**SOC 3120: Social Psychology**

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**Lecture 18: Deviance and the Social Order 1: Defining Deviance**

 There is one additional phenomena that we must consider in relation to questions of social order: those forms of social conduct that have been considered deviant in relation thereto.

 Deviance, to say the least, is a troublesome concept. First, it is often taken to include forms of “undesirable” conduct so diverse that they do not seem to belong in the same category (e.g. ranging from those from which there is widespread agreement on their harmfulness - such as rape - to those where there is little agreement within or across cultures - such as homosexuality). Many forms of behaviors studied under the categories of deviance have origins and social consequences so diverse that it appears they should not be grouped together (e.g. prostitution, mental illness and corporate crime).

 Yet these wide-ranging forms of conduct do have something in common: they raise questions in the minds of social individuals and the public at large about the security of their taken for granted social order. They are *seen* as threats to normality that, if they go unchecked, will undermine the established sense of way that social life should be arranged.

 Deviance is a troublesome concept also because social definitions of conduct as deviant seem highly sensitive to the distribution of power and can be matters of considerable social conflict (e.g. harshly criminalizing the property crime of the poor while loosely enforcing and penalizing environmental, securities and anti-trust laws against corporate criminals). Similarly, some groups who have been fighting for civil rights and to enter the mainstream object very strongly to even the discussion of sexual orientation under the category of deviance - and this may be controversial to say the least. Clearly, the very inclusion of various forms of conduct in the category of deviance results from complex political and social processes.

 The essence of deviance as a sociological category does not lie in any particular characteristics of the behavior itself, but in the way that behavior is viewed and treated by members of society. Thus, the study of deviance provides clues to the nature of social order, how it is maintained and reproduced. The focus here, then, is not on what causes deviance, but on how it is socially perceived, constructed, and linked to the social order through the coordination of conduct.

 **Defining Deviance:**

 There are many possible listings of deviant behavior - often very long and detailed. Yet these lists tend to vary both across cultures and historically within the same culture. The main thing that organizes them is that in any given society at a particular time a category of activities exists that is classified as fundamentally different and threatening.

 What makes these phenomena alike? Sociologists used to think that the answer was relatively straightforward: deviant behavior could be defined as conduct that violates social norms - whether the informal norms of everyday life or those formally codified in law and sanctioned by the state (e.g. the Criminal Code). This seems to make sense, as most instances of deviance are typically against the law, and the law itself is often (but not always) supported by widespread normative sentiments (e.g. theft and homicide).

 When it is thus defined deviance appears to be an objective phenomenon. An act either *is* or *is not* deviant, regardless of who does it, whether detected, why committed, or the circumstances. Even though definitions of what is deviant vary from society to society, within a particular society there appears to be a consensus that, say, a hardened criminal who robs as a way of life is deviant in the same way as a desperately poor individual who steals to eat.

 This view of deviance argues that it inheres to the act itself - as an objective phenomenon that can be described, analyzed and explained - typically goes hand in hand with 2 other ideas: (1) that the person who commits the deviant act is objectively different from so-called normal persons in the same way his/her act is; and (2) that social control - the detection, apprehension, legal processing and punishment of such behavior - is merely a response *to* deviance. Both ideas are imbedded in common sense notions about deviance, and once were widely shared by many sociologists.

 The idea that the deviant is qualitatively different from the rest of us takes many forms, but at bottom asserts that those who commit deviant acts have characteristics that clearly distinguish them from those who do not (e.g. if criminal behavior is different than those sanctioned by community standards, then criminals must somehow be different from the rest of us. Thus the search is on for why they “failed” to develop “appropriate” identities, various “pathologies” are identified in their families or genetics, etc).

 The idea that violations of laws *lead* to social control is also a major part of our common sense views of deviance and to some extent assumed by a sociological view of deviance as an objective reality. The criminal justice system as well as less formal social control mechanisms in everyday life are viewed as organized social responses to the phenomenon of deviance. These are seen as designed to reduce the amount and seriousness of deviant conduct wherever it occurs. In this view, deviant acts prompt formal or informal responses in an effort to prevent such acts from occurring again.

