to have direct personal conversations. Writing the majority opinion, Justice Samuel Alito declared the respondents’ claims of likely harms to be too speculative and hypothetical to give them standing to sue. He further noted that they “cannot manufacture standing by incurring costs in anticipation of nonimminent harms.” Justice Stephen Breyer in his dissent accepted as “commonsense” that the claims were not speculative but obvious.

The *Clapper* decision appears to have settled the debate over whether the government is subject to public judicial authority before or after operational decisions are made or implemented. Currently, members of the Senate are demanding the unredacted confidential memoranda by John Yoo (now a law professor at the University of California, Berkeley) and other advisors to Presidents George W. Bush and Barack Obama that provide a legal rationale for secret surveillance and related operations: the assertion that the executive has in wartime the inherent and exclusive power to make decisions on how to fight the war against terrorism. In effect, the president’s decisions are not to be subject to either judicial (constitutional arguments) or legislative (statutory) constraints.

Extraordinary rendition

Debates over the treatment of “enemy combatants” (an *ad hoc* designation for detainees who are legally neither prisoners of war nor criminals, with the rights of neither) have focused on extraordinary rendition, the abduction of suspected terrorists who are then transferred to sites in countries with few, if any, restrictions on severe interrogation. Recent disclosures that the CIA has operated more than a hundred such “black sites” with the cooperation of 54 countries resulted in an investigation by the Senate Intelligence Committee, whose report is still classified despite repeated demands for its release to the full Congress and the public. Further, accepting the executive’s inherent and exclusive authority to decide in secret how to counter terrorism, the federal courts have rejected efforts to obtain compensation for wrongful detention and torture.

Appeals under international law have been somewhat more successful. An Italian appellate court has found 26 Americans, tried in absentia, guilty of kidnapping a radical Islamist cleric Abu Omar in Milan and transferring him to Egypt in 2003. In 2013 the former chief of military intelligence who cooperated was sentenced to ten years imprisonment for his complicity. The European Court of Human Rights in December 2012 found guilty of torture, in absentia, the CIA team who mistakenly kidnapped and then beat and sodomized a Muslim German citizen, Khalid El-Masri, at the airport in Macedonia. Such outcomes have no direct significance as legal restraints on the American government’s counterterrorism policies, because the US is not subject to the jurisdiction of international or foreign national criminal courts.

Despite critical objections, the US, along with many other nations, continues to apprehend and transfer suspected terrorists, regardless of citizenship status, secretly at the discretion of agents responsible in practical terms only to their governments.

Severe interrogation

Whether or not it is the product of extraordinary rendition, information obtained from severe or “enhanced” interrogation has been deemed essential by its defenders, and highly untrustworthy by its critics. The line between severe interrogation and torture is real to the former and non-existent or at best blurry to the latter. The optimistic legalism of the nineteenth century receded when the Western democracies were threatened by totalitarianism, as the argument for less restrained methods in obtaining needed political and military information was most forcibly advanced in the “ticking bomb” scenario. To force by physical and psychological coercion a detainee to reveal vital information to prevent an imminent attack became again a governmental responsibility, its lawfulness now reasserted instead of its unlawfulness being assumed (Peters, 1985, p. 104).

A subsequently declassified internal White House memorandum dated November 27, 2002, recommended that the use of various “Category III” techniques be suspended for review. These included fake executions and “waterboarding,” first used by American forces during the Philippines occupation of the late nineteenth century. Disclosure of the document and other evidence of the use of stress positions (such as the

suspect being forced to stand for many hours), wall-slammings, sleep deprivation, semi-starvation, and extreme cold, led in 2005 to a 99-0 vote in the US Senate in favor of an amendment to the Patriot Act, authored by Senator John McCain, that outlawed cruel, inhumane, and degrading treatment of any prisoner under American control (Department of Defense Appropriations Act, 2006, Pub. L. No. 109-148, sec. 1003, 119 Stat. 2680, 2739 (2005)). Seven years later, unable to attend their meeting of December 13, 2012, Senator McCain (who had been tortured during his six years of captivity as a prisoner of war in Vietnam) wrote an impassioned open letter to his colleagues on the Senate Select Committee on Intelligence regarding their report on the CIA's post-9/11 detention and interrogation practices. He emphasized that "the cruel, inhuman, and degrading treatment of prisoners is wrong in principle and a stain on our country's conscience, but also an ineffective and unreliable means of gathering intelligence." As of March 2013 there has been no successful challenge to the US Second Circuit's appellate decision accepting the government's claim that disclosing reports of waterboarding, sodomizing and other material regarding the treatment by the CIA of Abu Zubaydah (a "high-value" targeted al Qaeda leader) would endanger national security.

That American citizens are no longer immune to such claims has been decided in the Ninth Circuit's 2012 decision rejecting on the same grounds the attempt by Jose Padilla to sue John Yoo, whose legal advisories supported severe interrogation ("the torture memos"), for one dollar in symbolic compensation for harms suffered from severe interrogation in addition to denial of counsel and any other outside contacts in his six years of detention (*Jose Padilla and Estela Lebron v. John Yoo*, US Court of Appeals for the Ninth Circuit, No. 09-16478, D. C.. No. 3:08-cv-00035-JSW, Opinion, May 2, 2012).

Despite CIA objections to various statements, a former FBI interrogator of al Qaeda detainees, including Abu Zubaydah, has published a memoir extremely critical of severe interrogation methods (Soufan & Freedman, 2011). The FBI interrogation was taken over by the CIA and assigned to a private contractor to use enhanced interrogation methods. Ali Soufan argues that the interrogation had been going well, and that the value of the information obtained in this and other cases was exaggerated by those supporting enhanced interrogation. An example given in an op-ed publication (Soufan, 2013) is the fiction dramatized in the film "Zero Dark Thirty" (released December 19, 2012) that torture produced information that led to the killing of Osama bin Laden. Soufan's concern is that the public is being encouraged to believe in the effectiveness of torture.

The 6,000-page report of the Senate Select Committee on Intelligence is so far available only to the Senate in a redacted summary, while the full report is under review by the CIA for its response. John Brennan, confirmed March 7, 2013, as Director of the CIA (and who was a high-ranking official in the agency during the period under scrutiny), has said that he will give "serious consideration" to the requests/demands by Senator McCain and numerous others that the final report be declassified and released after the CIA review is completed. Meanwhile, President Obama has banned the use of severe interrogation techniques, and ordered conformity to the Geneva Conventions defining humane treatment of civilians and prisoners of war. Although the Guantanamo Bay prison has been closed since 2009 and the vast prison at Bagram has been turned over to the Afghan government (March 2013), the American government retains

custody of roughly 150 men at Guantanamo and is negotiating the conditions under which about 130 that are still held at Bagram will be transferred.

Clearly the debate between supporters and rejecters of severe interrogation is far from settled. As long as the issue is over legitimacy costs versus intelligence benefits, governments can be expected to consider such methods as counterterrorism options, not to be either irrevocably permitted or prohibited.

Assassination

Assassination continues to be a key element in counterterrorism operations. Whether the option is being exercised less or more frequently is debatable, given that the numbers depend on who is defining and counting assassinations. The problematics of justifying assassination have become even more complicated by the growing use of predator drones, making possible the substitution of killing by remote control instead of direct confrontation.

Since the nineteenth-century reaction of governments against anarchist violence, the legal defense of assassination by opponents of state authority as a non-extraditable political offense has been virtually always rejected; in effect, it has been abolished as counterterrorism has become a priority concern. At the same time, though assassinations of state enemies are illegal under international law as generally understood, the prevailing rationale is that such assassinations are legally acceptable insofar as national security is threatened.

Opposition to the assassination of key terrorists and their supporters has been increasingly limited to minorities objecting on moral grounds, along with some who raise pragmatic arguments. Moral objections to targeted killing having no discernable impact on governmental policy decisions, it can be assumed that pragmatic concerns define the issues. Specifically, assassination decisions presumably depend on cost-benefit calculations addressing the following questions:

- What are the target selection criteria?
- How can the probability of success be maximized?
- How much collateral damage is expected and acceptable?
- How are domestic and international critical reactions to be handled?

President Obama has continued the secret program for assassinating terrorists, holding weekly meetings in which targets are selected. After initially rejecting demands for releasing relevant documents, particularly regarding its view that American citizens may be targeted, in 2012 the administration released a memorandum (Department of Justice White Paper, undated) to members of the Senate Intelligence and Judiciary committees and subsequently to the public. It provides a legal rationale for using lethal force in a foreign country against an American citizen “who is a senior operational leader of al-Qa’ida or an associated force” (White Paper: 1). It is further specified that the citizen be “an operational leader continually planning attacks against U.S. persons and interests” (White Paper: 6). Although couched in general terms, the paper is clearly intended

to justify the assassination of citizens such as Anwar al-Awaki, an American-born Islamist cleric who promoted jihad as a member of al Qaeda and was killed in Yemen by a predator drone in 2011. The details of decisions and actions resulting in his assassination remain confidential.

The debate over assassination of American citizens has expanded to the issue of whether predator drones may be used to kill citizens in the US. Attorney General Eric Holder denied under Congressional questioning during March 2013 that the President has the authority to order a drone strike on a citizen in the US who is not engaged in combat. However, the administration quickly modified that statement to permit the domestic use of drones if there is a clear and imminent threat. No specific criteria have been proposed for determining whether the threat exists or precisely when, where, and how drones should be used.

Reaction from domestic and foreign human rights observers, specialists in international law, and the governments and people of affected territories (especially Pakistan and Afghanistan) to strikes by drones as well as other unmanned weapons such as missiles has been generally negative. A news account (CNN.com, March 26, 2013) notes the following representative examples of critical reactions. The New America Foundation estimates that of between two and three thousand people killed by drones in Pakistan since 2004, 10–23% were not militants. The Bureau of Investigative Journalism puts the number killed by 365 drone strikes at between 2,536 and 3,577, of whom 411 to 884 were non-combatants. Ben Emmerson, a special investigator for the United Nations Human Rights Council, reports that many civilians have been killed in northern Pakistan, specifically in North Waziristan (the Pashtun tribal area where the Taliban and al Qaeda combatants have been displaced from Afghanistan and from which they have launched attacks against Afghan and American forces). Both the Afghan and Pakistan governments have demanded an end to drone attacks in their countries.

Regardless of objections, the currently prevailing view in the US and globally appears to be that if assassination is found to be the only feasible option, then targeting decisions have to be implemented using whatever resources are available, including predator drones (“just another weapon”). Concerns with respect to sovereignty and other legal questions have so far been outweighed by the pragmatic concerns of counterterrorism.

Reconciling Actions and Claims

A compelling argument is that no strategy to counter terrorism can succeed if legal and ideological concerns are ignored or downplayed in emphasizing pragmatic justifications. The legitimacy of governance is not merely an ideal to be saluted, but instead an essential resource to be cultivated and employed in the process of developing a counterterrorism strategy.

Berman (2003) offers an impassioned assertion of the need to transcend both the “realism” of rightist authoritarianism and the “naivete” of leftist moralism and legalism in the face of international terrorism. A review of the history of conflict between Islamism and liberalism leads to the conclusion that it is indeed a clash between mutually

exclusive cultures. As similarly understood by Sayyid Qutb, Islamism's enormously influential proponent, there is a "mental war" between Islam's fundamental belief in divinely revealed truth and democracy's secular tolerance of diversity (Berman, 2003, pp. 183–186). In Berman's view, Islamism is currently the most significant totalitarian threat to liberal egalitarianism, to be countered by "a Third Force devoted to a politics of human rights and especially women's rights, across the Muslim world" (Berman, 2003, p. 189). Eschewing both cynical realism and naïve pacifism, the strategy is to fight consistently for secular education, pluralism, and law against all forms of intolerance, superstition, and obscurantism wherever encountered. The unquestionably real war against terrorism is partly military but ultimately intellectual, a global war of ideas.

In contrast to Berman's advocacy of a war against terrorism restrained only by the need to maintain liberal principles (without providing specific guidelines), Tigar (2007) argues for strict adherence to the rule of law. Against Posner's (2006) support for the necessity of extraordinary (ultra-constitutional) executive powers to counter terrorism, he emphasizes the need for vigilance whenever the executive cites, and typically exaggerates, national security threats to justify secrecy in the making and implementation of policies. Crimes including terrorist acts must be clearly specified; and decisions to investigate, apprehend, prosecute, and sentence must be open and fair in accordance with the standards of due process. No presidential letters or advisories can legalize actions undertaken without public "notice, comment and publication, and within boundaries set by Congress" (Tigar, 2007, p. 158). That the search for a balancing of the Posner and Tigar positions continues to be a challenge for legal analysts is exemplified in Zusman (2011), in which the contributors provide detailed assessments of the problems involved in ongoing administrative, legislative, and judicial efforts to counter terrorism without sacrificing the protective authority of law.

A monumental attempt to delineate the path towards a viable counterterrorism strategy has been made by Bobbitt (2008). Premising that the choice is between the methods of "terror states" and "consent states," he reviews in detail the ultimately counterproductive results of the former and the necessity of the latter for the world's survival. To defeat states of consent, their enemies' goal is to force them to become states of terror, thereby destroying the legitimacy upon which they depend. In order to survive the onslaught, consent states will have to change their legal orders to take into account the new strategic realities confronting them. Narrow conceptions of legality, such as historically developed understandings of sovereignty, warrants, prisoner of war, or privacy rights, have to be reformed. The internationalization of binding legal norms and military resources is essential to create the community of consent states upon which survival depends. As variants of the "market state," the community will have to redefine the calculus of profit and loss to take into account the gains to be realized from broader programs of long-term investments in global economic development.

Examples of legal transformation to accommodate reality include the following (Bobbitt, 2008, pp. 530–532). Given the proliferation of weapons of mass destruction, Article 2(4) of the United Nations Charter must be amended to allow, without a Security Council resolution, the preemption (neutralization, including destruction) of a state's war-making capabilities prior to their imminent use.

The use or acceptance/encouragement by the US (and other states) of presently unlawful counterterrorism measures such as torture and assassinations, as well as unrestricted surveillance, must be treated as such; the US must be judged by the same standards it uses to judge others. Only insofar as the relevant international and national laws are changed to redraw the boundaries of permissible interrogation techniques, lethal operations, or surveillance, can states justify their actions in the name of counterterrorism.

Reform of the Geneva Conventions is mandated by the “new kind of war,” in which enemies have no uniforms and no recognized state and where anywhere in the world is the battleground. Distinctions such as between combatants and non-combatants, active and supportive, violence and exhortations, need to be legally articulated to preclude the kind of *ad hoc* usage characteristic of the terror state.

Having examined representative views on how to deal with the complexities of reconciling the doing and justifying of counterterrorism, we are left with three conclusions. First, terrorism and counterterrorism are demonstrably social constructions generated by the cultural and political-legal conflicts that give words meaning.

Second, technological and political developments ensure that enhanced surveillance, more permissive rules of apprehension, detention, and coercive interrogation, and revised legal norms for defining and authorizing political assassination will be constructed.

Third and finally, the reality to which counterterrorism responds is the ancient and unavoidable struggle to decide whether human freedom and dignity or oppression and exploitation will prevail in our lives.

Is terrorism the most offensive deviance here? Or is it counterterrorism? Just as jihadists have constructed a cosmology that judges the West – and especially the US – as evil, offensive, and contrary to the will of Allah, worthy only to be destroyed, Western governments, especially the US, and its constituent publics, define jihadists as evil, willing to kill and maim for their own ends, a force that must be eliminated, wiped off the face of the planet, sought out with pilotless machines carrying explosive devices that kill and maim both jihadists and innocent civilians alike – the latter being defined as acceptable “collateral damage.” Where is the deviant behavior here? Who is engaging in the most horrifying, damaging actions? Raising these questions strongly emphasizes the constructed nature of deviance and the importance of interpretations that audiences draw concerning right and wrong, good and evil, acceptable and deviant, valued and disvalued. The two images of good and bad here – the jihadist’s and that of the citizens and officials of Western democracies – are mirror images of one another, reflecting back at one another, and engaged in a kind of Holy War to which, at the present time, the world can see no conceivable end.

References

- Berman, P. (2003). *Terror and Liberalism*. New York: W.W. Norton.
Bobbitt, P. (2008). *Terror and Consent: The Wars for the Twenty-First Century*. New York: Alfred Knopf.

- Department of Justice White Paper. (n.d.). *Lawfulness of a Lethal Operation against a U.S. Citizen Who Is a Senior Organizational Leader of Al-Qa'ida or an Associated Force*.
- Jonas, G. (1984). *Vengeance*. New York: Lester & Orpen Dennys/Collins.
- Marx, G.T. (1988). *Undercover: Police Surveillance in America*. Berkeley, CA: University of California Press.
- Marx, G.T. (2013). Technology and social control: The search for the elusive silver bullet continues. In *Encyclopedia of the Social & Behavioral Sciences* (2nd ed.). Waltham, MA & Frankfurt, Germany: Elsevier.
- Owen, M., with Maurer, K. (2012). *No Easy Day: The Autobiography of a Navy Seal*. New York: Dutton.
- Peters, E. (1985). *Torture*. New York: Basil Blackwell.
- Posner, R.A. (2006). *Countering Terrorism: Blurred Focus, Halting Steps*. Lanham, MD: Rowman & Littlefield.
- Soufan, A.H. (2013). Torture, lies and Hollywood. *The New York Times*, February 23, p. SB4.
- Soufan, A.H., & Freedman, D. (2011). *The Black Banners: The Inside Story of 9/11 and the War against Al-Qaeda*. New York: W.W. Norton.
- Tigar, M.E. (2007). *Thinking about Terrorism: The Threat to Civil Liberties in Times of National Emergency*. Chicago: ABA.
- Zusman, L.K. (Ed.) (2011). *The Law of Counterterrorism*. Chicago: ABA.

Part VII

Deviance Futures

Deviance and Social Change

Nachman Ben-Yehuda

A violation of society's norms generates a host of questions for observers, onlookers, and audiences. How should they react? What should they say to, or do to or with, the actor, the violator, the offender? How should they evaluate or look upon such violations and the people who engage in them? Nelson Mandela was imprisoned for more than a quarter of a century for sedition, sabotage, and conspiracy; was he a deviant? And to whom? To the South African authorities? To his friends, political supporters, fellow South Africans? His resistance to the laws at the time of his conviction constituted illegal acts; how should we view them today? Was his heroism, which was then a form of deviance, still deviant today? If the same acts he committed then were committed against the South African government when he assumed the presidency in 1994, would these acts be considered crimes? Would they constitute instances of deviant behavior? And should subversive acts against the current post-apartheid society be considered heroic?

Socrates was convicted by a jury of his peers for corrupting the minds of Athenian youth by his teachings – according to his student, Plato, for “not believing in the gods of the state.” Rather than bribe a guard and escape, Socrates chose to take poison and end his life. Was Socrates a deviant? Were his teachings against and defiance of the rule of the city elders examples of deviant behavior? How do we reconcile the judgment rendered by the jury that convicted him as against the feelings of his students then, or of the many later generations of philosophers who followed him? Should we consider his actions wrongful then but praiseworthy now? And whose answer to this question is correct? In their time, Hitler, Stalin, and Pol Pot attracted followers, disciples, and admirers; does that mean that the condemnation of them by their victims, their enemies – not to mention the judgment of history – can be cancelled out by the positive judgments of their contemporary supporters? Were their actions inherently and self-evidently deviant?

What is the most useful and fruitful definition of deviance, and what does our answer tell us about societal change?

Is deviance defined by some objective, indwelling, inherent property of wrongfulness, badness, or iniquity? Or is it a matter of who says, feels, or does what? Is deviance a question of what an act *is* or what it is *thought to be* by audiences making the judgment? And how do changes in the sweep of history render judgments of the past unsound and invalid as a guide to how we feel today?

Introduction

Towards the end of the nineteenth century, Emile Durkheim, one of sociology's founding fathers, argued that crime is useful, necessary, and inevitable – “a factor in public health, an integral part of all healthy societies” (1895/1938, p. 67). “Imagine a society of saints,” he speculated, “a perfect cloister of exemplary individuals. Crimes, properly so called, will be there unknown; but faults which appear venial to the layman will create there the same scandal that the ordinary offense does in ordinary consciousness. If, then, this society has the power to judge and punish, it will define these acts as criminal and will treat them as such” (pp. 68–69). Durkheim argued that crime ensures that societies not only remain open to necessary changes, but that in certain cases directly generates these changes. In the absence of crime, a society “would too easily congeal into an immutable form. ... Where crime exists, collective sentiments are sufficiently flexible to take on a new form, and crime sometimes helps to determine the form they will take” (p. 71). In Durkheim's framework, deviance – in the form of crime – is functional, good for society, even necessary because it is an important mechanism for social change.

Durkheim suggests the example of a renowned criminal: Socrates. “According to Athenian law Socrates was a criminal, and his condemnation was no more than just. However, his crime, namely the independence of his thought, rendered a service not only to humanity but to his country. It served to prepare a new morality and faith *which the Athenians needed*” (p. 71; the emphasis is mine). Conceptualized as such, deviance serves a positive function for the social system and for the society as a whole.

In *The Division of Labor in Society*, written two years earlier (1893) as his doctoral dissertation, Durkheim identified the commission of crime as the raw material that enables society to punish the miscreant – and punishment, like crime itself, has a positive function for the social order. As a means of persuading the offender to desist from crime, punishment is a “mediocre” instrument. But its “real function,” Durkheim wrote, “is to maintain inviolate the cohesion of society by sustaining the common consciousness in all its vigour” (p. 63). This awareness of a commonality of upright citizens is “conspicuously reinforced the moment it meets with opposition” and the means by which this feeling is attained is the “official act” of punishment – “suffering inflicted upon the wrongdoer” (p. 63). Even more specifically, Durkheim notes that: “Crime brings together upright consciences and concentrates them. We have only to notice what happens, particularly in a small town, when some moral scandal has just been committed. They stop each other on the street, they visit each other, they seek to come

together to talk of the event and wax indignant in common" (1893/1960, p. 102). He argued that through such a public expression of moral outrage, a "unique temper" emerges – "which is everybody's without being anybody's in particular. That is the public temper" (p. 102).

Durkheim implied that by its very nature, crime stimulates the collective conscience and elicits punishment by the violator's peers. Ironically, therefore, crime's main function is positive, because it causes punishment, which in turn facilitates cohesion and maintains societal boundaries. In *Wayward Puritans*, Kai Erikson (1966), continuing Durkheim's theoretical direction, argued that: "Deviance makes people more alert to the interests they share in common and draws attention to those values which constitute the 'collective conscience' of the community." In effect, crime and its punishment serve as "boundary-maintaining devices" which demonstrate to the society at large where the line between wrong and right is drawn. Deviant behavior, Erikson insisted, "is not a simple kind of leakage which occurs when the machinery of society is in poor working order, but may be, in controlled quantities, an important condition for preserving the stability of social life" (1966, pp. 4, 11, 13). "Today we no longer parade deviants in the town square or expose them to the carnival atmosphere" that prevailed in the public executions of past centuries. The abolition of these spectacles of penalization, he tells us, "coincided almost precisely with the development of newspapers as media of public information." Our current television broadcasts offer "the kind of entertainment once supplied by public hanging or the use of stocks and pillories" (1966, p. 29). Publicizing the punishment of criminals for their offenses – whether in the town square, by means of newspaper articles, or on television, and, increasingly via the Internet – serves to remind non-criminals what is a crime and what happens when someone engages in it.

While many scholars accepted the idea that deviance enhances stability, fewer pursued the idea that it produces change. Douglas (1977) offers an exception, proposing that "creative deviance" may be a kind of "mutation" that is "generally destructive of society, but it is also the only major source of creative adaptations of rules to new life situations" (p. 60). He suggested that deviance can transform an entire society. In his analysis, Douglas argued that Durkheim's notion of deviance seems at first glance to be contradictory – that deviance and its punishment contribute to stability, cohesion, and a strengthening of the status quo, but it is also a source of innovation and change – yet, more closely considered, these two notions are complementary. They imply that deviance and reactions to it play a part in fostering both social stability and social change.

Implications

In challenging the status quo, deviance challenges the norms, and hence creates a climate of ambiguity and uncertainty that elicits punitive responses, which in turn tends to re-affirm symbolic-moral boundaries and thus helps to maintain cultural stability. But by challenging the status quo, deviance introduces vital elements of changes into cultures, mutations, if you like, which enable cultures to adapt to, and create, different symbolic-moral universes and new social environments. In this

evolutionary-biological analogy, Durkheim implied that unconventional behaviors have always been a fixture of human society and culture and will continue to be so. Some forms of deviance help solidify cultures against the perpetrators, while others may become beacons for processes of social change. In fact, Durkheim did not fail to note that a culture without deviance is not possible. As we saw, in the past, authorities defined Nelson Mandela and Socrates as terrorists and subversives, but today, they are heroes. Hence, the terms “terrorist” and “hero” are socially constructed and historically relativistic. The personal price that these men paid was extremely high, but the passage of time absolved them of any wrongdoing. In 1940, the Nazi-controlled collaborative Vichy government, offering a new, positive, and bold political order for France, court-martialled Charles de Gaulle *in absentia*, convicting him of treason and, in 1944, sentencing him to be executed. With the collapse of the Vichy regime and the annulment of its verdicts, French society and its government redrew its moral boundaries, and later elected that selfsame Charles de Gaulle to the presidency of France.

Consider the chapter subjects that appear in Robert Bell’s textbook on deviance, published four and a half decades ago (1971). Following introductory, conceptual, and theoretical discussions, the author devoted his first chapter to premarital sex, while the last three dealt with militant women, militant students, and “the hippie movement.” No current textbook author devotes chapters to any of these subjects, or even mentions them except as historical cases. In their deviance text, Robert and Virginia Winslow (1974) included a chapter on “social nudism” and two on homosexuality – one for women and one for men. Alex Thio (1978) and Erich Goode (1978) also published deviance textbooks in the 1970s, and both featured homosexuality as major forms of deviance; in addition, Thio included a chapter on sexual “swinging” or mate-swapping. In current texts (Thio, Taylor, & Schwartz, 2013; Goode, 2015), homosexuality is either not mentioned at all or is discussed as a form of behavior whose deviancy has hugely diminished; swinging has completely disappeared as a form of deviance that is discussed in texts that introduce students to the subject.

Dombrink and Hillyard (2007) point out that when attitudes change, once-condemned behaviors become normalized, socially legitimated, and legal, even government-sponsored. For instance, two generations ago, the only state that permitted all forms of gambling was Nevada. Most states allowed only two forms of gambling – bingo-style betting for charitable purposes, and betting at horse races. Today, gambling is a \$100 billion industry, generating over \$5 billion in revenue for state and local governments. In 1977, the New Jersey legislation permitted gambling in Atlantic City. In 1988, gambling was made legal on tribal lands, and over half the states have casinos on Indian reservations. All but seven states administer government-sponsored lotteries. And in recent years, gambling on the Internet, extremely difficult to control by Law enforcement, has become an industry that rivals all other forms of gaming in size and scope. All forms of gambling are prohibited in only two states, Hawaii and Utah. (The American Gaming Commission supplies data on gambling to the interested observer.) These developments could not have taken place without changes in attitudes of the American public about gambling. Dombrink and Hillyard speculate that more normalization processes will occur for abortion, gay rights, assisted suicide, and stem cell

research. Abortion became legal in 1973 as a result of a Supreme Court decision, *Roe v. Wade*. Currently, the legislatures of roughly a dozen of the more conservative states, including Nebraska, South Dakota, Texas, Kansas, Idaho, and Oklahoma, have attempted to make abortions more difficult by introducing waiting periods and bans on the procedure after a certain period of the woman's pregnancy, though some of these laws have been challenged in court. Although 31 states specifically ban gay marriage, in 19 it is legally permitted – eight as a result of a court decision, eight through legislation, and three by popular vote. Decriminalizing the possession and sale of at least one controlled psychoactive substance – marijuana – is well under way. Possession and sale of marijuana for recreational purposes is legal in two states (Colorado and Washington), medical use is legal in 23, plus the District of Columbia, and 17 states have decriminalized small-quantity possession. (The categories overlap.) Hence, in a minority of the states (23) marijuana possession is completely illegal. Clearly, over the past three or four decades, substantial and significant changes in legislation, made possible by attitudinal transformations, have taken place with respect to at least four once strongly condemned spheres of behavior – gambling, abortion, homosexuality, and the use of one controlled psychoactive substance.

Locus of change

What do these changes signify? Following Durkheim's lead, such changes can only take place when cultures have prepared the soil for change. Durkheim, emphasizing the symbolic aspect of cultures, proposed that every society has a "collective conscience," which is the core of the culture. Durkheim characterized the "collective conscience" in the following words: "The totality of beliefs and sentiments common to average citizens of the same society forms a determinate system which has its own life; one may call it the 'collective' or 'common conscience.'" It is, argued Durkheim, "independent of the particular conditions in which individuals are placed" (1964, pp. 79–80).

Clearly, Durkheim felt that the collective conscience defines and structures the moral boundaries and social identities of members in societies and of cultures. It is the very essence of any social system, and thus the members of the society regard it as sacrosanct. Decades later, Edward Shils (1975) used the term "center" to refer to the realm of values and beliefs. Much like the collective conscience, the center is almost mysterious and cryptic, almost impossible to quantify. It is where the values, morality, and worldview of a society resides. The center both forms individuals' cognitive maps and identities, yet also exists outside each individual. The center is the locus or source of both stability and change. Talcott Parsons (1966, 1971), working along the same lines as Durkheim and Shils, coined the term "societal community" to refer to this elusive but fundamental entity. For Parsons the societal community is "the salient foci of tension and conflict, and thus of creative innovation" (1971, p. 121).

