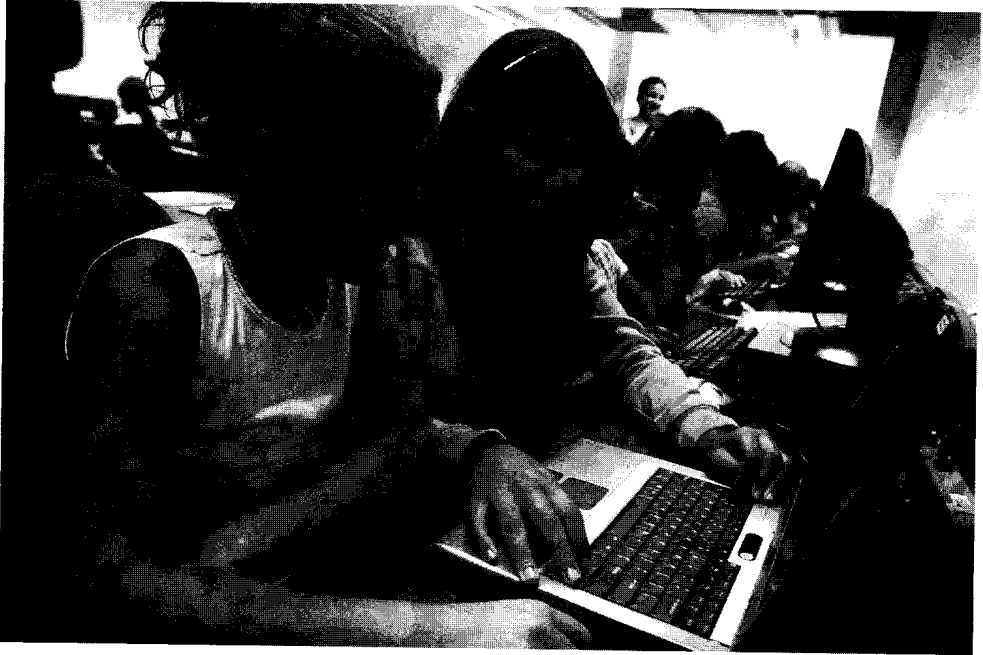


1

What Is Deviant Behavior?



Bonnie Pitzer, a middle-schooler, was taking a vocabulary test. When she drew a blank on the word “desolated,” she did not panic but instead quietly searched the Internet for the definition. Was she cheating? If she was, her behavior may be regarded as deviant. In the Internet age today, however, a growing number of educators like Bonnie’s teacher do not consider her behavior cheating or deviant. To them, intelligent online surfing and analysis are more important than rote memorization. To her teacher, Bonnie aced the test not only because she knew how to surf the Internet for the meaning of a word but also because she was able to use the word in a sentence. As her teacher explains, “I want the kids to be able to apply the meaning, not to be able to memorize it.” But many other teachers would regard Bonnie as deviant for cheating on her test (Gameran, 2006).

There is, in fact, a great deal of disagreement among people as to what they consider deviant. In a classic study, J. L. Simmons (1965) asked a sample of the general public who they thought was deviant. They mentioned 252 different kinds of people as deviants, including prostitutes, alcoholics, drug users, murderers, the mentally ill, the physically challenged, communists, atheists, liars, Democrats, Republicans, reckless drivers, self-pitiers, the retired, divorcees, Christians, suburbanites, movie stars, perpetual bridge players, pacifists, psychiatrists, priests, liberals, conservatives, junior executives, smart-aleck students, and know-it-all professors. If you are surprised that some of these people are considered deviant, your surprise simply adds to the fact that there is a good deal of disagreement among the public as to the conception of deviant behavior.

A similar lack of consensus exists among sociologists. We could say that the study of deviant behavior is probably the most “deviant” of all the subjects in sociology. Sociologists disagree more over the definition of deviant behavior than they do on any other subject.

Conflicting Definitions

Some sociologists simply say that deviance is a violation of any social rule, while others argue that deviance involves more than rule violation—that it also has the quality of provoking disapproval, anger, or indignation. Some advocate a broader definition, arguing that a person can be a deviant *without* violating any rule or doing something that rubs others the wrong way, such as individuals with physical or mental disabilities. These people are considered deviant in this view because they are devalued by society. By contrast, some sociologists contend that deviance does not have to be conceived as only negative but instead can also be positive, such as being a genius, saint, creative artist, or glamorous celebrity. Other sociologists disagree, considering “positive deviance” to be an oxymoron, a contradiction in terms (Heckert and Heckert, 2002; Goode, 1991; Dodge, 1985; Harman, 1985).

All these sociologists apparently assume that, whether it is positive or negative, disturbing behavior or devalued condition, deviance is real in and of itself, that is, endowed with a certain quality that distinguishes it from nondeviance. The logic behind this assumption is that if it is not real in the first place, it cannot be considered positive, negative, disturbing, or devalued. But other sociologists disagree, arguing that deviance does not have to be real in order for behaviors and conditions to be labeled deviant. People can be falsely accused of being criminal, erroneously diagnosed as mentally ill, unfairly stereotyped as dangerous because of their skin color, and so on. Conversely, committing a deviant act does not necessarily make the person a deviant, especially when the act is kept secret, unlabeled by others as deviant. It is, therefore, the label “deviant”—not the act itself—that makes the individual deviant.

Some sociologists go beyond the notion of labeling to define deviance by stressing the importance of power. They observe that relatively powerful people are capable of avoiding the fate suffered by the powerless—being falsely, erroneously, or unjustly labeled deviant. The key reason is that the powerful, either by themselves or through influencing public opinion or both, hold more power for labeling others’ behavior as deviant. Understandably, sociologists who hold this view define deviance as any act considered by the powerful at a given time and place to be a violation of some social rule (Ermann and Lundman, 2002; Simon, 2002).

From this writer or conflicting definitions we can discern the influence of two opposing perspectives: positivism and social constructionism. The positivist perspective is associated with the sciences, such as physics, chemistry, or biology. The constructionist perspective is fundamental in the humanities, such as art, language, or philosophy. Each perspective influences how scientists and scholars see, study, and make sense of their subject. The two perspectives have long been transported into sociology, so that some sociologists are more influenced by the positivist perspective while others are more influenced by the constructionist one.

In the sociology of deviance the positivist generally defines deviance as positively real, while the constructionist more often defines deviance as a social construction—an idea imputed by society to some behavior. Each perspective suggests other ideas about deviance, so that it has been referred to in various terms. Thus the positivist perspective has also been called objectivist, absolutist, normative, determinist, and essentialist (Goode, 2005b; Wittig, 1990). The constructionist perspective has also been referred to by such terms as humanist, subjectivist, relativist, reactivist, definitionist, and postmodernist (Heckert and Heckert, 2002; Lyman, 1995). Each perspective suggests how to *define* deviance, but reveals through the definitions what *subject* to study, what *method* to use for the study, and what kind of *theory* to use to make sense of the subject.

The Positivist Perspective

The positivist perspective consists of three assumptions about what deviance is. These assumptions are known to positivists as absolutism, objectivism, and determinism.

Absolutism: Deviance as Absolutely Real

The positivist perspective holds deviance to be absolutely or intrinsically real, in that *it possesses some qualities that distinguish it from conventionality*. Similarly, deviant persons are assumed to have certain characteristics that make them different from conventional others. Thus, sociologists who are influenced by such a perspective tend to view deviant behavior as an attribute that inheres in the individual.

This view was first strongly held by the early criminologists who were the progenitors of today's sociology of deviance. Around the turn of the last century, criminologists believed that criminals possessed certain biological traits that were absent in law-abiding people. The biological traits were believed to include defective genes, bumps on the head, a long lower jaw, a scanty beard, and a tough body build. Since all these traits are inherited, criminals were believed to be born as such. Thus, if they were born criminals, they would always be criminals. As the saying goes, "If you've had it, you've had it." So, no matter where they might go—they could go anywhere in the world—they would still be criminals.

Then criminologists shifted their attention from biological to psychological traits. Criminals were thought to have certain mental characteristics that noncriminals did not. More specifically, criminals were thought to be feebleminded, psychotic, neurotic, psychopathic, or otherwise mentally disturbed. Like biological traits, these mental characteristics were believed to reside within individual criminals. And like biological traits, mental

characteristics were believed to stay with the criminals, no matter what society or culture they might go to. Again, wherever they went, criminals would always remain criminals.

Today's positivist sociologists, however, have largely abandoned the use of biological and psychological traits to differentiate criminals from noncriminals. They recognize the important role of social factors in determining a person's status as a criminal. Such status does not remain the same across time and space; instead, it changes in different periods and with different societies. A polygamist may be a criminal in our society but a law-abiding citizen in Islamic countries. A person who sees things invisible to others may be a psychotic in our society but may become a spiritual leader among some South Pacific peoples. Nevertheless, positivist sociologists still regard deviance as absolutely or intrinsically real. Countering the relativist notion of deviance as basically a *label* imposed on an act, positivist Travis Hirschi (1973), for example, argues: "The person may not have committed a 'deviant' act, but he did (in many cases) do *something*. And it is just possible that what he did was a result of things that had happened to him in the past; it is also possible that the past in some inscrutable way remains with him and that if he were left alone he would *do it again*." Moreover, countering the relativist notion of mental illness as a label imputed to some people's behavior, Gwynn Nettler (1974) explicitly voices his absolutist stance: "Some people *are* more crazy than others; we can tell the difference; and calling lunacy a name does not *cause* it." These positivist sociologists seem to say that just as a rose by any other name would smell as sweet, so deviance by any other label is just as real.

Because they consider deviance real, positivist sociologists tend to focus their study on deviant behavior and deviant persons, rather than on nondeviants who label others deviants, such as lawmakers and law-enforcers, which constructionist sociologists are more likely to study, as will be explained later.

Objectivism: Deviance as an Observable Object

To positivist sociologists deviant behavior is an observable object in that a deviant person is like an object, a real something that can be studied objectively. Positivist sociologists, therefore, assume that they can be as objective in studying deviance as natural scientists can be in studying physical phenomena. The trick is to treat deviants as if they were objects, like those studied by natural scientists. Nonetheless, positivist sociologists cannot help being aware of the basic difference between their subject, human beings, and that of natural scientists, inanimate objects. As human beings themselves, positivist sociologists must have certain feelings about their subject. However, they try to control their personal biases by forcing themselves not to pass moral judgment on deviant behavior or share the deviant person's feelings. Instead, they try to concentrate on the subject matter as it outwardly appears. Further, these sociologists have tried to follow the scientific rule that all their ideas about deviant behavior should be subject to public test. This means that other sociologists should be able to analyze these ideas to see whether they are supported by facts.

Such a drive to achieve scientific objectivity has made today's positivist sociologists more objective than their predecessors. They have, therefore, produced works that can tell us much more about the nature of deviant behavior. No longer in vogue today are such value-loaded and subjective notions as evil, immorality, moral failing, debauchery, and demoralization, which were routinely used in the past to describe the essence of deviance. Replacing

those outmoded notions are such value-free and objective concepts as norm violation, retreatism, ritualism, rebellion, and conflict.

To demonstrate the objective reality of these concepts, positivist sociologists have used official reports and statistics, clinical reports, surveys of self-reported behavior, and surveys of victimization. Positivists recognize the unfortunate fact that the deviants who are selected by these objective methods do not accurately represent the entire population of deviants. The criminals and delinquents reported in the official statistics, for example, are a special group of deviants, because most crimes and delinquent acts are not discovered and, therefore, not included in the official statistics. Nevertheless, positivists believe that the quality of information obtained by these methods can be improved and refined. In the meantime, they consider the information, though inadequate, useful for revealing at least some aspect of the totality of deviant behavior. A major reason for using the information is to seek out the causes of deviant behavior. This brings us to the next, third assumption of the positivist perspective.

Determinism: Deviance as Determined Behavior

According to the positivist perspective, deviance is determined or caused by forces beyond the individual's control. Natural scientists hold the same deterministic view about physical phenomena. When positivist sociologists follow natural scientists, they adopt the deterministic view and apply it to human behavior.

Overly enthusiastic about the prospect of turning their discipline into a science, early sociologists argued that, like animals, plants, and material objects that natural scientists study, humans do not have any free will. The reason is that acknowledgment of free will would contradict the scientific principle of determinism. If a murderer is thought to will or determine a murderous act, then it does not make sense to say that the murderous act is caused by forces (such as mental condition or family background) beyond the person's control. Therefore, in defending their scientific principle of determinism, early sociologists maintained their denial of free will.

However, today's positivist sociologists assume that humans do possess free will. Still, this assumption, they argue, does not undermine the scientific principle of determinism. No matter how much a person exercises free will by making choices and decisions, the choices and decisions do not just happen but are determined by some causes. If a woman chooses to kill her husband rather than continue to live with him, she certainly has free will or freedom of choice as long as no one forces her to do what she does. Yet some factor may *determine* or *cause* the woman's choice of one alternative over another, that is, determine the way she exercises her free will. One such causal factor may be a long history of abuse at the hands of her husband. Thus, according to today's positivist sociologists, there is no inconsistency between freedom and causality.

Although they allow for human freedom or choice, positivist sociologists do not use it to explain why people behave in a certain way. They will not, for example, explain why the woman kills by saying "because she chooses to kill." This is no explanation at all, since the idea of choice can also be used to explain why another woman does not kill her husband—by saying "because she chooses not to." According to positivists, killing and not killing, or more generally, deviant and conventional behavior, being contrary phenomena, cannot be

explained by the same factor, such as choice. Further, the idea of choice simply cannot explain the difference between deviance and conventionality; it cannot explain why one person chooses to kill while the other chooses not to. Therefore, although positivists do believe in human choice, they will not attribute deviance to human choice. Instead, they explain deviance by using such concepts as wife abuse, broken homes, unhappy homes, lower-class background, economic deprivation, social disorganization, rapid social change, differential association, differential reinforcement, and lack of social control. Any one of these causes of deviance can be used to illustrate what positivists consider to be a real explanation of deviance because, for example, wife abuse is more likely to cause a woman to kill her husband than not. Positivist theories essentially point to factors like these as the causes of deviance.

In sum, the positivist perspective on deviant behavior consists of three assumptions. First, deviance is *absolutely real* in that it has certain qualities that distinguish it from conventionality. Second, deviance is an *observable object* in that a deviant person is like an object and thus can be studied objectively. Third, deviance is *determined* by forces beyond the individual's control.