 **A Critique of the Objective Approach:**

 There are several problems with such an objective definition of deviance. Perhaps the most serious is the insistence that deviance consists objectively of violations of laws and norms. While this seems to be common sense, it distorts the way in which norms and laws enter both everyday experience and the formal procedures of social control agencies. Not only that, it assigns more importance to norms than interactionists believe they deserve.

 Norms are merely one element in the common stock of knowledge people bring to situations in which they act and interact. They are far less central to role-making and role-taking than many sociologists suggest. In most situations, norms rarely are problematic - people go about their everyday tasks with their attention fixed on a great many objects, not just norms. Of course, while people tend to state what they think norms are when a violation seems to occur, even then there is considerable flexibility of their application. Sometimes, when a disclaimer is successful, people acquire almost a license to break the rules. Similarly, an account will very often cover up untoward behavior and stave off a charge of deviance. The most frequent outcome may often be restoration of orderly social conduct. Indeed, norms may be objects of individual, private consciousness more often than they are objects of talk - but, given the importance of typifications and probability knowledge to our expectations of others, even then may not be the central element.

 Moreover, there is no simple one-way correspondence between acts and norms. Whether a particular act violates a norm is usually a matter of dispute or negotiation rather than objective certification (e.g. false statements are not automatically labeled lies; people negotiate the matter by suggesting that one bent the truth to avoid hurting someone’s feelings, or that they merely failed to reveal everything they knew). Similarly, people attempt to justify falsehoods by appealing to higher loyalties such as security, or to excuse them by claiming that they didn’t know all the facts.

 If social norms are less central to conduct than ordinarily supposed, and if the status of a particular act as a violation is often in doubt, then the objective definition of deviance is basically flawed. If those whose norms or laws are violated cannot easily and automatically agree on the objective status of an act as a violation, deviance cannot be defined simply as violations of norms and laws. Deviance cannot be seen as an objective quality if an act is sometimes deviant and sometimes not; sometimes treated seriously and sometimes dismissed. The meaning of an act as deviant or not is a matter of negotiation, and we thus cannot assert that acts are objectively either deviant or not. They are deviant or not *if* people agree that they are or are not.

 This negotiable character of deviance can easily be seen in formal legal processes as well as in everyday social interaction. In many criminal cases, for example, both the facts and the laws lend themselves to multiple interpretations to the police, prosecutors, judges and juries. An act can, for example, be interpreted as a violation of several different (or related) laws. Often, what David Sudnow called an “included crime” is involved, where a more serious offence, such as statutory rape, may be reduced to a more minor, but related offence such as contributing to the delinquency of a minor on plea bargaining. It is impossible to commit the more serious crime without the lesser one, but the defendant can’t simultaneously be charged with or convicted of both on the same set of facts. This, if the prosecutor can convince the accused of his likelihood of conviction on the more serious charge, he may be able to bluff him into a guilty plea on the lesser one and avoid the trouble of a long trial.

 In a case of this sort - statutory rape - the act is both illegal and considered wrong by most ordinary people (regardless of the views of the parties involved). The meaning of this act is not fixed in the act itself, however, but in its definition by others (e.g. police, young women, parents, prosecutors, judges and the public). The plea bargain involves a lesser charge, lesser sentence, and, most importantly, a different set of assumptions about the seriousness of the act and even the partial culpability of the victim (e.g. “good girls” as victims more likely precipitate a more serious charge). Plea bargaining is simply one procedure by which the formal, recorded meaning of the act is decided.

 Moreover, just as in everyday life, the law is full of principles that focus on the question of whether a specific act is or is not a crime. The law recognizes that circumstances may extenuate the commission of an act and render it not a crime (e.g. killing may not be seen as murder if done in self defense, is done in the course of a police officer’s duties, or by soldiers in combat with the enemy. Surgeons whose failed operations result in the death of their patients are not charged with manslaughter). Circumstances clearly affect the meaning of various acts in the eyes of those concerned - the accused, the criminal justice system and the public.