Scholars from Durkheim to Parsons have pointed out that the essence of a culture is symbolic; it is where the "soul" of the culture is located. Obviously, these cultural cores are major components in the structuration of social identities. While these

cores help to establish individual cultural identities, individuals can have a decisive influence on the core, as both symbolic interactionists and more structural theorists have argued.

The symbolic essence that reacts to challenges by either rejecting them and keep a system stable, or by accepting them and thus initiating system's changes, is the cultural cores. I suggest the term "cultural cores" to refer to this symbolic essence.

Cultural cores are surrounded by symbolic-moral universes and their boundaries. A major characterization of societies and cultures is the existence of these universes, defined by boundaries, and attempts to change or stifle cultural change are directed at these cores and their boundaries. Less materially complex cultures may have fewer such cores and their enveloping universes, while more complex cultures may be characterized by a larger number of these cores and universes. The distinguishing character between less and more complex cultures is thus the number and variance of these cores and their respective enveloping universes. This characterization is helpful because it implies that the existence of multiple cores and symbolic-moral universes in more complex cultures increases the probability that, structurally, there will be less agreement about morality. More reactions to morality can and should be expected in such multicultural societies simply because these societies will probably have many cultural cores, wrapped by competing, clashing or collaborating symbolic-moral universes. This complex structuring means that these universes of meaning are always entangled in ongoing moral negotiations in one or another form of dialogs, agreements, and conflicts about the nature of moral fabrics and realities. Issues of dominance, rights, representations and the like have thus become sources of chronic stresses and tensions in these societies.

We can conceptualize the core as a "collective conscience." It is the symbolic essence of a society where values, value-prioritizations, and deep-rooted beliefs are located. The enveloping symbolic-moral universes consist of actual behaviors that reflect the core. Members of the society express or manifest them by words, images, ideas (that is, symbolic representations), as well as beliefs and behavior. The core influences the symbolic-moral universe, but the behaviors that this universe expresses engage other universes, and these expressions can influence or feed changes to the core. Symbolic-moral universes and their boundaries emerge and are reified within and during human social interaction, which means that a dynamic process operates here. The structure of these cores consists of three elements: deviance, collective memory, and myths. Obviously, not all three elements play equally in each case of a challenge to the core.

Deviance-induced changes in the boundaries of the symbolic-moral universes that surround cultural cores, of which symbolic cultures are structured, are relate to relevant configurations of power. In micro terms, this means that changes also take place in consciousness and consequently in social identities. This conceptualization necessarily directs us to examine the moral structure of cultures as well as investigating politic processes and how the society defines and reacts to what is considered deviance. On the micro level, this approach requires that we look into the concept of identity and the factors that help structure identity.

Politics and power

Although Durkheim's formulations are crucial to our understanding of deviance and change, more recent sociological formulations about morality have moved the discussion considerably beyond his early developments. The idea that societies are structured from different, often competing, cultural cores and their enveloping symbolic-moral universes takes us away from Durkheim's concept of unity and homogeneity in societal moral systems. Morality is a resource that is created and used by moral entrepreneurs, sometimes in moral panics and crusades, many times in competitive and antagonistic social and cultural landscapes. The different symbolic-moral universes that inhabit a society provide cognitive dwellers in them with motivational accounting systems with which they can explain and understand their past and justify future behaviors. These, in turn, form the basis for different cultural identities.

However, the symbolic-moral universes that envelop cultural cores are not, in and of themselves, sufficient to understand deviance and social change – or its prevention. One important element that was missing in Durkheim's analysis was power – that is politics.

Examining politics and deviance requires that we look at such issues as those involving power and morality. Who defines what is deviant? Who has the power to enforce such a definition? Two principal possibilities present themselves. The first includes all those types of deviance where the issues of power and morality are explicitly at the forefront as the challenge, and potential threat, to the status quo. The second includes deviancies where this challenge is implicit. Many deviant acts that are referred to as “political” are in the first category. Roebuck and Weeber (1978) created three categories of political deviance: first, crimes *against the state*, such as assassinations, political bombing, bribery, tax and/or tax evasion, conscientious objection, and spying; second, crimes *against the society*, such as false advertising, medical fraud, environmental pollution, occupational hazards, and unsafe working conditions; and third, crimes *committed by the government*, such as police corruption and violence, violations of human rights, genocide, and illegal forms of discrimination. More abstractly, we can classify all these forms of crime into three basic types of deviance: those that originate from the periphery and are aimed at the center; those that originate in the center and are aimed at the periphery; and those that originate from either the center or the periphery and are aimed at that same level, that is, from center to center or periphery to periphery. These forms of deviance are always connected to issues of political justice, political trials, criminals as heroes, and political criminals.

Political Deviance vs. Political Justice

Clearly, strong feelings of injustice typically motivate people into action that is intended to rectify what they feel is unjust. Criteria for these feelings and actions are not, and cannot be, objective or absolute. Many deviant acts classified as “terror” may use the language of justice or injustice in justifying or condoning these acts. And, indeed, rhetoric

capitalizing on victim accounts or narratives has become quite popular in justifying some nasty and problematic behaviors. Such behaviors may challenge or threaten the foundations of a social order. By using the processes of deviantization and criminalization for political purposes, sectors or factions of the society may attempt to delegitimize actions they consider unacceptable. Since the attack on the World Trade Towers and the Pentagon on September 11, 2001, punitive policies toward suspected and accused terrorists have escalated. Federal authorities seized more than 700 suspected terrorists without using the usual legal methods of arrest or search warrants, and held them, without formal charges, at a military detainment camp in Guantanamo Bay, Cuba. Most were released without the military ever having leveled formal criminal charges against them, but at the time of writing, 149 remain at the camp, and they may continue to do so indefinitely. Interrogators have abused an unknown number of these detainees by the use of attack dogs, sexual assault, sleep deprivation, extremes of temperature, noise bombardment, and mock executions. These morally and legally questionable practices could not have been possible without changes in public sentiment that resulted from perceived threats to the core values of the society – ironically, freedom, justice, and the American way of life. Apparently extreme threats can mobilize the public to the point where it tolerates and even calls for more extreme measures.

Political assassinations likewise provide documentation of the strong interpenetration of core values and behavior for a particular collectivity. I examined almost a hundred years of political assassinations, and reached the conclusion that the way to interpret these assassinations is to understand them as an alternative system of justice (Ben-Yehuda, 1992). Once formal and effective systems of justice were established, the number of political assassinations dropped significantly. Thus, the challenge posed by such acts of deviance as assassinations were justified by the perpetrators in such accounts in which the language of justice stood center-stage, but the same can be said of mock-trials also. I went on to investigate the implications of betrayal and treason for challenges to conventional notions of trust and loyalty (Ben-Yehuda, 2001). Because these terms are problematic when it comes to states, the issue of what is a just response to accusations of treason is a complex and virtually insoluble issue.

Political Trials

While the exact nature and characterization of political trials are not entirely clear, whenever trials that are characterized as “political” take place, they tend to involve parties who are accused, directly and explicitly, in threatening and challenging the legitimacy of the regime with treason, sedition, subversion, mutiny, and civil unrest. Political trials may produce political prisoners, which in turn may lead to the politicization of prisons. Political deviance always entails some form of conflict, which is presented as a clash or struggle between two or more symbolic–moral universes: that of challengers, real or imaginary, and that of parties who are challenged. Political deviance is typically regarded as a challenge to the power and legitimacy of the administration in power. In Athens at the time of Socrates, the philosopher’s opponents possessed more legitimized power, so that when the two symbolic–moral universes and opposing

systems of vocabularies of motives collided, Socrates lost out in the struggle. In today's liberal democratic societies, the freedom of thought and speech proposed by Socrates are hailed as primary virtues. In other regimes, individuals who exercise freedom of thought, or challenge the legitimacy of the moral order, are likely to be imprisoned or even committed to a mental institution. The history of science provides abundant examples of this process. In 1576, the Roman Inquisition, administered by the Papal States, accused Giordano Bruno of heresy for challenging the Earth-centered Ptolemaic worldview and the morality that supported it; he fled Italy and lived in England and France for a time, but returned in 1590, only to be arrested and burned at the stake in a Roman square for his crime. Galileo suffered a less cruel fate after he published research that challenged the conventional, hegemonic Ptolemaic worldview; in 1633, he was called to Rome, put on trial, convicted, and was subjected to house arrest for his heresy. Heliocentric theories of cosmology appeared to the authorities four centuries ago to imply that the Earth – a product of God's handiwork – was marginal, insignificant, and morally inconsequential. Likewise, Freud's theory, which revolutionized and enriched psychology, psychiatry, and other disciplines, was originally heavily and widely attacked on moral grounds, since he argued that sexual perversion was commonplace, a manifestation of humankind's inevitable development. Likewise, the first innovators in radio astronomy, and some developers of a number of the most central concepts in astronomy (such as black holes, the Big Bang theory, and the background microwave radiation) were isolated and kept away from the most influential and central scientific institutions. Countless scientific and artistic innovations appeared to be heretical to institutionally entrenched practitioners, and subversive to mainstream values, and so these innovators and rebels were regarded and reacted to by these traditional practitioners as deviants. Their work was ridiculed, and they themselves were ostracized, stigmatized, and isolated from their scientific and artistic peers.

The question of who interprets whose behavior, why, where, how, and when, is central to the study of deviance. Let's return to political actions, political changes, and political judgments. "History will absolve me!" said Fidel Castro in his defense in 1953 in court on trial for attacking a government military barracks. It was the Batista dictatorship, he argued, that was illegitimate, not his attack. Contemporary Cuba provides *de facto* evidence that Castro was correct. For centuries, Ireland was part of the British Empire, but loose-knit guerrilla bands fought against the occupiers by killing British soldiers. Were the leaders of these rebels "homicidal maniacs," "crazed cult killers," or "bandits," as English authorities declared? Or were they heroes who fought to bring about Ireland's independence, which was achieved in the early 1920s? Was George Washington a revolutionary hero? Or a usurper, a subversive who deserved to be executed for treason? Was Nat Turner, who executed Virginia slave-owners and their families in 1830, a warrior for freedom and liberty? Or a brutal butcher of innocent women and children, a wicked archfiend who should be shot down like a rabid dog? Is the Jewish terrorist in Palestine in 1948 distinguishable from a Palestinian terrorist in Israel in 1978 (Lauderdale, 2003, p. 5)? Who is the deviant and who the noble hero, the har-binger of change?

After wars are fought and peace declared, the victors often take functionaries from the losing side to court to convict them of criminal behavior that may not have been

against the law during the prior regime. In court, defendants argue that such trials reflect a simple line-up of who won and who lost rather than justice versus injustice, virtue versus criminal behavior. Were Nazi and Japanese atrocities *crimes* when committed in Germany and Japan and their conquered territories before 1945? Or had the accused who were put on trial simply engaged in actions that were authorized by their respective regimes? The argument against the claim that Nazi and fascist functionaries were just “following orders” is that the conduct in which they engaged was not merely routine, bureaucratic behavior; it constituted a crime against humanity, it violated universal moral principles of human decency. But General Curtis LeMay, who was responsible for the air bombardment campaign against Japanese cities during World War II, muddied the moral waters by stating that: “We scorched and boiled and baked [our enemies] to death. ... I suppose if I had lost the war, I would have been tried as a war criminal” (Bradley, 2003).

Criminals as Heroes and Political Criminals

Consider the historical fact that persons reviled and denounced in some quarters as deviants and criminals have been heroes among other collectivities. In *Criminals as Heroes*, Paul Kooistra (1989) discussed the remarkable transformation of the social image of bandits such as Frank and Jesse James, Billy the Kid, and Butch Cassidy – from villains, robbers, and brutal killers to charitable, benevolent figures who steal from the unfairly rich and powerful and dispense food and money to those in need. Consider the reverse case as well: politicians as criminals. Some of the most prolific and brutal mass murderers of the twentieth century were politicians – as we saw, their ranks included Joseph Stalin, Adolph Hitler, and Pol Pot. On a vastly smaller and less horrific scale, we see politicians who accepted bribes and aided and abetted cultures of corruption, theft, abuse of funds, nepotism, and subversion of free elections.

Power and morality in regular deviance

Power is interlinked with deviance in a multiplicity of ways. Criminal laws are created, passed and enforced as statements in hegemonic rule. Indeed, the very act of defining a form of behavior as deviant is inherently political: the process makes use of power to impose the view of a specific symbolic–moral universe on other universes. Schur (1980) referred to this process as “deviantization,” entailing, as it does, stigma contests that moral entrepreneurs organize and launch in an attempt to change the law and, ultimately, public opinion. Clearly, since power and morality are the basis of deviantization processes, reversal of these processes can be achieved by using the same resources (Ben-Yehuda, 1990, pp. 221–250). As Schur pointed out, the process of deviantization is a key element in the social stratification order because it intervenes in the process of resource allocation. Thus, actors in societal centers who negotiate power and morality, attempting to define particular patterns of behavior as deviant (or non-deviant), are necessarily engaged in constructing the boundaries of symbolic–moral universes and

affecting processes of change or stability. These moral entrepreneurs seek to make use of political as well as moral symbols in order to mobilize support, generate power, and control or influence public opinion. Gusfield's (1963) work on the temperance movement's anti-liquor struggle clearly illustrates this principle: "What Prohibition symbolized was the superior power and prestige of the old middle class in American society" (pp. 121–123). During the late nineteenth and into the twentieth century, the prestige, status, and influence of small-town entrepreneurs, shopkeepers, farmers, and other small business owners declined. They believed that legislation banning the distribution of beverage alcohol products could remedy their decline in status both by demonstrating the power of the old middle classes by showing that they could mobilize sufficient political strength to bring it about, and by expressing the dominance of the character and style of old middle-class life in contrast to that of the urban lower and middle classes. Accordingly, Prohibition embodied the fact that the power of the Protestant, rural, native-born Americans, who were abstemious, was greater than that of the Eastern upper classes, the Catholic and Jewish immigrants, and the urbanized middle class – all of whom drank.

Parties to a potential moral–political conflict, and therefore to negotiations, are engaged in an effort to create or maintain a collective identity by defining the moral boundaries of the symbolic–moral universe of that collective. Hence, collective definitions of deviance always result in stigma contests and in deviantization processes. The creation of rules and penal punishments implies that the lifestyle, values, and morality of specific social groups gained ascendancy over those of other groups, often at the other groups' expense (Gusfield, 1963).

Until the first two decades of the twentieth century, many psychoactive drugs were freely available in commercial and medical markets. Then, during these decades a very effective campaign of various moral entrepreneurs made us all experience an interesting exercise in criminalization as slowly but surely most psychoactive substances were defined as dangerous and their use as criminal. Only towards the end of the century did some loud voices begin to be heard demanding a re-evaluation of this criminalization and its results, pointing out that a "harm reduction" policy be introduced instead, and that decriminalization and even full legalization be considered. Second, rape, which for so many decades was considered as a form of "sexual deviance," was re-interpreted as a crime which has sexual tones, but which is primarily a crime of violence reflecting an unequal distribution of power between the sexes.

Homosexuality, which for very many years was considered a crime, underwent a significant change and is now considered by very many countries and states (not all) as a legitimate form of behavior. Cigarette smoking has taken a different route – from a legitimate form of behavior to a problematic, often stigmatized form of behavior. Assuming we were whisked back in time, let's say, to 1950, without the knowledge of the intervening changes that have taken place, and were asked to predict which of dozens of behaviors would become more acceptable and conventional, and which more deviant, over the 65 years – what would our crystal ball portend? Would we, for instance, have the foresight to see that homosexuality would become practically mainstream? That smoking would be banned in some places, banished to the margins of

many enterprises, and that, informally, smokers would have become morally suspect, told to leave the room, not fully trustworthy, unsavory, unhealthy, and unsound?

Clearly, deviance is closely bound up with social change. Unconventional, non-normative, heretical behavior may *cause* social change, and what is regarded as acceptable and unacceptable, legal and illegal, conventional and deviant, changes, thereby *expressing* or *embodying* social change. Deviance cannot be understood without a thorough consideration of social change.

References

- Bell, R.R. (1971). *Social Deviance: A Substantive Analysis*. Homewood, IL: Dorsey Press.
- Ben-Yehuda, N. (1990). *The Politics and Morality of Deviance: Moral Panics, Drug Abuse, Deviant Science, and Reversed Stigmatization*. Albany, NY: State University of New York Press.
- Ben-Yehuda, N. (1992). *Political Assassinations by Jews: A Rhetorical Device for Justice*. Albany, NY: State University of New York Press.
- Ben-Yehuda, N. (2001). *Betrayals and Treason: Violations of Trust and Loyalty*. Boulder, CO: Westview Press.
- Bradley, J. (2003). *Flyboys*. New York: Little, Brown.
- Dombrink, J., & Hillyard, D. (2007). *Sin No More: From Abortion to Stem Cells, Understanding Crime, Law, and Morality in America*. New York: New York University Press.
- Douglas, J. (1977). Shame and deceit in creative deviance. In E. Sagarin (Ed.), *Deviance and Social Change* (pp. 59–86). Beverly Hills, CA: Sage.
- Durkheim, E. (1893/1960). *The Division of Labor in Society* (trans. G. Simpson). New York: Free Press.
- Durkheim, E. (1895/1938). *The Rules of Sociological Method* (Ed. G.E.G. Catlin, trans. S.A. Solovay & J.H. Mueller). New York: Free Press.
- Erikson, K.T. (1966). *Wayward Puritans*. New York: John Wiley & Sons.
- Goode, E. (1978). *Deviant Behaviour*. Englewood Cliffs, NJ: Prentice Hall.
- Goode, E. (2015). *Deviant Behaviour*. Boston: Pearson.
- Gusfield, J.R. (1963). *Symbolic Crusade: Status Politics and the American Temperance Movement*. Urbana, IL: University of Illinois Press.
- Kooistra, P.G. (1989). *Criminals as Heroes*. Bowling Green, OH: Bowling Green State University Popular Press.
- Lauderdale, P. (Ed.) (2003). *A Political Analysis of Deviance* (2nd ed.). Toronto: de Sitter.
- Parsons, T. (1966). *Societies, Evolutionary and Comparative Perspectives*. Englewood Cliffs, NJ: Prentice-Hall.
- Parsons, T. (1971). *The System of Modern Societies*. Englewood Cliffs, NJ: Prentice-Hall.
- Roebuck, J., & Weeber, S.C. (1978). *Political Crime in the United States*. New York: Praeger.
- Schur, E.M. (1980). *The Politics of Deviance*. Englewood Cliffs, NJ: Prentice Hall.
- Shils, E. (1975). *Center and Periphery: Essays in Macrosociology*. Chicago: University of Chicago Press.
- Thio, A. (1978). *Deviant Behaviour*. Houghton Mifflin.
- Thio, A., Taylor, J.D., & Schwartz, M.D. (2013). *Deviant Behaviour*. Boston: Pearson.
- Winslow, R.W., & Winslow, V. (1974). *Deviant Reality: Alternative World Views*. Boston: Allyn & Bacon.

What's in Store for the Concept of Deviance?

Reflections, Speculations, Predictions

Erich Goode

“So, what’s in store for the concept of deviance?” asks Joel Best (2006, p. 543). The field of the sociology of deviance, Best believes, is in decline. The recent literature “is filled with ethnographic pieces” on previously unstudied forms of deviance that are “consigned” to specialized journals. To get the study of deviance back into sociology’s mainstream, he insists, researchers “need to devise fresh, interesting approaches to the topic” (p. 544). Early in the twenty-first century, deviance “has come to occupy an insecure, perhaps even precarious place in sociology.” It is, he claims, a specialty that could face the same dismal fate experienced by the long-defunct discipline of social pathology – a field for which C. Wright Mills long ago wrote an obituary (1943). The idea of deviance, Best argues, “no longer plays nearly as prominent a role in sociologists’ thinking as it once did” (p. ix). Best does not advance any “fresh, interesting approaches,” nor does he suggest how sociologists of deviance come up with them. I contend that the sociology of deviance is precisely the opposite sort of field from social pathology (if it even constituted a field in the first place): it is adaptable, protean, difficult to pin down – and hence, not likely to go away any time soon.

As we saw in the opening chapter, the sociology of deviance has two distinct missions; the field as a whole walks along two parallel paths, each of which approaches deviance from a distinctly different perspective. For the most part, these approaches are complementary rather than contradictory or mutually exclusive.

One of these approaches seeks to explain *why* deviant behavior is enacted; I call this the explanatory or positivistic approach. It assumes “deviance” and its constituent representatives are pre-given, categorically and behaviorally coherent: it constitutes a type of behavior. All explanatory criminologists and sociologists know that crime and deviance are socially and culturally constructed, but for its practitioners, the constructionist feature of deviance is held in abeyance, put on the back burner – irrelevant to their mission. Explanatory theorists assume that deviance and crime, and all forms of

them, have a sufficiently common thread or common “core” – something about them that is materially real enough to demand an explanation or accounting. Constructing a theory or explanation of why some people engage in deviance and crime, or why these activities are more likely to take place in certain social structures as opposed to others, is a viable, feasible enterprise, these social scientists believe. The explanatory perspective towards deviance and crime is *objectivistic* or *essentialistic*, in that it regards categories in the world as having an existence independent of a human conceptualization of them, and *deterministic*, in that it seeks cause-and-effect explanations between and among variables (deviance is caused by identifiable forces and factors to some degree beyond the actor’s control). They do not insist, as moralists do, that what is defined as deviance is inherently wrong or harmful, only that it is a more or less consistent behavioral entity that the sociologist and criminologist can study as a form of behavior.

Another, very different, approach to deviance is the *constructionist* perspective. Its practitioners ask about the exercise of *social control*, that is, they seek to understand the creation or coming into being and the nature and operation of *definitions* of deviance, as well as the *consequences* of social control. Instead of asking why deviance is enacted, constructionists wonder about how and why definitions of deviance are *conceptualized*, *defined*, and *applied* or *enforced* in a certain way, and how and why certain behaviors, traits, and persons are caught up in the web of punishment, condemnation, and stigmatization. The constructionist perspective, which largely emerged in the mid-twentieth century, affirms that deviance is a *label* rather than a form of behavior, applied *by* certain audiences *to* behavior and actors, and consequently the quest for a general explanation of this ephemeral, shifting, contingent, and variable phenomenon is quixotic and unattainable. Jack Gibbs (1966) referred to the explanatory approach as the “old” perspective to deviance, while the constructionist approach is the “new” perspective. Constructionism, Howard Becker emphasized (1963, pp. 8–14), shifts the sociologist’s attention *away from* the actor and the nature of the act – the person engaged in deviant acts and the intrinsic nature of the acts themselves – *to* the audiences judging, evaluating, and reacting to the actors and the acts that are designated as deviant.

Though these two lines of thinking embody distinctly different formulations of the deviance scholar’s subject matter and mission, they are nonetheless connected in that both tend to be taught in deviance courses, discussed in deviance textbooks, and joined in professional identities. Taken together, sociologists who conduct research in the field designated as deviance, and teach courses called deviance or deviant behavior, regard them as *a field*. Hence the question: what do the tea leaves portend for the future of the sociology of deviance?

Is Deviance Dead?

While social actors – the members of a given society – hardly ever *refer to* persons, behavior, beliefs, or traits they disvalue or regard as offensive, worthy of censure, as “deviant,” this is irrelevant. In fact, “deviance” seems an appropriate term for behavior that calls forth such reactions. True, it was not until the mid-twentieth century that sociologists invented the term *deviance*, but if we do not *call* what we are investigating

“deviance,” what *should* we call it? Norms are the bone and sinew of culture, social structure, and everyday life, and negative reactions to normative violators – the *endeavor* of censuring what is regarded as wrongdoing – is implicit in all norms. What generates these censorious reactions is variable and contingent, but normative violations are ubiquitous and so are reactions to them, though the cause and consequences of the violations themselves are social, cultural, contingent, and situational – in a word, *constructed*.

Almost from its inauguration, the deviance concept attracted criticism, some of it withering and dismissive. More than four decades ago, Alexander Liazos (1972) put forth an “it shouldn’t be defined this way, it should be defined that way” argument: what sociologists define as deviance is trivial and inconsequential (“nuts, sluts, and deviated preverts”). Instead, he says, what they *ought* to be studying – what is really, *truly* deviant – is the harmful and momentous “big bang” types of deviancies such as corporate crime and high-level political machinations. Sociologists should “banish” the concept of deviance altogether “and speak of oppression, conflict, persecution, and suffering.” By focusing on the “dramatic forms of deviance,” we “blame the victim” and perpetuate the notion that our subjects are the cause of society’s problems. Liazos concluded that, as it is presently constituted, the sociology of deviance will – or should – die a quiet death.

Alexander Liazos’ argument can be readily dismissed. No sociologists “blame the victim” as a result of discussing deviance. The fact is that victimization, oppression, and suffering do not even remotely constitute the subject matter of the field, and no sociologists of any persuasion, let alone deviance specialists, are preventing Liazos or anyone else from studying these topics. As we saw in my introduction to this volume, mass death is a frequently studied phenomenon, but it is not always investigated *as* a form of deviance, since it is not always regarded as wrongful, at least not at the time and in the place it is committed. Nearly all researchers emphasize that the social construction of deviance is achieved as a result of employing, applying, or invoking hierarchies of power, and virtually all current deviance texts, and, as I’ve found, most courses taught on the subject, include a chapter or a major section on corporate and white collar crime, one of Liazos’ “big bang” offenses. Sociologists *document* and *analyze* the censure, stigma, and punishment of putative deviants – but they do not themselves *engage in* such negative reactions. Though Liazos’ “poverty of the sociology of deviance” argument is frequently cited in the literature, his prediction that the field as it was constituted in 1972 would wither away has not come to pass; in fact, the sociology of deviance has substantially expanded since his critique rather than withered away. In other words, his “death” prediction was premature, if not hopelessly mistaken. Today, it is difficult to take his claims seriously.

What of the assertion that “deviance is dead”? Colin Sumner (1994) and Ann Hendershott (2002) indicate that the sociology of deviance has died. What do these observers mean by their claim? Does it mean that the *enterprise* of studying deviance has expired? Sumner dismisses courses, students, and the publication of books devoted to deviance, texts included, as a measure of viability. Researchers still work in the field, he admits, textbooks are still published under its umbrella, and a substantial number of students still enroll in courses with the title “deviance” or some such equivalent – but

he doesn't care. In contrast, Hendershott does care; these manifestations constitute the pivotal indicators of her "death" assertion. What do these indicators actually say?

The current editions of every one of the first 30 introductory sociology textbooks whose title and table of contents I located includes a chapter on deviance – variously entitled "Deviance, Crime, and Social Control," "Deviance and Norms," "Deviant Behavior and Social Control," "Deviance and Conformity," "Deviance and Crime," and simply, "Deviance." Clearly, the subject of deviance is foundational for the field of sociology. Most departments of sociology in universities of a certain size offer courses in the sociology of deviance, and it is a popular course; undergraduates still enroll in these courses and textbooks on deviance written by sociologists continue to be issued, bearing such titles as *Social Deviance*, *Deviant Behavior* and *Sociology of Deviant Behavior*. In addition, more than half a dozen of these textbooks have stood the test of time; their authors have revised them and their publishers continue to issue new editions, some, with new co-authors. Best dismisses courses and texts as irrelevant, indicating that they represent "only minimal signs of life" (2004, p. 84), but if such courses *had* disappeared from university and college curricula, this would provide ammunition for the field's critics to trumpet their "death" claim. And puzzlingly, in support of *her* "death" argument, Hendershott claims that, currently, "few sociologists teach about deviance and even fewer write about it" (2002, p. 2) – an unpardonably and astoundingly misinformed assertion. The fact is, sociologists teach more sections of the course and enroll more students than in past decades. And scholars still write and publish book-length research monographs with "deviant" and "deviance" in their titles. In addition, the field still produces a mountain of academic journal articles with these terms in the titles. *Deviant Behavior*, the field's flagship journal, founded in 1970, is still issued – closing in on half a century beyond this subfield's predicted demise. Whatever is happening in the world of book and academic article publishing for the study of deviance, it indicates exactly the *opposite* of a "death" or a "decline." Which leads students of the field to puzzle over the "death" claim: where's the beef?

In *The Sociology of Deviance: An Obituary*, British criminologist Colin Sumner – like Liazos, a radical and a Marxist – proclaimed that, by the 1970s, the sociology of deviance, though once useful, had "died" (1994, p. vii). During the era in which he wrote his book, the field, he argued, had become "barren," "a graveyard" – and his book, a message chiseled onto the headstone of its buried corpse (ix). The study of deviance is no longer an intellectual pursuit with a pulse. Its practitioners have abandoned the intellectual territory and research program once laid out by its pioneers. Over the years, Sumner avers, "combatants ... have completely demolished the terrain," which, he says, is now "barren, fruitless, full of empty trenches and craters, littered with unexploded mines and eerily silent. ... It is now time to drop arms and show respect for the dead" (p. ix). Given the copious evidence for the vitality of the field, the observer is likely to call to mind the popular expression, "Who you gonna believe – me or your own lyin' eyes?"

What exactly is the nature of Sumner's claim? To what material reality do his eloquent but florid and overwrought metaphors refer? A close reading of Sumner's thesis reveals that he does not mean what he alleges. In fact, his argument is not about the death of an academic specialty at all. Instead, it is a theory about the origin and function of that discipline, and the argument that the field no longer serves its original purpose.

Its collapse, he says, was brought on by its inability to serve its prior ideological function. In other words, Sumner is not putting forth an empirically testable hypothesis. Instead, he is guilty of a bait-and-switch scam in which metaphor and rhetoric substitute for data and analysis.