The Constructionist Perspective

Since the 1960s the constructionist perspective has emerged to challenge the positivist perspective, which had earlier been predominant in the sociology of deviance. Let's examine the assumptions of the constructionist perspective that run counter to those of the positivist perspective.

Relativism: Deviance as a Label

The constructionist perspective holds the relativist view that deviant behavior by itself does not have any intrinsic characteristics unless it is thought to have these characteristics. The so-called intrinsically deviant characteristics do not come from the behavior itself; they come instead from some people's minds. To put it simply, an act appears deviant only because some people think it so. As Howard Becker (1963) says, "Deviant behavior is behavior that people so label." So, no deviant label, no deviant behavior. The existence of deviance depends on the label. Deviance, then, is a mental construct (an idea, thought, or image) expressed in the form of a label. Deviance, in other words, is socially constructed, defined as such by society.

Since, effectively, they consider deviance unreal, constructionists understandably stay away from studying it. They are more interested in the questions of whether and why a given act is defined by society as deviant. This leads to the study of people who label others as deviants—such as the police and other law-enforcing agents. If constructionists study so-called deviants, they do so by focusing on the nature of labeling and its consequences.

In studying law-enforcing agents, constructionists have found a huge lack of consensus on whether a certain person should be treated as a criminal. The police often disagree among themselves as to whether a suspect should be arrested, and judges often disagree among

themselves as to whether those arrested should be convicted or acquitted. In addition, since laws vary from one state to another, the same type of behavior may be defined as criminal in one state but not so in another. Young adult males who father babies born to unwed teenage females, for example, can be prosecuted for statutory rape in California but not in most other states (Gleick, 1996). There is, then, a *relativity* principle in deviant behavior: Behavior gets defined as deviant relative to a given norm or standard of behavior, which is to say, to the way people react to it. If it is not related to the reaction of other people, a given behavior is in itself meaningless—it is impossible to say whether it is deviant or conforming. Constructionists strongly emphasize this relativistic view, according to which, deviance, like beauty, is in the eye of the beholder.

Subjectivism: Deviance as a Subjective Experience

To constructionists, the supposedly deviant behavior is a subjective, personal experience and the supposedly deviant person is a conscious, feeling, thinking, and reflective subject. Constructionists insist that there is a world of difference between humans (as active subjects) and nonhuman beings and things (as passive objects). Humans feel and reflect, and are thus distinguishable from animals, plants, things, and forces in nature, which cannot. Humans also have sacred worth and dignity, but things and forces do not. It is proper and useful for natural scientists to assume nature as an object and then study it, because this study can produce objective knowledge for controlling the natural world. It can also be useful for social scientists to assume and then study humans as objects because it may produce objective knowledge for controlling humans, but this violates the constructionist's humanist values and sensibilities.

As humanists, constructionists are opposed to the control of humans; instead, they advocate the protection and expansion of human worth, dignity, and freedom. One result of this humanist ideology is the observation that so-called objective knowledge about human behavior is inevitably superficial whenever it is used for controlling people. To control its black citizens, for example, the former white racist regime in South Africa needed only the superficial knowledge that they were identifiable and separable from whites. To achieve the humanist goal of protecting and expanding a certain people's human worth, dignity, and freedom, a deeper understanding is needed. This understanding requires appreciating and empathizing with each individual or group, experiencing what they experience, and seeing their lives and the world around them from their perspective. We must look at their experience from the inside as a participant rather than from the outside as a spectator. In other words, we must adopt the internal, subjective view rather than the external, objective one.

The same principle, according to constructionists, should hold for understanding deviants and their deviant behavior. Constructionists contrast this subjective approach with positivists' objective one. To constructionists, positivists treat deviance as if it were an immoral, unpleasant, or repulsive phenomenon that should be controlled, corrected, or eliminated. In consequence, positivists have used the objective approach by staying aloof from deviants, by studying the external aspects of their deviant behavior, and by relying upon a set of preconceived ideas for guiding their study. The result is a collection of *surface facts* about deviants, such as their poverty, lack of schooling, poor self-image, and low

aspirations. All this may be used for controlling and eliminating deviance, but it does not tell us what deviant people think about themselves, society, and their daily activities.

In order to understand the life of a deviant, constructionists believe, we need to use the relatively subjective approach, which requires our appreciation for and empathy with the deviant. The aim of this subjective approach is to understand the deviants' personal views, seeing the world as it appears to them. Thus, constructionists tend to study deviants with such methods as ethnography, participant observation, or open-ended, in-depth interviews.

As a result of their subjective and empathetic approach, constructionists often present an image of deviants as basically the same as conventional people. The deaf, for example, are the same as the nondeaf in being able to communicate and live a normal life. They should therefore be respected rather than pitied. This implies that so-called deviant behavior, because it is like so-called conventional behavior, should not be controlled, cured, or eradicated by society.

Voluntarism: Deviance as a Voluntary Act

The constructionist perspective holds that supposedly deviant behavior is a voluntary act, an expression of human volition, will, or choice. Constructionists take this stand because they are disturbed by what they claim to be the dehumanizing implication of the positivist view of deviant behavior. The positivist view is said to imply that the human being is like a robot, a senseless and purposeless machine reacting to everything in its environment. But constructionists emphasize that human beings, because they possess free will and choice-making ability, determine their own behavior.

To support this voluntarist assumption, constructionists tend to analyze how social control agencies define some people as deviant and carry out the sanctions against them. Such analyses often reveal the arbitrariness of official action, the bias in the administration of law, and the unjustness of controlling deviants. All these convey the strong impression that control agents, being in positions of power, exercise their free will by actively, intentionally, and purposefully controlling the "deviants."

Constructionists also analyze people who have been labeled deviant. The "deviants" are not presented as if they were robots, passively and senselessly developing a poor self-image as conventional society expects of them. Rather, they are described as actively seeking positive meanings in their deviant activities. In constructionist Jack Katz's (1988) analysis, for example, murderers see themselves as morally superior to their victims. The killing is said to give the murderers the self-righteous feeling of defending their dignity and respectability because their victims have unjustly humiliated them by taunting or insulting them. Katz also portrays robbers as feeling themselves morally superior to their victims—regarding their victims as fools or "suckers" who deserve to be robbed. Such insight into the subjective, experiential world of deviance constitutes a noncausal, descriptive, or analytical theory.

In brief, the constructionist perspective consists of three assumptions. First, deviant behavior is not real in and of itself; it is, basically, a *label*. Second, supposedly deviant behavior is a *subjective* experience and therefore should be studied with subjectivity and empathy. And, third, putatively deviant behavior is a *voluntary, self-willed* act rather than one caused by forces in the internal and external environments.

and the like. The study of these types of deviance responds well to the positivist perspective for three reasons. First, these forms of deviant behavior, which characteristically enter into the official statistics analyzed by positivists, can be defined as really deviant. Such deviant acts are intrinsically more harmful than conforming behavior, are likely to elicit wide consensus from the public as to their deviant characteristics, and, therefore, are easily distinguishable from conforming behavior. Second, people who commit serious crimes, such as murder and robbery, generally come from the lower classes, quite unlike the positivists who study them. These are crimes that positivists themselves—as researchers, scholars, or professors—generally would not commit or could not conceive themselves capable of committing. It is easy, therefore, for positivists to stay aloof from these criminals, analyzing their behavior objectively, without empathizing with them or romanticizing their behavior. Third, since positivists can easily separate themselves from the people who commit serious deviant acts, it is natural for them to study these deviants as if they were passive objects “out there” rather than active subjects “in here” (like positivists themselves). It is thus natural for positivists to investigate these “passive” individuals with an eye to seeking out the causes of their deviance rather than understanding the operation of their free will.

In the same way, the constructionist perspective is more pertinent to the *less serious* kinds of deviance, particularly those that do not gravely harm other people. Thus this perspective finds itself at home in the world of adulterers, prostitutes, drug users, strippers, sex tourists, tax evaders, and the like. Again, three reasons explain the convenient fit between perspective and subject matter. First, there is a relative lack of consensus in society as to whether the less serious forms of deviant behavior are indeed deviant. Some members of society may label them deviant, while others may not. It is, therefore, logical for constructionists to emphasize that deviant behavior is basically a matter of labeling. Second, those so-called deviants are considered by society as less dangerous than the criminals typically studied by positivists. They also engage in the so-called deviant activities that constructionists themselves could enjoy, participate in, or at least feel themselves capable of engaging in—quite unlike the more dangerous acts committed by “common” criminals. Therefore, constructionists can more easily empathize with these supposed deviants and consider the latter’s subjective experience useful for understanding deviance. Third, since they can empathize with these relatively harmless deviants, it is natural for constructionists to consider them active subjects like themselves rather than passive objects. This may be why they emphasize the voluntary, self-willed nature of the putative deviants’ experience.

At bottom, the types of deviant behavior—seen through the positivist and constructionist perspectives—differ in the *amount of public consensus* regarding their deviant nature. On the one side, a given deviant act is, from the positivist standpoint, “intrinsically real,” largely because there is a relatively great public consensus that it is really deviant. On the other side, a given deviant act is, from the constructionist perspective, “not real in itself but basically a label,” largely because there is a relative lack of public consensus supporting it as really deviant. We may integrate the two views by defining deviant behavior with public consensus in mind.

Deviant behavior, we may say, is *any behavior considered deviant by public consensus*, which may range from the *maximum to the minimum*. Defined this way, deviant behavior should not be regarded as a discrete entity that is clearly and absolutely distinguishable

ridicule, condemnation, rejection, and other negative reactions by informal control agents such as relatives, friends, neighbors, peer groups, and even strangers.

Third, the number and variety of deviances are infinitely greater than those of crimes. Crimes can *only* be *behavioral* in nature, because there are only laws against some unacceptable behaviors, not some strange beliefs and attitudes. But deviances include more than behaviors and even more than beliefs and attitudes. Many deviances involve having certain physical or psychological conditions, characteristics, or traits, such as obesity, mental illness, and being grossly unattractive, for which the individual can in no way be prosecuted.

Fourth, as has been suggested, not all deviances are crimes, but are all crimes deviances? Most crimes, such as murder, rape, and robbery, are deviant because they violate informal norms in addition to breaking the law as a formal norm. But a few crimes are *not* deviant because they are relatively acceptable throughout society. They are, in other words, normative behavior, such as gambling and cohabitation. Such practices hardly raise an eyebrow because they are very common. They are nonetheless criminal because in some places the *old* laws against them are still on the books. Other popular practices such as drinking among young people under age 21, smoking inside public buildings, and driving without buckling up have become criminal in many states because of the passing of *new* laws to prohibit them.

The subject of crime was the preoccupation of the positivists in the sociology of deviance before the 1960s. Then the emergence of the constructionist perspective in the 1960s transformed the sociology of deviance into a lively field. The sociology of deviance continues to be vibrant today. Its positivist approach to deviance has revitalized criminology (see, for example, Messner and Rosenfeld, 2001; Tittle, 1995; Hirschi and Gottfredson, 1994), while its constructionist approach has renewed the sociology of deviance. On the one hand, for example, an increasing number of studies delve into the subjective world of deviance, revealing how deviants see themselves and others. On the other hand, the constructionist approach has caused the sociology of deviance to focus less on crime and more on deviance, bringing in many new subjects on deviance for study, such as binge drinking, prescription drug abuse, transgenderism, exotic dancing, physical disabilities, obesity, tattooing, and cyberdeviance, as presented in this text.

Summary

1. How do sociologists define deviant behavior? In sociology there are many different definitions of deviant behavior. They can be divided into two major types, one influenced by the positivist perspective and the other by the constructionist perspective. The positivist perspective holds the absolutist view that deviant behavior is absolutely real, the objectivist view that deviance is an observable object, and the determinist view that deviance is determined behavior, a product of causation. The constructionist perspective consists of the

relativist view that the so-called deviance is largely a label applied to an act at a given time and place, the subjectivist view that deviance is itself a subjective experience, and the voluntarist view that deviance is a voluntary, self-willed act.

2. Can we integrate those two perspectives? Yes. We can integrate them into a larger perspective that sees deviant behavior as an act located at some point on a continuum from maximal to minimal public consensus regarding the deviant nature of the act. With this integrated view, we can

CHAPTER

2

Positivist Theories



In October 2002, two men terrorized the residents of the national capital's suburbs for nearly three weeks. They drove around in their car and shot at people whom they picked out randomly. Ten of the victims died instantly and three were critically wounded. During the siege by the serial killers, residents were afraid to go out, causing restaurants, retail stores, and other businesses to suffer a sharp decline in patronage. School children had to run for cover as soon as they got off the bus, and they had to be "locked down," kept inside the building, not allowed to romp in the playground. High-school homecoming games had to be played at some undisclosed places away from the Washington area. Owners of gas stations had to put up large sheets of tarp to shield customers from the snipers. In fact, thanks to the daily reports on national TV about the sniping, Americans all over the country couldn't help feeling less safe than before (Thomas, 2002).

Soon after the snipers were caught, it was reported that before their spree killing in the Washington suburbs they had murdered two other people in Louisiana and Alabama. The killers were identified as John Muhammad, 41, and Lee Malvo, 17. Muhammad was said to treat the teenager as his son, and Malvo was said to be deferential and obedient to the older man. Muhammad was also reported to be “singularly unsuccessful at life,” “a two-time loser at money and love.” He was twice divorced and lost custody of his children to his ex-wives, who accused him of being abusive. He opened a martial-arts school, which went under, and then a car-repair business, which also failed. He was also arrogant and bad-tempered. When he was in the National Guard, he was court-martialed twice, for disobeying an order and for striking an officer (Duffy and Cannon, 2002). All these experiences were presented in the media as if they caused Muhammad to go on the killing spree. The focus on the causes of behavior like Muhammad’s rampage characterizes positivist theories of deviance.

There are many positivist causal theories of deviance. Here we will discuss only the most important ones, namely, anomie-strain theory, social learning theory, and control theory.

Anomie-Strain Theory

In 1938 Robert Merton developed what later became known as anomie theory, attributing deviance to *anomie*, the breakdown of social norms that results from society’s urging people to be ambitious but failing to provide them with the opportunities to succeed. In 1955 Albert Cohen (1955) extended Merton’s theory to explain the emergence of delinquent boys. Then, two other sociologists, Richard Cloward and Lloyd Ohlin (1960), tried to improve on Merton’s theory by adding the concept of differential illegitimate opportunity. Finally, since the early 1990s, other attempts have been made to extend the theory by emphasizing how the *strain* generated in people by anomie or other social conditions causes them to commit deviant acts (Messner and Rosenfeld, 2001; Agnew, 1992). The theory may thus be called anomie-strain theory.