 Another problem with the objective view of deviance results from the sheer number of actual violations compared to the number of prosecutions and convictions. Not only do many people violate the norms of conduct and get away with it, they also violate more serious laws and are not punished - even though feeling no remorse. Most people have probably violated many laws during their lives, such as by taking office supplies home (theft), speeding, “rounding” numbers on their taxes (fraud) to minor assaults and other offences against persons. Most such activities are not detected, and for the most part such individuals do not think of themselves as deviants, but as upstanding citizens who have managed to get away with something very minor.

 This fact that violations occur with greater frequency than prosecutions raises the question of how the criminal justice system goes about its job. Is the detection of criminal acts governed solely by chance, or is there some more systematic process of selection so that some people more than others are likely to be detected or prosecuted? If the former were true, we might be slightly more inclined to see deviance as objective. However, since there are often principles of selection at work (e.g. the unofficial practice of racial stereotyping; harsher penalties for Black and Aboriginal accused) then it is clear that an act is considered deviant (or seriously so) because of who the perpetrator is rather than because of what the act itself is.

 There are also good reasons to doubt that those who commit deviant acts are qualitatively different from those who do not. Sociologist have long recognized that normal motivations and social experiences could induce people to engage in deviant acts. For example, Merton’s classic theory of the discrepancy between culturally prescribed goals of material success and status, on the one hand, and the legitimate means to achieve them, on the other. Because of inequalities of income, education, knowledge and other boundaries, success in legitimate terms is less likely for some than others. Adaptations to this discrepancy may take several forms (e.g. criminal activity as “innovation,” ritualized adherence to accepted form even when one has given up believing in it, “retreating” into alcohol or drugs, etc.) The point is that quite ordinary motives may prompt conduct that under some conditions will be defined and treated as deviant. The reverse may also be true: conduct that may seem quite normal may in fact stem from motives that are not so ordinary (e.g. the mobster may seek the same financial rewards as the corporate executive).

 Finally, the objective view of deviance as activity that stimulates organized social efforts to control it - and its assumption that society seeks to eliminate deviant conduct whenever and wherever it occurs - is itself suspect. In many instances the exact nature of the threat to society posed by a particular form of deviance is hard to determine. Take for example the criminal law that existed, until recently, against marijauna, which was often justified on the basis of medical harmfulness, a diminishing effect on motivation, and the impact it has on driving. Such arguments are difficult to prove or disprove, but even when correct, they do not show that the social control of marijuana is simply a response to its recognized dangers. Laws against marijuana in the U.S. were few and far between before the 1930's, but became harsh and punitive after the passage of the Marijuana Tax Act in 1937 (in Canada there wasn’t even a parliamentary debate - it was simply added to the list of prohibited drugs after a series of lurid articles in MacLeans’ magazine in the 1920's). After receiving vigorous enforcement and considerable public attention during the 1960's and ‘70's, concern and enforcement efforts began to wane. In the late 1980's there was another drug scare focused on crack cocaine, prompting the “war on drugs.” The rising and falling tides of concern with drugs are not always closely correlated with actual rates of use. Thus, a view of social control merely as a response to deviant conduct is a vast oversimplification.

 This view gains strength if we consider that in some cases the very agencies charged with social control seem to perpetuate it. Prisons are notoriously successful as “crime schools,” but not as agencies of correction. Prisons frequently provide a context for criminal socialization - for the ideas, knowledge, theories and techniques of crime to be passed on. Efforts to control deviance often has the unintended consequence of encouraging it.

 We can thus conclude that the image of social control as a response to deviance is only partially correct. Equally we must see deviance as, in part, a response to social control. This position suggests that, to some extent, deviance exists because laws exist, and that the mechanisms of social control crucially affect the shape and character of deviance in a given society. Where laws are harsh and restrictive, and especially where they attempt to prohibit widely practiced conduct, there will be much deviance (e.g. the drug laws, prohibition). Laws not only create a category of illegal behavior, but in some instances generate a criminal underworld whose economic function it is to supply drugs.