Here is Sumner's argument. It starts with the assumption that the ruling elite follow the ideas and research of the academy very closely and makes conspiratorial use of these ideas to maintain its hegemony. Social control, he claims, is buttressed by theories generated by intellectuals and academics. Until the late nineteenth century, the powers that be made use of the concept of "degeneracy" to keep troublemakers in line and maintain control over the masses. But with the dawn of the modern age and the birth of a correspondingly more sophisticated and diverse public, a simple characterization of wrongdoers as degenerates became less and less plausible – hence, less effective as an instrument of social control. "Degeneracy" came to lack the ring of truth; moral absolutism no longer worked. The masters and rulers needed a more flexible instrument of domination. In Sumner's scheme of things, the death of the sociology of deviance is not about citations or enrollments or publications but about the ideological role of the field and its collapse as a justification for and a rationalization of social control, about maintaining ideological dominance. In this reconfiguration, he claims, a field of study was born: the sociology of deviance. In other words, the field of deviance studies was born to serve as ideology. It served, he insists, as a "rational, liberal-minded attempt to make the society of the powerful more economic, more predictable, more humane and less chaotic" (1994, p. 301).

At the opposite side of the ideological spectrum from radicals like Liazos and Sumner, conservative sociologist Anne Hendershott reiterates Sumner's *dies irae* for the field by approvingly repeating the query a colleague put to her when he incredulously challenged her suggestion that a course in deviance be taught in their department. "Why would anyone want to teach a course on deviance?" he asked. "No one wants to teach about a discipline that died a generation ago" (2002, p. 1). Hendershott, unlike Sumner, places a great deal of stock in courses and textbooks to measure signs of vitality, but she agrees with the "death" judgment. How did enrollments fare when the "death" argument was in full swing? In a prior publication (Goode, 2003), I contacted the relevant parties in 34 sociology departments (the chair, director of undergraduate studies, or departmental secretary) for information on the offerings and enrollments of deviance courses; representatives of 19 responded with the information. The enrollment figures stretched back to 1977 and ended a year after Hendershott's polemic, and hence are entirely relevant to the claims of our two critics. (In 1977, college enrollments in the US totaled 11.5 million, in 2003, 16.6 million, and in 2012, 21.5 million.) In the former year, for the five sociology departments that responded, total enrollments were just over 1,000; in 2003, for 12, just over 3,000. In 1977, we see a mean enrollment of 202 per course; in 2003, 260. Clearly, during the era when the "death" claims were in full throttle, somebody was taking deviance courses – and somebody was *teaching* them – negating the utterance of Hendershott's sock-puppet spokesperson. More recently (2014), with an eye to what is being taught in these courses, I accumulated over 100 syllabi for college-level deviance courses; someone's teaching them and someone's taking them. As with the academic study of deviance, university *teaching* of the subject remains alive and well.

One of the most fascinating aspects about this controversy is that recently, in her column in *The Catholic World Report*, Hendershott (2012) repeated the same demonstrably false statements as she had a decade before, in her book, practically word for word – in spite of documentation to the contrary. She claims “many colleges and universities today no longer offer courses on deviance. More than 30 years ago, many sociologists began to abandon teaching about what was once viewed as foundational to the discipline of sociology as courses were gradually deleted from the catalogues on many campuses.” Which campuses? She does not name them, and the fact is, if there are any, they are vastly outweighed by those that have *added* deviance courses. As I showed, from the 1970s into the twenty-first century, *more* sociology departments taught deviance courses and *more* students enrolled in them. Hence, Hendershott’s statement that deviance is being “deleted” from sociology curricula is an astounding falsehood. (It is possible that in the most recent decade, the number of deviance courses has declined – I doubt it – but that is an empirical question, and Hendershott made precisely this same claim a decade *earlier*, when it was manifestly empirically false.) In today’s “postmodern” society, she claims, “conceptions of deviance cannot exist.” In the face of the equalitarianist “juggernaut,” discussions of deviance have become “obsolete.” Sociologists are “disinclined” even to speak of deviance because that would imply that we reject “the equality – perhaps the very humanity – of those engaging” in the behavior that we refer to as “deviant.” Hendershott’s motivation for telling this whopper of a lie is clearly that she is on an ideological mission and she is unwilling to be deterred by any facts to the contrary. Hendershott clearly excoriates deviance, despises homosexuality (“hate the sin, love the sinner”), and is unwilling to allow evidence to get in the way of her making her bogus case.

Homosexuality is no longer considered deviant in American society, Hendershott claims, because of the “marketing campaign” that Marshall Kirk and Hunter Madsen spelled out in their book, *After the Ball: How America Will Conquer its Fear and Hatred of Gays in the ‘90s* (1989). In other words, American society has been manipulated into letting go of its hostility toward gays by the message of a single book written by two “savvy salesmen”! Hendershott’s goal: to remind her readers that right and wrong still exist, that homosexuality still remains contrary to the teachings of the *Catechism of the Catholic Church*, that homosexual acts are “intrinsically disordered,” and that social acceptance cannot remove the stain or the sin of same-sex acts in God’s eyes. (For the record, *The Catholic World Report* is published by the Ignatius Press, which represents the most conservative or traditional wing of the Catholic Church, founded by Father Joseph Fessio, a Jesuit priest who felt distressed by the Catholic Church’s drift to more liberal, progressive, and less orthodox teachings.) Commenting on the fact that the Franciscan University of Steubenville was “under investigation” for, as a Catholic university, teaching homosexuality as deviant (Brady, 2012; Dasteel, 2012), Hendershott suggests that a “national accrediting team” might find that the university is not truly “fulfilling its mission” as a Catholic institution by failing to implement *Ex Corde Ecclesiae*. “Perhaps,” she concludes, “it is time that accreditors investigated whether Catholic colleges are actually Catholic.” If homosexuality is no longer deviant, Dr Hendershott wants to make Catholics aware that they should *consider* it wrongful, contrary to the teachings of the Catholic Church – and hence, *deviant*.

The Decline of the Sociology of Deviance?

At the 2011 York Deviancy Conference, presenters delivered 175 papers on multiple aspects of deviance; their abstracts filled 70 pages of 11-point type. The conference was truly international, with presenters from, and teaching at, universities located all over the globe – the UK, the US, Canada, the West Indies, Greece, Mexico, Argentina, Norway, Sweden, Denmark, Finland, Spain, Portugal, Armenia, Poland, Cyprus, South Africa, India, and Australia. This conference and the background of its speakers gives pie-in-the-face testimony to the fact that, rather than being “dead,” research on deviance is flourishing and is being conducted worldwide. Moreover, the York papers tell us that the deviance concept has become extremely diverse, having transmogrified into something far broader than the narrow notion that its critics stereotypically imagine it to be. The conference also reminds us that what is practiced in the US under the banner of the sociology of deviance may be more uniform than its cousins elsewhere in the world. The American version of the sociology of deviance is more pragmatic, more policy-oriented, and perhaps more aligned with criminology and the field of criminal justice, while the international version is more theoretical, free-wheeling, open, diverse, and politically attuned – but both ubiquitously constitute the sociology of deviance. Worldwide, the enterprise of the sociology of deviance seems have taken root in several nations where it was previously unknown, and by all indicators, it seems to be flourishing.

The title of their article (“Is Deviance Dead?”) notwithstanding, Miller, Wright, and Dannels (2001) and Best do not endorse the “death” claim but *do* make a related and altogether gloomy contention: that the sociology of deviance is “not thriving,” that it has substantially declined in influence since the salad years of the 1960s and 1970s. Unlike Liazos, Sumner, and Hendershott, who produce no, or only anecdotal, evidence, Miller, Wright, and Dannels (2001) along with Best (2004, pp. x–xi), do offer evidence: the recency of the most often-cited publications in the field of deviance (Miller *et al.*), and citations using “deviance” and “deviant” in sociology’s most prestigious journals (Best). Presumably, such indicators measure the vitality, centrality, and influence of the field – a reasonable supposition.

Elsewhere (Goode, 2004), I conducted a search of my own and came up with findings that qualify but do not contradict those of these researchers. At my request, a colleague (Nachman Ben-Yehuda) counted the 1600-plus articles published in academic journals with “deviance” in the title that were indexed in the *Social Science Citation Index*. In the 1950s, there were, not surprisingly, very few: only 0.3 per year; in the 1960s, 12.9; in the 1970s, 40.4 per year; and in the 1980s, the peak decade, 52.8 per year. Clearly, by the 1970s the field had become hugely important in sociology, and its influence grew into the 1980s; it had become an intellectual phenomenon of note. In the 1990s the count slumped a bit, to 42.3 per year, and in the four years between 2000 and 2003 there was another slight yearly decline to 35.3. Electronic indicators for the 2000s are all over the map, but consider the fact that between 2004 and 2012, the Web of Science citation reference count approximately doubled for both “deviance” and “deviant” from 151 to 289, and from 277 to 551, respectively. In 2013, I conducted a book count for the New York University library for volumes with “deviance” and “deviant” in their titles. I did *not*

count titles that pointed to deviance-related, deviance-sounding, or deviance-included topics. My results for recent book-length publications produced a remarkable finding: 20 such volumes in the 1960s, 79 in the 1970s, 57 for the 1980s, 58 for the 1990s, and 59 for 2000 to 2009. But the 2010–2012 period, only three years, produced 35 titles, or 10.5 annually – the highest within-decade average, and significantly higher than the 7.9 for the 1970s. Whatever is happening in the world of book publishing for the study of deviance, again, it indicates exactly the *opposite* of a “death” or a “decline.”

What we see is that in the 1980s, a decade *after* the 1970s, which Sumner selects as the era of the field’s demise, the number of articles on deviance grew enormously since that decade was the actual heyday of the sociology of deviance, with over 50 articles per year indexed in the *Social Science Citation Index*. Even more embarrassing for Sumner’s thesis, more such articles appeared in the 1990s than in the 1970s, indicating that his “obituary” was more than two decades premature. And in the twenty-first century, the field seems to be going strong with respect to articles, and, even more telling, for books, as the first few years of the second decade of the 2000s represents the field’s pinnacle. To reiterate, these data do not directly address the Sumner thesis, though he does not make it clear how his demise claim is operationalized or manifested, but these counts do address Hendershott’s and Best’s theses. Clearly, the sociology of deviance is not “dead” in the sense that no one conducts or publishes the results of research within its parameters. Moreover, it has not declined in importance since, according to some measures, its importance actually increased after 2010. Clearly, its purported decline is far more complex than these critics have it, and by most empirical indicators, its importance to sociology has grown.

Has the Sociology of Deviance Declined in Intellectual Vitality?

Miller *et al.*’s (2001) second test of the declining theoretical and intellectual vitality of the sociology of deviance – the fact that only two of 31 of the most often cited works in deviance were published later than 1975 – would appear to be convincing evidence that the discipline is theoretically dormant. Upon closer inspection, however, this measure founders on the shoals of the brute force of numbers. With the exception of the natural sciences, where genuine discoveries are made and old paradigms are demolished, often never to return, in practically any field, a small number of foundational works are routinely cited in a substantial proportion of its publications. It is extremely difficult for any recent work to break into the charmed circle of the 31 most often cited works in the field. This is especially the case for a field, like deviance, that stands next to a much larger field – criminology – whose works attract close to half of the citations in its publications. Why?

The fact is, it is now much more difficult for a single work to become as influential or as foundational than was once the case. Because of the number and variety of publications in the field, over time, citations become increasingly dispersed to a wider and wider range of works. In the field of deviance studies, in the 1960s and 1970s – and before – it was possible to publish work that was regarded as innovative and original, work that came to be cited by a substantial number of practitioners. Into the 1980s and 1990s, that became increasingly difficult.

If he were working today in the sociology of deviance, even Howard S. Becker could not be another Becker. This has virtually nothing to do with the decreasing intellectual vitality of the sociology of deviance; it is simply increasingly difficult to produce a work that is regarded as making an original contribution to the field. I am not arguing that the theoretical work produced during the 1960s and 1970s was not original, nor that it was less original than the work produced today. Indeed, that earlier work was enormously innovative in that it represented a sharp break from established, traditional perspectives, and, if we are to judge by citations, in its time it produced a powerful impact on the field. But originality is relative, bound by time and place, as these pioneers would agree. And today, it is more difficult even to conceive of ideas that would both represent a sharp break with current approaches and would be embraced by a major sector of the field in the same way that the earlier writings did.

I am convinced that the field of the sociology of deviance is not as theoretically innovative as it once was, but Miller *et al.* (2001) have not made a convincing case. Of these tests, surely citations to works outside of deviance studies *per se* is fatally flawed, and for two reasons. First, Miller *et al.* base their argument on a time line, that is, that the sociology of deviance is declining in vitality. However, the number of references from studies in this field to the work of criminologists does not refer to changes over time at all. It is entirely possible that, in the decades prior to the 1990s, more than half the references in the sociology of deviance were also to works by non-deviance specialists. In fact, it is even possible that the percentage was higher in earlier decades because the community of deviance specialists was smaller then, and consequently the body of work from which its members could draw was correspondingly smaller.

Miller *et al.*'s (2001) test of the vitality of the sociology of deviance hinges on the number of its practitioners, especially in comparison to the field of criminology. The introductory criminology course is now a stepping-stone to a possible career, whereas the sociology of deviance is quite a small field, and taking a course in it is not a path to a job of any kind.

These researchers never answer the nagging question: is the tendency of the field to cite early, pioneering works more true for the sociology of deviance than for most other fields? We do not know, because Miller *et al.* do not make any comparisons. It is entirely possible that the sociology of deviance has declined in theoretical originality, innovation, and the production of foundational works that chart new territory and attract new adherents. But as compared with what other disciplines? And disciplines of what size? It would have been more convincing had Miller *et al.* compared deviance with fields such as the sociology of education, medicine, and occupations. Has deviance been less innovative over time than they have? If so, why? What are the factors, variables, or conditions that produced this stagnation? Miller *et al.* never explain. Randall Collins argues that the social sciences generally "won't become high-consensus, rapid-discovery science" (2001). In this respect, the sociology of deviance is no different from all the social sciences generally – a point that is glossed over in Miller *et al.*'s argument.

Most observers agree that fewer influential "big" ideas are being generated within the ranks of deviance studies. As we saw, the field is riven into two camps. This distinction between the essentialist/positivist and the constructionist positions serves to distinguish fundamentally different and distinct enterprises. One major portion of the researchers

in the field engages in an enterprise not essentially different from that of positivistic criminologists – hence, the reliance on citations from that field. In this first or positivist mode, the “deviance” of a given form of behavior is assumed, taken for granted, or in the background. What is sought is an explanation for why some people engage in it, or why it is more common under certain conditions than others. This enterprise is criminology’s domain. Given that field’s greater size and prestige, as well as the greater clarity in the etiology of higher-consensus street crimes than for most forms of deviance, it should come as no surprise that positivistic theories of non-normative behavior are more likely to grow out of criminology than deviance studies. Hence, it is unlikely that a deviance specialist will generate a theoretical framework accounting for non-normative behavior that will be cited by a major proportion of the field’s researchers and authors. In fact, nearly all of Miller *et al.*’s most often cited works that are in the positivistic vein were written by criminologists, relatively few of whom pursue constructionist lines of inquiry. In short, what is conceptualized from outside the field as “deviance” lacks theoretical coherence. Hence, we need new measures of innovativeness, not based on the perspective’s divergence. Much work by the field’s specialists is never tagged as “deviance,” and yet such research resonates beyond its circumscribed compass.

Obliteration by Incorporation

Consider the debate over the supposed intellectual decline of the parent of the sociology of deviance – sociology itself. It is no secret that the entire field of sociology is not as fashionable as it was in the 1960s and 1970s. Joel Best (2001) argues that sociology’s academic prestige has always been low, in part because it has been guilty of “giving it away,” that is, generating subfields and major concepts that have been reconstituted as, or incorporated into, other fields. One need only cite demography and criminology, Best says, to name entire fields that owe their origin to sociology, not to mention public opinion polling and concepts such as social mobility, charisma, the self-fulfilling prophecy, status symbol, role model, peer group, and significant others, to appreciate the fact that sociology has been a “wellspring for ideas that have spread widely and have proven to have considerable utility” for practitioners in other fields (p. 111). In this respect, the field of sociology has triumphed over the fickleness of academic fad by spawning influential intellectual progeny.

The same applies to deviance studies. An immense number of fields have adopted the deviance concept, transformed it, adapted it, renamed it, and used it in ways that are parallel to the way it was intended to be used by Howard Becker (1963) and the other social constructionists. In his discussion of citation patterns, Robert Merton (1979) referred to “obliteration by incorporation.” In a given field, or in related fields, Merton argued, some ideas, once innovative, become so taken-for-granted that it is no longer appreciated how original they once were – hence, an “obliteration of the source of ideas, methods, or findings by their incorporation in currently accepted knowledge.” At a certain period in its history, the sociology of deviance generated or highlighted a host of interesting ideas, concepts, and theories that seeped out into, and influenced, allied fields, eventually becoming incorporated into their practitioners’ thinking about

how the social world works. These concepts include: stigma (which has influenced disability and transgender studies); anomie (social theory and sociology generally); the contingencies of labeling (ethnic studies); social disorganization (criminology); the social construction of non-hegemonic definitions of reality (postmodernism); the sociology of the underdog (queer theory); the outsider or “the other” (post-colonialist studies); the medicalization of deviance (the sociology of medicine); deviance neutralization (auto-ethnography and narrative studies); and moral panics (collective behavior, criminology, social problems, and communication studies). The sociology of deviance did not necessarily originate these concepts, but it did help catapult them onto the academic and intellectual map, and whether directly or indirectly, its discussions served to plant seeds that bore fruit in other disciplines.

Consider the work of Mitch Duneier, author of *Sidewalk* (1999). Duneier adapts Becker’s “outsider” concept by investigating men (and a few women) who live lives on the margin of conventional society, who, like Becker’s jazz musicians and marijuana smokers, maintain their dignity and self-respect in spite of the fact that many of the people who swirl through their lives look down their noses at them and consider them deviants. There’s an echo of Goffman’s *Asylums* (1961) in *Sidewalk* when we see Duneier’s street people trying to work out a place to urinate, or Goffman’s *Stigma* (1963), specifically the stigma of tribe, race, and nation, when Duneier himself felt that, at Hakim’s table, African-Americans were welcome, but he was not. Merton’s concept of retreatism is echoed when many of Duneier’s subjects and informants adopt what he calls the “fuck it” or “I don’t give a fuck” attitude (Duneier, 1999, pp. 353, 20, 61).

Virtually any discussion of the war on illicit drugs, by its very nature, incorporates concepts – such as marginalization and stigma – that were given a prominent place in the pioneering work of Becker, Goffman, and their peers. Hence, when Philippe Bourgois discusses the adaptations that inner-city Latino residents make to political and economic marginality, he is fusing conflict theory, social disorganization, differential association, and labeling theory, all gleaned from classic perspectives on deviance (1995; Bourgois & Schonberg, 2009).

In discussing how the urban homosexual subculture was generated by the stigmatized, marginalized, and “othered” status of gays, Jeffrey Escoffier (1998) drew upon Mary McIntosh’s discussion of the homosexual role (1968), John Gagnon and William Simon’s delineation of sexual scripts (1973, pp. 19–26), and Kenneth Plummer’s (1975) treatment of labeling and sexual stigma.

When William Julius Wilson discusses the disappearance of middle-class and working-class role models in the inner city (1996), he is using deviance concepts, articulated by David Harvey (2007) and others, taking their cue from David Matza (1971), in referring to *poverty and disrepute*; in fact, poverty and deviance share in – and, together, mutually reinforce – disrepute.

Sociology is shot through with the deviance concept, but the field’s practitioners are less likely to *call* something “deviant” than they were in the past. Deviance is not as likely to be crystallized out, pointed to, and referred to self-consciously as the organizing principle of what’s going on, but the fact is, that *is* what’s going on. Clearly, the deviance concept is still relevant, but today, in some quarters, it is not as likely to be directly referred to as *deviance*.

By the 2000s, the insights of the sociology of deviance – and specifically labeling theory – had become so taken-for-granted and densely interwoven into the conventional wisdom of criminology and the sociology of deviance that it provided a case of “obliteration by incorporation” (Merton, 1979). In other words, “the central strands of the perspective live on in cognate areas of inquiry” (Grattet, 2011a, p. 186). Ongoing research has demonstrated that the consequences of negative labeling tend to be long-lasting and often dire. Grattet’s summary of this literature is most revealing (2011a, 2011b). Matsueda’s study of troublesome boys revealed that parental definitions (“informal social control”) often result in self-conceptions that increase the likelihood of these boys’ further delinquencies (1992; Grattet, 2011b, p. 124). Work on mental disorder by Bruce Link and his associates “has also been a fertile area” for demonstrating the baleful impact of stigma and deviance labeling. Working with a “modified labeling theory,” Link uncovered how mental illness processing agencies “perceptions of patient dangerousness,” as well as their putting social distance between themselves and the patient, are likely to make the condition more serious (Link, Cullen, Struening, Shrout, & Dohrenwend, 1989). Sampson and Laub (1997) have advanced the hypothesis of “cumulative disadvantage,” which refers to the consequences of repeating and increasing seriousness of involvement in criminal sanctioning over the life course (Grattet, 2011b, p. 124). They contend that there is only “one theoretical position in criminology that is inherently developmental in nature – labeling theory” (Sampson & Laub, 1997, p. 3). This cumulative disadvantage represents a kind of “snowballing effect” which increasingly “mortgages” the offender’s future, especially when negative evaluations in the realms of school and employment further reduce their life chances. For instance, convicted felons face increasingly difficult conditions for reintegrating into civil society, disenfranchising them and making the choice of further criminal activity increasingly attractive; negative labeling by work settings, marriage, and family dynamics all make desistance increasingly difficult (Uggen & Manza, 2006; Western, 2006). A criminal record has a powerful chilling effect on employment outcomes. Pager introduced the concept of “negative credentials” to stress this process; these are the “official markers that restrict access and opportunity rather than enabling them” (Pager, 2007, p. 32). As Grattet discusses (2011a, 2011b), recent research powerfully argues for the ongoing influence of the labeling/interactionist tradition in the study of crime and deviance. And as Ken Plummer asks, rhetorically, how could anyone ever take a criminology or a sociology of deviance seriously that does not “take into account societal reactions and labels” (2011, p. 90)? The issues the labelists raised in the 1960s – the reactions of the public, the media, and institutions of social control to putatively troublesome behavior, beliefs, actors, and characteristics – have remained enormously significant, and will continue to do so for some time to come.

Whither the Sociology of Deviance? Sixteen Predictions

So, to paraphrase our guiding question: whither the sociology of deviance? I’d like to offer 16 speculations on where the study of deviance is likely to be tending. Some of them are specific, some are general; some are positive (developments that will take

place), some are negative (developments that did not and are not likely to take place); and some are firmly grounded in empirical fact while some others represent a gut feeling. Here they are.

One: Liazos, Sumner, Hendershott, and their ilk are wrong: the sociology of deviance is not “dead” and is not going to “die” any time soon. The attraction of scholars to the subject will persist, and the subfield will continue to have an impact on sociology, on the social sciences, and the culture as a whole. Books (including texts) and articles will continue to be published on the subject, instructors will keep teaching courses on it, a substantial number of students will enroll in them, and the influence of the topic, as measured by a citation count, will remain more or less constant. The numbers will remain strong, and, in all likelihood, will probably even increase. Choose your indicator: count the number of published books with the words “deviant” and “deviance” in the title that appear, decade-by-decade, shelved in the libraries of the major (that is, large) universities. Count the number of courses on deviance taught in sociology departments by the 100 or 500 largest universities; count the number of students enrolled in these courses from the 1970s to today. Count the journal articles with these terms in their titles, as tabulated by the leading search engines (ProQuest, Harzing, JSTOR, OmniFile, Web of Science, Web of Knowledge); count their citations. The fact is sociologists will continue to conduct deviance research, and produce work that continues to generate commentary, debate, reaction, and influence. It is likely that the direction of the field may change, but the foundational place that the subject of deviance and social control has for sociology will remain evergreen.

Two: No sociologist of deviance will introduce a new major theory or explanation to account for a class of behavior, a mechanism of social control, or a process of social construction that will have an impact equal to that of anomie theory, differential association, social control, or self-control theory. Although theorists will continue to recognize the limitations of these explanations, they will be unable to produce one with more analytic power. In short, I agree with Best's complaint that the field hasn't recently, and probably won't, come up with any “fresh, interesting” approaches (2006, p. 544).

Three: Conditions that are non-volitional and “not the person's fault” – particularly undesirable physical characteristics – will increasingly come to be recognized and examined as forms of deviance. Though deviant behavior is the mainstay of the field, beliefs, and physical and mental characteristics (the latter usually manifested by behavior) can also be regarded as “deviant,” and hence constitute phenomena to be studied by the field's practitioners; this fact will, I predict, come to be increasingly recognized by them.

Four: The international character of students and researchers of deviance will continue to grow. To repeat, the 2011 York Deviancy Conference assembled sociologists who reported research from two dozen countries around the world. I believe this conference to be paradigmatic; clearly the study of deviance has taken root in nations in which it was previously unknown. The theoretical and empirical diversity of the presentations at this conference challenges the view that the study of deviance is dead, declining, or stagnant, and the international character of these investigations suggests that the discipline has flourished in every corner of the globe, and will continue to do so, enriching the field with novel perspectives, points of view, and subject matters.

Five: Not only will deviance studies become increasingly international, its researchers will become increasingly socially diverse with respect to gender, race and ethnicity, and socioeconomic background.

Six: Likewise, deviance researchers will be increasingly likely to incorporate a diversity of sexual identities as well as a variety of relationships to the subject matter under investigation – that is, more will have engaged in the deviant behavior under study, held the deviant beliefs, and/or possessed the deviant characteristics they study. Howard Becker pioneered this tendency in that he was a marijuana user and a jazz pianist, two of his examples of deviant behavior. This tendency has been well underway for some time: Ned Polsky, a pool player, studied the deviant aspects of playing pool (1998); Irving Zola, a disabled man confined to a wheelchair, studied disability; Clinton Sanders, a tattooed man, studied tattooing as a form of deviance (1989); Carol Rambo Ronai was both an erotic dancer and a researcher of erotic dancing; Jeffrey Escoffier, a gay man, studied homosexuality – but I predict that this tendency will expand.

Seven: Increasingly, sociologists will recognize the social control implications of the effort to address the immigration issue. Hence, they will increasingly conduct research on immigration as a form of deviance (Kposowa, Adams, & Tsunokai, 2010). The research potential of immigration as a fulcrum of contention is considerable, and ethnicity and its implications for candidacy for citizenship are likely to figure into that debate. Conservative politicians and the residents of “red” states stand poised to define illegal aliens as undesirables, as disvalued sectors of the population who do not belong in the community – and hence are supposedly *deviants* who should therefore be deported. This view will inevitably collide with the liberal, “blue” state social construction of the issue, which is that illegal aliens should be *de-deviantized* and brought into the mainstream of the society. This conflict offers a strategic research site that parallels similarly contentious past and ongoing issues such as alcohol and marijuana prohibition, crime, gay marriage, women’s rights, abortion, racial and ethnic equality, poverty, the deinstitutionalization of mental illness, evolution versus creationism, and racial integration. The question of whether and to what extent certain behaviors or collectivities should be incorporated into the mainstream will continue to roil us for decades to come, and sociologists of deviance will draw these parallels.

Eight: More generally, sociologists of deviance will increasingly emphasize the politically contentious character of their subject matter, and will recognize that the core of deviance definition is politics and ideology. This insight carries on a much earlier tradition, of course (Becker, 1963; Horowitz & Liebowitz, 1968), but at the very least it is likely to continue, undermining the view that sociology is, in the strict sense of the term, value-free.

Nine: The sociology of deviance represents a delicate balance between a recognition of the role that *protectionism* plays in social control – an insight that Plato recognized, and a tradition carried on through Thomas Hobbes and the functionalists of the 1930s to the 1960s – and the necessity, in any creative society, of some measure of civility (Becker, 1971), along with contributions that innovations make to social change. A sociologist of deviance is likely to make a synthesis along these lines at some time in the twenty-first century: deviance studies are *about* social control and its multiple

manifestations; it is the lodestone, the beacon of the field, and, increasingly, deviance practitioners will make this fact explicitly clear.

Ten: Since 9/11, sociologists have increasingly recognized terrorism worth investigating *as a form of deviance* (Black, 2004; Oliverio & Lauderdale, 2005; Karoui, 2010). The topic demands an understanding of how terrorism is socially constructed and sanctioned, pitting the definition of the terrorist as against the ideals of mainstream Western democracy, and it likewise satisfies the positivist/essentialist sociologist by raising its primal question: "why do they do it?" The field is likely to see more studies of terrorism as a form of deviant behavior, that is, treated "as an analytic rather than a polemic construct" (Oliverio & Lauderdale, 2005, p. 153).

Eleven: Michael Bloomberg, a moderate Republican (and a billionaire), was elected Mayor of New York City in 2001; his administration endorsed stop-and-frisk police tactics, that is, the practice of searching potential crime suspects on the basis of their social characteristics (age, race, ethnicity, gender, neighborhood, attire) rather than because of any concrete evidence that they actually committed a crime. Bill de Blasio, a Democrat and a liberal, elected as Mayor in November 2013, called an end to stop-and-frisk tactics, and in November 2013, likewise, a federal district court judge ruled that the practice is unconstitutional. Clearly stop-and-frisk *labels* certain categories of the population as deviant in the absence of the knowledge that they have committed the illegal act in question. Accordingly, sociologists have begun studying, and will increasingly study, stop-and-frisk tactics as a form of deviance labeling; three ongoing, as-yet unpublished studies by the Vera Institute, *Coming of Age with Stop and Frisk*, as well as the research of Jeffrey Fagan and Richard Rosenfeld, will be available soon (Wallace-Wells, 2013), and will stimulate further study. Many more sociologists of crime and deviance will conduct research projects along the same lines; they are reflective of the labeling process, and stand squarely in a direct line of deviance studies succession.