Merton: The Goal–Means Gap

Merton found something wrong with Freud’s psychoanalytic theory of deviant behavior. The psychoanalytic theory says that criminal, pathological, or socially dangerous behavior represents the free expression of the libido, biological impulses, or animal desires the individual is born with. The defect of this theory, according to Merton, lies in its assumption that “the structure of society primarily restrains the free expression of man’s fixed native impulses.” That is, society *discourages* the individual from engaging in deviant activities. Merton called this assumption a “fallacious premise,” because he believed just the opposite: Society *encourages* the individual to engage in deviant activities. With such a premise, Merton developed his anomie theory.

Many sociologists have long believed that Merton’s theory was inspired by Émile Durkheim, who was the first to use the term *anomie* as a sociological concept. Thus they have called it *anomie theory*. But the implication of Durkheim’s concept of anomie is contrary to the premise of Merton’s theory. By *anomie* Durkheim referred to the absence of

norms, which he equated with the failure of a society to rein in its members' limitless pursuit of material success. Durkheim assumed that the lack of this normative control causes deviance. This is similar to Freud's assumption that deviance will break out if society fails to discourage it by restraining individuals' impulses. But Merton's theory assumes just the opposite: Deviance will occur if society encourages it by pressuring individuals to commit it. Precisely how does society do this?

In Merton's view U.S. society heavily emphasizes the cultural value of success. From kindergarten to college your teachers motivate you to achieve a high scholastic record and to have great ambition for your future. The books, magazines, and newspapers you read often carry success stories that encourage you to become successful yourself. The games, sports, and athletic events that you watch in the stadium or on television impress you with the supreme importance of winning. If you participate in an athletic event, the coach will prod you to win. If you simply want to enjoy the pleasure of playing the game and sarcastically argue that "winning is not everything," the coach may argue back even more sarcastically: "Right, winning is not everything—winning is the *only* thing!" This cultural value of success is so pervasive in this society that people of *all* classes are expected to be ambitious, to entertain high aspirations; everyone is expected to have the desire to be a winner, to be somebody. Even poor people are told that their children have the chance of becoming president of the United States if they have as much ambition as the young, poverty-stricken Abraham Lincoln did. In this sense, the cultural *goal* of success is freely available to all people, regardless of their social-class backgrounds.

In contrast, the institutionalized, legitimate *means* of achieving the high success goal, such as getting a good job, are not freely available to all classes of people. The society is structured in such a way that people of the lower social classes, when compared with those of the higher, have less opportunity to realize their success aspirations. Lower-class people thus find themselves trapped in a very difficult situation. They have been encouraged by the society to hold high success aspirations, but they are not given the opportunity to realize those aspirations. To get themselves out of that predicament, many lower-class people resort to the *illegitimate* means of achieving their success aspirations, such as stealing, robbing, and other similar forms of deviant activities. So, lower-class people are more likely to engage in deviant activities.

We have just seen that the *cause* of those lower-class deviant activities is the societal condition marked by the inconsistency between society's *overemphasis* on the success goal and its *underemphasis* on the use of legitimate means for achieving that goal. Merton (1938) describes this goal-means disjunction in this way: "Contemporary American culture continues to be characterized by a heavy emphasis on wealth as a basic symbol of success, without a corresponding emphasis upon the legitimate avenues on which to march toward this goal." With this encouragement of high aspirations and denial of success opportunities, U.S. society produces a great deal of strain that pressures us to commit deviance.

However, given this societal pressure toward deviance, not all of us would respond to it in the same way. Many lower-class people, as the previous discussion has implied, may respond to it by accepting the success goal while rejecting the use of legitimate means for realizing that goal. Merton refers to this deviant behavior as *innovation*. It is also the case that many other individuals of various social classes may respond differently to that same

TABLE 2.1 A Typology of Responses to Goal–Means Gap

In U.S. society, according to Merton, there is too much emphasis on success but too little emphasis on the legitimate means for achieving success. Such inconsistency may cause deviant behavior, yet various people respond to it differently.

Response	Success Goal	Legitimate Means
1. Conformity	+	+
2. Innovation	+	–
3. Ritualism	–	+
4. Retreatism	–	–
5. Rebellion	– +	– +

Note: + indicates accepting; – signifies rejecting; and – + means rejecting the old and introducing the new.

Source: Adapted from Robert K. Merton, *Social Theory and Social Structure*. New York: Free Press, 1957.

social condition. Therefore, along with innovation, Merton presents other types of response (see Table 2.1).

1. *Conformity* is the most popular form of response. It involves accepting both the cultural goal of success and the use of legitimate means of working toward that goal. Presumably most of us choose this response.

2. *Innovation* is largely found among lower-class people, who reject the use of legal means in favor of illegal ones in their attempts to achieve the high success goal that they have learned to accept. This form of deviant response is the central subject of strain theory, and Merton discusses it much more than any other.

3. *Ritualism* is common among lower-middle-class people who lower their aspirations or abandon high success goals so that they can more easily realize their aspirations. But in their attempts to realize these modest aspirations, they compulsively—hence, ritualistically—abide by the institutional norm of toiling as conscientious, loyal workers. They tend to be proud of their hard, honest work while shrugging off their modest incomes.

4. *Retreatism* is a withdrawal from society into the shell of one's self. The retreatist does not care about success, nor does he or she care to work. Examples of such people are psychotics, outcasts, vagrants, vagabonds, tramps, alcoholics, and drug addicts.

5. *Rebellion* involves rejecting the prevailing social expectation that we work hard in the so-called rat race to reach the goal of great success. The rebel also attempts to overthrow the existing system and put in its place a new one with new goals and new means of reaching those goals. Thus, the rebel may abandon both the pursuit of fame and riches and the cutthroat competition needed to achieve this worldly goal. At the same time, the rebel may encourage people to seek goodwill toward others and to cooperate in attaining this heavenly goal.

Cohen: Status Frustration

The version of anomie-strain theory proposed by Cohen (1955) is fundamentally the same as Merton's. Like Merton, Cohen suggests that U.S. society encourages all classes of people to achieve status while at the same time making it difficult for lower-class people to really achieve it. As a consequence, lower-class people are compelled to achieve status in their own way—that is, to engage in deviant acts. Although the theme is the same as in Merton's theory, Cohen tells the story differently, replacing Merton's word *success* with *status*.

According to Cohen, lower-class boys, like their middle-class peers, want to have status. An important place to achieve status is the school, which they are forced to attend. But the school turns out to be a most unlikely place for lower-class boys, because it ensures their failure. How so? The school is run by middle-class teachers, promotes middle-class values and behavior, and judges the student's achievement by middle-class standards of behavior and performance. The school, then, is a middle-class status system. To achieve the status of a successful, competent, or good student in the middle-class setting, youngsters must possess middle-class values, virtues, and traits, such as verbal fluency, academic intelligence, the ability to delay gratification, courtesy, opposition to fistfights, and respect for property. In this status system, middle-class boys obviously have a good chance of becoming successful. Yet lower-class boys, who have not been socialized in the same way as middle-class boys, are thrown into a status system where they are expected to compete with middle-class boys. The result is not surprising: lower-class boys fail disastrously. In Cohen's words, "they are caught up in a game in which others are typically the winners and they are the losers and the also-rans."

Being a loser or also-ran is obviously very frustrating. Driven by this frustration, which Cohen calls *status frustration*, lower-class boys go back to their own lower-class neighborhood and set up their own competitive system, which Cohen refers to as a *delinquent subculture*. In that subculture they can compete more fairly among themselves for high status in accordance with their own criteria of achievement. Their criteria of achievement are in direct opposition to the "respectable" middle-class, conventional criteria. They judge as wrong whatever values and behaviors are considered right by conventional standards, and they judge as right whatever values and behaviors are considered wrong by conventional standards. Given this, it is obvious that the lower-class boys' very attempt to achieve status among their peers is—according to conventional standards—delinquent. The so-called delinquent activities include stealing "for the hell of it," fighting, terrorizing "good" children, destroying property, and defying various conventional taboos.

In short, Cohen extends Merton's theory by adding the concept of status frustration. As you may remember, Merton suggests that the goal-means gap (discrepancy between success aspiration and opportunity) *by itself* creates a lot of strain that pressures lower-class people into deviance: Goal-means gap → deviance. But Cohen's theory suggests that the goal-means gap can lead lower-class boys toward deviant activities only if the boys encounter *status frustration*. In other words, status frustration serves as the third, intervening variable that enables the goal-means gap to produce delinquent subculture: Goal-means gap → *status frustration* → deviance.

Nevertheless, Cohen's theory is basically the same as Merton's. Both assume that lower-class people are more likely than others to engage in deviant activities because society fails to help them fulfill the aspirations (for success or status) that it has induced in these people.

Cloward and Ohlin: Differential Illegitimate Opportunity

You may recall the way Merton formulates his theory: The lower classes tend to engage in deviance because they, like the middle and upper classes, have been encouraged to hold high success goals but, unlike the higher classes, are denied the *legitimate* means or opportunity of achieving the success goals. Cloward and Ohlin (1960) accept this general idea. At the same time, however, they want to extend it by introducing the concept of differential *illegitimate* opportunity.

First, Cloward and Ohlin point out that Merton correctly directs our attention to the problem of differential legitimate opportunity—that the lower classes have less opportunity than other classes for achieving success in a legitimate, conforming manner. But Merton wrongly assumes that the lower classes, when confronted with the lack of opportunity, would automatically and successfully engage in deviant activities. In other words, Merton fails to recognize the fact that the lower classes, after being confronted with the problem of differential *legitimate* opportunity, are further confronted with the additional problem of differential *illegitimate* opportunity. The fact is that some members of the lower classes have less opportunity than others of the same classes for achieving success in an *illegitimate, deviant* manner. What Cloward and Ohlin want to emphasize is that while all lower-class people suffer from the same lack of opportunity for engaging in legitimate and conforming activities, they do not have the same opportunity for participating in illegitimate and deviant activities. Thus, when some lower-class persons are pressured toward committing a deviant act such as theft or robbery, there is no guarantee that they will actually do it. Whether or not they will actually do it depends on whether they have access to illegitimate opportunity in the lower-class neighborhood.

There are three types of illegitimate opportunity, each provided by a deviant subculture. The *criminal* subculture offers illegitimate opportunities for achieving success goals. If lower-class youngsters are integrated into this subculture, they are able to achieve success by stealing, robbing, and fencing. This is the kind of deviant activity to which Merton assumes all lower-class youngsters will turn when they are denied conventional opportunities in the larger society. But, according to Cloward and Ohlin, many of these lower-class youths are not part of the criminal subculture and therefore do not enjoy criminal opportunities.

Yet some of those youths may find themselves in another neighborhood where the *conflict* subculture flourishes. In this subculture, a youngster has the opportunity to achieve “rep” or status within a violent delinquent gang. But that opportunity is available only to those youngsters who can meet such requirements as possessing great fighting skill and demonstrating enthusiasm for risking injury or death in gang warfare. Some lower-class adolescents fail to meet these requirements and are therefore denied the opportunity for achieving status within the conflict subculture.

There is, finally, a third, *retreatist* subculture, in which the only requirement for membership is the willingness to enjoy the use of drugs. Persons who are recruited into the retreatist subculture are likely to be those who have failed to achieve success in the criminal subculture or to attain status in the conflict subculture. Because of their failure to achieve success or status in *both* the delinquent underworld and the conventional upperworld, the retreatists have been called “double failures.”

TABLE 2.2 Three Versions of Anomie-Strain Theory

Merton: Goal-means gap → deviance

Cohen: Goal-means gap → status frustration → deviance

Cloward and Ohlin: Goal-means gap → differential illegitimate opportunity
→ different deviant activities

Note: The sign “→” indicates “antecedes or causes,” as in “A antecedes or causes B.”

In brief, Cloward and Ohlin extend Merton's anomie-strain theory by introducing differential illegitimate opportunity as the third, intervening variable through which the goal-means gap leads to three different kinds of deviant activities: goal-means gap → *differential illegitimate opportunity* → different deviant activities. (Table 2.2 shows how this version of anomie-strain theory compares with the other two.) Nevertheless, Cloward and Ohlin basically agree with Merton that lower-class people are more inclined than others toward deviance because they are more likely to experience the discrepancy between success aspirations and the opportunity for realizing those aspirations.

Recent Developments

Over the last decade a number of sociologists have moved anomie-strain theory in new directions. Steven Messner and Richard Rosenfeld (2001), for example, argue that Merton focused too much on the “inequality in access to the legitimate means for success” as the source of the strain that leads to deviance. It is not so much the relative lack of opportunity that causes people to resort to the illegal means of achieving success, Messner and Rosenfeld contend, rather it is the overwhelming culture of the American Dream that causes deviance by encouraging people to adopt an “anything goes” mentality in the pursuit of success. According to Mark Konty (2005), the pursuit of the American Dream or economic success can cause deviance because it reflects a strong *self* interest with little or no *social* interest. Self interests focus on personal success or dominance over others, while social interests emphasize concern for the welfare of others. Research has suggested that people tend to engage in deviance if they have strong self interests while lacking social interests.

Robert Agnew (1992) has also found Merton inadequate for focusing only on failure to achieve economic success goals as the strain that directly causes deviance. There are two other kinds of strain that are non-economic in nature, Agnew theorizes. One is what he calls the “removal of positively valued stimuli,” such as “the loss of a boyfriend/girlfriend, the death or serious illness of a friend, moving to a new school district, the divorce/separation of one's parents, and suspension from school.” The other form of strain involves the “presentation of negative stimuli,” which includes such unpleasant experiences as child abuse and neglect, criminal victimization, physical punishment, and problems with parents or peers. These strains are said to cause frustration, fear, and anger, which in turn lead to deviant actions such as theft, aggression, and drug use.

Evaluating Anomie-Strain Theory

This theory has at least two problems. First, there is no reliable evidence to support its claim that people of the lower classes are more likely than those of other classes to engage in deviant activities. It is true that the official statistics on crime and delinquency, which anomie-strain theorists rely on, do support the theory. But the official statistics are largely unreliable and invalid. They are unreliable because law enforcers are much more likely to catch lower-class criminals and delinquents than higher-class ones. They are invalid because they do not reflect the total picture of deviance—they measure instead a very small portion of the totality of deviance, namely, the relatively serious types. If we modify the theory and say that lower-class people are more likely to commit what society considers *serious* types of deviance, then the theory does have adequate empirical support from both the official and unofficial reports on criminality and delinquency.