 **An Interactionist Conception of Deviance:**

 Is there a way to analyze deviance to avoid the limitations of the traditional view? Several tasks must be accomplished by any such approach:

\* It must logically treat very diverse forms of conduct under the heading of deviance

\* It must account for the variable and negotiable character of deviance, as well as its defining processes

\* It must take into account that participation in various forms of deviance has variable effects on the selves of those involved

 A number of sociologists identified with what has come to be known as the labeling perspective have tried to define deviance in a manner that took these problems into account. Howard Becker, for example, argued that social groups create deviance by creating rules and applying them to particular people. The emphasis is not on the quality of the act but the application of rules and sanctions. In sum, deviant behavior is behavior that people so label.

 Becker’s approach attacks some of the major issues above, avoiding the issue of the objective quality of the person or his acts, he regarded deviance as a quality imputed to the person or his acts by social classification. This recognizes that such classification is not an automatic process, but one of conflict, negotiation, bargaining and power. It is the successful application of labels that creates deviance, not merely the attempt to do so or the original act.

 Yet Becker’s definition is not wholly satisfactory. It does not adequately specify the grounds on which people label deviant behavior as such. Becker’s definition is open to the criticism that it permits any kind of conduct to be labeled as deviant, even though it appears that there are some restrictions on what usually goes into that category.

 Kai Erikson approached this issue by regarding what may or may not be regarded as deviant as that “which is generally thought to require the attention of social control agencies - that is, conduct about which ‘something should be done.’” While not completely satisfactory, this at least is a beginning. Conduct that in some or all cultures or under some or all circumstances is susceptible to classification as deviant is that which somehow arouses a sense of concern - a belief that something is amiss with the conduct or the person engaged in it.

 Exactly what this “something” may be is more difficult to nail down. Not only are norms and laws often violated without encouraging such a feeling that action needs to be taken, but the acts that are likely to arouse such feelings are variable cross culturally, historically, and even within across various strata in a particular society (e.g. family violence and corporal punishment).

 We can focus the definition of deviance by suggesting that the belief that ‘something must be done’ is aroused when a *breach of social order* is sensed by those who have the power to apply deviant labels or enlist those who can. While this conception is itself somewhat vague, it does help narrow our concern to the idea that the normal, usual, typical and routine activities in society are threatened. Moreover, breaches of social order may be perceived in a variety of ways, not merely in response to violations of normative sentiments but also in relation to threats to self-interest or power.

 Defining deviance as a set of labels applied to conduct that appears to someone to constitute a breach of social order permits a variety of behavior to be seen as possibly subject to such labels, yet gives conceptual unity to the category. Any conduct targeted as a breach of social order, and anyone held responsible for it, may be labeled deviant (e.g. long hair on hippies was considered evidence of rebellion against the social order). Killing also fits this definition, but notice how it begins to lose its focus as we move from the killing of an upstanding member of society to the killing of a criminal by police in the line of duty. Indeed, this definition allows the inclusion of what can be termed political deviance, which includes allegations of subversive activities against the state as well as various occasions on which charges are more or less likely trumped up against political enemies (e.g. the McCarthy hearings; the use of the IRS by Nixon to shut up his political opponents).

 Defining deviance as perceived breaches of social order emphasizes the fact that the social and political construction of reality lies at the heart of any attempt to apply a deviant label. People don’t always find themselves in agreement regarding a label or its application. Those who use illegal drugs often say there is nothing wrong with their own private activities and that those who abuse legal drugs are simply being hypocritical; opponents feel their activities as a threat to society. There was considerable difference of opinion about Clinton’s affair with Monica Lewinski. Many agree that social protest against war or racial injustice is an attack on the foundations of social order; other feel that even violent protest is moral against the context of immoral activities (e.g. protests at summits of world leaders, political terrorists). One person’s freedom fighter is another’s terrorist.

 Whether a particular form of conduct is viewed as deviant is thus an outcome of negotiation and social definition. It isn’t the inherent qualities of substances that renders them illegal, but social processes. Whether Clinton should have been impeached is a political decision based on a vague clause in the Constitution. The distinction between legal and illegal protest changes from time to time depending on formal and informal decisions in the criminal justice system.