Twelve: As more than one sociologist has pointed out (Durkin, 2013; Durkin, Forsyth, & Quinn, 2006; Konty, 2013), the Internet offers a new and unique strategic research site for the study of deviance, and will substantially expand the scope of the field. Says Mark Konty: "The rise of the Internet creates seemingly endless possibilities for research on deviants and deviance" (2013, p. 265). At this point, it is clear that the electronic media will offer new topics for the sociologist of deviance, and they are likely to be bountiful.

Thirteen: Another source of investigation prompted by recent real-world developments in crime, deviance, and social control has been the *mainstreaming of marijuana use and distribution*. True, the subject has provided a fruitful subject for researchers for decades (Goode, 1970), but the legalization of marijuana in two states (Colorado and Washington), its decriminalization in more than a dozen, and its approval as medicine in 23 states – along with its continued criminalization at the federal level – make it a prime source of study by sociologists of crime and deviance. To put the matter another way, 35% of the population of the US lives in a state in which marijuana as medicine alone is legal; 4% live in a state in which the drug has been decriminalized; 31% live in a state in which it is both legal as medicine and decriminalized; 4% live in a state in which it has been legalized; and only 27% live in a state with full prohibition (Firestone, 2014). Here's another development. According to the Pew Research Center's

polls, in 1969, only 12% of the respondents questioned said that they were in favor of marijuana legalization, and 85% were opposed. In 2014, 54% were in favor and only 42% were opposed (Lapidos, 2014). How these developments will play themselves out is likely to remain a fascinating topic for all concerned. Contrarily, will the increasing stigma – and the activity's dramatic decline – of *cigarette smoking* draw corresponding research interest among sociologists of deviance (Kim & Shanahan, 2003; Bayer & Stuber, 2006)? I predict that they will. In any case, the movement up or down the deviance ladder of different activities is fascinating and indicates the *lability* of definitions of deviance (Krauthammer, 1993; Moynihan, 1993). In general, however, what we mostly see over time is the *mainstreaming of deviance*.

Fourteen: The most dramatic change in criminal behavior in recent decades – in the US and Canada, as well as Australia and New Zealand, Western Europe, and the studied countries of Eastern Europe as well – has been the dramatic decline in criminal behavior. Numerous criminologists and sociologists of deviance have commented upon it (Blumstein & Wallman, 2000; van Dijk, Tseloni, & Farrell, 2012; Zimring, 2007), and agree that this trend is remarkable and almost unprecedented, as well as unanticipated. (In the last two or three years, the downturn may have reversed itself.) Why this has happened, and whether and to what extent it will continue, will be debated for some time to come (Uggen & McElrath, 2013; Wood, 2012). Did an increase in police surveillance, investigating and following up on smaller crimes – which often lead to more serious crimes – and greater incarceration rates cause the decline? Some observers think so (Kelling & Bratton, 1998) while others do not (Greenberg, 2014), and sociologists and criminologists continue to debate the pros and cons of this issue at length. Has technology shut down – or opened up – certain lines of criminal behavior? Have we become an aging and hence a less criminal society – that is, is the cause of the decline mainly *demographic*? Has a decline in drug abuse, specifically in the use of crack, brought about the crime drop? And will the trend continue? Again, the change provides endless opportunity for debate, speculation, and further research; in all probability, it will continue to do so. (See Volume 31, Issue 1 of *Justice Quarterly* for a detailed discussion of different perspectives on this issue.)

Fifteen: As crime has dropped, paradoxically, the rate of incarceration in the US has increased. This has been especially the case for drug crimes. In 1980, the country housed half a million prisoners; by 2010, the figure had quadrupled to 2.266 million. With 5% of the world's population, the US held 25% of the world's prison population. In 2010, 500 Americans per 100,000 in the population were behind bars. (After 2010, the incarceration rate began to drop.) African-Americans are 6.7 times more likely to be locked up in jails and prisons than whites. Did the greater imprisonment rate cause the society's lower crime rate? Does this disparity reflect racism? Is it fair and just? Or, perhaps, are overly-long prison sentences *criminogenic* – that is, does it make released prisoners even more likely to commit crime? Some believe so (Tierney, 2012). Recent developments provide endless fodder for future criminological and sociological speculation and research.

Sixteen: Productivity aside, the sociology of deviance will remain a fairly low-prestige, relatively marginal subfield in sociology generally. In other words, it is possible that Joel Best's admonition is to some degree accurate. I conducted a search in the curricula of the

sociology departments of the top 100 or so universities in the US (as measured by the admittedly flawed Academic Ranking of World Universities) for 2013. Just under three-quarters of these universities' sociology departments (73.5%) included one or more courses on deviance in its catalog. That's the good news for the field. But in contrast, *not one* of the sociology departments in the six highest-ranked universities in the country lists a deviance course in its curriculum for that year; only one out of the top nine did so, and only 14 out of the top 25 did. While deviance is taught nearly everywhere, it commands neither the complete ubiquity nor the lofty prestige that some other subjects do (e.g., the sociology of organizations, the sociology of medicine, research methods, social theory.)

It is true that the foundational works of labeling theory were published in the 1960s; the number of citations or "hits" in Harzing's "Publish or Perish: Google Scholar" to "labeling theory" increased from 85 per year in the 1965–1969 period to over 825 in 1970–1974, then peaked in the 1990s (5,720 per year in 1990–1994 and 5,660 in 1995–1999), and declined into the 2000s. In the 1960s, the field's younger scholars and researchers yearned for a fresh, unconventional, and radically different way of looking at deviance. So it's not so much that a greater volume of work was conducted in the past, only that work conducted in the 1960s and 1970s is regarded today as more path-breaking. Currently, no single approach or paradigm dominates the study of deviance in the way that labeling theory did around 1970–1974, or the way that social disorganization did between the two world wars. What we see now is diversity, fragmentation, and theoretical dissensus. Both the labeling school and deviance have left a legacy to sociology generally that even its critics incorporate into their work, albeit, for the most part, implicitly. But we need a time frame to make our inquiry meaningful; we would have to compare work conducted in the past with that done in the present, and we would have to compare deviance with other fields for the same eras – and, more generally, with sociology as a whole. It is entirely possible that in the 1960s, during the so-called "golden age," the sociology of deviance was not actually as central as we believe it to have been. We nostalgically think back to a time when path-breaking developments were unfolding and imagine that a greater volume of research was being conducted and more books and articles were being published than was in fact the case. Today, the enterprise of the study of deviance is larger, though less dynamic and less imaginative than it once was – and more fragmented as well. The field has settled in to a particular role in sociology, and it plays that role reasonably well – well enough, that is, to continue to be taught, to attract the interest of students, and to generate research that attracts scholarly attention, all of which sustain its viability.

References

- Bayer, R., & Stuber, J. (2006). Tobacco smoking, control, stigma, and public health: Rethinking the solutions. *American Journal of Public Health*, 96 (February), 47–50.
- Becker, H.S. (1963). *Outsiders: Studies in the Sociology of Deviance*. New York: Free Press.
- Becker, H.S. (Ed.) (1971). *The Culture of Civility*. Chicago: Aldine/Transaction.
- Best, J. (2001). *Damned Lies and Statistics: Untangling Numbers from the Media, Politicians, and Activists*. Berkeley, CA: University of California Press.

- Best, J. (2004). *Deviance: Career of a Concept*. Belmont, CA: Thompson Wadsworth.
- Best, J. (2006). Whatever happened to social pathology? Conceptual fashions and the sociology of deviance. *Sociological Spectrum*, 26 (November), 533–546.
- Black, D. (2004). Terrorism as social control. In M. Deflem (Ed.), *Terrorism and Counter-Terrorism* (pp. 9–18). Bigley, UK: Emerald Group.
- Blumstein, A., & Wallman, J. (Eds.) (2000). Cambridge: Cambridge University Press.
- Bourgois, P. (1995). *In Search of Respect: Selling Crack in El Barrio*. Cambridge: Cambridge University Press.
- Bourgeois, P., & Schonberg, J. (2009). *Righteous Dopefiend*. Berkeley, CA: University of California Press.
- Brady, J. (2012). College course lumps homosexuality, rape, murder. *NPR*, September 10.
- Collins, R. (2001). Why the social sciences won't become high-consensus, rapid-discovery science. In S. Cole (Ed.), *What's Wrong with Sociology?* (pp. 61–84). New Brunswick, NJ: Transaction Books.
- Dasteel, J. (2012). Franciscan U of Steubenville under investigation for teaching homosexuality as deviant. *Lifesite*, September 11.
- Duneier, M. (1999). *Sidewalk*. New York: Farrar, Straus & Giroux.
- Durkin, K.F. (2013). The dawn of a new era: Renewed prospects for the sociology of deviance in the Internet age. In A. Thio, T.C. Calhoun, & A. Conyers (Eds.), *Deviance Today* (pp. 265–271). Boston: Pearson.
- Durkin, K.F., Forsyth, C.J., & Quinn, J.F. (2006). Pathological Internet communities: A new direction for sexual deviance research in the postmodern era. *Sociological Spectrum*, 26 (November), 595–606.
- Escoffier, J. (1998). *American Homo: Community and Perversity*. Berkeley, CA: University of California Press.
- Firestone, D. (2014). Let states decide on marijuana. *The New York Times*, July 27, 10SR.
- Gagnon, J.H., & Simon, W. (1973). *Sexual Conduct: The Social Sources of Human Sexuality*. New Brunswick, NJ: Transaction/Aldine.
- Gibbs, J.P. (1966). Conceptions of deviant behavior: The old and the new. *Pacific Sociological Review*, 9 (Spring), 9–14.
- Goffman, E. (1961). *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates*. Garden City, NY: Anchor Books.
- Goffman, E. (1963). *Stigma: Notes on the Management of Spoiled Identity*. Englewood Cliffs, NJ: Prentice-Hall/Spectrum.
- Goode, E. (1970). *The Marijuana Smokers*. New York: Basic Books.
- Goode, E. (2003). The MacGuffin that refuses to die: An investigation into the condition of the sociology of deviance. *Deviant Behavior*, 24 (6), 507–533.
- Goode, E. (2004). Is the sociology of deviance still relevant? *The American Sociologist*, 35 (4), 46–57.
- Grattet, R. (2011a). Societal reactions to deviance. *Annual Review of Sociology*, 37, 185–204.
- Grattet, R. (2011b). Labeling theory. In C.D. Bryant (Ed.), *The Routledge Handbook of Deviant Behavior* (pp. 121–128). London & New York: Routledge.
- Greenberg, D.F. (2014). Studying New York City's crime decline: Methodological issues. *Justice Quarterly*, 30 (February), 1–35.
- Harvey, D.L. (2007). Poverty and disrepute. In G. Ritzer (Ed.), *The Blackwell Encyclopedia of Sociology* (pp. 3589–3594). Oxford: Blackwell Publishing.
- Hendershott, A. (2002). *The Politics of Deviance*. San Francisco: Encounter Books.
- Hendershott, A. (2012). Redefining deviance. *The Catholic World Report*, September 27.
- Horowitz, I.L., & Liebowitz, M. (1968). Social deviance and political marginality. *Social Problems*, 15 (Winter), 280–296.

- Karoui, H. (2010). Deviance and dissent: A sociological approach to terrorism. *Entelequia Revista Interdisciplinar*, 12 (Fall), 27–40.
- Kelling, G.L., & Bratton, W.J. (1998). Declining crime rates: Insiders' views of the New York City story. *Journal of Criminal Law & Criminology*, 88 (4), 1217–1231.
- Kim, S.-H., & Shanahan, J. (2003). Stigmatizing smokers: Public sentiment toward cigarette smoking and its relationship to smoking behaviors. *Journal of Health Communications*, 8 (4), 343–367.
- Kirk, M., & Madsen, H. (1989). *How America Will Conquer Its Fear and Hatred of Gays in the '90s*. New York: Penguin Books.
- Konty, M. (2013). Labeling. In A. Thio, T. Calhoun, & A. Conyers (Eds.), *Deviance Today* (pp. 23–30). Boston: Pearson.
- Kposowa, A.J., Adams, M.A., & Tsunokai, G.T. (2010). Citizenship status and arrest patterns in the United States: Evidence from the Arrest Drug Abuse Monitoring Program. *Crime, Law and Social Change*, 53 (2), 159–181.
- Krauthammer, C. (1993). Defining deviancy up. *The New Republic*, November 22, 20–25.
- Lapidos, J. (2014). The public lightens up about weed. *The New York Times*, July 27, 10SR.
- Liazos, A. (1972). The poverty of the sociology of deviance: Nuts, sluts, and deviated preverts. *Social Problems*, 20 (Summer), 103–120.
- Link, B.G., Cullen, F.T., Struening, E., Shrout, P., & Dohrenwend, B.P. (1989). A modified labeling theory approach to mental disorders: An empirical assessment. *American Sociological Review*, 54 (June), 400–423.
- Matsueda, R.L. (1992). Reflected appraisals, parental labeling, and delinquency: Specifying a symbolic interactionist theory. *American Journal of Sociology*, 97 (May), 1577–1611.
- Matza, D. (1971). Poverty and disrepute. In R.K. Merton, & R.A. Nisbet (Eds.), *Contemporary Social Problems* (3rd ed.) (pp. 601–656). New York: Harcourt Brace Jovanovich.
- McIntosh, M. (1968). The homosexual role. *Social Problems*, 16 (Fall), 182–192.
- Merton, R.K. (1979). Foreword. In E. Garfield, *Citation Indexing: Its Theory and Application in Science, Technology, and Humanities* (pp. ix–x). New York: John Wiley & Sons.
- Miller, J.M., Wright, R.A., & Dannels, D. (2001). Is deviance 'dead'? The decline of a sociological specialization. *The American Sociologist*, 31 (Fall), 43–59.
- Mills, C.W. (1943). The professional ideology of social pathologies. *American Journal of Sociology*, 49 (September), 165–180.
- Moynihan, D.P. (1993). Definding deviancy down. *American Scholar*, 64 (Winter), 25–33.
- Oliverio, A., & Lauderdale, P. (2005). Terrorism as deviance or social control: Suggestions for future research. *International Journal of Comparative Sociology*, 46 (1–2), 153–169.
- Pager, D. (2007). *Marked: Race, Crime, and Finding Work in an Era of Mass Incarceration*. Chicago: University of Chicago Press.
- Plummer, K. (1975). *Sexual Stigma: An Interactionist Account*. London: Routledge & Kegan Paul.
- Plummer, K. (2011). The labeling perspective forty years on. In H. Peters, & M. Dellwing (Eds.), *Langeweiliges Verbrechen* (pp. 83–101). Wiesbaden, Germany: VS Verlag.
- Polsky, N. (1998). *Hustlers, Beats, and Others* (exp. ed.). New York: Lyons Press.
- Sampson, R.J., & Laub, J.H. (1997). A life-course theory of cumulative disadvantage and the stability of delinquency. In T.P. Thornberry (Ed.), *Developmental Theories of Crime and Delinquency* (pp. 133–161). New Brunswick, NJ: Transaction.
- Sanders, C.R. (1989). *Customizing the Body: The Art and Culture of Tattooing*. Philadelphia: Temple University Press.
- Sumner, C. (1994). *The Sociology of Deviance: An Obituary*. Buckingham: Open University Press.

- Tierney, J. (2012). For lesser crimes, rethinking a life behind bars. *The New York Times*, December 12, A1, A28–29.
- Uggen, C., & Manza, J. (2006). *Locked Out: Felon Disenfranchisement and American Democracy*. New York: Oxford University Press.
- Uggen, C., & McElrath, S. (2013). Six social sources of the U.S. crime drop. Retrieved from [http://thesocietypages.org/papers/crime drop/](http://thesocietypages.org/papers/crime%20drop/)
- Van Dijk, J., Tseloni, A., & Farrell, G. (Eds.) (2012). *The International Crime Drop: New Directions in Research*. London: Palgrave Macmillan.
- Wallace-Wells, B. (2013). Bloomberg and Kelly aren't going to like the latest research on stop-and-frisk. *New York*, August 21.
- Western, B. (2006). *Punishment and Inequality in America*. New York: Russell Sage Foundation Press.
- Wilson, W.J. (1996). *When Work Disappears: The World of the New Urban Poor*. New York: Alfred Knopf.
- Wood, D.B. (2012). US crime rate at lowest point in decades: Why America is safer now. *The Christian Science Monitor*, January 9.
- Zimring, F.E. (2007). *The Great American Crime Decline*. Oxford: Oxford University Press.

Index

- AA (Alcoholics Anonymous), 219, 337, 338, 340, 344–5
- Abbott, S., 384
- ABC's of deviance, 122–3, 126, 127
- Abi-Rached, J. M., 146–7
- “abominations of the body”, 265, 424, 427, 441
- abortion law, 155–6, 164–6
- Abraham, J., 458
- Abscam (Arab Scam), 307
- absolutist conception of deviance, 403–4, 412–13
- Abu Omar, 542
- Abu Zubaydah, 543
- achieved deviance, 126
- Ackerman, Jeff, 191–209
- Ackroyd, S., 490–492
- ACLU (American Civil Liberties Union), 177, 541
- actor relativity, 122, 125
- actors (deviants), 266
- ADA (Americans with Disabilities Act) (1990), 345, 430
- Adderall, 355, 458
- ADHD (attention deficit hyperactivity disorder), 142, 447, 448, 455–6
- Adler, Patricia, 122, 192
- Adler, Peter, 122, 192
- Adriaens, P. R., 375
- adult clubs, 72–3
- Affordable Care Act (2010), 166
- Afghanistan, 539
- African Americans, 318, 364
- After the Ball* (Kirk and Madsen), 568
- Agamben, Giorgio, 514
- Aggleton, P., 384
- Agier, Michel, 505
- Agnew, Robert, 313–30
- anomie, 231
- climate change, 478, 479
- ecocide, 475–6
- non-human animal abuse, 477
- positive deviance, 96
- unified sociology of deviance, 252
- Aichhorn, August, 229
- AIDS, 370
- air pollution, 471
- Akers, R. L., 201–2
- Akins, Scott, 349–68
- al-Awaki, Anwar, 545
- Albert, S., 382, 384
- albinos, 427

- alcohol consumption, 331–48
 - alcoholism *see* alcoholism
 - Anti-Saloon League (ASL), 336
 - behavioral toxicity, 352
 - binge drinking, 341–7, 356
 - co-dependents, 343–4
 - college students, 350
 - depressant effects, 356
 - deviant drinking, appreciative orientation to, 333
 - deviant drinking, conceptual categories of, 334–5
 - deviant drinking, emergence of, 335–40
 - deviant drinking, medical-disease orientation to, 334
 - deviant drinking, prohibitive-health orientation to, 334
 - deviant drinking, prohibitive-moral orientation to, 333
 - disability, 344–5
 - drinking and driving, 340
 - enablers, 343–4
 - ensuing behaviors, 46–8
 - individual-level controls, 51
 - Islam, 332
 - mortality costs, 50
 - “normal” drinking, 347
 - norms, 332
 - “pre-gaming”, 342
 - presenteeism in the workplace, 343
 - problem drinker, discovery of, 337–8
 - “problem drinking” (the term), 333
 - Prohibition, 336–7
 - social capital, 342–3
 - socio-historical context, 331–4, 335–6
 - Strategic Action Fields (SAFs), 331–3, 335–8, 339, 345
 - Sweden, 52
 - taxation, 49
 - Temperance movement, 335–7, 344
 - time, place and manner controls, 51
 - underage drinkers, 340–341
- Alcohol Research Group, 338
- alcohol use disorders (AUDs), 338, 342–7
- Alcoholics Anonymous (AA), 219, 337, 338, 340, 344–5
- alcoholism
 - chronic brain disease, 345–6
 - disease conception of, 337
 - employability, 346
 - employed alcoholics, 338–40
 - functional, 342–4
 - invention of the alcoholic, 336–7
 - occupational, 339
 - recovered vs. recovering, 345
- Alexander the Great, 73
- Alien Abduction Theory and Research* (abduct.com), 406
- Alison, L., 387
- Alito, Samuel, 541
- Altheide, David L., 298–310
- Althusser, Louis, 149
- Altman, D., 377–8
- altruism, 83, 86, 91, 93
- ambivalence, 427–8, 429, 441
- American Civil Liberties Union (ACLU), 177, 541
- American Dream, 231
- American Gaming Association, 161
- American Medical Association, 414
- American Psychiatric Association (APA), xix, 74, 131, 179, 414
- American Psychological Association, 372
- Americans with Disabilities Act (ADA) (1990), 345, 430
- Amnesty International, 541
- amphetamines, 355
- analogs (drugs), 355
- analytic induction, 200–201
- Anamika, 406, 412
- Anderson, E., 281
- Anderson, J., 513
- Anderson, L., 271, 272
- AndroGel, 147
- animal abuse, 475
- anomie
 - charisma, 91
 - deviance, 226, 231
 - Durkheim, Emile, 90
 - Merton, Robert K., 90, 226, 230–231, 523
 - political deviance, 523
 - positive deviance, 96
- Anslinger, Harry, 528
- Anticult Movement, 414–15

- antidepressant medications, 458
- Anti-Drug Abuse Act (1986), 159, 360, 364
- Anti-Drug Abuse Act (1988), 360, 364–5
- antipsychotic medication, 449, 452
- Anti-Saloon League (ASL), 336
- anti-social behavior, 491
- APA (American Psychiatric Association), xix, 74, 131, 179
- Appalachia, 242
- appreciative orientation to deviant
 - drinking, 333
- Aragones, A. A., 89
- Argentina, 58, 172
- Aristotle, 19, 73, 426
- Arizona, 508, 512
- arrests
 - drug use, 53–4, 159–60, 364
 - prostitution, 60
 - race, 364
- Aryan Nations, 406
- ascribed deviance, 126
- Asia, 66
- Asian Americans, 318
- Asian women, 287
- ASL (Anti-Saloon League), 336
- Assange, Julian, 523
- assassinations, 530, 539, 544–5, 558
- assisted suicide/right to die, 157, 166–7, 169
- Asylums* (Goffman), 176, 449–50
- atheism, 402
- Athens, Lonnie, 115–16
- Atlantic City, 554
- attention deficit disorder (ADD) drugs, 355
- attention deficit hyperactivity disorder (ADHD), 142, 447, 448, 455–6
- Attorney General's Commission on Pornography (Meese Commission), 157
- attractiveness, 431–2, 441–2
- audience reactions
 - Becker, Howard S., 105, 123
 - cognitive deviance, 403, 410–412, 419
 - constructionism, 564
 - deviance, 3–4, 7–9, 13–14, 81–2, 92, 122
 - Goffman, Erving, 266
 - interactionist approach to deviance, 262–3
 - labeling theory, 268
 - marijuana (cannabis), 274–5
 - norms, 403–5
 - power, 405
 - Schur, Edwin M., 123
 - tattoos, 437
- AUDs (alcohol use disorders), 338, 342–7
- Augustin, L. M., 378
- Augustine, Saint, 175
- Australia, 56, 59, 242, 508, 510, 511, 578
- Austria, 179
- authoritarianism, 33–4
- auto-ethnography, 573
- Azscan, 307–8
- Badham, R., 495
- Bagram Air Force base, 543–4
- Bainbridge, William Sims, 408, 413
- Bakehorn, J., 384
- Baker, L. M., 384
- Bakhtin, Mikhail, 117
- Baldwin, James, 73
- Balibar, É., 505
- Baltimore, 308
- Baltzell, E. Digby, 467
- Bandini, C., 140
- Bandini, Julia, xix, 447–62
- Banfield, Edward, 467
- bare life, 514
- barebackers, 376
- Barker, M., 372
- Barnes, D., 91
- Barrios, L., 515–16
- bars, gay, 75
- Bar-Tel, D., 91
- “bath salts”, 355
- baths, gay, 382
- BDSM (bondage and discipline, sadism and masochism), 371, 387
- bears, 376, 381
- Beatie, Thomas, 277
- Beatle, Susan Juliette, 277
- beauty, 442
- Beccaria, Cesare, 228
- Becker, George, 88, 104–5
- Becker, Howard S.
 - audience reactions, 105, 123
 - conforming behavior, 268
 - constructionism, 564
 - dance musicians, 490
 - definitions of deviance, 122–4

- Becker, Howard S. (*cont'd*)
 “deviance” (the term), 175, 496
 deviance as collective action, 112
 “deviant behavior”, 13
 deviant behavior, types of, 268
 falsely accused deviance, 125, 268
 homosexuality, discussions of, 176
 Humphrey and Schmallegger, 95–6
 interactionist approach to deviance, 108, 125, 138, 274
 labeling theory, 14–15, 123–4, 176, 262–3
 marijuana (cannabis), 106–7, 219, 576
 Matza, David, 106, 107
 Merton, Robert K., 125
 moral entrepreneurs, 138
 normative approach to deviance, 114
Other Side, 178
Outsiders: Studies in the Sociology of Deviance, 13, 103–5, 106, 176, 219, 262–3
 power, 111
 pure deviant behavior, 268
 reactionist approach, 403
 relative nature of deviance, 92
 rule creation and enforcement, 267–8
 secret deviance, 125, 268
 sentimentality, 129
 sociology of deviance, 571, 572
 taking sides, 242
 “becoming deviant”, 107
Becoming Deviant (Matza), 178
 beekeeping, 482
 Beemyn, G., 386
Behavior in Public Places (Goffman), 176
 behavioral toxicity, 352
Being Mentally Ill (Scheff), 263, 273, 450
 Beirne, Piers, 197–8, 477
 beliefs *see* cognitive deviance
 Bell, Robert, 554
 Bell, Susan, 140, 471
 Bennett, R. J., 491, 492
 Benson, M. L., 20
 Bentham, Jeremy, 39, 46
 Ben-Yehuda, Nachman, 551–62
 Chicago School, 115
 deviance as universal, 81, 89, 96
 deviantization, 114–15
 mass media, 300
 moral boundaries, 533
 moral panics, 113, 373
 science, 88
 societal transformation, xxi
berdache, 73
 bereavement, 458
 Berger, Peter, 409
 Berkowitz, E., 182
 Berman, Paul, 545–6
 Bernard, T. J., 325
 Bernstein, E., 378, 384
 Bernstein, Leonard, 73
 Best, Joel
 courses and textbooks about deviance, 566
 definitions of deviance, 129
 “deviance” (the term), 174–5
 deviance, 81
 societal transformation, xxi
 sociology of deviance, 12, 563, 569, 572, 575, 578–9
 bestiality, 132
 Biderman, Joseph, 142
 bigenderism, 279, 283, 288–9, 292–3
 Bigo, D., 510, 511
 bin Laden, Osama, 539–40, 543
 binge drinking, 341–7, 356
 biological criminology, 147
 biomedicalization, 140, 144–6
 biometric identification systems, 510
 biotechnology, 146–8
 birthmarks, 435
 bisexuality, 380–381
 Black, Donald, 40, 128
Black Feminine Thought (Collins), 286
 black men, 286, 380
 Black September, 539
Black Sexual Politics (Collins), 286
 black women, 286
 blackness, 286
 “blame the victim”, 425, 465–6
 “blemishes of individual character”, 109, 265
 blindness, 427, 440
 Bloch, A., 512
 bloggers, 305
 Bloomberg, Michael, 157, 577
 Blumer, Herbert, 261, 272
 Bobbitt, P., 546
 Boden, D. M., 385

- body type, crime and, 228
- fvTax Act (1951), 360
- Bonilla, I., 383
- Bono, Chaz, 386
- boot camps, 315, 325–6
- border security, 504–6
- borders technological mediation of, 510–511
- Boston, 75
- Bosworth, M., 514–15
- boxing, 66–7
- Boyer, C. A., 451
- brain science, 313
- brainwashing, 412–13, 415
- Braithwaite, John, 115
- Branch Davidians, 414
- Brazil, 242
- Breivick, Anders, 243
- Brennan, D., 378
- Brennan, John, 543
- Brents, B. G., 384
- Brewer, Jan, 143
- Breyer, Stephen, 541
- Brezina, Timothy, 80, 89, 313–30
- Briggs Initiative, 162
- Brisman, Avi, 251, 471–87
- Britain, 59
- Britton, Dana, 181
- Brotherton, D., 515–16
- Brown, Phil, 453
- Brown, Wendy, 505
- Brownstein, H., 128
- Bruno, Giordano, 559
- Bryan, J. H., 68–9
- Bryant, Clifton D., 64–5, 67
- Bryant, K., 379–80
- Bryant, Melanie, 488–503
- Buckey, Ray, 417
- bugchasers, 376
- Buorgois, Philippe, 212
- Burkino Faso, 94
- Burnett, J., 512
- Burning Man (annual event), 219
- Burstein, K., 278
- Bush, George W., 307, 430, 541
- Bush administration, George W., 156, 157
- Butler, Judith, 289
- Byron, George Gordon, 73
- caffeine, 355
- Cahnman, W. J., 440
- Calhoun, Thomas C., xix, 259–76
- California, 159, 160, 162
- California v. Cabazon Band of Mission Indians*, 161
- Cameron, David, 509
- camming, 376
- CAN (Cult Awareness Network), 414–15
- Canada, 172, 243, 578
- Cape Verde, 172
- capitalism
 - critical criminology, 242, 243
 - “disaster capitalism”, 241
 - globalization, 468–9
 - hegemony, 466
 - poverty, 464, 466–7
 - sexual deviance, 380
 - social change, 226
 - social control, 31, 33
 - “turbo-charged capitalism”, 243
 - violence, 23
- career climbers, 69
- Carillo, H., 380
- Caribbean islands, 377
- Carter, J. B., 285
- Carter, Jimmy, 158, 522
- Casey case (Planned Parenthood v. Casey)*, 166
- casino gambling, 51–2, 55–7, 58–9, 156, 161–2
- Castañeda, H., 513
- Castro, Fidel, 559
- Catholic Church, 405, 568
- Catholic World Report* (Hendershott), 568
- CDC (Centers for Disease Control), 456, 458
- “center” (the term), 555
- Centers for Disease Control (CDC), 456, 458
- Central Intelligence Agency (CIA), 538, 540, 543
- CHADD (Children and Adults for Attention Deficit Disorder), 142
- Chambers, Alshran, 279–80
- Chambliss, W. J., 316
- Chananie-Hill, R. A., 88
- charisma, 83, 86, 90, 91, 93
- charity, 42
- Chesney-Lind, Meda, 245