Second, there is no evidence to support the assumption of anomie-strain theory that lower-class people tend to hold the same level of success aspirations as do upper- and middle-class people. On the contrary, both theoretical analysis and empirical data show that lower-class people hold a significantly lower level of success aspirations. It is true, as anomie-strain theorists claim, that U.S. society *encourages* lower-class people to embrace high-success goals. But it is *not* necessarily true, as anomie-strain theorists assume, that lower-class people will end up embracing high-success goals. Merton and other anomie-strain theorists appear to have ignored the fact that while the manifest, intended function of U.S. success ideology is to get all social classes to entertain high aspirations, its latent, unintended, and real consequence turns out to be the higher social classes holding far higher aspirations than the lower classes.

Whatever its shortcomings, anomie-strain theory does have important redeeming value, aside from its being considered by many sociologists as highly interesting. Foremost to consider is that the theory has contributed greatly to the sociological idea that the society, not the individual, causes deviant behavior. Before the theory was first published in 1938, many sociologists tended to seek the causes of deviance within the individual rather than without. The fact that today many sociologists take for granted the notion of deviance as caused by society is a testament to the contribution of anomie-strain theory.

Further, the theory seems to have a valid premise: The discrepancy between aspirations and the opportunity to realize these aspirations produces pressures toward deviation. This premise suggests that anybody, regardless of their social class backgrounds, tends to engage in deviance if they experience a significant gap between aspiration and opportunity. Indeed, much research has shown that wherever the aspiration–opportunity gap strikes, it tends to generate deviation (Parnaby and Sacco, 2004; Passas and Agnew, 1997; Menard, 1995).

Social Learning Theory

According to social learning theory, the brainchild of Edwin Sutherland (1939), deviant behavior is learned through one's interaction with others. More specifically, Sutherland developed the theory of differential association to explain how the learning of deviance comes about. Later, other sociologists presented different versions of the same theory.

Sutherland: Differential Association

More than 60 years ago—at about the same time that Merton proposed strain theory—Sutherland (1939) introduced the theory of differential association. The heart of the theory is this: If an individual associates with people who hold deviant (or criminal) ideas more than with people who embrace conventional ideas, the individual is likely to become deviant.

We should note two things about the meaning of this statement. First, although deviants typically hold deviant ideas, the people who hold deviant ideas do not have to be deviants—they can be anybody, even those who have not committed any deviance. What counts is the *idea* of committing deviance. If a father tells his children that it's all right to steal when you are poor, he is giving them an idea of committing a deviant act. On the other hand, if the father tells his children that it's wrong to steal, he is giving them an antideviant idea. The emphasis here is on whether the father gives his children deviant or antideviant ideas, not whether the father himself is a deviant or nondeviant. Therefore, if people are given more ideas of committing deviant acts than ideas of performing conventional acts, they are likely to engage in deviance.

Second, the theory does *not* refer to only one type of association, that is, deviant association or exposure to deviant ideas. The theory does not suggest that, if individuals have a lot of contacts with deviant ideas, they will become deviant. Lawyers, for example, may have a lot of contacts with their criminal clients, but they will not necessarily become criminals themselves. The theory instead refers to both deviant and conventional contacts or, more precisely, to the *excess* of deviant over conventional contacts. This means that it is all right to have both kinds of contacts; only if we have a *greater* number of deviant contacts than conventional ones are we likely to become deviant. This is suggested by the term *differential association*, which refers to the fact that deviants' *association* with deviant individuals and ideas *differs* from (or, more precisely, occurs more often than) their association with conventional ones. Defined in this way, differential association is theorized to be the cause of deviance: Differential association → deviant behavior.

Glaser: Differential Identification

According to Daniel Glaser (1956), Sutherland's theory actually conveys a "mechanistic image" of deviance. Such an image shows the individual as being mechanically pushed into deviant involvement by an association with deviants. It ignores the individual's role-taking and choice-making ability. Glaser, then, tries to correct this mechanistic image by suggesting that the experience of associating with deviants is harmless unless the individual *identifies* with them.

Glaser's theory may be taken to suggest that it is all right for us to associate with deviants in real life or get to know them in books and movies, as long as we do not take them so seriously that we identify with them, treating them as our heroes. But if we do identify with them, or more precisely, if we identify with them more than with nondeviants, we are likely to become deviants ourselves. In effect, Glaser suggests that deviance is likely to occur if differential identification intervenes between it and differential association: Differential association → *differential identification* → deviant behavior.

claimed that their research data appear to support Sutherland's theory. But this need not be surprising. Actually, those sociologists have not found any empirical support for Sutherland's theory, but only for their *own* interpretations of the theory. As James Short (1960), who has done considerable research to test the theory, observed: "Much support has been found for the principle of differential association *if* the liberties taken in the process of its operationalization [translation into empirical or testable terms] are granted." One study, for example, treats the concept of "differential association" as if it had to do with "association" only—and nothing to do with "differential." The concept is thus operationalized as a perception of friends' *deviant* attitudes and behaviors alone, not the friends' *excess of deviant over conventional* attitudes and behaviors (Hochstetler, Copes, and DeLisi, 2002).

Second, Glaser's differential identification theory appears to have received some support from empirical data. It has been found, for example, that high school boys who identified with delinquent friends were likely to become delinquent themselves. But there is no conclusive evidence that identification with delinquent friends is the cause of delinquency or occurs before a person becomes delinquent. It is quite possible that youngsters may identify with delinquent friends only after—not before—having become delinquent themselves.

Third, the Burgess-Akers differential reinforcement theory cannot explain why a person *initially* commits a deviant act. The theory is useful, however, for explaining *repeated* deviance, namely, why some people *continue* to get involved in deviance after committing a deviant act for the first time. The reason, according to differential reinforcement theory, is that they have in the past been rewarded more than punished for their deviance, whereas others do not repeat a deviant act because they have been punished more than rewarded for the act. This formulation has indeed been borne out by many studies (see, for example, Sellers, Cochran, and Branch, 2005; Chappell and Piquero, 2004; Akers and Lee, 1999).

Control Theory

Control theory differs in at least two ways from the other major theories discussed above. First, both anomie-strain and learning theorists approach the problem of explaining deviant behavior head-on and ask: What causes deviance? Control theorists approach the problem in a roundabout way: What, they ask, causes conformity? They assume, in other words, that if they find out what causes conformity, they will know what causes deviance, for what causes deviance is simply the *absence* of what causes conformity. Second, both anomie-strain and learning theorists reject the Freudian idea that deviance can naturally, or by itself, burst forth from our inborn animal impulses. Instead, anomie-strain and learning theories maintain that deviance originates from certain social conditions, namely, the discrepancy between goals and means in society and the experience of learning from others. In contrast, control theorists seem to accept the Freudian idea because they assume that people are naturally inclined to commit deviant acts and will do so *unless* they are properly controlled.

In the eyes of control theorists, then, what causes conformity is social control over the individual, and therefore *the absence of social control causes deviance*. There are, however, many different theories about the specific nature of social control. We will focus on only three of the more important ones.

Hirschi, Gottfredson, and Tittle: Social Bond, Self-Control, and Control Balance

Travis Hirschi (1969) assumes that all of us are endowed like animals with the ability to commit deviant acts. But most of us do not take advantage of this ability, Hirschi suggests, because of our *strong bond* to society. In other words, our strong bond to society ensures our conformity. Conversely, if our social bond is weak, we will commit deviant acts.

According to Hirschi, there are four ways for individuals to bond themselves to society. The first is by *attachment* to conventional people and institutions. In the case of juveniles, they may show this attachment by loving and respecting their parents, making friends with conventional peers, liking school, and working hard to develop intellectual skills. A *commitment* to conformity is the second way. Individuals invest their time and energy in conventional types of action, such as getting an education, holding a job, developing an occupational skill, improving a professional status, building up a business, or acquiring a reputation for virtue. At the same time, people show a commitment to achievement through these activities. The third way is *involvement* in conventional activities. People simply keep themselves so busy doing conventional things that they do not have time for partaking in deviant activities or even thinking about deviant acts. A *belief* in the moral validity of social rules is the fourth way in which people bond themselves to society. Individuals have a strong moral belief that they should obey the rules of conventional society. A young person may show such moral belief through a respect for the police or through a positive attitude toward the law.

If these four elements of the individual's bond to conventional society are strong, the individual is likely to get stuck in conformity. If these elements are weak, the individual is likely to slide into deviance. In more recent publications, Hirschi, along with Michael Gottfredson, argues that *weak self-control* is more useful for explaining deviance. People with weak self-control are said to be highly impulsive, reckless, and insensitive. They are a product of inadequate socialization. Their parents have often failed, for example, to discipline them in childhood for wrongful behavior. Such people then are likely to commit deviant acts even if their social bond is strong (Hirschi and Gottfredson, 1994; Gottfredson and Hirschi, 1990).

According to Charles Tittle (2004, 1995), however, it is the *lack of control balance* that causes deviance. Individuals with a lack of control balance are said to have either a "control surplus" (such as the control we have over others being greater than the control others have over us) or a "control deficit" (the control others have over us being greater than the control we have over them). They are likely to engage in any kind of deviance, which may include such widely different deviances as exploitation of others, theft, vandalism, child molestation, and sexual harassment.

Braithwaite: Reintegrative Shaming

While Hirschi sees how society controls us through bonding, John Braithwaite (2000, 1989) looks at how society controls us through shaming. Shaming involves an expression of social disapproval designed to invoke remorse in the wrongdoer. There are two types of shaming: disintegrative and reintegrative. In *disintegrative shaming*, the wrongdoer is punished in such a way as to be stigmatized, rejected, or ostracized—in effect, banished from conventional society. It is the same as stigmatization. *Reintegrative shaming* is more

positive; it involves making wrongdoers feel guilty while showing them understanding, forgiveness, or even respect. It is the kind of shaming that affectionate parents administer to their misbehaving child, or “hating the sin but loving the sinner.” Thus, reintegrative shaming serves to reintegrate—or welcome back—the wrongdoer into conventional society.

According to Braithwaite, reintegrative shaming is more common in communitarian societies (marked by strong social relationships but weak individualism), such as Japan, whereas disintegrative shaming is more prevalent in less communitarian societies (characterized by weaker social relationships but stronger individualism), such as the United States. At the same time, reintegrative shaming usually discourages further deviance, while disintegrative shaming or stigmatization encourages it. This is taken to explain why crime rates are higher in the United States than in Japan.

Braithwaite concludes by arguing that the United States can significantly reduce its crime rates if it emphasizes reintegrative shaming rather than stigmatization in dealing with criminals, as Japanese society does. Since the early 1990s reintegrative shaming has appeared in the United States as “shaming penalties,” which include drunk drivers being ordered by judges to display “DUI” bumper stickers, people convicted of public urination being ordered to sweep city streets, or men who solicit prostitutes being identified on newspapers, billboards, and radio shows. Dan Kahan (1997), a law professor at the University of Chicago, argues that the shaming is an effective deterrent to deviance.

The Deterrence Doctrine

While Braithwaite’s theory deals largely with shaming as an *informal* social control (carried out by relatives, friends, neighbors, and the like), the deterrence doctrine focuses on *formal* social control (executed by judges and other law-enforcement agents). This version of control theory assumes that humans are basically rational, given to calculating the benefit and cost of committing a crime. If they find the cost greater than the benefit, they will refrain from committing the crime. The cost of crime, according to deterrence doctrine, is legal punishment, such as arrest, prosecution, imprisonment, or execution. Thus, the doctrine assumes that punishment (a form of social control) deters crime—and lack of punishment encourages it.

There are three ways in which punishment can be carried out, each being assumed to affect the likelihood of committing crime. First, punishment can be made more or less *severe*. According to deterrence doctrine, the more severe the punishment, the less likely the crime. Murder rates, for example, are expected to be lower in societies where convicted murderers are executed than in societies where the murderers are given a 20-year sentence. Second, punishment can be made more or less *certain*. Deterrence doctrine assumes that the more certain the commission of a crime will result in punishment, the less likely people will be to commit the crime. Shoplifting, for example, is expected to become less common if the chances of getting arrested for it go up from 50–50 to 100. Third, punishment can be made more or less *swift*. The more swiftly punishment is carried out, the less likely the crime is to occur. If it takes only several days for robbers to be arrested in a given city, the robbery rate in this city is likely to be lower than in another city where it takes longer to arrest robbers.

Whatever the mode of punishment, whether it be severe, certain, or swift, it is assumed to achieve two kinds of deterrence: general and specific. In *general deterrence* the punishment of a criminal deters the general public from committing crimes; in *specific deterrence* the punishment of a criminal deters the criminal alone from committing more crimes.

In sum, the three control theories suggest that some form of control prevents people from committing deviant acts, and the lack of controls prompts the commission of such acts. The theories differ largely in regard to what type of control can prevent deviance. Thus, they present various types of control, which include bond to society, self-control, reintegrative shaming, and legal punishment.

Evaluating Control Theory

First, many studies have supported Hirschi's social bond and self-control theory. Deviants such as juvenile delinquents, drug users, and drunk drivers have been found to have a weaker social bond or self-control than nondeviants (see, for example, Drapela, 2005; Pratt and Cullen, 2000). But most of these studies, being cross-sectional rather than longitudinal, could not have controlled for (canceled out) the reciprocal effect of deviance on social bond or self-control. Often, it is the deviant experience that causes people to have a weaker social bond and self-control rather than the other way around. Also, many studies that supposedly support the theory turn out to be tautological, using deviant acts (such as smoking, using drugs, speeding, and drunk driving) as the empirical indicators of weak self-control. These studies effectively suggest that deviance causes deviance (Li, 2004; Stylianou, 2002; Burton et al., 1998; Kempf, 1993).

Second, Braithwaite is only partly convincing in his argument that the United States can reduce crime with reintegrative shaming—by treating criminals in the same lenient, compassionate way as Japan does. This treatment may work if applied to first-time offenders who have committed relatively minor crimes and still retain a sense of shame for their crimes. But it can hardly have the same positive impact on hardened criminals who have lost their sense of shame for their crimes. Moreover, since reintegrative shaming is part and parcel of a communitarian society, it seems to be the pervasiveness of such society's strong social relationships rather than reintegrative shaming that largely keeps the crime rate low. This may explain why reintegrative shaming is less likely to deter deviance in Russia and other less communitarian societies marked by weak social relationships (Botchkovar and Tittle, 2005).