 The perception of social disorder is only one element of deviance, as not only various acts come to be seen as threatening and deviant, but so do certain individuals. The attribution of a particular kind of status to the deviant is fundamental: a negative essence standing in contrast to the positive nature of those making the definition. Thus, deviance is not merely a category of behavior, it constitutes a category of persons viewed as somehow not fully normal, not in possession of normal human capabilities or dispositions - perhaps not even fully human.

 Deviance is in many respects the opposite of charisma. Some people come to be defined as better than average; others as worse - filled with undesirable motives, destructive capabilities, or lacking the capacity to act in appropriate ways. Of course, this view results from socially imputed qualities and characteristics that are *believed* to be so. Deviants acquire negative essence because of their acts and the ways in which they are defined. Belief in their badness, ill will, corruption, uncontrollability and danger are sustained as much by public imputation as by anything they subsequently do. Even the reformed criminal or recovered mentally ill person is feared in many quarters. These things tend to stick.

 Deviance is thus identified by the perception of threat to social order and by the attribution of negative being to individuals (e.g. if a car’s brakes fail accidentally and people die we don’t consider the driver deviant, but we do if we find s/he was drunk).This is not only attached to the individual, but seen as a wider threat to public safety something must be done about.

 A crucial element in this approach to deviance is the insight that neither the perception of threat nor attribution of negative essence simply reflects the discovery of reality. Rather, the issue of what is threatening and what is not cannot always be settled by appeal to the objective meaning of the act itself. Here, as in social life generally, the meaning of an act lies in the response it elicits from others who have the capacity to do something about it.

 One benefit of this approach is that it makes somewhat easier the understanding of why a wide variety of forms of conduct can fall under the classification of deviance. The way we deal with the mentally ill so closely resembles the way we treat other forms of deviance because mental illness seems to elicit a perception of threat to the social order and the attribution of negative essence. Those classified as insane in many cases are wrongly perceived as a threat to community order - as dangerous, unpredictable, etc. Indeed, despite the “humane” redefinition of insanity as illness, the mentally ill are still perceived as a danger and an inconvenience. Medical conditions can easily arouse social fears of contamination (e.g. AIDS), even when people rationally understand that the problem is medical, not moral.

 The perception of behavior as deviant relies on the perception of threat and the attribution of responsibility to the deviant. Discourse about deviance often incorporates the additional element of normative conceptions. The vocabularies with which we discuss deviance rely heavily on conceptions of right and wrong, even though the underlying reality is formed by perceptions of disorder and the attribution of individual cause (e.g. discussion of the ‘evil motives” of violent criminals; the “sinfulness” of adultery; the “perversion” of pedophiles, etc.).

 From the interactionist perspective, normative talk about deviance is an expectable, though not inevitable practice - and they do not define the nature of the phenomenon. As we noted, norms frequently are violated without any allegations of deviance. Rather, the hallmark of deviance is that a breach of social order is perceived and then attributed to the act of a specific individual (e.g. the search for a suspect who is responsible). Even though most acts are *subsequently* classified by people with reference to norms, not all acts are so treated (e.g. mental illness is attributed to threatening acts of individuals, yet not usually seen in normative terms. Indeed, the very classification of certain behaviors as the result of illness suggests an effort to avoid defining them in normative (i.e. moral, willful) terms. Mental illness is not typically defined as the result of knowingly and wilfully breaking a rule, but in terms of the lack of such voluntary, knowledgeable violation. This does not mean, however, that that person is judged to be less of a threat to social order or the status of their being thereby made less negative.

 One final note must be made. Deviance is often a matter of degree, not an all or nothing classification. Deviance is a variable phenomenon, and any given act is more or less deviant depending on whether it is noticed, taken seriously as a departure from group standards, attributed to the individual, and elicits a formal or informal social reaction.

 Now that we have detailed this interactionist conception of deviance, our task in the next class will be to explore some of its dimensions in further detail. First we will look at variable responses to similar acts. Then at what causes people to engage in potentially deviant behavior. Finally, we will consider the consequences of labeling for the individual’s future conduct.