- Chicago, 434, 482
- Chicago School
 - Ben-Yehuda, Nachman, 115
 - cities, 105
 - deviantization, 103–4
 - emphases, 103–4, 199
 - Erikson, Kai T., 115
 - ethnographic research, 200
 - political power, 523–4
 - qualitative methods, 199
 - social disorganization theory, 105–7, 229–30
 - social pathologies, 448
 - sociology of crime and deviant behavior, 35
- chicken raising in cities, 482
- child abuse, 127, 417
- Child in America* (Thomas), 124
- child pornography, 157
- childrearing, 233
- children
 - attractiveness, 433
 - “bastards”, 424
 - behavioral choices, 233
 - changing view of, 314–15
 - childhood malnutrition, 80
 - childhood sex abuse, 384
 - cockfighting, 67
 - of color, 287
 - cosmetic surgery, 145
 - crime, 233
 - cyberporn, 133
 - deformed, handicapped, 426
 - gifted children, 86, 88
 - hyperkinesis, 137
 - intersexed, 385
 - medicalization of deviance, 141–4
 - mental illness, 448
 - misbehaving, troublesome, 137, 141
 - parental neglect, 322
 - physical punishment of, 243
 - prostitution, 377
 - qualitative methods, 222
 - same-sex marriage, 74
 - Satanists, 417–18
 - vice, protection from, 46, 47, 49, 51
- Children and Adults for Attention Deficit Disorder (CHADD), 142
- Chin, K., 378
- China, 58
- “China Dolls”, 287
- Christian Coalition, 373
- Christianity, 413, 417, 426
- Christie, Chris, 131
- chronic toxicity, 353
- Church of Satan, 415–16
- Church of Scientology, 407, 408, 411, 413–15, 419
- churches, cognitive deviance and, 407, 409
- CIA (Central Intelligence Agency), 538, 540, 543
- Cicero, 426
- cisgender, 279
- cisnormativity, 279
- cities
 - beekeeping, 482
 - Chicago School, 105
 - chicken raising, 482
 - crime, 230
 - deviance, 230
 - mental illness, 448
 - Merton, Robert K., 90–91
 - urban agriculture, 482
- citizenship, American, 286
- Civil Rights Act (1964), 154
- claims-makers, 304, 309, 410
- Clapper, Director of National Intelligence, et al. v. Amnesty International, USA et al.*, 541
- Clark, N. H., 335
- Clarke, Adele, 146
- class warfare, poverty and, 469
- clearfelling old growth forests, 475
- climate change, 478–9
- Clinard, Marshall B., 13, 81, 183
- Clinton, Bill, 163
- Clinton administration, 156
- closets (homosexuality), 180
- clothes line drying, 480
- Cloward, Richard, 34, 91, 96
- Coakley, J., 81
- cocaine, 355
- cockfighting, 65–7, 76
- Cocteau, Jean, 73
- “code of the street”, 320
- co-dependents, 343–4

- cognitive deviance, 401–21
 - atheism, 402
 - audience reactions, 419
 - beliefs, social nature of, 408–9
 - brainwashing, 412–13, 415
 - churches, 407, 409
 - claims-makers, 410
 - cults, 407–8, 410
 - definition, 402–3
 - deviance, absolutist conception of, 403–4, 412–13
 - examples, 413–18
 - explaining, 405–13
 - geography, 407–9
 - hegemony of beliefs, 405
 - institutionalization of beliefs, 404
 - interactions with others, 410–412
 - interest group theory, 411
 - labeling theory, 411–12
 - moral entrepreneurs, 411
 - normative theory, 406–10
 - norms, 402–3, 419
 - religion, 407–8
 - religious conversion, 409–10
 - religious innovation, 413
 - rights of citizens to access fringe information, 406–7
 - satanism and satanic ritual abuse, 415–18
 - Scientology, 407, 408, 411, 413–15, 419
 - vested interests, 411
- Cohen, Albert K., 82, 244, 403, 523
- Cohen, Stanley, 41, 113, 300, 372
- Cole, S., 88
- Coleman, M., 508
- Colette, 73
- collective action, 112
- collective conscience, 555, 556
- Collins, Patricia Hill, 282–3, 286
- Collins, Randall, 522, 571
- Collinson, D. L., 492
- colonialism, 24
- Colorado, 58, 155, 156, 360, 362
- Combat Metamphetamine Act (2005), 360
- Comfort, M., 382
- Coming of Age with Stop and Frisk* (Vera Institute), 577
- communication studies, 573
- Comprehensive Drug Abuse Prevention and Control Act (Controlled Substances Act) (1970), 360
- compulsory heterosexuality, 280
- Comte, August, 31
- Concerta, 458
- condemning the condemners, 270–271
- conflict theory
 - deviance, 178
 - differential association theory, 573
 - interactionist approach to deviance, 263, 275
 - labeling theory, 178, 263, 573
 - law, 94
 - power, 94, 263
 - social control, 36–7
 - social disorganization theory, 573
- conforming behavior, 268
- conformity
 - contextualization, 92
 - “innovators”, 231
 - juvenile delinquency, 320
 - overconformity, 85–6
 - social control, 30
 - supra-conformity, 83
- Congregationalism, 405
- Connell, Raewyn, 244, 246, 247
- Conrad, Peter, 447–62
 - adult ADHD, 142
 - Deviance and Medicalization* (with Schneider), 137–9
 - homophobia, 373
 - hyperkinesis, 141
 - Identifying Hyperactive Children*, 456
 - medicalization of deviance, 140, 146, 149
 - mental illness, treatment of, xix
 - social anxiety disorder (SAD), 145
- consensus, social control and, 32
- Conservative Judaism, 405
- constructionist approach to sexuality, 369–70
- constructionist theories of deviance, 8, 12–20, 25–6, 35–6, 123, 564
- “contextual” constructionism, 18–19
- contextualization
 - conformity, 92
 - organizational deviance, 492–3, 495
 - of positive deviance, 88–9, 93
 - qualitative methods, 217

- Controlled Substances Act (Comprehensive Drug Abuse Prevention and Control Act) (1970), 360
- Convention on the Rights of Persons with Disabilities (CRPD), 430
- "conventional" crime, 21
- convict criminology, 248–9
- "Convicted rapists' vocabulary of motives" (Scully and Marolla), 20
- Conwell, Chic (professional thief's pseudonym), 202–4
- Conyers, Addrain, xix, 259–76
- Cook, Thomas, 430
- Cook County, Illinois, 314
- Cooley, Charles Horton, 266
- Cooper, K., 384
- Cooper, M., 149
- Cooperative Commission on the Study of Alcoholism, 337–8
- Copes, H., 216
- corporate behavior, deviance and, xx
- corporate crime, 246–7
- corporate masculinity, 246
- corporate non-compliance, 472
- Corvallis, Oregon, 308
- Coser, L. A., 87, 96
- Costa Rica, 179
- Cote d'Ivoire, 94
- Council on Social Work Education, 172
- counterfeit intimacy, 71–2
- counterproductive behavior, 491
- counterterrorism *see* terrorism and counterterrorism
- Coutin, S. B., 515
- covering, 269–70
- Coward, Noel, 73
- Creating Fear* (Altheide), 300
- Creationism, 450
- "creative deviance", 553
- Cregan, C., 383
- Crenshaw, Kimberle, 245, 282–3
- Cressey, Donald R., 91, 201
- "crime" (the term), 21
- Crime
 - body type, 228
 - causation theories, 35–6
 - children, 233
 - cities, 230
 - climate change, 478–9
 - communication and interaction, 232
 - constructionist theories of deviance, 35–6
 - "conventional" crime, 21
 - corporate, 246–7
 - as *crime*, 21
 - criminality, 226–7
 - "cumulative disadvantage", 573
 - decline in, worldwide, 578
 - decriminalization *see* decriminalization
 - definition, 240
 - deviance, 7, 20–23, 260
 - differential association theory, 91–2, 201
 - "doing gender", 246
 - Durkheim, Emile, 552–3
 - formal norms, 22–3, 36
 - globalization, 242
 - homosexuality, 174
 - immigration, 513–14
 - juvenile delinquency *see* juvenile delinquency
 - learning theory, 231, 234
 - mass media, 553
 - news about, 302
 - positivist theories, 225–7
 - public health, 552'
 - rate, 302
 - relative deprivation, 244
 - responsibility, personal, 147, 313
 - social change, 552–3
 - social class, 37
 - social construction of, 8, 9
 - social control, 34–8
 - sociological study of, 35
 - status offenses, 314, 315
 - sting operations, 307–8
 - strain theory, 319, 478
 - Sutherland, Edwin H., 232
 - as a type of behavior, 10
 - ugliness, 431
 - white-collar crime, 20, 21, 234
 - working-class crime, 244
- Crime and Community* (Tannenbaum), 181
- Crime in the United States* (FBI), 53
- crimes against the society, 557
- crimes against the state, 557
- crimes committed by the government, 557
- "crimes without victims", 155

- criminal justice system
 - decriminalization (depenalization), 361
 - juvenile justice system, 325
 - mala prohibita* offenses, 260
 - mandatory minimum sentences, 325
 - peacemaking criminology, 248
 - sentencing *see* sentencing
 - social control, 30
 - television, 303
- criminal law, 471–2, 507
- Criminal Sociology* (Ferri), 228
- criminality, 226–7
- criminalization of previously acceptable practices, 474–5
- Criminals as Heroes* (Kooistra), 560
- criminology
 - biological criminology, 147
 - convict criminology, 248–9
 - critical criminology *see* critical criminology
 - cultural criminology, 249
 - feminist criminology, 245–6
 - green criminology, 251
 - incarcerated offenders, data from, 216
 - labeling theory, 574
 - peacemaking criminology, 247–8
 - postmodern criminology, 249–51
 - quantitative methods, 192
 - radical criminology *see* critical criminology
 - scientific method, 228
 - sociology of deviance, 571–2, 573
- crimmigration law, 507–8
- Crisis of Our Age* (Sorokin), 175
- “critical criminology” (the term), 239–40
- critical criminology, 239–58
 - capitalism, 242, 243
 - community-based strategies, 248
 - convict criminology, 248–9
 - crime, major sources of, 240
 - cultural criminology, 249
 - definition, 239–40
 - feminism, 242, 245
 - feminist criminology, 245–6
 - globalization, 242
 - green criminology, 251
 - intersectionality, 245, 247
 - Left Realism, 244
 - masculinity theories, 246–7
 - orthodox criminology compared to, 240
 - peacemaking criminology, 247–8
 - policy proposal, 242–3
 - pornography, 241–2, 243
 - postmodern criminology, 249–51
 - repressive practices, rejection of, 240
 - research, 241–2
 - social media, 243
 - stop and frisk practices, 240
 - three-strikes-and-you’re-out sentencing, 240
 - zero tolerance policing, 240
- Critical Criminology* (Taylor, Walton and Young), 240
- Croatia, 172
- Crockett, H. J., 91–2
- cross-cultural deviance, 93
- cross-dressing, 183
- Crystal, Billy, 180
- Cult Awareness Network (CAN), 414–15
- cult of domesticity, 284–5
- cults, 407–8, 410
- “cultural cores” (the term), 555–7
- cultural criminology, 116, 249
- cultural deviance theory, 200
- cultural support theories, 91
- culture, sexualization of, 372
- Culture of Fear* (Furedi), 300
- “cumulative disadvantage”, 573
- Curra, John, xviii, 121–36
- Currie, Elliott, 239
- cyberporn, 133
- cybersex, 131–2, 376–7
- Cycle of Juvenile Justice* (Bernard and Kurlychek), 325
- Czech Republic, 58
- da Vinci, Leonardo, 73
- DADT (“Don’t Ask, Don’t Tell”) policy, 163
- Daly, Kathleen, 245
- dance musicians, 490
- Dank, Barry M., 75, 76
- Dannels, D., 569
- Dark Web, 132
- date rape, 127
- Davidson, J. O., 377
- Davis, Clarissa, 287

- Davis, J. E., 145
 Davis, Kingsley, 369
 Davis, Nancy, 489, 496
 Dayton Hudson (advertising firm), 430
 de Blasio, Bill, 577
 De Block, A., 375
 de Gaulle, Charles, 554
 de Vil, Cruella (character), 287
 de Young, Mary, 373
 deafness, 427
 death penalty for juveniles, 315–16
 Death With Dignity Act (Oregon, 1997), 167
 decriminalization, 154–71
 abortion law, 155–6, 164–6
 autonomy argument, 168
 casino gambling, 156
 “crimes without victims”, 155
 drug use, 68, 156, 158–61
 “fetal pain”, 165
 gambling, 156, 161–2, 168
 homosexuality, 157–8, 162–4
 marijuana (cannabis), 156, 167–8, 267
 “partial birth abortion”, 165
 “personhood” measures, 165
 prostitution, 157
 recriminalization, 159–61
 reproductive rights, 164–6
 right to die/assisted suicide, 157, 166–7, 169
 Roe v. Wade, 155–6, 157, 164, 555
 same-sex marriage, 162–4, 169
 Defense of Marriage Act (DOMA), 163
 defining deviance down, 126–7
 defining deviance up, 127
 Deflem, Mathieu, 30–44
 deinstitutionalization, 449, 452–3
 DeKeseredy, Walter S., xix, 239–58
 Deleuze, Gilles, 511
 Deloria, Vine Jr., 532
 delta-9-trans-tetrahydrocannabinol (THC), 358–9
 DeMarco, J. R. G., 385
 demedicalization of homosexuality, 142–4
 D’Emilio, J., 163, 164, 380
Demystifying Social Deviance (Hills), 180–181
 denial of a victim, 270
 denial of injury, 270
 Denmark, 243
 Dennis, Jeffery P., xv, xvi, 172–88
 Denver, 434
 “Denying the guilty mind” (Benson), 20
 dependence (addiction), 352, 353
 deportation, 515–16
 depressants, 356
 depression, 451, 457–8
 Deshotels, T. H., 72
 detention of immigrants, 514–15
 “deviance” (the term), 12–13, 174–5, 388, 403, 564, 573
 deviance, xiv–xx, 3–26, 121–36, 261–8
 acceptance of, tolerance for, 5
 achieved deviance, 126
 actor relativity, 122, 125
 admiration, 85
 amplification, 263
 anomie, 226, 231
 ascribed deviance, 126
 audience reactions, 3–4, 7–9, 13–14, 81–2, 92, 122
 avowal, 271
 behavior, 6–7
 beliefs, deviant *see* cognitive deviance
 as carnival, 117–18
 cities, 230
 as collective action, 112
 conflict theory, 178
 constructionist theories, 8, 12–20, 25–6, 564
 as a continuum, xvii, 4
 corporate behavior, xx
 “creative deviance”, 553
 crime, 7, 20–23, 260
 cross-cultural, 93
 as cultural commodity, 118
 defining deviance down, 126–7, 301
 defining deviance up, 127, 301
 definition, 4, 15, 26, 81, 96–7, 104–5, 110, 121–36, 175, 259, 525, 576
 degree, a matter of, 4, 18, 86, 259
 departing from, 131–2
 disavowal, 271
 environmental harm as *see* environmental harm as deviance
 ex-deviants, 84

- explanatory theories/paradigms, 8–12, 225–35
 extreme deviance, 118
 falsely accused deviance, 125, 268
 function, positive, 552–3
 functionalist view of, 496
 gender, xix
 harm reduction, 9
 hegemony, 10
 high-consensus deviance, 16, 86
 homosexuality as, xv–xviii, 129–30, 178
 homosexuality before, 173–4
 horizontal view of, 404
 informal norms, 22–3, 36
 innovation as, xviii
 interactionist approach to *see*
 interactionist approach to deviance
 labeling theory, 369
 learning theory, 231–2
 low-consensus deviance, 18, 86
 meaning and, xiv–xxi
 medicalization of *see* medicalization of
 deviance
 mental illness, xix, 126–7, 447–62
 moral entrepreneurs, 3–4
 moral panics, 112
 negative deviance, 84
 neutralization, 66, 490
 norms, 3–6, 81–2, 104, 123, 175
 as pathology, 104
 physical characteristics as deviance, 6–7,
 109, 265
 physical mobility, 230
 political deviance *see* political deviance
 political nature of investigations of, xx
 politics, 557
 positive deviance *see* positive deviance
 positivist theories, 225–7, 234–5
 poverty, 230
 power, 524–5, 560
 primary vs. secondary deviance, 36, 92,
 124, 263–4
 as a process *see* deviantization;
 stigmatization
 putative deviance, 125–6, 139
 relative nature, 92
 sanctions, 3
 secret deviance, 125, 268
 as self-fulfilling prophecy, 123–5, 263
 as a sensitizing concept, 128
 sexual *see* sexual deviance
 situational deviance, 16–17, 122
 social construction of, xv, 8, 9, 13–15, 260,
 301, 497
 social control, xiv–xv, 34–8, 124
 societal deviance, 15–18
 societal transformation, xxi
 sociological study of, 35
 sociologists, xiv–xv, xvi, xix
 spatial distance, 18
 statistical designations, 104
 as universal, 15, 89, 96
 vertical perspective of, 405
 workplace deviance *see* organizational
 deviance
Deviance (Dinitz, Dynes and Clarke), 178–9
Deviance and Identity (Lofland), 178
Deviance and Medicalization (Conrad and
 Schneider), 137–9
Deviance and Respectability (Douglas), 179
Deviant Behavior (Goode), 183
Deviant Behavior (journal), 181, 183
 deviant beliefs *see* cognitive deviance
 deviant bodies *see* physical characteristics as
 deviance
 “Deviant Club” (Los Angeles), 219
 “deviant drinking” (the term), 333
 deviantization, 103–20
 ban, 108
 Chicago School, 103–4
 cultural criminology, 116
 deviance as carnival, 117–18
 differential association theory, 106–7
 extreme deviance, 118
 identity management, 268–72
 interactionist approach to deviance, 108–9
 Kitsuse, John, 92
 mass media, 112–18
 as meaning construction, 109–11, 114–17
 migrants, 516
 moral panics, 113
 mutual deviantization, 19–20
 paranormal narratives, 118–19
 politics, power, 111–12
 reintegrative shaming, 115
 resource allocation, 560

- deviantization (*cont'd*)
 - scenarios, 112–14, 116
 - Schur, Edwin M., 110
 - signification, 107
 - social control, xviii
 - social disorganization theory, 105–7
 - sociohistorical case studies, 114–15
 - stereotyping, 109
 - stigma contests, 104, 108–14, 561
 - see also* stigmatization
- “deviate” behavior, 12–13, 175
- Devor, H., 386
- di Leonardo, Micaela, 432
- Diagnostic and Statistical Manual* (American Psychiatric Association), 74, 142–4, 454–5
- Diagnostic and Statistical Manual-I* (1952, American Psychiatric Association), 142, 455
- Diagnostic and Statistical Manual-II* (1968, American Psychiatric Association), xix, 141–3, 455
- Diagnostic and Statistical Manual-III* (1980, American Psychiatric Association), 142, 145, 454–5
- Diagnostic and Statistical Manual-IV* (1994, American Psychiatric Association), 145, 455, 456
- Diagnostic and Statistical Manual-V* (2013, American Psychiatric Association), 142, 350, 354, 412, 455, 458
- Diamond, L. M., 375
- Dianetics* (Hubbard), 414
- DiChiara, A., 159
- differential association theory
 - conflict theory, 573
 - crime, 91–2, 201
 - deviantization, 106–7
 - labeling theory, 93
 - secondary deviance, 266
 - social disorganization theory, 573
 - Sutherland, Edwin H., 13, 91, 106, 201–2, 226, 231–2, 266, 523
 - see also* learning theory
- differentiation, 32
- “differently ables”, 428
- digital profiling, 510
- Dion, Karen, 433
- Dirks, Danielle, xix, 277–97
- “dirty knowledge”, 220–221
- disability, 344–5, 428–31
- “disaster capitalism”, 241
- disciplinary control, 39, 511
- Discovery of the Asylum* (Rothman), 449
- “discreditable” vs. “discredited” people, 265
- discrimination
 - homosexuality, 74, 143, 157, 162–3, 177, 179, 182
 - job discrimination, 70, 430
 - juvenile delinquency, 319, 327
 - juvenile justice system, 327
 - marginalized people, 129
 - mental illness, 452
 - obesity, 439
 - power, 379, 451
 - race, 154, 318
- displaced people, 478
- Disposable Boy Toys, 290–291
- Disproportionate Minority Contact (DMC), 327
- dissociative anesthetics, 354, 358
- “diversity”, 533
- Division of Labor in Society* (Durkheim), 552–3
- DMC (Disproportionate Minority Contact), 327
- “Dob-In Service”, 510
- Dodge, B., 380
- Dodge, D. L., 81, 82, 86, 89, 90, 96
- “dogging”, 382–3
- “doing gender”, 246, 276–7, 279–81
- Dolance, S., 381, 382
- DOMA (Defense of Marriage Act), 163
- Dombrink, John, 154–71, 554–5
- Domestic Surveillance Program, 307
- Donajgradzki, A. P., 42
- “Don’t Ask, Don’t Tell” (DADT) policy, 163
- Dotter, Daniel, xviii, 103–20
- Douglas, Jack D., 110–111, 553
- “down low”, 380
- drag queens
 - deviance, 183
 - ethnography of, 381
 - genderfuck, 290
 - part-time, 65
 - Sukkiarini, Lorella, 291

- Dragnet* (television series), 303
 “Dragon Ladies”, 287
 dramaturgy, 264–6
 drinkers, underage, 340–341
 drinking and driving, 340
 drinking, binge, 341–7, 356
 drinking, “normal”, 347
 drone strikes, 545
 drug policy, 361–6
 Drug Policy Alliance, 168
 drug policy timeline, 359–60
 drug use, 349–68
 arrests, 53–4, 159–60, 364
 autonomy argument, 168
 convenience, 350
 “crimes without victims”, 155
 criminalization, 361
 de facto legalization, 361
 decriminalization, 68, 156, 158–61
 decriminalization (depenalization), 361
 dependence (addiction), 352, 353
 Europe, 160, 168
 “hard on drugs, soft on users” policy, 160
 harm reduction, 168, 362–3
 “Just Say No” campaign, 159, 360
 juvenile delinquency, 324
 legalization, 361–2
 mandatory minimum sentences, 364
 moral panics, 159–60
 Netherlands, 160
 peak age for, 349
 pleasure, 350
 prescriptions, 50–51
 race, 158, 365
 rate, reported, 350–351
 recriminalization, 159–61
 reducing, 366
 safety, 350, 359
 social class, 158, 178
 violence, 350, 352
 “War on Drugs”, 158, 360–366
 drugs
 Adderall, 355, 458
 addictiveness, 349–50
 adulterated, 526
 alcohol, 356
 amphetamines, 355
 analogs, 355
 antidepressant medications, 458
 antipsychotic medication, 449, 452
 attention deficit disorder (ADD)
 drugs, 355
 “bath salts”, 355
 behavioral toxicity, 352
 caffeine, 355
 chronic toxicity, 353
 cocaine, 355, 364–5
 dependency, 352
 depressants, 356
 dissociative anesthetics, 354, 358
 dosage, 355
 ecstasy (MDMA), 355
 ephedrine, 355
 hallucinogens, 357–8
 heroin, 353
 ketamine, 354, 358
 legalization, 361–2
 LSD, 351, 352, 357–8
 marijuana (cannabis) *see* marijuana
 (cannabis)
 neurtransmitters, 350
 nicotine, 355
 opiates, 356–7
 Paxil, 145
 PCP, 354, 358
 physical dependence, 353
 psychedelics, 357
 psychoactive drugs, 349, 351–4,
 354–9, 561
 psychological dependence, 353–4
 Ritalin, 141, 355, 458
 route of administration, 355
 sedative-hypnotics, 356
 selective serotonin reuptake inhibitors
 (SSRIs), 145, 457
 stimulants, 354–5
 therapeutic ratio, 352–3
 tolerance for, 353
 toxicity, 352
 withdrawal syndrome, 353
 Zoloft, 145
Drugs for Life (Dumit), 147–8
 du Rées, H., 471
 due process rights, 314
 Duffy, R., 473–4
 Dumit, Joseph, 147–8, 149

- Dunham, H. W., 448
- Durkheim, Emile
 anomie, 90
 “collecting conscience”, society’s, 555
 crime, 552–3
Division of Labor in Society, 552–3
 functionalist view of deviance, 496
 Humphrey and Schmallegger, 95–6
 inheritance, abolition of, 533
 “integration”, 232
 moral integration, 407
 normative deviance, 402
 public health, 552
 punishment, 552
 Ross, Edward Alsworth, 32
 social bond theory, 232
 social control, 31
 societal moral systems, 557
Suicide, 199, 229, 447
- dwarfs, 427
- dysfunctional behavior, 491
- EAPs (employee assistance programs),
 339–40
- Eastern Europe, 578
- ecocide, 475–6
- ecstasy (MDMA), 355
- Eddleston, K., 492
- Eden, J., 371
- “edgework”, 250
- Egan, R. D., 70
- Eighteenth Amendment (Volstead Act)
 (1919), 359
- 801 Girls, 290–291
- Eisenhower, Dwight David, 75
- Elizabeth II, Queen, 164
- Ellis, C., 71
- Ellsberg, Daniel, 523
- El-Masri, Khalid, 542
- Emmerson, Ben, 545
- empiricism, 9–11
- employee assistance programs (EAPs),
 339–40
- employee deviance, 489, 491, 497–8
- employment opportunities, immigration
 and, 512–13
- enablers, 343–4
- Enck, G. E., 70–72
- Encyclopedia of American Religions*
 (Melton), 415
- end-of-world narratives, 118
- English Convict* (Goring), 228
- environmental harm as deviance, 471–87
 air pollution, 471
 animal abuse, 475, 479
 beekeeping, 482
 chicken raising, 482
 clearfelling old growth forests, 475
 climate change, 478–9
 clothes line drying, 480
 corporate non-compliance, 472
 criminal law, 471–2
 criminalization of previously acceptable
 practices, 474–5
 deviant but environmentally beneficial
 activities, 479–82
 displaced people, 478
 ecocide, 475–6
 extreme weather events, 478
 graywater recycling, 480–481
 hitchhiking, 481–2
 illegal environmental harms, 472–5, 483
 impact of environmental harm on other
 deviance, 477–9
 junk poaching, 479
 “lawful but awful” practices, 476
 legal environmental harms, 475–7, 483
 legal-procedural approach to
 environmental harm, 473
 murderers, 477
 pedicab driving, 479–80
 personalization of legal cases, 473
 shaming, 483
 socio-legal approach to environmental
 harm, 473
 urban agriculture, 482
 violence, 479
- ephedrine, 355
- Episcopal Church, 179
- Episcopalianism, 405
- Erickson, M. L., 181
- Erikson, Kai T.
 Chicago School, 115
 cultural domination in defining
 deviance, 525
 movement of moral boundaries, 525

- reactionist approach, 403
- relative nature of deviance, 92
- social control, 114
- stability of social life, 553
- Wayward Puritans*, 411, 525–6, 531, 553
- Erikson, M. L., 181
- Escoffier, Jeffrey, 576
- Essai sur la Statistique Morale de la France* (Guerry), 198
- Essay on the Principle of Population* (Malthus), 465–6, 468
- Etcoff, Nancy, 431
- ethnic studies, 573
- ethnographic research, 200
- eugenics movement, 425
- Europe, 66, 68, 160, 168
- European Commission, 510
- European Court of Human Rights, 542
- EU Declaration on Combatting Terrorism, 510
- Ewald, K., 82
- exclusion, social, 464
- ex-deviants, xviii, 84
- executions, fake, 542
- exotic dancers/strippers, 70–73, 384
- explanatory theories/paradigms of deviance, 8–12, 225–35
- “Exposing Satan’s Underground” (television documentary), 418
- extraordinary rendition, 538, 542
- extreme deviance, 118
- Facebook, 291–2, 305
- Faderman, L., 380
- Fagan, Jeffrey, 577
- Fair Sentencing Act (2010), 360, 365
- fallacy of reification, 17
- falsely accused deviance, 125, 268
- Falwell, Jerry, 164
- Faris, R. E. I., 448
- Farrall, S., 478–9
- FBI (Federal Bureau of Investigation), 53, 75–6, 175, 307–8, 541
- femininity, white, 284–5
- feminism
 - bigenderism, 292
 - critical criminology, 242, 245
 - gender, 245
 - intersectionality, 245
 - patriarchy, 245
 - peacemaking criminology, 247
 - same-sex behaviors, 379
 - sexual radicalism, 70
- feminist criminology, 245–6
- fence hopping, 132
- Ferguson, R. A., 286
- Ferrell, J., 116, 479
- Ferrell, Jeff, 249
- Ferri, Enrico, 228
- Fessio, Joseph, 568
- “fetal pain”, 165
- fetishes, 387
- 50 Shades of Grey* (James), 371
- Figert, Anne, 140
- finger, middle, 261–2
- Finkenauer, J., 378
- Finland, 243
- Fiore, Quentin, 301
- First Amendment, 402
- Fisher, Helen, 432
- Fisher, J., 281
- Flowers, P., 382
- Folk Devils and Moral Panics* (Cohen), 372
- Fontdevila, J., 380
- food and drugs, adulterated, 526
- Food First, 529
- football players (American), 67
- Ford, Gerald, 158
- Foreign Intelligence Surveillance Act (FISA) (1978), 538, 541
- formal norms, 22–3, 36
- Forsyth, Craig J., xvii–xviii, 64–79, 376
- Fortney, D. C., 472, 473
- Foucault, Michel
 - disciplinary control, 39, 511
 - discourse, 370
 - discursive practice, 138
 - “good order” of society, 147
 - Madness and Civilization*, 140
 - normalization in modernity, 145, 149
 - panopticon, 39
 - power masked as knowledge, 141
 - punishment, 39
 - sexuality to, 370
 - social control, 39
- Fox News, 292