Third, the deterrence doctrine has received only conflicting support from research. Various studies show, for example, that arresting wife-beaters deters further violence more than less severe forms of punishment such as ordering the offender to leave the victim for eight hours. However, studies on released prisoners suggest just the opposite: The more severe their punishment (for example, the longer the sentence), the more likely former inmates will commit crimes again (Wright et al., 2004; Heckert and Gondolf, 2000; Berk and Newton, 1985).

Finally, various control theorists share a simplistic view of social control, regarding it as only a *preventer* of deviance. They fail to see control as a possible *cause* of deviance. The great ambition—along with excellent social and intellectual skills—that develops from social bond may prevent juvenile delinquency, as Hirschi's theory suggests, but the same ambition may cause corporate and political crimes. Similarly, contrary to Braithwaite's theory, reintegrative shaming may cause deviance, such as by encouraging judges to presume the accused as guilty, thereby violating the person's right to be presumed innocent. Also, contrary to the deterrence doctrine, the very process of law enforcement to deter crime may trigger lawbreaking acts. In taking action against a suspect, for example, a police officer may cause the suspect to commit such criminal acts as resisting arrest or assaulting an officer (Marx, 1981).

Table 2.4 presents the major points of all the theories discussed in this chapter.

TABLE 2.4 Positivist Theories of Deviance

Anomie-Strain Theory: Social strain causes deviance.

Merton's goal-means gap: Deviance is prevalent in society because the society encourages people to achieve success without providing equal opportunity for achieving it.

Cohen's status frustration: Deviance is prevalent among lower-class youths because they fail to achieve status in a middle-class school environment.

Cloward and Ohlin's differential illegitimate opportunity: Lower-class youths are likely to engage in delinquent activities if they have access to illegitimate opportunity.

Latest versions of the theory: The American Dream contributes to deviance by directly encouraging the use of illegal means to achieve success, while various social strains cause deviance by producing such emotions as frustration and anger.

Social Learning Theory: Deviance is learned through social interaction.

Sutherland's differential association: People are likely to become deviant if they associate with people holding deviant ideas rather than with people holding antideviant ideas.

Glaser's differential identification: People are likely to become deviant if they identify themselves more with deviants than with nondeviants.

Burgess and Akers's differential reinforcement: Deviants are likely to continue engaging in deviant activities if they have been rewarded rather than punished for their past deviance.

Control Theory: Lack of social control causes deviance.

Social bond, self-control and control balance: People are likely to become deviant if their bond to society and their self-control are weak or if they have a control surplus or deficit.

Braithwaite's reintegrative shaming: People are likely to become deviant if they are not made to feel ashamed for their wrongdoing or to feel they are an integral part of society.

The deterrence doctrine: People are likely to become deviant if they know their deviant acts are not punished with severity, certainty, or swiftness.

Summary

1. How does anomie-strain theory explain the causation of deviant behavior?

According to Merton's anomie-strain theory, lower-class people are more likely to get involved in deviant activities because the society has encouraged them to pursue a high-success goal without providing them with the means of achieving it. Cohen extends this theory by proposing that when their aspirations for status are frustrated in the middle-class milieu, lower-class youths are

driven to achieve status among themselves by engaging in delinquency. Cloward and Ohlin extend Merton's theory by suggesting that whether potentially delinquent lower-class youth will actually become delinquent depends on whether they have access to illegitimate opportunity. Other sociologists extend Merton's theory by attributing deviance to the American Dream and forms of strain ignored by Merton. **How good is anomie-strain theory?** There is no reliable evidence for its

assumption that, compared with middle and upper classes, the lower classes are more prone to deviance while holding the same level of success aspirations. Nevertheless, the theory has been valuable for replacing the psychological with the sociological explanation of deviance and for offering the solid premise that the aspiration–opportunity gap causes deviance.

2. According to various versions of social learning theory, why do some people become deviant? Sutherland's differential association theory states that people will likely become deviant if they associate more with individuals who hold deviant ideas than with those who embrace antideviant ideas. Glaser extends this theory by suggesting that the determining factor for turning the differential association into criminal action is differential identification, while Burgess and Akers designate differential reinforcement the determining factor. **Are Sutherland's theory and extended versions any good?** Sutherland's theory has been criticized for lacking a precise, empirical meaning of "differential association," and many researchers claim to have found data

supporting the theory. As for Glaser's theory, it has received some, though not conclusive, empirical support. The Burgess-Akers theory cannot explain initial acts of deviance but is useful for explaining repeated deviance.

3. How does control theory explain deviance? According to the theory, what causes conformity is control, and, therefore, the lack of control causes deviance. Hirschi refers to this causal factor of conformity as our *bond to society*, or *self-control*. Braithwaite calls it *reintegrative shaming*, and proponents of deterrence doctrine refer to it as *legal punishment*. **What are the strengths and weaknesses of various control theories?** Hirschi's theory has received a lot of support from research data, but weak social bond or self-control may be the effect rather than the cause of deviance. Braithwaite's theory about reintegrative shaming being able to reduce crime in the United States may work for first-time offenders but not hardened criminals. The deterrence doctrine has received support from some studies but has been refuted by others.

FURTHER READING

Cloward, Freda, and William S. Laufer (eds.). 1995. *The Legacy of Anomie Theory*. New Brunswick, N.J.: Transaction. A series of essays that discuss the contribution of Merton's theory to the sociological research on and understanding of deviance.

Glaser, Robert. 1992. "Foundation for a general strain theory of crime and delinquency." *Criminology*, 30, 47–87. A revision of Merton's anomie-strain theory that takes into account many forms of strain that lead to deviance.

Hirschi, Travis, and Michael R. Gottfredson (eds.). 1994. *The Generality of Deviance*. New Brunswick, N.J.: Transaction. A collection of articles about the editors' theory of self-control, which essentially shows how a lack of self-control can result from ineffective child rearing and then cause deviance.

Liska, Ronald L. 1998. *Social Learning and Social Structure: A General Theory of Crime and Deviance*. Boston: Northeastern University Press. A clear presentation of his social learning theory as well as research data supporting the theory.

Braithwaite, John. 1989. *Crime, Shame and Reintegration*. New York: Cambridge University Press. A theory about how society deters crime through the imposition of a social control called "reintegrative shaming."

Cullen, Francis T. 1988. "Were Cloward and Ohlin strain theorists? Delinquency and opportunity revisited." *Journal of Research in Crime and Delinquency*, 25, 214–241. Shows why Cloward and Ohlin are more opportunity theorists than strain theorists.

Hirschi, Travis, and Michael R. Gottfredson (eds.). 1994. *The Generality of Deviance*. New Brunswick, N.J.: Transaction. A collection of articles about the editors' theory of self-control, which essentially shows how a lack of self-control can result from ineffective child rearing and then cause deviance.

Liska, Allen E., and Mark D. Reed. 1985. "Ties to conventional institutions and delinquency: Estimating reciprocal effects." *American Sociological Review*, 50, 547–560. Data in this study question the validity of many past studies that claimed to support control theory.

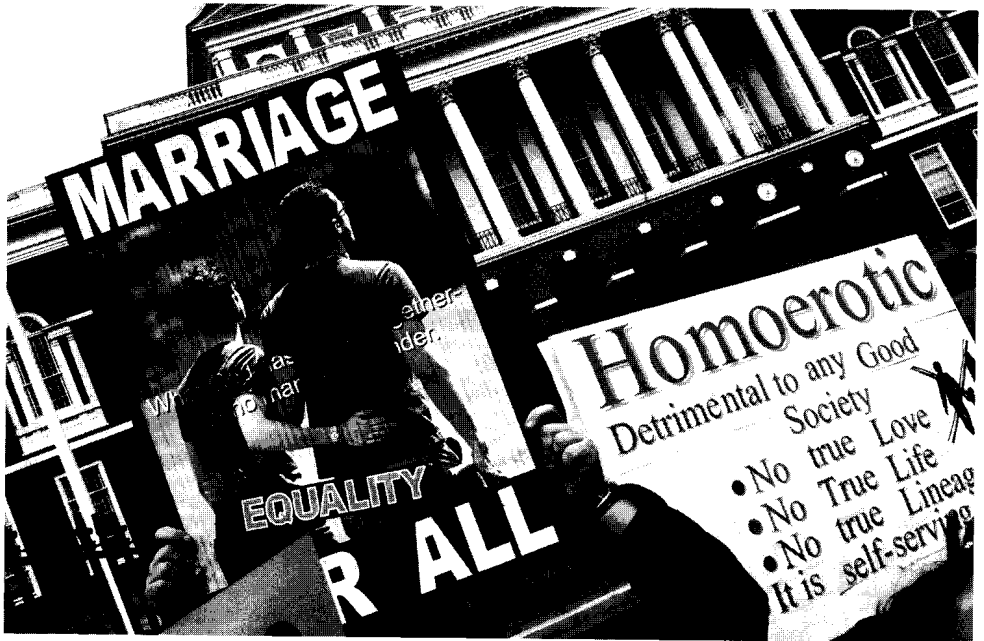
Marx, Gary T. 1981. "Ironies of social control: Authorities as contributors to deviance through escalation, nonenforcement, and covert facilitation." *Social*

- Problems*, 28, 221–246. Discusses how authorities often help bring about deviance that they have set out to control.
- Matsueda, Ross L. 1988. “The current state of differential association theory.” *Crime & Delinquency*, 34, 277–306. Discusses the development of the theory as well as its strengths and weaknesses.
- Messner, Steven F., and Richard Rosenfeld. 2001. *Crime and the American Dream*. Belmont, Calif.: Wadsworth.
- Passas, Nikos, and Robert Agnew (eds.). 1997. *The Future of Anomie Theory*. Boston: Northeastern University Press. A collection of articles analyzing, modifying, and expanding Merton’s strain theory.
- Stylianou, Stelios. 2002. “The relationship between elements and manifestations of low self-control in a general theory of crime: Two comments and a test.” *Deviant Behavior*, 23, 531–557. Discusses the tautological problem with low self-control theory and shows the proper way of testing the theory.
- Tittle, Charles R. 1995. *Control Balance: Toward a General Theory of Deviance*. Boulder, Colo.: Westview. Presents a complicated theory of how the interaction among deviant motivation, opportunity, and constraint determines the probability of deviance.

CRITICAL THINKING QUESTIONS

1. Which of the positivist theories makes the most sense to you and why?
2. What would you have the government do to fight crime, based on one or more of the positivist theories discussed in this chapter?

Constructionist Theories



In January, 2000, Richard Pitcher, 35, and Kimberly Henry, 31, began a romance that led to talk of marriage three weeks later. But the sting of his second divorce was still fresh, and her first marriage had also been a disaster. So, they decided to move in together instead of rushing into marriage. After enjoying their lives as a couple for about a month, they found a summons in the mail charging them with violating Article 30-10-2 of the New Mexico criminal code, which covers unlawful cohabitation. They were told that first offenders got a warning but repeat offenders could be sent to jail for six months. “I couldn’t believe it,” Pitcher said. “I was shocked.” Pitcher later found that the complaint to the police had been filed by his second ex-wife. She had just married for the fourth time, but as a newly born-again Christian, she did not want her five-year-old daughter to see her dad living in sin. The local district attorney, however, said he would dismiss the case, calling the unlawful cohabitation law “weird” (Yardley, 2000).

Is living together really deviant? Positivist sociologists assume that it is, because it involves breaking the legal norm that prohibits cohabitation. Because they regard that deviant behavior as real, positivists are inclined to seek out the causes of cohabitation. But constructionist sociologists are not interested in studying cohabitation because they do not really consider it deviant behavior. They are more interested in finding out who thinks of cohabitation as deviant and why. To constructionists, cohabitation is not deviant as an act; it appears deviant only as a mental construction, a figment of human imagination. Thus constructionists have developed theories about how people impute the notion of “deviance” to behaviors like cohabitation and what consequences this has for themselves and for others. This chapter discusses the more important of these theories.

Labeling Theory

In the early 1960s, a group of sociologists developed what soon became widely known as labeling theory. It is actually a version of symbolic interactionism, a well-known sociological theory about social behavior in general (Prus and Grills, 2003; Becker, 1974, 1963; Erikson, 1962; Kitsuse, 1962).

A Version of Symbolic Interactionism

In defining what deviance is, labeling theorists call on two central ideas in symbolic interactionism. These two ideas are suggested by the very two words that make up the name of the theory. First, as suggested by the word *interaction*, deviance—like any other kind of human activity—is a collective action, involving more than one person’s act. According to labeling theory, we should not focus on the deviant person alone as positivist sociologists do but rather on the *interaction* between the supposed deviant and other, conventional people. As Becker (1974) says:

The positivist style of studying deviance has focused on the deviant himself and has asked its questions mainly about him. Who is he? Is he likely to keep being that way? The new [labeling] approach sees it as always and everywhere a process of interaction between at least two kinds of people: those who commit (or are said to have committed) a deviant act and the rest of society, perhaps divided into several groups itself. The two groups are seen in complementary relationship. One cannot exist without the other.

Second, as suggested by the word *symbolic*, the interaction between the supposed deviant and the conformists is governed by the *meanings* that they impute to each other’s actions and reactions. The meaning (variously referred to by symbolic interactionists as a symbol, significant gesture, interpretation, definition, or label) that people attach to an act is much more important than the act itself. The meaning, according to labeling theorists, comes through in how people respond to an act: A negative response means deviance; a positive response means nondeviance. As Kitsuse (1962) explains, “Forms of the behavior per se do not differentiate deviants from nondeviants; it is the responses of the conventional and conforming members of the society who identify and interpret behavior as deviant which sociologically transform persons into deviants.”

In short, labeling theorists interpret deviance not as a static entity whose causes are to be sought out, but rather as a *dynamic process of symbolic interaction between both deviants and nondeviants*. Consequently, labeling theorists do not ask as positivists do: What causes deviant behavior? Instead, they ask at least two questions: (1) Who applies the *deviant* label to whom? and (2) What consequences does the application of this label have for the person labeled and for the people who apply the label? (These questions can be expressed in terms of symbolic interactionism: Who interprets whose behavior as deviant? And how does this interpretation affect the behavior of both parties involved in the interaction?)

Who Labels Whom?

According to labeling theorists, people who represent the forces of law and order as well as conventional morality typically apply the deviant label to those who have allegedly violated that law and morality. Examples of the *labelers* include the police, judges, prison guards, psychiatrists, mental hospital attendants, and other social control agents. On the other hand, examples of the *labeled* include criminals, juvenile delinquents, drug addicts, mental patients, and prostitutes.