- Framework Convention on Tobacco Control*
(World Health Organization), 55
- France, 449
- Francis, Pope, 164, 529
- Franciscan University (Ohio), 172, 568
- Frank, K., 384–5
- Frankis, J. S., 382
- freaks, 442
- Freaks Talk Back* (Gamson), 299–300
- free markets, 468
- Freedman, E. B., 373
- Freidson, Eliot, 140, 428
- French Impressionists, 87–8
- Freud, Sigmund, 141, 229, 559
- Friedrichs, David O., 247, 250, 252, 483
- Frontex, 506, 507
- Fung, Richard, 287
- Furedi, Frank, 300
- Gaddam, S., 377
- Gagnon, John, 177, 376
- Galileo, 559
- Gallagher, James E., 181
- Galliher, L. E., 159
- Gallup polls, xv–xvi, 131, 161, 165, 213, 402
- Gamblers Anonymous, 219
- gambling, 51–60
 average net price of a play, 55
 casino gambling, 51–2, 55–7, 58–9, 156, 161–2
 decriminalization, 156, 161–2, 168
 electronic gambling machines, 55
 Internet, 59–60, 161
 Native Americans, 161
 poker, 60
 rational decision-making, 55
 revenues from, 161, 168, 554
 self-exclusion programs, 51–2, 56–7
 sin taxes, 161
 social change, 554–5
- Gamson, Joshua, 299–300, 381
- gang membership, 323
- Garcia, J. R., 371
- Garin, Geoff, 162, 164
- Garland, David, 514
- Gauthier, Dick, 182
- gay bars, 75
- gay baths, 382
- gay marriage *see* same-sex marriage
- gay rights movement, 179–83
- Geis, Gilbert, 155
- gender, 277–97
 801 Girls, 290–291
 Asian women, 287
 attention deficit hyperactivity disorder (ADHD), 456
 bigenderism, 279, 283, 288–9, 292–3
 binaries, breaking the, 289–91
 black men, 286
 black women, 286
 blackness, 286
 cisgender, 279
 cisnormativity, 279
 citizenship, American, 286
 compulsory heterosexuality, 280
 deviance, xix
 Disposable Boy Toys, 290–291
 “doing gender”, 246, 276–7, 279–81
 Facebook, 291–2
 femininity, white, 284–5
 feminism, 245
 gender performance, 279–81, 290–291
 hermaphroditism, 289
 heteromascularity, 281
 heteronormativity, xvii, 183, 280–283
 heteropatriarchy, 286
 heterosexual masculinity, 283–4
 hijras, 291
 identity politics, 289–90
 intersectionality, 282–9
 intersexuality, 385
 juvenile delinquency, 317, 318
 male ballet dancers, 281–2
 male cheerleaders, 281–2
 mental illness, 452
 monogamy, 285–6
 Native Americans, 291
 normals, 291–3
 norms, 278, 279, 380
 “pregnant man”, 277
 race, 282–9
 sexuality, 282–9
 sexualized racism, 286–7
 social construction of, 278
 sports, 281
 third gender categories, 291

- tow-spirit people, 291
- transgender people, 279–80, 385–6
- white ideals, 287–8
- whiteness, 285–6
- gender inequality, 240
- genderfuck, 289–90
- “Genderfuck”, 289–90
- genetically modified (GM) food, 529–30
- Geneva Convention, 543, 547
- geniuses, 88
- Germany, 59, 156, 179, 507, 513
- Giacalone, R., 494
- Gibbs, Jack, 8, 38, 40, 83, 564
- gifted children, 86, 88
- gifted students, 89, 94–5
- Gilbert, Mikki A., 288–9, 292
- Gillespie, Nancy, 277
- GlaxoSmithKline, 145
- globalization
 - border security, 504
 - capitalism, 468–9
 - critical criminology, 242
 - immigration, 504
 - migration policing, 505–14
 - militarization of borders, 506
 - pre-borders, 506
 - sexual deviance, 377–8
 - untrustworthy states, 506
 - visas, 506
- Globalization and Its Discontents* (Stiglitz), 468
- Goffman, Erving
 - “abominations of the body”, 265, 424, 427, 441
 - actors, 266
 - Asylums*, 176, 449–50
 - audience reactions, 266
 - Behavior in Public Places*, 176
 - “blemishes of individual character”, 109, 265
 - “deviance” (the term), 175
 - deviance as a perspective, 122
 - “discreditable” vs. “discredited” people, 265
 - hegemonic masculinity, 283–4
 - homosexuality, discussions of, 176–7
 - interactionist approach to deviance, 274
 - mental illness, 449–50
 - “normals”, 265, 292, 423, 428, 429
 - norms, 497
 - phantom acceptance and phantom normalcy, 429
 - physical characteristics as deviance, 265, 423–4
 - Presentation of Self in Everyday Life*, 176, 264–5, 266
 - “spoiled identities” (the term), 511
 - “stigma” (the term), 401
 - Stigma*, 176–7, 264–5, 423–4, 450–451
 - stigma types, 109
 - “tribal stigma”, 7, 109, 265, 424
- Good Luck Charlie* (sitcom), 182
- Goode, Erich, xiv–xxi, 3–29, 422–44, 563–82
 - atheism, 402
 - categorization as gay or straight, 129
 - “deviance” (the term), 388, 524
 - Deviant Behavior*, 183
 - Folk Devils and Moral Panics* (Cohen), 372
 - homosexuality, deviance of, 131
 - mass media, 300
 - moral panics, 113, 373
 - murder, 128
 - objective approach to deviance, 260
 - physical characteristics as deviance, 422–44
 - positive deviance, 81
 - qualitative methods, 220
 - textbook, 554
- Gordon, L. E., 381
- Goring, Charles, 228
- Gottfredson, Michael, 226–7, 233–4
- Gouldner, Alvin, 530
- Gove, Walter, 273–4, 450
- Grattet, R., 574
- graywater recycling, 480–481
- Grealy, Lucy, 434
- Green, A. I., 283, 383
- green criminology, 251
- Greenberg, D. F., 380
- Greenberg, David, xvi
- grief, 458
- Grigsby, R., 248
- Grindstaff, L., 281
- group differences, 194, 229–34
- Grov, C., 384

- Guantanamo Bay detainees, 538, 541, 543, 558
 Guerry, Andre-Michel, 197–9
 Gurd, A., 383
 Gusfield, Joseph R., 175, 272, 335–6,
 410–411, 561
 Guttmacher Institute, 165
 “guy code”, 284

 Hajek, C., 376
 Halberstam, J., 380
 Halkitis, P. N., 376
 Hall, M., 478–9
 hallucinogens, 357–8
 Halsey, M., 472–3
 Haltom, T., 281
 Han, C., 288
Handbook of Quantitative Criminology
 (Piquero and Weisburd), 192
 Harding, Jeremy, 507, 512
 Hare Krishna, 414
 harm reduction
 deviance, 9
 drug use, 168, 362–3
 environmental harms *see* environmental
 harm as deviance
 institutional review boards (IRBs), 222
 public awareness, 526–7
 restorative justice movement, 326–7
 sociology of deviance, 27
 vice, 45, 52, 54–5
 Harrison Narcotics Tax Act (1914), 359, 360
 Harvard University, 172
 Harvey, David L., 463–70
 Hausbeck, K., 384
 Hawaii, 131
 Hawley, F. F., 67
 Hay, Harry, 163
 Haymes, Stephen Nathan, 288
 Hayward, K., 116
 Health Insurance Portability and
 Accountability Act (HIPAA), 222
 Heaven’s Gate, 414
 Heckert, Daniel Alex, xviii, 80–100
 Heckert, Druann Maria, xviii, 80–100
 hegemonic masculinity, 244, 246, 283–4, 531
 hegemony
 capitalism, 466
 definition, 525
 deviance, 10
 as normal variation, 528
 norms, 4, 26, 525
 patriarchy, 242
 pervasiveness in modern society, 525
 political deviance, 523
 WASP establishment, 467
 Hendershott, Anne, 184–5, 565, 567–8, 575
 Henle, C., 494
 Henry, S., 84, 527
 Hepburn, J. R., 82
 HERA II operation, 507
 Herdt, G. H., 380
 Herek, G. M., 374
 Heritage Front, 219
 Herman-Kinney, N. J., 88
 hermaphrodites, 427
 hermaphroditism, 289
 heroes, 87
 heroin, 353
 heteromascularity, 281
 heteronormativity
 gender, 280–282
 intersectionality, 283
 as a paradigm, xvii
 sexual deviance, 371–2
 studies of, 183
 heteropatriarchy, 286
 heterosexual masculinity, 283–4
 heterosexuality, compulsory, 280
 high-consensus deviance, 16, 86
 hijras, 291
 Hillery, G. A. Jr., 88
 Hills, Stuart, 180–181
 Hillyard, D., 554–5
 Himmelstein, J. L., 159
 Hines, S., 386
 HIPAA (Health Insurance Portability and
 Accountability Act), 222
 Hirschi, Travis, 35, 96, 226–7, 232–4
 Hirschman, Linda, 182
 Hirshman, L., 164
 history, social control and study of,
 41–2
 hitchhiking, 481–2
 Hitler, Adolf, 25, 26, 551, 560
 HIV/AIDs, 370, 373–4, 425–6
 Hobbes, Thomas, 5, 576

- Hobby Lobby case (Burwell v. Hobby Lobby Stores, Inc.)*, 166
- Hobsbawm, Eric, 85
- Hochstetler, A., 216
- Holder, Eric, 545
- Hollingshead, A., 448
- Homans, G. L., 85
- homelessness, 453
- homophobia
- children's media, 182
 - condemnation of, 172, 177, 182, 184
 - as deviance, 182
 - ex-gay group, 173
 - hegemonic masculinity, 246
 - neoliberalism, 239
 - norms, 380
 - reconsideration of, 379–80
 - research about, 181, 183
 - sociology of deviance, 183, 185
 - Westboro Baptist Church, 184
- “Homosexual escort agency” (Salamon), 181–2
- homosexuality, 73–6, 172–88
- 1930s, 174
 - 1990s and 2000s, 182–3
 - acceptance of, 19, 74, 76, 131, 172, 568
 - activism, 177
 - American Psychiatric Association (APA), 131, 179
 - attractiveness, 432
 - barebackers, 376
 - bears, 376, 381
 - berdache*, 73
 - bugchasers, 376
 - categorization as gay or straight, 129
 - closets, 180
 - as a continuum, xvii
 - crime, 174
 - criminalization, 174
 - decriminalization, 157–8, 162–4
 - demedicalization of, 142–4
 - as deviance, xv–xviii, 129–30, 178
 - before deviance, 173–4
 - Diagnostic and Statistical Manual* (American Psychiatric Association), xix, 142–4, 375
 - discrimination, 74, 143, 157, 162–3, 177, 179, 182, 185, 379
 - “down low”, 380
 - early twentieth century, 130
 - Gallup polls, xv–xvi
 - gay bars, 75
 - gay baths, 382
 - gay rights movement, 179–83
 - HIV/AIDS health crisis, 373
 - homophobia as deviance, 182
 - intolerance of, 130
 - learning theory, 75
 - lifestyles, 74, 183, 185, 373, 381
 - male homosexuality, 73–6
 - as mental illness, 74
 - passing, 180
 - religious disapproval, 184
 - same-sex marriage *see* same-sex marriage
 - self-labeling, 180
 - social learning theory, 75
 - sociology of deviance, 173, 183–6, 379
 - sodomy laws, 131
 - strippers, 72
 - surveillance of gays, 75–6
 - symbolic interactionism, 379
 - textbooks, 554
 - tolerance, 379
 - Western society, 73–4
 - World Health Organization, 179
- “Homosexuality: The formulation of a sociological perspective” (Simon), 177
- hooking up, 371
- hooks, bell, 285
- Hooton, Earnest, 425
- Hoover, J. Edgar, 174
- horizontal view of deviance, 404
- Horowitz, I. L., 576
- Horton, Alicia, 438
- Horwitz, A. V., 458
- hot swapping, 132
- housing, 513
- Hubbard, L. Ron, 414
- Hughes, Langston, 73
- Hughes, R., 81
- Hume, David, 204
- humor, masculinity and, 493
- Humphrey, J. A., 81, 89, 95–6
- hunchbacks, 426–7
- Huryn, J. S., 89, 94–5
- Hutchinson, Anne, 411

- Hutchinson, D. L., 287
 Hwang, J., 381
 hyperactive syndrome, 455–6
 hyperkinesis or hyperactive behavior, 141–2
- “I” vs. “me”, 31, 266–7
 Iceland, 59
Identifying Hyperactive Children
 (Conrad), 456
- identity
 categorization as gay or straight, 129
 internalization, 264, 266
 personal identity, 31, 264, 266–7
 social identity, 31, 264, 266–7
 identity management, 268–72, 281
 identity norms, 283
 identity politics, 289–90
 idiographic approaches to knowledge, 193–4
 ILGA (International Lesbian, Gay, Bisexual,
 Trans and Intersex Association), xvi
 illegal environmental harms, 472–5, 485
 Illegal Immigration Reform and Immigrant
 Responsibility Act (1996), 508
 illegality, subcultures and, 76
 Illich, Ivan, 140
 Illinois, 131
Images of Deviance and Social Control
 (Pfohl), 184
 “Images of man and social control”
 (Stoll), 178
 immediate gratification, 233–4
 immediate sanctions, 315
 immigration, 504–20
 Arizona, 508, 512
 Australia, 508, 510, 511
 bare life, 514
 biometric identification systems, 510
 border security, 504–6
 crime, 513–14
 crimmigration law, 507–8
 databases for tracking non-citizens, 510
 deportation, 515–16
 detention, 514–15
 deviantization, 516
 digital profiling, 510
 disciplinary control, 511
 employment opportunities, 512–13
 Germany, 513
 globalization, 504
 housing, 513
 incarceration, 514
 lived experiences of irregular
 immigrants, 512
 mass media, 511
 migration policing, 505–14
 national security, 505
 neoliberalism, 504
 Netherlands, 507, 509, 510, 513
 pre-borders, 506
 social control, 576
 stereotyping, 505
 surveillance, 510
 technological mediation of borders,
 510–511
 United Kingdom, 508–9, 510
 visibility reduction, 513
 “wall around the West”, 504
 workplace immigration enforcement, 509
 Immigration and Nationality Act (1965), 508
 Immigration and Naturalization Service
 (INS), 508
 impulsivity, 455–6
 “Imputations of deviance” (Rains), 179
 incarceration
 drug use policy, 363–5
 immigration, 514
 mental illness, 453
 race, 365
 rate of, 578
 India, 144
 individual differences, 227–9
 individualism, 32
 Indonesia, 58
 informal norms, 22–3, 36
 Ingraham, C., 280
 inheritance, abolition of, 533
 innate characteristics, bearers of, 84
 Innis, M. A., 301
 Innis, M. Q., 301
 innovation, xviii, 83, 86–8, 92–3, 96
 “innovators”, 231
 INS (Immigration and Naturalization
 Service), 508
 insanity defense, 521
 institutional review boards (IRBs), 221–2
 institutional violence, 23–6

- institutionalization, 449–50
- “integration,” 232
- intellectual deviance *see* cognitive deviance
- intensive supervision programs, 325
- interactionist approach to deviance, 259–76
 - audience reactions, 262–3
 - Becker, Howard S., 108, 125, 138, 274
 - conflict theory, 263, 275
 - covering, 269–70
 - critics of, 273–4
 - deviance avowal, 271
 - deviance disavowal, 271
 - deviantization, 108–9
 - “discreditable” vs. “discredited”
 - people, 265
 - Douglas, Jack, 110–111
 - Goffman, Erving, 274
 - Kitsuse, John, 138
 - labeling theory, 262–4
 - Lemert, Edwin M., 123
 - meaning construction, 110–111, 261
 - neutralization, 270–271
 - normalization, 269–70
 - norms, 260
 - passing, 269–70
 - purification, 269–70
 - qualitative methods, 272–3
 - rule creation and enforcement, 267–8
 - secondary deviance, 263–4
 - social construction of deviance, 260
 - symbolic interactionism, 261–8, 379
 - transcendence, 269–70
 - Waksler, Frances, 110
- interest group theory, 411, 412, 417
- internalization, 264, 266
- International Classification of Diseases*, ICD-6, 142–3
- International Classification of Diseases*, ICD-9, 454
- International Classification of Diseases*, ICD-10, 455
- International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), xvi
- Internet
 - camming, 376
 - chat rooms, 376
 - cyberporn, 133
 - cybersex, 131–2, 376–7
 - gambling, 161
 - MILF (Mothers I’d Like to Fuck), 377
 - moral panics, 60, 132–3
 - personal ads, 213–14
 - pornography, 241, 376
 - prostitution, 61
 - sex workers, 384
 - sexting, 306
 - sexual deviance, 376–7
 - sociology of deviance, 577
 - subcultures, 75
 - vice, 59–61
- intersectionality
 - critical criminology, 245, 247
 - feminism, 245
 - gender, 282–9
 - heteronormativity, 283
 - masculinity, 247
 - power, 283
 - race, 282–9
 - sexuality, 282–9
- Intersex Society of North America (ISNA), 385
- intersexuality, 385
- intimacy, counterfeit, 71–2
- IQ, juvenile delinquency and, 321
- Iran, 58
- IRBs (institutional review boards), 221–2
- Ireland, 559
- irony, 124
- irritability, juvenile delinquency and, 321
- Irvine, J., 375
- Irwin, K., 84, 88–9
- Islam, 332
- ISNA (Intersex Society of North America), 385
- isolation, social, 96, 448
- Jackson, C. A., 384
- Jacobellis v. Ohio*, 45
- Janowitz, Morris, 38
- Jefferson, Thomas, 67
- Jeffreys, S., 378
- Jellinek, E. M., 337
- Jenkins, P., 373
- Jensen, R., 241
- job discrimination, 70, 430
- Johnston, A., 495

- Joint Workplace Enforcement Pilot (JWEP), 509
- Jonason, P. K., 371
- Jones, A. L., 82, 89
- Jones, Nikki, 245
- Joplin, Janis, 96
- Jorgensen, Christine, 386
- Judge, T. A., 494
- Jungle* (Sinclair), 526–7
- junk poaching, 479
- Jurkiewicz, C., 494
- “Just Say No” campaign, 159, 360
- juvenile courts, 314, 315, 325
- juvenile delinquency, 313–30
- Asian Americans, 318
 - associating with delinquent peers, 323
 - attractive targets, presence of, 325
 - background factors, 321–4
 - blended sentences, 325
 - boot camps, 315, 325–6
 - brain science, 313
 - causes, 319–25
 - children, changing view of, 314–15
 - children, parental neglect of, 322
 - “code of the street”, 320
 - community, type of, 324–5
 - conformity, 320
 - correctional system, separate, 314, 315
 - death penalty for juveniles, 315–16
 - definition, 313–14
 - deterrence programs, 326
 - discrimination, 319, 327
 - drug use, 324
 - due process rights, 314
 - extent of, 317–18
 - family factors, 322
 - female offenders, 321
 - gang membership, 323
 - gender, 317, 318
 - immaturity of juveniles, 316
 - immediate sanctions, 315
 - individual traits, 321–2
 - intensive supervision programs, 325
 - intermediate sanctions, 325–6
 - “invention” of, 314–15
 - IQ, 321
 - irritability, 321
 - labeling theory, 321, 326–7
 - learning theory, 319–20, 323
 - mandatory minimum sentences, 325
 - media violence, 324
 - Native Americans, 318
 - nature of, 314–16
 - race, 318
 - rehabilitation and prevention programs, 327–8
 - religion, 323
 - restorative justice movement, 326–7
 - “Saints” vs. “Roughnecks”, 316–17
 - Scared Straight-type programs, 325–6
 - school experience, 323
 - secondary deviance, 263–4
 - self-control, 320–322
 - situational characteristics, 324
 - social class, 316–17, 318
 - social construction of, 316–17
 - social control, 320
 - social reformers, 315
 - socio-demographic characteristics, 318
 - status offenses, 314, 315, 317
 - strain theory, 322
 - “super predators”, 315
 - Tannenbaum, Frank, 36
 - theories of, 319–21
 - U. S. Supreme Court, 314, 325
- juvenile justice system, 325, 327
- JWEP (Joint Workplace Enforcement Pilot), 509
- Kadish, Sanford, 155
- Kaelber, Lutz, 424–5
- Kamens, S. R., 375
- Katz, Irving, 427, 441
- Katz, Jack, 116, 275
- Keller, Kevin (Archie comic books character), 182
- Kempadoo, K., 377
- Kervorkian, Jack, 166, 167
- Kessler, Ronald, 458
- Kessler, S. J., 385
- ketamine, 354, 358
- Khosravi, S., 512
- Kiddler, D., 492
- Kidwell, R. E., 491
- killing, 128
- Kim, J. C., 371

- Kinney, D. A., 88
 Kipnis, Laura, 127
 Kirk, Marshall, 568
 Kitsuse, John
 "deviance" (the term), 403
 deviantization, 92
 homosexuals, differentiation of, 180
 interactionist approach to deviance, 138
 labeling theory, 123
 putative deviance, 139
 "Societal reaction to deviant behavior", 178
 Klein, Mark, 523
 Kleinplatz, P. J., 375
 Knight, K., 371
 Knowledge
 "dirty", 220–221
 idiographic vs. nomothetic approaches to, 193–4
 power masked as, 141
 Konty, Mark, 577
 Kooistra, Paul, 85, 560
 Kraft-Ebing, Richard von, 173–4
 Kramer, Peter, 457
 Krauthammer, C., 127
 Kulik, C. T., 383
 Kurlychek, M. C., 325
- labeling theory
 ascribed deviance, 126
 audience reactions, 268
 Becker, Howard S., 123–4, 176, 262–3
 cognitive deviance, 411–12
 conflict theory, 178, 263, 573
 constructionist theories, 14–15
 criminology, 574
 critics of, 275
 deviance, 369
 deviance studies, 108
 differential association theory, 93
 interactionist approach to deviance, 262–4
 juvenile delinquency, 321, 326–7
 Kitsuse, John, 123
 mental illness, 275, 448–9, 459
 "modified" labeling theory, 459
 Outsiders (Becker), 263
 "package deal", 451
 political power underlying, 522
 positive deviance, 92–4
 power, 263
 Schur, Edwin M., 262–3
 self-fulfilling prophecy, deviance as, 269
 self-labeling, 180, 268
 social control, 39
 social identity, 264
 variability of labeling, 122
Labeling Women Deviant (Schur), 262–3
 LaCapra, D., 90
 Lancaster, R. M., 373
 Landridge, D., 372
 Lane, Christopher, 144–5
 Langlois, Judith, 431–2
 Laser, Rachel, 156
 Laub, J. H., 574
 Lauder, Matthew, 219
 Lauderdale, Pat, xx, 521–36
- law
 conflict theory, 94
 criminal law, 471–2, 507
 crimmigration law, 507–8
 environmental harm as deviance, 471–2
 insanity defense, 521
 legal environmental harms, 475–7, 483
 mala in se offenses, 260
 mala prohibita offenses, 260
 mens rea principle, 521
 personalization of legal cases, 473
 social control, 34
 status offense laws, 315
 trials, political analysis of, 531–2
 "ugly laws", 6, 434–5
 "lawful but awful" practices, 476
 Lawrence, T. B., 492
 Lawrence, T. E., 73
Lawrence v. Texas, 131
 Lea, J., 244
- learning theory
 crime, 231, 234
 deviance, 231–2
 homosexuality, 75
 juvenile delinquency, 319–20, 323
 normative violations, 229
 prostitution, 69
 sexual deviance, 75
 Sutherland, Edwin H., 231–2
 violence, 324
 see also differential association theory

- Left Realism, 37–8, 244
- left-handedness, 121
- legal environmental harms, 475–7, 483
- Legalized Medical Marijuana Sales
 - Compassionate Use Act (California, 1996), 360
- Leitzel, Jim, xv, 45–63
- LeMay, Curtis, 560
- Lemert, Edwin M.
 - cross-cultural deviance, 93
 - “deviation” defined, 13
 - interactionist approach to deviance, 123
 - primary vs. secondary deviance, 36, 92, 124, 264
 - putative deviance, 125–6
 - social control, 36
- Lenza, M., 248
- Leopold II, King, 25
- Lerum, K., 384
- lesbian subculture, 381–2
- Leshner, Alan, 345–6
- Lever, J., 376
- LeVey, Anton, 415–16
- Levine, H. G., 159, 168, 333
- Lewis, Jerry, 430
- LGBT (the abbreviation), xvii
- LGBT people, 177
- LGBT studies, 172, 381
- Li, L., 67
- Li, N. P., 371
- Liazos, Alexander, 23, 179, 530, 565, 567, 575
- Liebowitz, M., 576
- “lifestyle” (the term), 143
- lifestyles
 - acceptability, 19
 - definition, 64
 - deviant behaviors, 65
 - drag queens and transvestites, 183
 - economic or social class-based, 64
 - ethnographies, 200
 - HIV/AIDS health crisis, 373
 - homosexuality, 74, 183, 185, 373, 381
 - oil service industry prostitutes, 69–70
 - passing and covering, 270
 - subcultures compared to, 64–5
 - see also* subcultures
- Limbaugh, Rush, 164
- Lincoln, Abraham, 67
- Lincoln, Nebraska, 434
- Lindesmith, Alfred R., 160
- line drying, 480
- Link, Bruce, 451, 457, 459, 574
- Linton, R., 91
- Linton, Simi, 428
- Little, C. B., 91
- Littman, M., 482
- Litzky, B., 492
- Lofland, John, 178, 409
- Lofland, L., 272
- Logic of Charity* (van Leeuwen), 42
- Lombroso, Cesare, 121, 227–8, 229
- Lonc, Christopher, 289–90
- London, 482
- London, Jack, 463
- Long, J. S., 457
- “looking-glass self”, 266
- Losing Ground* (Murray), 467–8
- Louisiana, 66
- low-consensus deviance, 18, 86
- “Low-T”, 147
- loyalties, appealing to higher, 270–271
- Lozano, H., 376
- LSD, 351, 352, 357–8
- Lucas, Malcolm, 159
- Luckenbill, D. F., 81
- Luther, Lex (comic book supervillain), 307
- Lynch, M. J., 476
- Lyon, David, 41
- Macau, 58
- MacCoun, R. J., 159
- MADD (Mothers Against Drunk Driving), 340, 529
- Madness and Civilization* (Foucault), 140
- Madsen, Hunter, 568
- Maine, 130
- mala in se* offenses, 260
- mala prohibita* offenses, 260
- Malaysia, 58
- male ballet dancers, 281–2
- male cheerleaders, 281–2
- Malebranche, D., 380
- Malthus, Thomas Robert, 465–6
- management behaviors, 492, 498
- management discipline, 491, 496–7
- mandatory minimum sentences, 325, 364

- Mandela, Nelson, 529, 551, 554
 Mankoff, M., 126
 Manning, Bradley/Chelsea, 523
 Mansfield, Jayne, 416
 Manson, Charles, 416
 Maratea, R. J., 132
 Mares, D., 483
 marginalized groups, 129
 Marihuana Tax Act (1937), 213, 267, 359–60
 marijuana (cannabis)
 audience reactions, 274–5
 availability, 362
 Becker, Howard S., 106–7, 219, 576
 decriminalization, 156, 167–8, 267
 delta-9-trans-tetrahydrocannabinol (THC), 358–9
 European laws, 160
 legalization, 57–8, 158, 161, 274–5, 346, 577–8
 low-consensus deviance, 86
 medical marijuana, 160
 middle-class youth, 159
 Netherlands, 48, 58
 prohibitions on, 58
 psychoactive agent, 358–9
 safety, 359
 social change, 555
 therapeutic ratio, 352
 Marolla, J., 20
 marriage equality *see* same-sex marriage
 Martin, C. L., 491
 Martin, J. K., 457
 Martinez, Antonio, 308
 Marx, G., 513
 Marx, Karl, 37, 244, 463, 465, 466
 Maryland, 130
 masculinity, 281–4
 bears, 376, 381
 corporate, 246
 critical criminology, 246–7
 “guy code”, 284
 hegemonic masculinity, 244, 246, 283–4, 531
 heteromascularity, 281
 heterosexual masculinity, 283–4
 humor, 493
 intersectionality, 247
 male ballet dancers, 281–2
 male cheerleaders, 281–2
 theories of, 246–7
 Mason, B., 380
 mass death, 23, 25–6, 324, 565
 mass media, 112–18, 298–310
 bloggers, 305
 children’s media, 182
 claims-makers, 304, 309
 crime, 553
 crime, news about, 302
 cultural categories, control over, 301
 defining deviance down or up, 301
 deviance as carnival, 117–18
 deviance as cultural commodity, 118
 deviant events, 112–13
 deviantization, 112–18
 disabled people, 430
 evaluations of deviance, 300, 302
 exaggeration and sensationalism, 303–4
 extreme deviance, 118
 fear, use of, 307–8
 homophobia, 182
 immigration, 511
 media reconstructions, 112–13
 moral panics, 300, 304
 niche media, 300
 obesity, 439
 principles about presenting deviance in, 298
 public perceptions, 301, 302
 rare behaviors and scenarios, 304
 redemption, opportunities for, 306
 scenarios, 112–14, 116–17
 sexting, 306
 social control, 300
 social media, 243, 305
 stereotypes, 300, 304
 stigma contests, 112–14
 stigma movies, 112–13
 television, 302–3
 uniqueness of each, 299
 mass murder, 86
 Massachusetts, 162, 163
 Massey, S. G., 371
 Massing, H., 159
 Mather, Cotton, 333
 Matsueda, R. L., 574
 Mattachine Society, 163