Generally, the rich, white, or powerful and their representatives such as law-enforcing agents are more able to label others as deviant. As Becker (1974) says, "A major element in every aspect of the drama of deviance is the imposition of definitions—of situations, acts, and people—by *those powerful enough or legitimated to be able to do so*." On the other side of the same coin, the poor, black, or powerless are more likely to be labeled deviant. Thus a poor or black person is more likely than a rich or white person to be arrested, prosecuted, or convicted as a criminal, even if both have committed similar crimes; to be declared insane or committed to a mental institution, even if both suffer from similar psychiatric conditions; and so on. This idea of the powerful labeling the weak as deviant runs through other constructionist theories, especially the various versions of conflict theory, which will be discussed later.

Consequences of Labeling

Labeling a person deviant may have some consequences for the person so labeled and also for the labeler.

Consequences for the Labeled. According to labeling theorists, being labeled deviant produces *negative* consequences for the individual so labeled. One major consequence is that once people are labeled deviant, they tend to see themselves as deviant, which in turn leads them to continue the so-called deviant behavior. The issue here is not whether they have actually committed deviant acts; rather—whatever the nature of their acts—whenever they are defined as deviant by others, they also tend to define themselves as deviant, then continue to engage in the acts, and, finally, become confirmed deviants. This process of becoming deviant was long ago discussed by Frank Tannenbaum (1938). In his view, a child may engage in many forms of activities—such as breaking windows, annoying people, climbing over the roof, stealing apples, and playing hooky—and innocently

consider all these enjoyable. But the parents, teachers, and police may, and often do, define these activities as a type of nuisance, delinquency, or evil. So they may “dramatize the evil” of these activities by admonishing, scolding, spanking, hauling into court, or jailing the child. Thus, dramatically labeled a delinquent, the child will likely become one, and, later, a criminal.

In discussing the process of becoming a criminal, Tannenbaum implied that there are two types of deviant acts. One is the *first* act, which the child considers innocent but which adults define as delinquent, and the second is the *final* behavior, which both the child and adults define as delinquent. Later, Edwin Lemert (1951) made explicit the distinction between these two forms of behavior. He called the first *primary deviation*, and the second, *secondary deviation*.

Like Tannenbaum, Lemert sees the difference between primary and secondary deviance as more than temporal—more than the fact that one occurs earlier than the other, more than that primary deviance is committed only once while secondary deviance is continued or repeated deviance. Lemert sees primary deviance as a matter of value conflict, as a behavior that the society defines as deviant but that the performer of that behavior does not so define. This behavior becomes secondary deviance only when the person comes to agree with the society’s definition of the behavior as deviant, seeing himself or herself as a deviant.

Labeling theorists are mostly interested in analyzing the process of becoming a secondary deviant—that is, in how a person goes from primary to secondary deviation. They refer to this analysis as a sequential, career, or identity-stabilizing model of deviance. This model suggests that when people are forced by society to see themselves as deviants, they become secondary deviants by repeatedly engaging in deviation as a way of life. Consider a man who has just been released from prison after serving a sentence for robbery. He is likely to be stigmatized as an “ex-con.” As a stigmatized ex-con, he will find it difficult to get a good job. For that reason, he will see himself as an ex-con, feel compelled to commit another robbery, and thus launch his career as a robber.

In short, once labeled a deviant, the individual tends to suffer a negative consequence by continuing to engage in deviant activities as a secondary, confirmed, or career deviant. The individual also suffers other negative consequences, such as being ridiculed, humiliated, degraded, harassed, beaten, imprisoned, or otherwise dehumanized—treated as an object, animal, or nonperson. All this suggests that the deviant is “more sinned against than sinning” (Becker, 1963).

Consequences for the Labeler. According to labeling theorists, labeling a person deviant tends to create *positive* consequences for the community that applies the label. One consequence is enhanced social order. As Erikson (1962) explains:

As a trespasser against the group norms, he [the deviant] represents those factors which lie outside the group’s boundaries: he informs us, as it were, what evil looks like, what shapes the devil can assume. And in doing so, he shows us the difference between the inside of the group and the outside. It may well be that without this ongoing drama at the outer edges of group space, the community would have no inner sense of identity and cohesion. . . . Thus deviance . . . may itself be, in controlled quantities, an important condition for preserving stability.

If some individuals are periodically singled out to be convicted and punished as criminals, conventional members of the community will know better the distinction between good and evil so that they will ally themselves with good and against evil. The deviant, in effect, does us a great service by teaching us what evil is like, presenting himself or herself as an object lesson for what we shall suffer if we do evil, and thus encouraging us to avoid punishment and do good. Therefore, when some individuals or groups are labeled deviant, there will follow some positive consequences for the community as the labeler, the most important consequence being the preservation and strengthening of social cohesion and social order.

Evaluating Labeling Theory

Labeling theory has enjoyed tremendous popularity among sociologists. They can easily see the significance of labeling in human interaction, and can find considerable research evidence to support the theory (see, for example, Adams, 2003; Davies and Tanner, 2003; Lauderdale et al., 1984). Nevertheless, the theory has also drawn a lot of criticisms, of which only the most important are addressed here.

First, many sociologists have criticized labeling theory for not being able to answer the question of what causes deviance in the first place. This criticism misses the mark, though, because the theory is not meant to explain what causes primary deviance. The theory is intended to be nonetiological; it is not concerned with causal questions about primary deviance, except as they might relate to how labeling causes secondary deviance.

Second, research has failed to produce consistent support to labeling theorists' assumption that the deviant label leads the individual into further deviant involvement. Some studies show that labeling encourages further deviance, but many others do not. According to one researcher, for example, teenagers who are publicly labeled as juvenile delinquents for having been convicted in court for an offense, more than their nonlabeled peers, tend to get involved in delinquent activities again. Another researcher, however, finds that although they are often ridiculed in school as "sluts," "druggies," or "white trash," poor teenage girls with a relatively strong bond to their mothers or grandmothers do *not* engage in promiscuous, unprotected sex or use alcohol and other drugs (Victor, 2004; Farrington, 1977).

Finally, labeling theory cannot logically deal with hidden deviance and powerful deviants (Thio, 1973). By insisting that no behavior can be deviant unless labeled as such, labeling theory inevitably implies that hidden deviance, particularly the kind committed often in secrecy by powerful people, cannot be deviant because it is by definition unknown to others and, therefore, cannot be labeled by others as deviant. In addition, by stating that it is the more powerful people who typically impose the deviant label on the less powerful, labeling theorists in effect suggest that the powerful cannot be deviants because they can only be labelers.

Phenomenological Theory

Many sociologists have been influenced by labeling theory since the early 1960s. But toward the end of that decade, some sociologists took a step beyond labeling theory and developed

another, new version of symbolic interactionism called *phenomenological theory*. (It has also been referred to as ethnomethodology, existential sociology, creative sociology, or sociology of everyday life.) As we have noted, labeling theory deals with societal reaction to deviance and the consequences of this reaction for the deviants and their labelers. But the theory does not get into the minds of these people. This is what phenomenological theory does. It delves into people's subjectivity (called a *phenomenon*), including their consciousness, perception, attitudes, feelings, and opinions about deviance. It assumes that all kinds of people, whether deviants or their labelers, are highly subjective in "constructing," defining, or interpreting deviance, although they may claim to be very objective (Rouback, 2004; Handel, 1982; Morris, 1977).

Critique of Positivism

Phenomenologists first launch a philosophical attack on sociologists who adopt the positivist view of deviance. As we saw in Chapter 1, positivists take an objective and deterministic approach to deviance. They view a deviant person as an object whose behavior is determined or caused by various forces in the environment. Consequently, positivists ignore how deviants think and feel about their own deviant experience. By contrast, phenomenologists consider the deviant's subjective experience the heart of deviant reality. At the same time, they regard positivists' supposedly objective notion of deviant behavior as unreal, because it reflects their own preconception of the deviant as an object rather than the reality of the deviant as a thinking and feeling human.

In other words, positivists do not study a phenomenon as it really is but rather study *their own conception* of the phenomenon. They are, in effect, highly subjective—or certainly not as objective as they claim to be. Positivists have long assumed that the real phenomenon and the positivist conception of it are identical. But to phenomenologists, the real phenomenon is different from the positivist conception of it. The real phenomenon, in phenomenologists' view, is the immediate experience and consciousness of the person under study. Consider, for example, how the positivist view of a psychiatrist might differ from the subjective view of quiet, withdrawn Hopi Indians. To the psychiatrist, the Hopi may be abnormal because their withdrawn behavior is defined by the psychiatric profession as a symptom of abnormality. The Hopi, to the contrary, see themselves as perfectly normal because their quiet demeanor is a virtue in Hopi culture.

Subjectivism as the Key to Deviant Reality

To phenomenologists, what deviance means is *fundamentally problematic*: People disagree over the meanings of deviance. Such disagreement frequently occurs among positivists when they try to observe and explain an individual's deviant behavior "objectively." In analyzing suicide, for example, constructionist sociologists find that doctors, coroners, and official statisticians—on whom positivist sociologists rely heavily for their definition of suicide—often disagree among themselves as to whether a given death is "suicide" (Pescosolido and Mendelsohn, 1986; Douglas, 1967). According to general agreement, a self-caused death should be interpreted as suicide if there is "intention to die." But since the *intention* to die is difficult to determine after the person is dead, disagreement is bound to

exist over whether the deceased actually had this intention. Thus, those who believe there was intention to die would define the self-caused death as “suicide”; those who do not would interpret it as “accidental death.” All this implies that since the meanings of deviance are fundamentally problematic for positivists, their conception of deviance cannot possibly get at the essence of a deviant phenomenon.

The meanings that positivists ascribe to deviance are *abstract* in nature, that is, *independent* of concrete situations in which the deviant person is involved. By contrast, the meanings that the deviant person imputes to his or her own behavior are *situated* in nature, that is, tied to the concrete situations in which the subject is involved. *Abstract meanings* are the positivist’s so-called *objective*, scientific interpretation of the deviant subject’s behavior, while *situated meanings* are the subject’s *subjective* interpretation of the subject’s own behavior. Alfred Schutz (1962), a founder of phenomenology, refers to the abstract, objective meanings as “constructs of the *second* degree,” and the situated, subjective meanings as “constructs of the *first* degree.” Phenomenologists insist that the positivists’ supposedly objective idea about deviance is actually their *own* idea, far removed from, and at best a pale representation of, the deviant experience they study. Only the deviant person’s subjective interpretation of the person’s own experience is real. Thus, phenomenologists emphasize that to understand deviance, we should rely heavily on people’s subjective interpretations of their own deviant experiences.

Ethnography: An Application of Phenomenology

Seeking to grasp the reality of deviance, phenomenologists analyze how their subjects feel and think about their deviance, themselves, and others. The method they use is called *ethnography*. Many sociologists who use ethnography to study deviance, however, call themselves ethnographers rather than phenomenologists. And they define ethnography as a style of research that seeks to understand the *meanings* the people under investigation ascribe to their experiences (Maso, 2001; Brewer, 2000; Ferrell and Hamm, 1998). But this is essentially the same thing sought by sociologists who call themselves phenomenologists (see, for example, Skrapec, 2001).

In his classic in-depth interview with 19-year-old Agnes, who had both male genitals and female secondary sex characteristics, Harold Garfinkel (1967) found that Agnes saw himself or herself not as a freak, as most people would, but as a normal person. Agnes was born as a male and raised as a boy until high school. During adolescence Agnes secretly took his mother’s hormone medication and eventually developed large breasts, a slim waist, wide hips, and soft skin. At 17 she had an attractive female figure. By then she dropped out of school, left home, moved to another city, and tried to begin a new life as a woman. A year later, she went to the UCLA Medical Center to request a sex-change operation. Before such surgery was approved, Agnes had to be thoroughly investigated to ensure that she really felt like a woman. As a participant in this investigation, Garfinkel interviewed her extensively. He found that she saw herself as a normal woman, and did her best to convince others that she was. She told Garfinkel that she was merely a normal woman who happened to have a physical defect comparable to any other deformity, such as a hare-lip, clubfoot, or twisted spinal cord. Like any other normal person with a deformity, she felt that it was only natural for her to want to have hers—the penis—removed. Her self-concept

as a normal woman further led her to claim that, as a sexual organ, her penis was “dead,” that she had no sexual pleasure from it nor sexual attraction to women. She wanted to have it replaced by a surgically constructed vagina. Her self-concept as a normal woman also caused her to make sure that others would not suspect her of having a penis. Thus, on a beach she always wore a bathing suit with a skirt. In the apartment that she shared with a woman, she never undressed in her roommate’s presence. On a date she always dodged necking and, in particular, petting below the waist.

Just as Agnes saw and presented herself as a normal person, Jack Katz (1988) found that criminals such as murderers and robbers also see themselves and their deviance in some positive way. More specifically, murderers perceive themselves as morally superior to their victims. This is because, in most cases of homicide, the *victims* have humiliated their killers by teasing, daring, defying, taunting, or insulting them. The resulting rage leads to killing but at the same moment gives the killers the self-righteous feeling of defending their identity, dignity, or respectability.

Katz also found that virtually all robbers feel themselves morally superior to their victims, regarding their victims as fools or suckers who deserve to be robbed. If robbers want to rob somebody on the street, they first ask the potential victim for the time, for directions, for a cigarette light, or for change. Each of these requests is intended to determine whether the person is a fool. The request for the time, for example, gives the robber the opportunity to know whether the prospective victim has an expensive watch. Complying with the request, then, is taken to establish the person as a fool and hence the right victim.

Most recently, many ethnographic studies that have delved into the subjective world of various kinds of deviants have come out with basically the same findings as those of Garfinkel and Katz. In his study of a family in which virtually all members were officially certified as “mentally retarded,” Steven Taylor (2004) found that these people did not see themselves as mentally challenged. They carried on their daily lives as if they were like everybody else. In his analysis of tattoo collectors, Angus Vail (2004) found that they viewed their tattoos as normal as the car they drove and the hairstyle they wore on any given day. In his examination of the personal accounts of an 18-year-old girl who committed suicide, Thomas Cottle (2004) found that she had gone through many unpleasant experiences in her daily life, but she and other family members seemed not to notice their special significance—they were normal everyday events. Before killing herself, she had even made plans to attend a prestigious university that had admitted her. In her in-depth interviews with serial killers, Candice Skrapec (2001) was impressed by “their apparent ordinariness. They eat breakfast like the rest of us,” which implies that they saw themselves as normal and acted accordingly.

Evaluating Phenomenological Theory

Phenomenologists have offered a convincing argument about the inadequacy of positivism: Positivists cannot get at the essence of deviant reality. But phenomenologists’ assumption that they themselves can is less convincing. Phenomenologists only create a version of human reality. The phenomenologist version may be unique, but it is not necessarily superior to the positivist or other versions. Since sociologists, whether they are phenomenologists, positivists, or others, differ in their value systems, ideological inclinations, observational methods, and sensitivity to human experience, they are bound to create different, competing, or conflicting

versions of human reality. In this regard, however, we may point out the contribution of phenomenological theory. Its view of deviant behavior as comprehensible through the individual's subjective experience does differ, compete, or conflict with the positivist emphasis on the objective side of deviant reality, thereby enabling us to look at the subject with a broader perspective and understanding.

Conflict Theory

More than 70 years ago, a number of sociologists began to point out the pluralistic, heterogeneous, and conflictive nature of modern society (Sellin, 1938; Waller, 1936). In a traditional or simple society, people share the same cultural values and, therefore, can have harmonious relationships with one another. Such value consensus and social harmony are absent in modern industrial societies, particularly in the United States. Instead, there is a great deal of social and cultural conflict. *Social conflict* has to do with the incompatible interests, needs, and desires of such diverse groups as business companies versus labor unions, conservative versus liberal political groups, whites versus blacks, and so on. *Cultural conflict* has to do with the discrepant norms and values that derive from definitions of right and wrong—that is, what is considered right in one culture is considered wrong in another. For example, in the 1930s a Sicilian father in New Jersey, after killing his daughter's 16-year-old seducer, felt proud of having defended his family honor in a traditional way, but was very surprised when the police came to arrest him (Sellin, 1938). Either social or cultural conflict has been said to bring about criminal behavior, not only among immigrants but also among African Americans and other poor or oppressed groups. Therefore, conflict as well as its resulting criminality is an inherent, normal, and integral part of modern society. Those sociologists who held this view 70 years ago may be regarded as *conflict theorists*.

But those conflict theorists failed to develop systematically the notion of conflict as the source of criminal *definition* rather than behavior. They were still very much tied to the traditional positivist concern with the causal explanation of criminal behavior. Only in the mid-1960s did a group of conflict theorists emerge to explore criminality systematically as a matter of definition. Since the mid-1970s, moreover, some of these new conflict theorists have begun to deal with the causation of deviance but in a different way from the early conflict theorists. Let's see how these new conflict theorists view deviance.

Legal Reality Theory

According to William Chambliss (1969), there are two kinds of law. One is the *law on the books*, the ideal of law, and the other is the *law in action*, the reality of law. According to the law on the books, legal authorities *ought* to be fair and just by treating all citizens equally. However, the law in action shows that legal authorities are *actually* unfair and unjust, favoring the rich and powerful over the poor and weak (Chambliss and Seidman, 1971).

Many people may blame the discrepancy between the two types of law on the evil character of lawmaking and law-enforcing individuals, but Chambliss rejects such an individualistic interpretation. He shows how those individuals are heavily influenced by the historical and organizational background of the law, as follows.

Modern Anglo-American law stems from the legal system of early England. The English legal system was established in the eleventh century. Its central feature is that personal wrongs are considered transgressions against the state and that only the state has the right to punish the transgressors. This legal principle replaced the earlier nonlegal norm that personal wrongs, being a highly personal matter, should be settled through reconciliation by the private parties concerned. To carry out the new legal principle, the government used force and coercion as the means for handling wrongs and disputes; created two separate bodies, the lawmakers (legislature) and the law enforcers (judiciary); appointed judges to settle disputes between the state and individual citizens or between individual citizens themselves; and relied on peers (juries) to ultimately decide disputes.

Such was the general structure of the legal system in early England, and it still prevails in contemporary U.S. society. But the specific content of the laws as well as the specific manner of enforcing them has often changed to reflect the interests of the ruling classes. The vagrancy laws in fourteenth-century feudal England, for example, reflected the powerful landowners' need for cheap labor because the law required poor able-bodied men to work at low wages, made it unlawful for them to move from one place to another to avoid the low-paying jobs or to seek higher wages, and prohibited giving alms to able-bodied beggars. Then, in the sixteenth century, the vagrancy laws were changed to protect the interests of prosperous merchants who had to transport their goods from one town to another, as the new vagrancy laws were applied to the rogues, vagabonds, and highwaymen who often preyed on the traveling merchants. Today, in both England and the United States, the vagrancy laws are meant to control down-and-outers, the undesirable, the criminal, and nuisances, thereby reflecting the desire of the influential middle and upper classes to make their streets safe and peaceful. Historically, criminal law has, in effect if not in intent, served the interests of the rich and powerful rather than the interests of the poor and powerless. Under this historical influence, the legislators of today understandably tend to make laws that favor the rich and powerful.

Law enforcers such as police, prosecutors, and judges also tend to become the tools of power and privilege. This tendency is mostly the consequence of *organizational imperative*. It is in the nature of any organization to compel its members to perform tasks that will maximize reward and minimize trouble for the organization. The reward to be sought by the law-enforcing agency is public support; the trouble to be avoided is the withdrawal of such support, or worse. Thus, it is rewarding for the law-enforcing officials to arrest, prosecute, and convict powerless people such as skid-row drunks, vagrants, gamblers, prostitutes, rapists, thieves, and robbers. But it will likely cause trouble for the agency if the law enforcers make the same effort to process respectable middle- and upper-class citizens for their white-collar offenses. In view of such an organizational imperative, the law-enforcing officials are very likely to make the law serve the interests of the rich and powerful (Chambliss, 1969).

Social Reality Theory

While Chambliss attributes the unjust practice of law to historical changes and organizational imperative, Richard Quinney (1974) blames the unjust law itself directly on the capitalist system. "Criminal law," he says, "is used by the state and the ruling class to

secure the survival of the capitalist system, and, as capitalist society is further threatened by its own contradictions, criminal law will be increasingly used in the attempt to maintain domestic order.”

Such a critical view of capitalism is based on Quinney’s (1975) conflict theory of criminality, which he calls “the social reality of crime.” According to this theory, four factors jointly produce the capitalist society’s high crime rates but also help to consolidate its established legal order as well as its dominant class. First, the dominant class *defines* as criminal those behaviors that threaten its interests. This means that criminal laws are largely made by powerful members of society. Second, the dominant class *applies* those laws to ensure the protection of its interests. This involves having the police, judges, and other members of the criminal justice system enforce the laws. Third, members of the subordinate class are compelled by their unfavorable life conditions to engage in those *actions* that have been defined as criminal. The poor, for example, are likely to commit a crime because their poverty pressures them to do so. And, fourth, the dominant class uses these criminal acts as the basis for constructing and diffusing the *ideology* of crime. This is the belief that the subordinate class contains most of the society’s dangerous criminal elements and therefore should most often be arrested, prosecuted, or imprisoned. These four factors are interrelated, supporting each other so as to produce and maintain a certain high level of crime in society. For example, such criminal acts as murder and robbery committed by the poor are likely to cause the dominant class to make and enforce the laws against the poor, which in turn would make life more difficult for the poor, thereby encouraging them to commit more crimes. Figure 3.1 summarizes Quinney’s theory.

Quinney (1974) has also tried to turn his theory into a call for political action. As his theory implies, there is something terribly wrong with existing society. What is wrong is that members of the powerful class inevitably criminalize the actions of the powerless so as to exploit, oppress, and subjugate them, thereby preserving, consolidating, and perpetuating the status quo of social inequality. Thus, Quinney calls for the development of a revolutionary consciousness that should eventually lead to the creation of a democratic-socialist society that will end the oppression of the powerless by the powerful. More recently, a

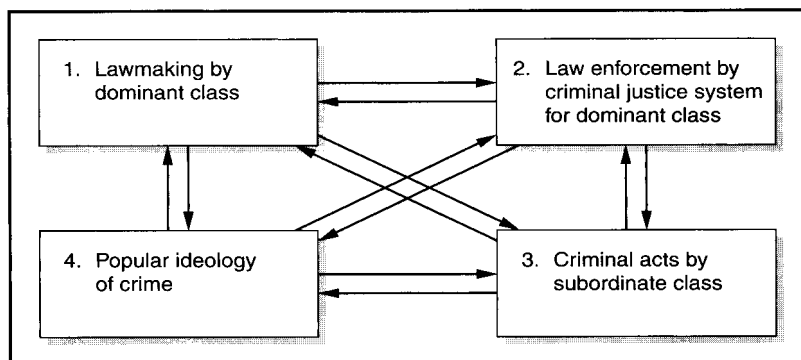


FIGURE 3.1 Quinney’s Social Reality Theory. The interaction among these four factors helps produce and maintain a certain high level of crime in society.

“new sociology of social control” has emerged that goes far beyond Quinney’s notion about the capitalist state controlling, by itself, the powerless, deviant population. According to this new control theory, many institutions, organizations, professions, and agencies are increasingly involved in controlling troublesome, deviant people on behalf of the state (Garland, 1993; Davis and Stasz, 1990; Scull, 1988).

Marxist Theory

In describing how the powerful define and control the powerless as deviants, most conflict theorists such as those discussed above have virtually ignored the causes of deviance. More recently, however, a number of conflict theorists have turned their attention to the question of causality. They draw their ideas mostly from Marxism; hence, they are often referred to as *Marxist theorists* (Greenberg, 1981).

According to these theorists, the cause of deviance can be traced to the exploitative nature of capitalism. To increase profit, capitalists must find ways to enhance productivity at low labor costs, including introducing automation and other labor-saving devices, forcing workers to work faster and work overtime, relocating industries to cheap labor locations, such as some nonunionized places in the southern United States or in labor-rich developing countries, and importing workers from poor nations. No matter what method is used, it inevitably throws some of the existing labor force out of work. These unemployed laborers become what Marxists call the *marginal surplus population*, relatively superfluous or useless to the economy. Their inability to maintain decent living conditions pressures them to commit crime.

Capitalism produces not only property crimes (such as robbery and theft) among the unemployed lower-class people; it also causes personal crimes (assault, rape, murder) and various other forms of deviance (alcoholism, suicide, and mental illness). As Sheila Balkan, Ronald Berger, and Janet Schmidt (1980) explained, economic “marginality leads to a lack of self-esteem and a sense of powerlessness and alienation, which create intense pressures on individuals. Many people turn to violence to vent their frustrations and strike out against symbols of authority, and others turn this frustration inward and experience severe emotional difficulties.” This means that capitalism pressures people to commit crimes and become deviants by making them poor in the first place. Poverty, however, is not the only means by which capitalism generates deviance. According to Mark Colvin and John Pauly (1983), capitalist society can also produce crimes by exercising “coercive control” over the lower classes. Coercive control involves threatening to fire or actually firing poor workers in order to coerce them to work hard for their capitalist employers. It tends to create resentment. These workers are likely to feel alienated from society, showing an “alienative involvement” in it—a lack of attachment to it. Consequently, they are likely to engage in criminal activities.

However, the capitalistic pressure to commit crime and other forms of deviance is not confined to the lower classes, but reaches upward to affect the higher classes as well. By making possible the constant accumulation of profit, capitalism inevitably creates powerful empires of monopoly and oligopoly in the economy. These economic characteristics are an important cause of corporate crime. The reason is that “when only a few firms dominate a

sector of the economy they can more easily collude to fix prices, divide up the market, and eliminate competitors" (Greenberg, 1981).

Feminist Theory

Virtually all theories about deviance are meant to apply to both sexes. The theories assume that what holds true for men also holds true for women. Feminist theorists, however, disagree. They argue that extant theories of deviance are actually about men only. Consequently, the theories may be valid for male behavior but not necessarily for female behavior. Consider, for example, Merton's anomie-strain theory. First, this theory assumes that people are inclined to strive for material success. This may be true for men but not necessarily true for women. In fact, under the influence of patriarchal society, women have been socialized differently than men. Thus, women are traditionally less interested in achieving material success, which often requires one-upmanship, and more interested in attaining emotional fulfillment through close, personal relations with others. Second, the theory assumes that if some women have a strong desire for economic success but no access to opportunities for achieving that goal, they would be as likely as men in the same situation to commit a crime. Today, given the greater availability of high positions for women in the economic world, the number of ambitious women in the "men's" world is on the rise. However, when these women are faced with the lack of opportunities for greater economic success, they are not as likely as men to engage in deviant activities. Finally, Merton's theory explicitly states that people in the United States are likely to commit a crime because their society over-emphasizes the importance of entertaining high success goals while failing to provide the necessary opportunities for all its citizens to realize those goals. This may be relevant to men but less so to women. In fact, despite their greater lack of success opportunities, women still have lower crime rates than men (Heidensohn, 2002, 1995; Morris, 1987; Leonard, 1982).

The lack of relevancy to women in anomie and other conventional theories stems from a male-biased failure to take women into account. In redressing this problem, feminist theory understandably focuses on women. First, the theory deals with women as victims, mostly of rape and sexual harassment. These crimes against women are said to reflect the patriarchal society's attempt to put women in their place so as to perpetuate men's dominance (Heidensohn, 2002, 1995; Messerschmidt, 1986).

Feminist theory also zeroes in on women as offenders. It argues that although the rate of female crime has increased in recent years, the increase is not great enough to be significant. This is said to reflect the fact that gender equality is still far from being a social reality. Like employment opportunities, criminal opportunities are still much less available to women than men, hence women are still much less likely to engage in criminal activities. When women do commit crimes, they tend to commit the types of crime that reflect their continuing subordinate position in society. They are minor property crimes, such as shoplifting, passing bad checks, welfare fraud, and petty credit-card fraud. In fact, most of the recent increases in female crime involve these minor crimes. Largely, this reflects the increasing feminization of poverty—more women are falling below the poverty line today. Not surprisingly, most women criminals are unemployed, without a high school diploma, and single mothers with small children. They hardly fit the popular image of liberated women who benefit from whatever increase there has

been in gender equality. There is no increase in female involvement in more profitable crimes, such as burglary, robbery, embezzlement, and business fraud, which are still primarily committed by men (Heidensohn, 2002; Chesney-Lind, 1997; Steffensmeier, 1996; Weisheit, 1992).

Power Theory

It seems obvious that power inequality affects the quality of people's lives: The rich and powerful live better than the poor and powerless. Similarly, power inequality affects the quality of *deviant* activities likely to be engaged in by people. Thus the powerful are more likely to engage in profitable deviant acts, such as corporate crime, while the powerless are more likely to commit less profitable deviant deeds, such as armed robbery. In other words, power—or the lack of it—determines to a large extent the *type* of deviance people are likely to carry out.