- Matza, David
 Becker, Howard S., 106, 107
Becoming Deviant, 178
 “becoming deviant”, 107
 disreputable poor, 463
 irony, 124
 neutralization, 270
 pauperization, 469
 signification, 107
 social disorganization theory, 105–6
- Mauritius, 172
- McCaghy, C. H., 72
- McCain, John, 543
- McCall, P., 384
- McCarthy, Eugene, 528
- McFarlane, P. T., 91, 93
- McGillivray, D., 471
- McGrath, S. A., 88
- McKay, Henry, 226, 229–30
- McLuhan, Marshall, 301
- McCarthy, Justin, 168
- McMartin Preschool sexual abuse case, 417
- “me” vs. “I”, 31, 266–7
- Mead, George Herbert, 31–2, 33, 38, 42, 261, 266–7
- meaning construction, 109–11, 114–17, 210, 261–2
- Means, Russell, 529
- medical-disease orientation to deviant drinking, 334
- medicalization of deviance, 137–53
 adult ADHD, 142
 biological criminology, 147
 biomedicalization, 140, 144–6
 biotechnology, 146–8
 children, 141–4
 consequences, 137–8
 cyclicity of, 138
 definition, 274
 demedicalization of homosexuality, 142–4
 direct-to-consumer advertising, 147–8
 “good order” of society, 147
 hyperkinesis or hyperactive behavior, 141–2
 medical culture, 140
 medical expansion, 140–141
 medical institutions, 140
 medical marijuana, 160
 medical personnel, 140
 medical social control, 140
 mental illness, 140–142
 molecular genetics, 145–6
 moral entrepreneurs, 138
 nation state, 140
 neurobiology, 147
 the new normal, 148
 normalization in modernity, 145, 149
 period of medicalization, 146
 pharmaceuticalization, 140, 144–6
 power masked as knowledge, 141
 putative deviance, 139
 risk reduction, 146–8
 “screen and intervene” logic, 148
 selective serotonin reuptake inhibitors (SSRIs), 145
 self-medicated patients, 148
 shyness, 144–5
 social anxiety disorder (SAD), 144–5
- medicalization of sex, 374–5
- Medina, T. R., 451, 457
- Meese, Edwin, III, 303
- Meese Commission (Attorney General’s Commission on Pornography), 157
- Meier, Robert F., xix, 81, 225–35
- Meir, Golda, 539
- Melville, Herman, 73
- Mental Disorders in Urban Areas* (Faris and Dunham), 448
- mental illness, 447–62
 antidepressant medications, 458
 antipsychotic medication, 449, 452
 attention deficit hyperactivity disorder (ADHD), 447, 448, 455–6
 bereavement, 458
 biomedical approach, 454
 “career” of being a mental patient, 449–50
 children, 448
 cities, 448
 deinstitutionalization, 449, 452–3
 depression, 451, 457–8
 deviance, xix, 126–7, 447–62
Diagnostic and Statistical Manual (American Psychiatric Association), 454–5
 diagnostic expansion, 454–8

- discrimination, 452
- gender, 452
- Goffman, Erving, 449–50
- homelessness, 453
- homosexuality as, 74
- hyperactive syndrome, 455–6
- impulsivity, 455–6
- incarceration, 453
- insanity defense, 521
- institutionalization, 449–50
- labeling theory, 275, 448–9, 459
- medicalization of deviance, 140–142
- “package deal”, 451
- pharmaceuticalization, 458
- poverty, 448
- reinstitutionalization, 453
- “revolving door” policy, 453
- sadness, 457
- schizophrenia, 449, 451
- selective serotonin reuptake inhibitors (SSRIs), 457
- social class, 448
- social isolation, 448
- as a social role, 448–50
- sociological research, 447
- Merriwether, A., 371
- Merton, Robert K.
 - anomie, 90, 226, 230–231, 523
 - Becker, Howard S., 125
 - cities, 90–91
 - conformity, 92
 - “deviance” (the term), 403
 - “deviate” behavior, 12–13, 175
 - Humphrey and Schmalleger, 95–6
 - “innovators”, 231
 - obliteration by incorporation, 572
 - relative deprivation, 244
 - retreatism, 573
 - science, 88
 - self-fulfilling prophecy, deviance as, 124–5
 - “Social Structure and Anomie”, 26, 175
 - Social Theory and Social Structure*, 13
 - sociology of crime and deviant behavior, 35
 - success to, 463
 - suicidal prophecy, 125
- Messerschmidt, James, 246–7
- Messner, S. F., 231
- methods *see* qualitative methods; quantitative methods
- Metzl, Jonathan, 453
- Mexico, 54, 58, 172, 377
- Meyers, Seth, 160–161
- Michaelangelo, 73
- Michelle Remembers* (Pazder and Smith), 418
- middle finger, 261–2
- midgets, 427
- Mies, M., 530, 531
- MILF (Mothers I’d Like to Fuck), 377
- Milk, Harvey, 162–3
- Mill, John Stuart, 46, 47, 52, 55, 155, 166
- Miller, J. M., 569, 571–2
- Millett, G., 380
- Mills, C. Wright, 128–9, 530, 563
- Mind, Self, and Society* (Mead), 261
- Minneapolis, 482
- Minton, Henry, xv, xviii
- mistresses, 69
- “modified” labeling theory, 459
- Mohamud, Mohamed Osman, 308
- Mohler, Albert, 165
- molecular genetics, 145–6
- Monette, D., 82
- Mongeau, R. A., 371
- monogamy, 285–6
- Monsanto, 529
- “monsters”, 426
- Montana, 167
- Moonies, 409–10
- moral boundaries, crossing, 523–6
- moral boundaries, political deviance
 - approach to defining, 528–32
- moral entrepreneurs
 - Becker, Howard S., 138
 - binge drinking, 341
 - cockfighting, 65
 - cognitive deviance, 411
 - deviance, 3–4
 - medicalization of deviance, 138
 - positive deviance, 86
 - rule creators, 267
 - rule enforcers, 267
 - types, 267
- moral integration, 407
- Moral Majority, 373
- “Moral Majority”, 164

- moral panics
 - definition, 113
 - deviance, 112
 - deviantization, 113
 - drug use, 159–60
 - Internet, 60, 132–3
 - mass media, 300, 304
 - Satanism scare, 416
 - scenarios, 113
 - sex panics, 372–3
 - sex trafficking, 378
 - social control, 304
 - Sutherland, Edwin H., 373
- “Moral passage” (Gusfield), 178
- moral stain, 463
- Moran, Richard, 137
- Morgan Stanley, 161
- Mormon Church, 413
- Moser, C., 375
- Mosher, Clayton J., 349–68
- Moskowitz, D. A., 376
- Moss, H. B., 342
- Mothers Against Drunk Driving (MADD), 340, 529
- Mourdock, Richard, 156
- Moynihan, Daniel Patrick, 126–7
- Mubenga, Jimmy, 515
- Muckrakers, 526–7
- Mulford, H. A., 338
- Mullen, Michael, 163, 164
- Mullins, C. W., 247
- Munich Olympics (1972), 539
- Munoz-Laboy, M. A., 382
- murder, 128
- murderers, 228, 477
- Murray, Charles, 467–8
- Mustang Ranch, 384
- muteness, 427
- mutual deviantization, 19–20
- Myth of Mental Illness* (Szasz), 175–6
- NAAFA (National Association of Fat Acceptance), 219
- Nadelman, E. A., 159
- Nadelmann, Ethan, 168
- Nader, Ralph, 528–9
- NAFTA (North American Free Trade Agreement), 525, 529, 533
- Narcotics Anonymous, 212, 219
- narrative studies, 573
- National Allegations Database (UK), 509
- National Association of Fat Acceptance (NAAFA), 219
- National Gambling Impact Study Commission, 161
- National Institute on Alcohol Abuse and Alcoholism (NIAAA), 337, 339, 342, 346
- National Institute on Drug Abuse (NIDA), 345–6, 365
- National Longitudinal Study of Adolescent Health, 437
- National Minimum Drinking Age Act (1984), 340
- national security, 505, 543, 544, 546
- National Security Agency (NSA), 307
- Native American Church, 358
- Native Americans, 24, 58, 161, 291, 318
- Natural Death Act (California, 1976), 167
- negative deviance, 84
- Neighborhood Watch programs, 327
- neoliberalism, 468, 504
- Nepal, 172
- Netherlands
 - drug use policy, 156, 160
 - immigration, 507, 509, 510, 513
 - public sex, 382
 - sale of marijuana (cannabis), 48, 58
- Nettler, Gwynn, 11
- Neuro* (Rose and Abi-Rached), 146–7
- neurobiology, 147
- neurtransmitters, 350
- neutralization, 66, 270–271, 490
- Nevada, 554
- New Criminology* (Taylor, Walton and Young), 245
- New Deal, 467
- New Jersey, 161, 554
- New Jersey Supreme Court, 177
- new normal, 127, 148
- New Orleans, 75
- New Slave Trade, 378
- New Social Science Movement, 467
- New York City, 75, 304, 482
- New York Post* (newspaper), 299
- New York State, 161
- New York Times* (newspaper), 299, 439, 441

- New Zealand, 59, 172, 578
 Newbold, G., 248
 Newmahr, Stacy, 219, 387
 NIAAA (National Institute on Alcohol Abuse and Alcoholism), 337, 339, 342, 346
 nicotine, 355
 NIDA (National Institute on Drug Abuse), 345–6, 365
 9/11 (September 11), 41, 118, 241, 539, 558
 nomothetic approaches to knowledge, 193–4
 non-consensual sex, 387–8
 Nordling, N., 387
 Norland, S., 82, 94
 “normal” drinking, 347
 normalization, 269–70
 normalization in modernity, 145, 149
 “normals”, 6, 265, 291–3, 423, 428, 429
 norms, 3–6, 402–10, 431–5
 aesthetic norms, 427, 431–5
 alcohol consumption, 332
 audience reactions, 403–5
 beliefs, 402–3
 cognitive deviance, 402–3, 406–10, 419
 consensus, 525
 culture, 565
 deviance, 3–6, 81–2, 104, 123, 175
 formal norms, 22–3, 36
 gender, 278, 279, 380
 Goffman, Erving, 497
 hegemony, 4, 26, 525
 homophobia, 380
 idealized vs. realistic planes, 85
 identity norms, 283
 informal norms, 22–3, 36
 interactionist approach to deviance, 260
 Mills, C. Wright, 128–9
 organizational norms, 491, 494–5
 North American Free Trade Agreement (NAFTA), 525, 529, 533
 North Korea, xxi, 406
 Norway, 59, 179, 243
 NSA (National Security Agency), 307
 nudges, 53
 Nunn, C. Z., 91–2
 Nuremberg trials, 26
 Nuttbrock, L., 381
 Nye, Ivan, 199
 Obama, Barack
 same-sex marriage, 131, 172
 sexual orientation in the military, 163
 terrorism and counterterrorism, 540, 541, 543, 544
 Obama administration, 156
 obesity, 438–41, 442
 objectivism, 9
 obliteration by incorporation, 572–4
 O’Brien, E., 383
 occupational alcoholism, 339
 Oden, M. H., 88
 Ogas, O., 377
 Ohlin, L., 91, 96
 oil service industry, prostitution in, 69–70
 Oliverio, Annamarie, 530
 Omaha, 435
 Onondaga Community College, 173
 opiates, 356–7
 Oregon, 167
 organizational cultures, 495
 organizational deviance, 488–503
 absenteeism, 490
 agency, problem with, 497–8
 alternative names for, 491
 anti-social behavior, 491
 benefits for organizations, 497
 categories of, 492
 contextualization, 492–3, 495
 definition, 491
 dysfunctional behavior, 491
 employee deviance, 489, 491, 497–8
 intrapersonal traits, 494–5
 management behaviors, 492, 498
 management discipline, 491, 496–7
 organizational cultures, 495
 organizational misbehavior, 491
 organizational norms, 491, 494–5
 production deviance, 492
 property deviance, 492
 quantitative methods, 497
 research on, 489–95, 496–8
 sabotage, 490, 492
 scope of, 492
 social construction of deviance, 497
 theft, 492
 time-wasting, 490
 workplace deviance, 488–9

- organizational misbehavior, 491
- Oswald, Lee Harvey, 530
- Other, the, 284
- Other Side* (Becker), 178
- Outer Mongolia, 68
- Outsiders: Studies in the Sociology of Deviance* (Becker), 13, 103–5, 106, 176, 219, 262–3
- overconformity, 85–6
- “package deal”, 451
- Packer, Herbert, 155, 166
- Padilla, Jose, 543
- Pager, D., 574
- Pakistan, 539–40, 545
- Palestine Liberation Organization (PLO), 539
- Palin, Sarah, 306
- Palmer, S., 81
- panopticon, 39
- paranormal narratives, 118–19
- paraplegics, 440
- Paris, 482
- Parsons, J. T., 376
- Parsons, Talcott, 35, 137, 139, 555
- “partial birth abortion”, 165
- party girls, 69
- Pascoe, C. J., 380
- Passas, N., 472, 475, 483
- passing, 180, 269–70
- patriarchy, 242, 245, 286
- Patriot Act (2001), 538, 541, 543
- Patton, Venetria K., 285
- pauperization, 469
- Paxil, 145
- Pazder, Lawrence, 418
- PCP, 354, 358
- peacemaking criminology, 247–8
- Pederson, O. W., 471
- pedicab driving, 479–80
- Peltier, Leonard, 529
- Pendleton, M. R., 474
- Pennsylvania, 161
- People’s Temple, 414
- Pepinsky, Harold, 247
- Peppet, S. R., 61
- period of medicalization, 146
- Perrin, Robin D., 401–21
- personal identity
 - “I” vs. “me”, 31, 266–7
 - internalization, 264, 266
 - “looking-glass self”, 266
- personal responsibility for crime, 147, 313
- personal responsibility for one’s physical
 - characteristics, 424, 439–40, 441
- “personhood” measures, 165
- Perspectives on Marginality* (McIntosh), 180
- Peru, 172
- Pescosolido, B. A., 451, 457
- Petersilia, Joan, 160
- Peutz, N., 516
- Pew Research Poll, 163, 165, 274, 307, 577–8
- Pfohl, Stephen, 184
- Pfuhl, E., 84
- phantom acceptance and phantom
 - normalcy, 429
- pharmaceuticalization, 140, 144–6, 458
- Phelan, J. C., 451, 457
- Phillips, Kevin, 466–7
- Phoenix, 512
- Phoenix Police Department, 308
- physical characteristics as deviance, 422–44
 - “abominations of the body”, 265, 424, 427, 441
 - accommodation, 429
 - aesthetic norms, 427, 431–5
 - albinos, 427
 - ambivalence, 427–8, 429, 441
 - attractiveness, 431–2, 441–2
 - beauty, 442
 - birthmarks, 435
 - “blame the victim”, 425
 - blindness, 427, 440
 - deafness, 427
 - deformities, 426–8
 - deviance, 6–7
 - “differently ables”, 428
 - dwarfs, 427
 - eugenics movement, 425
 - extreme body modifications, 438
 - freaks, 442
 - Goffman, Erving, 109, 265, 423–4
 - hermaphrodites, 427
 - hunchbacks, 426–7
 - job discrimination, 430
 - midgets, 427

- “monsters”, 426
- muteness, 427
- Nazi Germany, 424–5
- obesity, 438–41, 442
- paraplegics, 440
- phantom acceptance and phantom normalcy, 429
- physical disability, 428–31
- presumed character defects, 440
- responsibility, personal, 424, 439–40, 441
- “self-inflicted damnation”, 440
- sterilization, involuntary, 425
- tattoos, 425, 436–7, 442
- tertiary deviance, 430
- ugliness, 431, 433–5
- “ugly laws”, 6, 434–5
- vulnerability, our own, 428
- physical mobility, 230
- Pigovian Tax, 49–50
- Piquero, A. R., 80
- Pitts, Jesse, 140
- Piven, Frances Fox, 34
- Planned Parenthood, 166
- Plato, 426, 576
- PLO (Palestine Liberation Organization), 539
- Plummer, Kenneth, 15, 180, 380, 574
- poker, 60
- Pol Pot, 25, 551, 560
- Polanyi, Karl, 464
- policing
 - biometric identification systems, 510
 - crowd-sourced policing, 305
 - databases for tracking non-citizens, 510
 - detention of immigrants, 514–15
 - digital profiling, 510
 - migration policing, 505–14
 - neurological biomarkers, 147, 540
 - pseudo-police work, 305
 - sting operations, 307–8
 - stop and frisk practices, 240
 - surveillance, 308, 510
 - zero tolerance policing, 240
- political criminals, 560–562
- political deviance, 521–36, 557–62
 - anomie, 523
 - assassinations, 530, 558
 - categories, 557
 - crimes against the society, 557
 - crimes against the state, 557
 - crimes committed by the government, 557
 - definition, 521
 - differential association theory, 523
 - genetically modified (GM) food, 529–30
 - hegemony, 523
 - hegemony as normal variation, 528
 - inheritance, abolition of, 533
 - mens rea* principle, 521
 - moral boundaries, crossing, 523–6
 - moral boundaries, defining, 528–32
 - Muckrakers, 526–7
 - political criminals, 560–562
 - political justice, 557–8
 - political power underlying labeling theory, 522
 - political terrorism, 530–531
 - political trials, 558–60
 - power, xx
 - Puritans, 531
 - social change, 557–62
 - stereotyping, 527
 - subcultures, 523
 - trials, political analysis of, 531–2
 - witchcraft trials, 531
- political incorrectness, 127
- political scapegoating, 377–8
- political terrorism, 530–531
- political trials, 558–60
- politics
 - deviance, 557
 - deviance definition, 576
 - identity politics, 289–90
 - power, 557
 - status politics, 410–411
- Politics of Deviance* (Hendershott), 184–5
- Politics of Life Itself* (Rose), 146
- Polsky, Ned, 424, 576
- pornography
 - bukkabe porn, 377
 - child pornography, 157, 214
 - critical criminology, 241–2, 243
 - cyberporn, 133
 - Internet, 59–60, 241, 376
 - obesity, 441
 - porn actresses, 384
 - rational decision-making, 54

- Porter, Cole, 73
 Porter, J., 383
 Portland, Oregon, 407–8, 434
 Portugal, 58, 160
 positive deviance, 80–100
 acceptance, 80
 altruism, 83, 86, 91, 93
 anomie, 90, 96
 charisma, 83, 86, 90, 91, 93
 cities, 90–91
 consequences, negative, 89
 contextualization of, 88–9, 93
 cultural support theories, 91
 definition, xviii, 80–82
 deviance admiration, 85
 examples, 82–4
 ex-deviants, 84
 French Impressionists, 87–8
 geniuses, 88
 gifted students, 89, 94–5
 heroes, 87
 high achiever s, 95
 innate characteristics, bearers of, 84
 innovation, 83, 86–8, 92–3, 96
 labeling theory, 92–4
 moral entrepreneurs, 86
 overconformity, 85–6
 power, 94
 prophets, religious, 87
 rate-busting, 85
 recognition of, 88
 research, 94–6
 science, 88
 social bond theory, 95, 96
 social isolation, 96
 supra-conformity, 83
 tattoos, 89
 theoretical analysis of, 89–94
 typology, 84–6
 positivism, 228
 Posner, J., 89
 Posner, R. A., 546
 post-colonial studies, 573
Poster Child (Rupp), 422–3
 postmodern criminology, 249–51
 postmodernism, 573
 Pound, Roscoe, 34
 poverty, 463–75
 “blame the victim”, 465–6
 capitalism, 464, 466–7
 class warfare, 469
 deviance, 230
 disrepute, 463–75
 disrepute as a process, 464–5
 free markets, 468
 ideological construction of disrepute, 465–6
 Malthus, Thomas, 465–6, 467–8
 Marx, Karl, 465
 mental illness, 448
 moral stain, 463
 neoliberalism, 468
 pauperization, 469
 “Red Necks”, 470
 self-regulating markets, 464
 social exclusion, 464
 Stranger role, 469
 superfluous populations, 464, 466
 “Uncle Tom”, 470
 Vanquished role, 469–70
 wealth and power, distribution of, 468–9
 power
 audience reactions, 405
 conflict theory, 94, 263
 definition, 111
 deviance, 524–5, 560
 deviantization, 111–12
 diffusion of, 533
 discrimination, 451
 “diversity”, 533
 intersectionality, 283
 knowledge, power masked as, 141
 labeling theory, 263
 political deviance, xx
 politics, 557
 positive deviance, 94
 Prohibition, 359
 rape, 561
 Schur, Edwin M., 111–12
 sexuality, 370
 social change, 556
 status politics, 410–411
 stigma contests, 111
 wealth, 468–9
 pre-borders, 506
 “pre-gaming”, 342

- “pregnant man”, 277
- Presbyterianism, 405
- prescriptions, 50–51
- Presentation of Self in Everyday Life* (Goffman), 176, 264–5, 266
- presenteeism in the workplace, 343
- Preston, J. D., 70–72
- primary deviation, 36, 92, 264
- Principles of Criminology* (Sutherland), 13
- Principles of Political Economy* (Mill), 52
- problem drinker, discovery of, 337–8
- “problem drinking” (the term), 333
- Professional Thief* (Sutherland), 202–4
- “prohibition” (the term), 48
- Prohibition, 336–7, 359, 561
- Prohibition, Repeal of (1933), 333–4
- prohibitive-health orientation to deviant drinking, 334
- prohibitive-moral orientation to deviant drinking, 333
- prophets, religious, 87
- Proposition 36 (California, 2000), 168
- prostitution
 - ancient, 68
 - arrests, 60
 - career climbers, 69
 - children, 377
 - decriminalization, 157
 - definition, 69
 - female prostitution, 68–70
 - Internet, 60, 61
 - learning theory, 69
 - mistresses, 69
 - oil service industry, 69–70
 - part--time prostitution, 64
 - party girls, 69
 - present-day image, 68
 - rational decision-making, 54
 - sex-for-money ethic, 69
 - street prostitutes, 383–4
 - tolerance, 59
 - traditional perspective on, 68–9
- protectionism, social control and, 576
- Proust, Marcel, 73
- Provine, D. M., 508
- Prozac, 145
- Pryor, D., 373
- psychedelics, 357
- psychiatrists, 454
- psychoactive drugs, 349, 351–4, 354–9, 561
- Psychopathia Sexualis* (Kraft-Ebing), 173–4
- Ptacek, J., 248
- public health, 552’
- public opinion
 - Gallup polls, xv–xvi, 131, 161, 165, 213, 402
 - Pew Research Poll, 163, 165, 274, 307, 577–8
 - public perceptions, 301, 302
 - see also* audience reactions
- Public Religion Research Institute, 156
- public sex, 382–3
- punishment, 39
- pure deviant behavior, 268
- Pure Food and Drug Act (1906), 359
- purification, 269–70
- Puritans, 411, 525–6, 531
- Purkis, J., 481
- putative deviance, 125–6, 139
- Quakers, 114, 177
- qualitative methods, 210–224
 - analytic induction, 200–201
 - benefits, 217–18
 - Chicago School, 199
 - confidentiality, 220
 - contextualization, 217
 - covert research, 219
 - “dirty knowledge”, 220–221
 - documents and artifacts, examination of, 212–14
 - emphases, 210
 - ethical issues, 220–221
 - focus groups, 214–15
 - generalization, 195
 - identifying, accessing subjects, 218, 272–3
 - incarcerated offenders, data from, 216
 - informed consent, 220
 - institutional review boards (IRBs), 221–2
 - interactionist approach to deviance, 272–3
 - interviews, one-on-one, 215–17
 - limits, 218–19
 - meaning construction, 210
 - new areas of inquiry, 210
 - observational methods, 210–212, 218–19

- qualitative methods (*cont'd*)
 - public behavior, 220
 - quantitative methods compared to, 191–3, 206
 - setting, 220
 - sociology of deviance, 192
 - subjective conclusions, 206
 - theory generation, 217–18
 - trust, 272
 - understanding of experience for actors, 217
- quantitative methods, 191–209
 - antecedents in deviance literature, 200–204
 - benefits, 194, 206
 - categories, differences among, 194
 - central tendency, 206
 - coefficient of determination (R^2), 193
 - completeness of understanding, 193–4, 205
 - confidence intervals, 207
 - contemporary methods, 205–7
 - criminology, 192
 - cultural deviance theory, 200
 - descriptive statistics, 206–7
 - deterministic models, 199–201, 205
 - effects of limited factors on narrowly-define outcomes, 205
 - French contributions, 197–9
 - generalization, 194–7
 - goals, 192–7
 - idiographic vs. nomothetic approaches to knowledge, 193–4
 - inferential statistics, 207
 - meaningfulness, 195
 - organizational deviance, 497
 - probabilistic reasoning, 201, 205
 - p-values, 194–5, 196
 - qualitative methods compared to, 191–3, 206
 - R^2 values, 193
 - random sampling, 196
 - representativeness, 195–6
 - significance, 194
 - significance value, 195
 - small group differences, 194
 - social control, 200
 - statistical significance, 194, 207
 - strain theory, 200
 - survey-based research, 199–200
 - transferability, 195
- queer theory, 183, 278, 379, 381, 573
- Quetelet, Adolphe, 197, 198
- Quinn, J. F., 376
- Quinn, Pat, 131
- Quinney, Richard, 94, 247, 523
- Quth, Sayyid, 546
- race
 - bigenderism, 288
 - children of color, 287
 - critical criminology, 240
 - discrimination, 154, 318
 - drug arrest rates, 364
 - drug use, 158, 365
 - gender, 282–9
 - incarceration, 365
 - juvenile delinquency, 318
 - powder vs. crack cocaine, 365
 - sexualized racism, 286–7
 - tribal stigmas, 7, 109, 265, 424
 - whiteness, 285–6
- Rader N. E., 213
- radical criminology *see* critical criminology
- Rains, Prudence, 179
- RALON (Risk and Liaison Officers Network), 506
- Rankin, S., 386
- Rao, C. R., 205
- rape, power and, 561
- Raphael, Sally Jesse, 417–18
- rate-busting, 85
- rational decision-making, vice and, 46–7, 52–3, 54–7
- Ray, M., 123
- reactivist approach *see* audience reactions
- Reagan, Ronald, 159, 162, 163, 363, 522
- Reagan administration, 156, 157, 159
- “Reagan Democrats”, 164
- recovered memories, 418
- recriminalization, 159–61
- recycling, graywater, 480–481
- “Red Necks”, 470
- redemption, opportunities for, 306
- Redlich, F., 448
- Reefer Madness* (film), 303

- Reform Judaism, 179, 405
 Reiber, C., 371
 Reid, L. L., 386
 reification, fallacy of, 17
 Reinerman, C., 159, 168
 reinstitutionalization, 453
 reintegrative shaming, 115
 relative deprivation, 244
 religion, cognitive deviance and, 407–8
 religion, juvenile delinquency and, 323
 religious conversion, 409–10
 religious fundamentalism, 377–8
 religious innovation, 413
 Renzetti, C. M., 245
 Repeal of Prohibition (1933), 333–4
 reproductive rights, 164–6
 Reskin, B. F., 88
 responsibility for crime, personal,
 147, 313
 responsibility for one's physical
 characteristics, personal, 424,
 439–40, 441
 restorative justice movement, 248, 326–7
 retreatism, 573
 Reuter, P., 159
 “revolving door” policy, 453
 Rhineberger-Dunn, G. M., 213
 Rich, Adrienne, 280
 Richard, Suzanne, 430
 Richards, S., 248
 Richardson, J., 371
 Richardson, D., 371
 right to die/assisted suicide, 157, 166–7, 169
 Risk and Liaison Officers Network
 (RALON), 506
 risk reduction, medicalization and, 146–8
 risk-taking, 250
 Ritalin, 141, 355, 458
 Rivera, Geraldo, 418
 Robertson, Pat, 528–9
Robichard v. RPH Management, 435
 Robinson, S. L., 491, 492
 robustness of vice, 53–7
 Rodriguez, S. B., 492
Roe v. Wade, 155–6, 157, 164, 555
 Roebuck, J., 557
 Roman, Paul M., 331–48
 Romney, Mitt, 413
 Ronai, Carol Rambo, 71, 219, 576
 Roosevelt, Theodore, 425, 527
 Rose, Nikolas, 146–7, 148–9
 Rosen, B., 91–2
 Rosenfeld, Richard, 231, 577
 Rosenfeld, S., 451
 Ross, Edward Alsworth, 30, 32–3, 38, 42
 Ross, J. L., 248
 Rothe, D. L., 483
 Rothman, David, 140, 449
 “Roughnecks”, 316–17
 Rousseau, Jean-Jacques, 532
Routledge Handbook of Deviant Behavior
 (Newmahr), 184
 Rubin, G., 370
 Rubington, E., 180
 rule creators, 267
 rule enforcers, 267
 Rumbarger, O., 336
 Rupp, Emily, 422–3
 Rupp, L. J., 381
 Rupp, Leila, 290
 Rush, Benjamin, 335
 Rust, P. C., 380
 Rutgers University, 173
 SAD (social anxiety disorder), 144–5
 sadness, 457
Safe (film), 303–4
 SAFs (Strategic Action Fields), 331–3, 335–8,
 339, 345
 Sagarin, Edward, 81, 87
 “Saints”, 316–17
 Salamon, E. D., 181–2
 Salinger, D., 383
 Salt Lake City, 407–8
 same-sex marriage
 acceptance, xvi, 143
 children, 74
 decriminalization, 162–4, 169
 legalization, xvi, 74, 130–131, 172
 Obama, Barack, 131, 172
 opponents, 131
 U. S. Supreme Court, xvi
 Sampson, R. J., 574
 San Francisco, 75, 482
 Sanchez, G., 508
 Sanchez-Taylor J., 377

- sanctions
 - deviance, 3
 - immediate sanctions, 315
 - intermediate sanctions, 325–6
 - social class, 524
 - social structures, 177
- Sanders, Clinton, 219, 576
- Sandnabba, K., 387
- Sanger, Margaret, 424
- Sanger, T., 386
- Santtila, P., 387
- Sappho, 73
- “satanic ritual abuse”, 373
- satanism and satanic ritual abuse, 415–18
- Satanism scare, 416–17
- Satan's Underground* (Stratford), 418
- Save the Children, 80
- scandals, 127–8, 552–3
- Scared Straight-type programs, 325–6
- Scarpitti, F. R., 91, 93
- scenarios, 112–14, 116–17
- Schaeffer-Grabiell, F., 378
- Scheff, Edwin, 92
- Scheff, Thomas, 15, 263, 273, 450, 453
- Schengen Agreement, 507
- Schengen Information System, 510
- Schiavo, Terri, 169
- Schilt, Kristen, 279
- schizophrenia, 449, 451
- Schleifer, D., 386
- Schmallegger, F., 89, 95–6
- Schneider, Joseph, xvi, xix, 137–53
- Schonberg, Jeff, 212
- school experience, juvenile delinquency and, 323
- Schrock, D. P., 386
- Schur, Edwin M.
 - audience reactions, 123
 - “crimes without victims”, 155
 - deviance as a sensitizing concept, 128
 - deviantization, 110, 560
 - labeling, variability of, 122
 - labeling theory, 262–3
 - Labeling Women Deviant*, 262–3
 - power, 111–12
 - stigma contests, 109
- Schuster, L., 514
- Schwartz, Martin, 241–2, 244, 248
- Schweik, S. M., 435
- science, 88
- scientific method, 228
- Scientology, 407, 408, 411, 413–15, 419
- “screen and intervene” logic, 148
- Scull, A. T., 41
- Scull, Andrew, 453
- Scull, M. T., 385
- Scully, D., 20
- Seal, D., 384
- Seale, Bobby, 529
- secondary deviance, 36, 92, 124, 263–4, 266
- secret deviance, 125, 268
- Secure Communities, 508
- sedative-hypnotics, 356
- Seidman, S., 371
- selective serotonin reuptake inhibitors (SSRIs), 145, 457
- self, looking-glass, 266
- self, social control and, 31–2, 42
- self-concept, 266–7
- self-control
 - childrearing, 233
 - immediate gratification, 233–4
 - juvenile delinquency, 320–322
 - social control, 42
- self-exclusion programs, 51–2, 56–7
- self-fulfilling prophecy, deviance as, 123–5, 263, 269
- “self-inflicted damnation”, 440
- self-labeling, 180, 268
- self-medicated patients, 148
- self-regulating markets, 464
- sensitizing concept, deviance as a, 128
- sentencing
 - blended sentences, 325
 - mandatory minimum sentences, 325, 364
 - powder vs. crack cocaine, 365
 - three-strikes-and-you're-out sentencing, 240
- sentimentality, 129
- September 11 (9/11), 41, 118, 241, 539, 558
- severe interrogation methods, 538, 542–4
- Sex, Crime, and Morality* (Hayes, Carpenter and Dwyer), 183–4
- Sex
 - with animals, 132
 - medicalization of, 374–5
 - non-consensual, 387–8

- in public, 382–3
- panics, 372–3
- trafficking, 378
- sex workers
 - emotional intimacy, 384
 - indoor, 384
 - Internet, 376, 384
 - males, 384
 - most studied type, 383
 - organizations of, 219
 - respect for, 383
 - rules of etiquette, 385
 - sexual radicalism, 70
 - sociology of deviance, 383
 - stigma management, 490
 - strippers/exotic dancers, 70–73, 384
- sex-for-money ethic, 69
- sexting, 306
- sexual assault, 387–8
- sexual deviance, 369–400
 - 50 Shades of Grey* (James), 371
 - barebackers, 376
 - BDSM (bondage and discipline, sadism and masochism), 371, 387
 - bisexuality, 380–381
 - bugchasers, 376
 - capitalism, 380
 - commercial sex, 383–5
 - “dogging”, 382–3
 - fetishes, 387
 - globalization, 377–8
 - heteronormativity, 371–2
 - hooking up, 371
 - Internet, 376–7
 - learning theory, 75
 - medicalization of sex, 374–5
 - moral panics and sex panics, 372–3
 - non-consensual sex, 387–8
 - public sex, 382–3
 - restrooms, 382
 - sexual assault, 387–8
 - sexual spaces, 382–3
 - sexualization of culture, 372
 - subcultures, 381–2
 - swinging, 371–2, 554
 - unusual sexual interests, 386–7
- “Sexual deviance in contemporary America” (Gagnon and Simon), 177
- sexual radicalism, 70
- sexual repression, 377–8
- sexual spaces, 382–3
- sexuality
 - bisexuality, 380–381
 - compulsory heterosexuality, 280
 - constructionist approach to, 369–70
 - Foucault, Michel, 370
 - gender, 282–9
 - hermaphroditism, 289
 - homosexuality *see* homosexuality
 - intersectionality, 282–9
 - intersexuality, 385
 - lesbian subculture, 381–2
 - power, 370
 - white ideals for gender and sexuality, 287–8
- sexualization of culture, 372
- sexualized racism, 286–7
- shaming, 483
- Shapiro, Eve, 290
- Shaver, F. M., 383
- Shaw, Clifford, 226, 229–30, 371
- Shaw, George Bernard, 424
- Shils, Edward, 555
- Shim, J., 146
- Shoenberger, N., 95
- Short, James, 199
- Shrimpscram, 307
- Shupe, Anson, 414
- shyness, 144–5
- Shyness* (Lane), 144–5
- Sibley, David, 18
- signification, 107
- Simmel, Georg, 90, 469
- Simmons, J. L., xv
- Simon, David, 479
- Simon, William, 177, 376
- Simpson, George, 199
- sin taxes, 47, 50, 161
- Sinclair, Upton, 526–7
- Singapore, 52, 58
- Sirhan, Sirhan, 530
- Situ, Y., 473
- situational deviance, 16–17, 122
- Skinnider, E., 471
- Skipper, J. K., 72
- Skolnick, Jerome, 155, 158, 165

- slavery, 24–5
- Slodden, C., 140, 145
- Smith, Adam M., 58, 371
- Smith, C., 488, 499
- Smith, J. M., 384
- Smith, M. D., 384
- Smith, Michelle, 418
- Smithkline Beecham, 145
- Smoking
 - per capita consumption of cigarettes, 155
 - regulation of, 57
 - time, place and manner controls of, 51
- Smoking and Health* (Surgeon General's Report), 155
- Snow, D. A., 271
- Snow, R. P., 302
- Snowden, Edward, 523, 529
- Soap* (soap opera spoof), 180, 181
- Social and Cultural Dynamics* (Sorokin), 84
- social anxiety disorder (SAD), 144–5
- social bond theory, 95, 96, 232
- social capital, alcohol consumption and, 342–3
- social change, 551–62
 - capitalism, 226
 - collective conscience, 555, 556
 - “creative deviance”, 553
 - crime, 552–3
 - “cultural cores” (the term), 555–7
 - gambling, 554–5
 - locus of change, 555–6
 - marijuana (cannabis), 555
 - political deviance, 557–62
 - power, 556
 - Prohibition, 561
 - September 11 (9/11), 558
 - status quo, challenging, 553–4
 - symbolic-moral universes, 556–7
- social class
 - crime, 37
 - critical criminology, 240
 - drug use, 158, 178
 - juvenile delinquency, 316–17, 318
 - mental illness, 448
 - poverty, 469
 - sanctions, 524
 - social control, 40
 - working-class crime, 244
- Social Class and Mental Illness* (Hollingshead and Redlich), 448
- social conflict, social order and, 33–4
- social construction of
 - crime, 8, 9
 - deviance, xv, 8, 9, 13–15, 301, 497
 - gender, 278
 - juvenile delinquency, 316–17
- Social Construction of Homosexuality* (Greenberg), xvi
- “social control” (the term), 43
- social control, 30–44
 - American sociologists, 31
 - authoritarianism, 33–4
 - Black, Daniel, 40
 - capitalism, 31, 33
 - charity, 42
 - Chicago School, 35
 - Cloward, Richard, 34
 - coercive control, 32
 - conflict theory, 36–7
 - conformity, 30
 - consensus, 32
 - consequences of, 564
 - crime, controlling, 34–8
 - criminal justice system, 30
 - definition, 30, 43
 - deviance, 124
 - deviance, controlling, xiv–xv, 34–8
 - deviantization, xviii
 - differentiation, 32
 - disciplinary control, 39
 - early modern sociologists, 33–4
 - Erikson, Kai T., 114
 - European sociologists, 31
 - formal, 7
 - Foucault, Michel, 39
 - future of, 42–3
 - general theory of, 40
 - Gibbs, Jack, 38, 40
 - Hirschi, Travis, 35
 - historical studies, 41–2
 - “I” vs. “me”, 31, 266–7
 - immigration, 576
 - individualism, 32
 - informal, 7
 - Janowitz, Morris, 38
 - juvenile delinquency, 320

- labeling theory, 39
- law, 34
- Left Realism, 37–8
- Lemert, Edwin M., 36
- mass media, 300
- Mead, George Herbert, 31–2, 33, 38, 42
- medical social control, 140
- Merton, Robert K., 35
- moral panics, 304
- mutuality, 30
- panopticon, 39
- Parsons, Talcott, 35
- Piven, Frances Fox, 34
- Pound, Roscoe, 34
- protectionism, 576
- quantitative methods, 200
- revisionist perspectives, 39–40
- Ross, Edward Alsworth, 30, 32–3, 38, 42
- self, 31–2, 42
- self-control, 42
- social class, 40
- social influence, 32
- social order, 31–4, 38
- social welfare, 34
- sociology of deviance, 232–3, 564, 567, 576–7
- sociology of institutions, 33
- suggestion, 33
- surveillance, 40–41
- Sutherland, Edwin H., 35
- Social Control: A Survey of the Foundations of Order* (Ross), 32
- Social Control and the State* (Cohen and Scull), 41
- Social Control in Nineteenth-Century Britain* (Donajgradzki), 42
- social disorganization theory
 - Chicago School, 105–7, 229–30
 - conflict theory, 573
 - deviantization, 105–7
 - differential association theory, 573
 - sociology of deviance, 13
- social exclusion, 464
- social identity
 - “I” vs. “me”, 31, 266–7
 - labeling theory, 264
 - secondary identity, 264
- social influence, social control and, 32
- social isolation, 96, 448
- social media, 243, 305
- social order, 31–4, 38
- social reformers, juvenile delinquency and, 315
- “Social Structure and Anomie” (Merton), 26, 175
- social structures, 177
- social theory, 573
- Social Theory and Social Structure* (Merton), 13
- social welfare, social control and, 34
- “societal community” (the term), 555
- societal deviance, 15–18
- “Societal reaction to deviant behavior” (Kitsuse), 178
- society, transformation of, xxi
- sociology of deviance, 3–29, 225–35, 563–82
 - 1920s and 1930s, 13
 - 1940s and 1950s, 13
 - 1950s, late, 13
 - academic prestige, 574
 - American vs. international, 569
 - approaches, two, 7–20
 - articles on deviance, 570
 - auto-ethnography, 573
 - Becker, Howard S., 571, 572
 - Best, Joel, 563, 572, 575, 578–9
 - book and academic article publishing, 566
 - citation references, 569–70, 579
 - communication studies, 573
 - conditions, differences in, 226–7
 - constructionist theories, 8, 12–20, 25–6, 123
 - course enrollment figures, 567
 - courses and textbooks, 566
 - criminology, 571–2, 573
 - death of, 564–8, 570, 575
 - decline, 488, 563, 569–72
 - definition of deviance, sociological, 15
 - “deviance” (the term), references to, 573
 - differential association theory, 13
 - direct observations, 10
 - empiricism, 9–11
 - ethnic studies, 573
 - ethnographic research, 200
 - expansion of, 565

- sociology of deviance (*cont'd*)
 - explanatory theories/paradigms, 8–12, 225–35, 564
 - fallacy of reification, 17
 - foundational works, 570–571
 - fragmentation, theoretical dissensus, 579
 - group differences, 229–34
 - harm reduction, 27
 - Health Insurance Portability and Accountability Act (HIPAA), 222
 - high-consensus deviance, 16
 - homophobia, 183, 185
 - homosexuality, 173, 183–6, 379
 - ideological role of, 566–7
 - idiographic vs. nomothetic approaches to knowledge, 193–4
 - indirect indicators, 10
 - individual differences, 227–9
 - individualistic approaches (“micro”), 12
 - innovativeness, 571–2
 - institutional review boards (IRBs), 221–2
 - institutional violence, 23–6
 - intellectual vitality, 570–572, 575
 - interactionist approach *see* interactionist approach to deviance
 - international character, 575
 - Internet, 577
 - labeling theory, 14–15
 - learning theory, 231–2
 - low-consensus deviance, 18
 - mass death, 23, 25–6
 - Merton, Robert K., 572
 - methods, comparative, 225–7
 - methods, qualitative *see* qualitative methods
 - methods, quantitative *see* quantitative methods
 - missions, 563–4
 - mutual deviantization, 19–20
 - narrative studies, 573
 - new areas of inquiry, 210
 - normative approach, 114
 - objective approach, 260
 - objectivism, 9
 - obliteration by incorporation, 572
 - other social sciences compared to, 571
 - positivism, 228
 - positivist theories, 225–7, 234–5
 - post-colonial studies, 573
 - postmodernism, 573
 - practitioners, number of, 571
 - predictions, 574–9
 - queer theory, 573
 - reactivist approach *see* audience reactions
 - regularities in the material world, 12
 - scientific method, 228
 - scope, 6–7
 - sex workers, 383
 - situational deviance, 16–17
 - social control, 232–3, 564, 567, 576–7
 - social disorganization theory, 13
 - social diversity, 576
 - social theory, 573
 - societal deviance, 15–18
 - structural approaches (“macro”), 12
 - theories, 12
 - transgender studies, 573
 - twentieth century, first half, 12
 - variables, independent vs. dependent, 226
- Sociology of Deviance* (Sumner), 566–7
- Sociology of Deviant Behavior* (Clinard), 183
- sociology of institutions, 33
- Socrates, 73, 551, 552, 554, 559
- Soderbergh, Steven, 303
- sodomy laws, 131
- “sophisticated” constructionism, 18–19
- Sorokin, Pitirim, 82–84, 87, 175
- Soufan, Ali, 543
- South, N., 251, 477
- South Dakota, 51
- South Korea, 50
- Spector, Malcolm, 138, 139
- Spikes, P., 380
- Spinoza, Benedict, 45, 61
- “spoiled identities” (the term), 511
- sports, gender and, 281
- Sprague, Erik, 436
- SSRIs (selective serotonin reuptake inhibitors), 145
- Stafford, M. C., 181
- Stalin, Josef, 25, 551, 560
- Stanley Cup Riots (Vancouver, 2011), 305
- State of Sex* (Hausbeck), 384
- State of Terror* (Oliverio), 530
- state terrorism, 537
- status offenses, 314, 315, 317

- status politics, power and, 410–411
- Steffenmeier, D. J., 82
- Stein, A., 380, 381
- Stein, Gertrude, 73
- stereotyping, 109, 300, 304, 505, 527
- sterilization, involuntary, 425
- Stewart, Potter, 45
- Stiglitz, Joseph, 468
- “stigma” (the term), 401
- Stigma* (Goffman), 176–7, 264–5, 423–4, 450–451
- stigma contests, 104, 108–14, 561
- stigmatization
 - “blemishes of individual character”, 109, 265
 - dramaturgy, 264–6
 - identity management, 268–72
 - institutional framing, 104
 - “normals”, interaction with, 423
 - physical characteristics as deviance, 109
 - political processes in, 527
 - stigma types, 109
 - subcultures, 74
 - tribal stigmas, 7, 109, 265, 424
 - see also* deviantization
- stimulants, 354–5
- sting operations, 307–8
- Stoll, J., 88, 178
- Stonewall Riots (1969), 163, 179
- stop and frisk practices, 240
- strain theory
 - crime and, 319, 478
 - juvenile delinquency and, 322
 - quantitative methods and, 200
- Stranger, the, 469
- Strategic Action Fields (SAFs), 331–3, 335–8, 339, 345
- Stratford, Lauren, 418
- Stretesky, P. B., 476
- “strict” constructionism, 18–19
- strippers/exotic dancers, 70–73, 384
- Structural Marxism, 37
- Stueve, A., 457
- subcultures, 64–79
 - adult clubs, 72–3
 - boxing, 66–7
 - cockfighting, 65–7, 76
 - dance musicians, 490
 - definition, 64
 - drag queens, 65
 - female prostitution, 68–70
 - gay bars, 75
 - gay baths, 382
 - illegality, 76
 - Internet, 75
 - justification or deviance neutralization, 66, 490
 - lesbians, 381–2
 - lifestyles compared to, 64–5
 - male homosexuality, 73–6
 - part-timers vs. professionals, 65
 - political deviance, 523
 - sexual deviance, 381–2
 - stigmatization, 74
 - strippers/exotic dancers, 70–73
 - types, 91
 - victimization, 76
- Sudan, xxi
- suggestion, social control and, 33
- suicidal prophecy, 125
- Suicide* (Durkheim), 199, 229, 447
- Sukkiarini, Lorella, 291
- Sumner, Colin, 488, 524, 565–7, 570, 575
- Sumner, William Graham, 467
- “super predators”, 315
- superfluous populations, 464, 466
- supra-conformity, 83
- Surette, R., 302–3
- surveillance
 - electronic monitoring, 538
 - of gays, 75–6
 - immigration, 510
 - mass media, 308
 - policing, 510
 - public indifference, 540–541
 - social control, 40–41
 - terrorism and counterterrorism, 538, 540–541
- surveillance studies, 40–41
- Survival of the Prettiest* (Etkoff), 431
- Sutherland, Edwin H.
 - commonalities among criminal offenders, 199
 - crime, 232
 - differential association theory, 13, 91, 106, 201–2, 226, 231–2, 266, 523
 - moral panics, 373

- Sutherland, Edwin H. (*cont'd*)
Principles of Criminology, 13
Professional Thief, 202–4
 sociology of crime and deviant behavior, 35
- Sweden, 48, 52, 59, 243, 425, 512
- swinging, 371–2, 554
- Switzerland, 59, 408
- Sykes, G., 270
- symbolic interactionism, 261–8, 379
- Symbolic Interactionism* (Blumer), 261
- Szasz, Thomas, 140, 175–6
- Tacitus, 426
- Tannenbaum, Frank, 36, 92, 123, 124, 181, 263–4
- targeted killing, 544
- tattoos, 89, 425, 436–7, 442
- taxation
 Pigovian Tax, 49–50
 sin taxes, 47
 vice, 49–50
- Taylor, Ian, 240, 245
- Taylor, Verta, 290, 381
- Tchaikovsky, Pyotr Illich, 73
- Tea Room Trade* (Humphreys), 382
- television, 302–3
- Temperance movement, 335–7, 344
- Tepper, B., 492
- Teresa, Mother, 529
- Terman, L. M., 88
- terrorism, political, 530–531
- terrorism and counterterrorism, 537–48
 assassinations, 539, 544–5
 Bush, George W., 541
 definition, 537
 doing counterrevolution, 538–47
 drone strikes, 545
 electronic monitoring, 538
 executions, fake, 542
 extraordinary rendition, 538, 542
 Geneva Convention, 543
 “hardening” sites, 538
 information obtained, quality of, 538
 justifying counterterrorism, 540–545
 legitimacy of states, 546
 national security, 543, 544, 546
 neurological biomarkers, 540
 non-state actors, 537
 Obama, Barack, 540, 541, 543, 544
 political terrorism, 530–531
 reconciling actions and claims, 545–6
 September 11 (9/11), 539
 severe interrogation methods, 538, 542–4
 state terrorism, 537
 studies of, 577
 surveillance, 538, 540–541
 targeted killing, 544
 torture, 539, 542, 543
 U. S. Court of Appeals for the Second Circuit, 541, 543
 U. S. Supreme Court, 541
 waterboarding, 542
- Terrorist Trial Report Card (Center for Law and Security), 308
- Terry, R. M., 82
- tertiary deviance, 430
- Tewksbury, Richard, 193, 210–224, 380, 382, 385
- Texas, 131, 406
- Texas Nationalist Movement, 406
- Thailand, 59, 377
- Thio, Alex, 86, 183, 554
- Thomas, William I., 124, 523
- “Thomas theorem”, 124
- Thompson, P., 488, 490–492, 499
- “Three D’s” of deviance, 334
- three-strikes-and-you’re-out sentencing, 240
- Tiefer, L., 374–5
- Tigar, M. E., 546
- Tonry, M., 159
- Tony Soprano’s America* (Simon), 479
- topless dancers, 490
- torture, 539, 542, 543
- tow-spirit people, 291
- toxicity, 352
- Tractatus-Theologico-Politicus* (Spinoza), 45
- transcendence, 269–70
- transgender people, 279–80, 385–6
- transgender studies, 573
- transvestism, 183
- Traub, S. H., 91
- trials, political analysis of, 531–2
- tribal stigmas, 7, 109, 265, 424
- Troiden, R. R., 180
- “turbo-charged capitalism”, 243
- Turk, Austin T., 133, 530, 537–48

- Turkey, 172
- Turner, Nat, 522, 559
- Turrubiates, J., 376
- 21st Amendment, 359
- Twitter, 306
- Uganda, 144
- ugliness, 431, 433–5
- “ugly laws”, 6, 434–5
- UKBA (United Kingdom Borders Agency), 506, 509
- “Uncle Tom”, 470
- underage drinkers, 340–341
- Unheavenly City* (Banfield), 467
- Unification Church, 407, 409–10, 414
- Uniform Crime Reports* (FBI), 175
- Unitarian-Universalist Association, 179
- United Kingdom, 508–9, 510
- United Kingdom Borders Agency (UKBA), 506, 509
- United Nations Charter, 546
- U. S. Court of Appeals for the Second Circuit, 541, 543
- U. S. Department of Justice, 327
- U. S. Forest Service, 474
- U. S. Sentencing Commission on Mandatory Minimum Sentencing, 360, 365
- U. S. Supreme Court
 - death penalty for juveniles, 315–16
 - Defense of Marriage Act (DOMA), 163
 - juvenile delinquency, 314, 325
 - same-sex marriage, xvi
 - sodomy laws, 131
 - terrorism and counterterrorism, 541
- University of Chicago *see* Chicago School
- University of Nevada, 173
- University of Pittsburgh, 173
- University of Utah, 173
- University of Vermont, 424
- University of Wisconsin, 173
- unwed motherhood, 126–7
- Updyke, Harvey Jr., 473
- urban agriculture, 482
- Uruguay, 55
- Valentine, D., 386
- van der Luen, J., 509
- van Leeuwen, Marco, 42
- Vance, C. S., 370
- Vanquished, the, 469–70
- Vanwesenbeeck, I., 384
- Vera Institute, 577
- Vermont, 167
- vertical perspective of deviance, 405
- vested interests, cognitive deviance and, 411
- Viagra, 375
- vice, 45–63
 - alcohol consumption, 46–8, 49–51
 - casino gambling, 51–2, 55–7, 58–9
 - children, 46, 47, 49, 51
 - controls, 47–52
 - drug use, 50–51, 53–4
 - excess, 46
 - gambling, 59–60
 - harm reduction, 45, 52, 54–5
 - individual-level controls, 51–2
 - Internet, 59–61
 - licensing manufacturers and sellers, 49
 - marijuana (cannabis), 48, 57–8
 - Mill, John Stuart, 46, 47, 52
 - moral panics, 60
 - nudges, 53
 - opt-in programs, 52
 - pornography, 54, 59–60
 - prescriptions, 50–51
 - prohibitions, 48, 58
 - prostitution, 54, 59–61
 - rational decision-making, 46–7, 52–3, 54–7
 - rationale for regulating, 46–7
 - robustness, 53–7
 - self-exclusion programs, 51–2, 56–7
 - self-regarding nature, 45–6
 - sin taxes, 47, 50
 - smoking, 50, 57
 - taxation, 49–50
 - time, place and manner controls, 51
- Vick, Michael, 473
- victimization, subcultures and, 76
- “victimless crimes”, 155
- Victory* (Hirschman), 182
- Vidal-Ortiz, S., 379–80
- Vietnam, 58, 80

- violence
 - animal abuse, 479
 - behavioral toxicity, 352
 - capitalism, 23
 - definitional relativity, 128
 - drug use, 350, 352
 - environmental harm as deviance, 479
 - institutional, 23–6
 - learning theory, 324
 - media violence, 324
 - neurological biomarkers, 147
 - social construction of, 115–16
- visas, 506
- Volstead Act (Eighteenth Amendment) (1919), 359
- Voltaire, 532
- “vulgar” constructionism, 18–19
- vulnerability, 513

- Wacquant, L., 511, 515
- Wahah, S., 384
- Wakefield, J. C., 457
- Waksler, Frances, 110
- Walby, K., 384
- Waldby, C., 149
- Walton, Paul, 240, 245
- Walvin, James, 24
- “War on Drugs”, 158, 360–366
- War on Poverty, 467
- Ward, J., 380
- Ward, Lester Frank, 467
- Warren, C. A. B., 272
- Warren, D. E., 495
- Washington, D.C., 75, 163
- Washington, George, 67, 522, 559
- Washington State, 58, 130, 155, 156, 167, 360, 362
- WASP establishment, 467
- waterboarding, 542
- Watney, S., 373
- Wayward Puritans* (Erikson), 411, 525–6, 531, 553
- Wayward Youth* (Aichhorn), 229
- WCTU (Women’s Christian Temperance Union), 336
- wealth, power and, 468–9
- Webb, Jack, 303
- Webber, F., 512
- Weber, L., 508, 511
- Weber, Max, 31, 83, 90
- Wechsler, Henry, 341
- Weeber, S. C., 557
- Weeks, Jeffrey, 372–3, 380
- Weightman, B., 181
- Weinberg, Martin S., xvii, 369–400
- Weiner, Anthony, 306, 307
- Weitzer, R., 378, 383
- Welch, M., 514
- welfare *see* social welfare
- Wells, H. G., 424
- West, A., 380
- West, B., 90
- West, Candace, 278
- West, E., 281
- Westboro Baptist Church, 184, 406
- Westbrook, Laurel, 279
- Western Europe, 578
- Westwood, R. I., 495
- White, Ryan, 374, 472–6, 482
- White, Victoria Carmen, 279–80
- white ideals for gender and sexuality, 287–8
- white-collar crime, 20, 21, 234
- whiteness, 285–6
- Whitman, Walt, 73
- Whyte, D., 512
- Wilde, Oscar, 73
- Wiley, Harvey, 526
- Wilkins, L. T., 90
- Williams, Colin J., xvii, 369–400
- Williams, Glenville, 166
- Williams, J., 371
- Williams, Tennessee, 73
- Wilson, Dean, 504–20
- Wilson, M., 386
- Wilson, William Julius, 243
- Wilson, Woodrow, 424
- Wilton, L., 376
- Windelband, Wilhelm, 193
- Winfrey, Oprah, 417–18
- Winslow, Robert, 554
- Winslow, Virginia, 554
- witchcraft trials, 531
- withdrawal syndrome, 353
- Wolf, B., 89
- Wolfe, Alan, 185
- Wolfzorn, M., 95

- Women's Christian Temperance Union (WCTU), 336
working-class crime, 244
workplace deviance *see* organizational deviance
workplace immigration enforcement, 509
World Bank, 430
World Health Organization, 55, 179, 430
World Report on Disability (WHO and World Bank), 430
World Trade Organization (WTO), 529
Worthen, Meredith G. F., xix, 277–97
Wouters, C., 372
Wright, R. A., 569
WTO (World Trade Organization), 529

Xenu myth, 414

Yakin, Boaz, 303
Yale University, 336–7

Yee, Shirley, 285
Yemen, 540, 545
Yoo, John, 541, 543
York Deviancy Conference (2011), 569, 575
Young, Andrew, 522–3
Young, Jock, 116, 240, 241, 244, 245, 511
Yugoslavia, 179

Zapatistas, 522
Zero Dark Thirty (film), 543
zero tolerance policing, 240
Zimmerman, Don, 278
Zinberg, N. E., 47
Znaniecki, Florian, 200–201, 204
Zola, Irving, 140, 576
Zoloff, 145
zoophilia, 132
Zuckerman, P., 89
Zusman, L. K., 546

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