Power can also be an important *cause* of deviance. More precisely, the likelihood of powerful people perpetrating profitable deviance is greater than the likelihood of powerless persons committing less profitable deviance. It is, for example, more likely for bank executives to rob customers quietly than for jobless persons to rob banks violently. Analysis of the deviance literature suggests three reasons why the powerful are more likely to commit profitable deviance than the powerless to commit less profitable deviance.

First, the powerful have a *stronger deviant motivation*. Much of this motivation stems from *relative deprivation*—from feeling unable to achieve relatively high aspirations. Compared with the powerless, whose aspirations are typically low, the powerful are more likely to raise their aspirations so high that they cannot be realized. The more people experience relative deprivation, the more likely they are to commit deviant acts (Cookson and Persell, 1985; Harry and Sengstock, 1978; Merton, 1957).

Second, the powerful enjoy *greater deviant opportunity*. Obviously, a rich banker enjoys more legitimate opportunities than a poor worker to make money. But suppose they both want to acquire *illegitimately* a large sum of money. The banker will have access to more and better opportunities that make it easy to defraud customers. The banker, further, has a good chance of getting away with it because the kind of skill needed to pull off the crime is similar to the skills required for holding the bank position in the first place. In contrast, the poor worker would find his or her illegitimate opportunity limited to crudely robbing the bank, an illegitimate opportunity being further limited by a high risk of arrest (Ermann and Lundman, 2002; Vaughan, 1983).

Third, the powerful are subjected to *weaker social control*. Generally, the powerful have more influence in the making and enforcement of laws. The laws against mostly higher-status criminals are, therefore, relatively lenient and seldom enforced, but the laws against largely lower-status criminals are harsher and more often enforced. For example, many lower-class murderers have been executed for killing one person, but not a single corporate criminal, for example, has ever faced the same fate for marketing some untested drug that “cleanly” kills many people. Given the lesser control imposed on them, the powerful are likely to feel freer to use some deviant means to amass their fortune and power.

In sum, due to social inequality, the powerful are likely to have a stronger deviant motivation, enjoy greater deviant opportunity, and encounter weaker social control, as

compared with the powerless. As a consequence, the powerful are more likely to get involved in profitable deviancy than the powerless in less profitable deviancy.

Postmodernist Theory

Postmodernist theory is probably the newest attempt in sociology to shed light on the nature of deviance. It first emerged in the early twentieth century as a philosophical movement in France that *questioned* the basic values of *modernism* such as innovation, rationality, objectivity, and other similar values represented by modern science and technology. These modernist values were criticized for encouraging, among other things, objectification, depersonalization, alienation, and other social problems that make it difficult for people to form genuine or close relationships. The French philosophers, then, called for greater attention to postmodernist values including subjectivity, feeling, and intuition, so that a richer, more meaningful life can be attained.

This philosophical thought started to influence the arts and social sciences in the United States in the 1960s, and since the late 1980s it has become a well-known, though poorly understood, theoretical perspective in American sociology.

Postmodernist theory contains both old and new ideas in the sociology of deviance. First is the theory's attack on modern science's emphasis on the search for objective truth. To postmodernists, the so-called objectivity in modern science is actually subjective because it involves the scientists imposing their own "privileged" professional view on the subject under their investigation. The subjective view of the subject, whether the subject is a deviant, victim, or anybody who reacts in some way to the deviant act, is therefore suppressed, discounted, disregarded, or ignored. But, to postmodernists, the subject's own views are important for understanding deviance. By thus attacking positivism (the scientist's so-called objectivity) and advocating subjectivity, postmodernist theory is similar to phenomenological theory.

Another old idea in postmodernist theory is what its developers call "deconstructionism." This term is defined as "tearing a text [which means any phenomenon or event, such as deviance] apart, revealing its contradictions and assumptions" (Rosenau, 1992). In other words, deconstruction is said to involve "the breaking up of something that has been built, as in 'demolition,' and exposing the way in which it is built" (Einstadter and Henry, 1995). This meaning of deconstruction is basically the same as the meaning of what is popularly called "analysis," which involves studying something by separating the whole into its component parts. "Deconstruction" is different, though, in that it serves to destroy, challenge, or question the conventional way of looking at things such as deviance. But, because of its emphasis on the importance of subjectivity, the postmodernist's concept of deconstructionism is similar to the phenomenologist's idea of "phenomenological bracketing," which requires eliminating preconceptions in order to maximize sensitivity to the subject's experiences.

Postmodernist theory does have some new ideas. At the heart of the theory is "linguistic domination," which assumes that a linguistic conflict exists in any social interaction, with the language of the strong dominating that of the weak (Arrigo and Bernard, 1997). To understand the significance of linguistic domination for deviants, consider, for example, the linguistic conflict between the government and rebellious citizens. The government often calls political dissidents "traitors," revolutionaries "criminals," and freedom fighters "terrorists." But the

so-called deviants—dissidents, revolutionaries, and freedom fighters—refer to themselves as concerned citizens battling a corrupt government. The first set of words (traitors, criminals, and terrorists) is “privileged,” respected, or taken seriously, while the second set (dissidents, revolutionaries, and freedom fighters) is “marginalized,” ignored, or suppressed. Thus the government can receive considerable support from the masses and make life extremely difficult for the political deviants.

Evaluating Conflict Theory

In blaming the capitalist or inequalitarian society for the prevalence of deviant labeling and deviant activities, conflict theory seems to hold the *unconvincing* assumption that in the utopian, classless society, deviant labeling will stop and such nasty human acts as killing, robbing, raping, and otherwise hurting one another will disappear. It may be more realistic to assume as Durkheim did that deviance is inevitable, even in a society of saints, but that the type of deviance committed by saints can be expected to be mostly unserious or even trivial. More precisely, if full social equality were achieved, the serious forms of human nastiness would greatly decrease rather than completely disappear. This is because, with the abolition of poverty in a fully egalitarian society, there would not be any poor people left to produce, as they do now, a large volume of serious deviance and thus this volume would greatly shrink. But the formerly poor people would join the formerly rich to engage in less serious—or saintly—forms of deviant activities.

TABLE 3.1 Constructionist Theories of Deviance

Labeling Theory: Relatively powerful persons are more likely to label the less powerful as deviant than vice versa, and being labeled deviant by society leads people to see themselves as deviant and live up to this self-image by engaging in more deviancy.

Phenomenological Theory: Looking into people’s subjective interpretation of their own experiences is key to understanding their deviant behavior.

Conflict Theory:

Legal Reality: Law enforcement favors the rich and powerful over the poor and weak.

Social Reality: The dominant class produces crime by making laws, enforcing laws, oppressing subordinate classes, and spreading crime ideology.

Marxist: Deviance and crime stem from the exploitative nature of capitalism.

Feminist: Conventional theories of deviance are largely inapplicable to women, and the status of women as victims and offenders reflects the continuing subordination of women in patriarchal society.

Power: Because of strong deviant motivation, greater deviant opportunity, and weaker social control, the powerful are more likely to engage in profitable deviancy than are the powerless to engage in unprofitable deviancy.

Postmodernist: “Privileged” language of the powerful dominates the “marginalized” language and thus the lives of the weak as deviants.

All the same, conflict theory greatly contributes to our understanding of how social inequality—such as in the form of capitalism and patriarchy—influences the making and enforcing of norms, rules, or laws or the definition, production, and treatment of deviance in society (Heidensohn, 2002; Akers, 1985; Williams and Drake, 1980). Moreover, conflict theory is useful for explaining the motivations behind the formulation of laws, even, for example, why the powerful bother to pass laws against such nonpolitical acts as illicit sex, gambling, drinking, and loitering—the kind of deviance that does not seem to threaten their dominant position in society. The reason, according to conflict theory, is that those seemingly trivial deviances do threaten powerful people's vested interests by challenging the underlying values of capitalism, such as sobriety, individual responsibility, deferred gratification, industriousness, and the belief that the true pleasures in life can only be found in honest, productive labor. Laws against those "trivial" deviant acts serve to preserve these capitalist values, the capitalist system, and hence the dominant position of the powerful (Hepburn, 1977).

Table 3.1 shows the main points of all the theories discussed in this chapter. These constructionist theories as well as the positivist theories in the preceding chapter are relatively high-level theories. They are, in effect, general analyses of deviance, dealing with deviance in general rather than a specific form of deviant behavior. They assume that all forms of deviant behavior are in some respect similar to one another, and they, as a general theory, are supposed to capture that similarity. This assumption inevitably ignores or misses many unique aspects of each specific form of deviant behavior. Thus, in the following chapters, we will discuss the concrete characteristics of various deviances. Logically, the high-level, general theories can be applied to specific deviances, but to get a closer, sharper view and deeper understanding of the specific deviant behaviors in the following chapters, we will mostly turn to lower-level, more concrete versions of positivist and constructionist theories.

Summary

1. What does labeling theory have to say about deviance? According to labeling theory, superordinate parties apply the deviant label to subordinate parties; being labeled deviant produces unfavorable consequences for the individual so labeled; and labeling some individuals as deviant generates favorable consequences for the community. The theory is generally convincing, and there is considerable data to support it. But it has been criticized for being unable to explain what causes deviance in the first place. It has also failed to receive consistent support from studies on the assumed negative consequences of labeling.

2. What is phenomenological theory all about? It claims that positivist sociologists cannot capture the essence of deviance, while phenomenological sociologists can cut into the heart of

deviant experience with the scalpel of subjective interpretation, which they try to demonstrate with analyses of specific deviances. Phenomenologists are convincing in arguing that positivists cannot get into the essence of deviant reality. But their claim that they themselves can is excessive and unjustifiable. What they themselves can capture is only their own version of deviant reality, not necessarily the essence of that reality itself.

3. How do various versions of conflict theory deal with deviance? According to legal reality theory, the enforcement of law is unjust, favoring the rich over the poor, the result of historical changes and organizational imperatives. Social reality theory attributes the capitalist society's high crime rates to the convergence of four forces: law-making by the elite, law enforcement for the elite,

law violation by the masses, and popular beliefs about the poor as the criminal class. Marxist theory traces the source of lower-class deviance to the exploitative nature of capitalism, and the origin of corporate crime to capitalism-generated monopoly. Feminist theorists criticize all other theories for being mostly relevant to men and, therefore, ignoring women and ascribe the experience of women as offenders and victims to the patriarchal system of gender inequality. Power theory explains that the powerful are more likely to engage in profitable deviance than the powerless in less profitable deviance because the powerful experience stronger deviant motivation, greater deviant opportunity, and weaker social control. Postmodernist theory

shows how “privileged” language (like that of the powerful government) influences the lives of deviants (such as political dissidents).

4. What are the weaknesses and strengths of conflict theory? Conflict theory can be faulted for assuming that only capitalism or inequality can produce deviance but the utopian, classless society cannot. Nonetheless, conflict theory contributes greatly to our understanding of the making and enforcement of norms and laws, of the power-influenced definition and production of deviance, and of the motivation behind the formulation of laws against seemingly trivial deviance.

FURTHER READING

- Becker, Howard S. 1973. *Outsiders: Studies in the Sociology of Deviance*, enlarged edition. New York: Free Press. A classic collection of articles on the use of labeling theory in studying deviance.
- Brewer, John D. 2000. *Ethnography*. Buckingham, Eng.: Open University Press. Explaining what ethnography is and how it is used for theory building and applied research.
- Davies, Scott, and Julian Tanner. 2003. “The long arm of the law: Effects of labeling on employment.” *Sociological Quarterly*, 44, 385–404. Shows how teenagers who were suspended from school or served time in prison grew up to suffer as adults such negative consequences as low occupational success, small income, and checkered employment.
- Hagan, John. 1992. “The poverty of a classless criminology—The American Society of Criminology 1991 presidential address.” *Criminology*, 30, 1–19. An effort to convince criminologists that it is important to use the class-related concept of power to understand the nature of crime.
- Jensen, Gary F., and Kevin Thompson. 1990. “What’s class got to do with it? A further examination of power-control theory.” *American Journal of Sociology*, 95, 1009–1023. Reflects the continuing refusal of many sociologists to see the connection between class or power and deviance.
- Katz, Jack. 1988. *Seductions of Crime: Moral and Sensual Attractions in Doing Evil*. New York: Basic Books. A phenomenological analysis of how various deviants, such as murderers and robbers, feel about their deviant acts.
- Maso, Iija. 2001. “Phenomenology and Ethnography.” In Paul Atkinson et al. (eds.), *Handbook of Ethnography*. London: Sage Publications. An analysis of how phenomenology and ethnography are so closely related that they appear nearly identical.
- Patterson, E. Britt. 1991. “Poverty, income inequality, and community crime rates.” *Criminology*, 29, 755–776. Offers data showing that absolute poverty is significantly associated with higher rates of violent crime.
- Prus, Robert C., and Scott Grills. 2003. *The Deviant Mystique: Involvement, Realities, and Regulation*. Westport, Conn.: Praeger. Presents a symbolic interactionist approach to the study of deviance and social control.
- Regoli, Robert M., Eric D. Poole, and Finn Esbensen. 1985. “Labeling deviance: Another look.” *Sociological Focus*, 18, 19–28. Calling for a revision of labeling theory that focuses on the process of labeling before the occurrence of a reaction to certain behavior.
- Simpson, Sally S., and Christopher S. Koper. 1992. “Detering corporate crime.” *Criminology*, 30, 347–375. Analyzing the evidence concerning the deterrent impact of legal sanction on criminal corporate behavior.
- Sorokin, Pitirim, and Walter Lunden. 1959. *Power and Morality: Who Shall Guard the Guardians?* Boston: Porter Sargent. A classic sociological statement on

how power corrupts so that the ruling groups tend to become more criminal than the ruled.

and, David A., and Charles R. Tittle. 1993. "Deterrence or labeling: The effects of informal sanctions." *Deviant Behavior*, 14, 43–64. Offers data showing how primary deviance leads to secondary deviance as suggested by labeling theory.

Winter, Michael F. 1996. "Social reaction, labeling, and social control: The contribution of Edwin M. Lemert." *History of the Human Sciences*, May, 53–77. Presents the main ideas of a major contributor to labeling theory.

CRITICAL THINKING QUESTIONS

1. In various versions of conflict theory it is always the poor and powerless that suffer as deviants. Is there a way for them to turn their fate around? If so, how? If not, why not?

2. Ask a sample of your fellow students to give a list of behaviors that they believe most people

would consider to be deviant but they themselves do not. Then ask them to explain the difference. How would their answers tell you about labeling and phenomenological theories?