SOCIOLoGY

of

DEVIANT BEHAVIOR

Twelfth Edition

Marshall B. Clinard
Emeritus, University of Wisconsin

Robert F. Meier
University of Nebraska at Omaha
Imagine a teacher, married and a parent of four children, who has sex more than once with one of the teacher's 13-year-old students. The teacher is arrested, convicted of two counts of child rape and given probation with a suspended seven-year prison term. Does it sound like a lenient sentence? It did to some, but the twist here is that the teacher was a woman and her sixth-grade student was a boy. Mary Kay LeTourneau taught in a Seattle suburb where she and the boy met and, according to her, fell in love. After the conviction LeTourneau's marriage ended, and she began a treatment program for sex offenders while in the community.

But things took a different twist when she and the boy were seen together although expressly forbidden to meet. LeTourneau's probation was revoked, and she is presently serving a prison sentence. In the meantime, she and the boy have had two children together.

The notion of deviance is connected closely to that of social control. Often, deviant behaviors represent such undesirable acts that people want to "do something" about them. What they do often results in sanctions or other overt reactions to the behavior or condition. For the purposes of this book, these reactions can be collectively called social control. The nature and strength of the reactions vary with the deviant conduct. In the case mentioned above, what if the sex of the parties were reversed? Male teacher, female student. Does this make a difference in the kinds of reactions produced?

This chapter explores the relationship between deviance and social control by examining characteristics of deviant events and processes of social control intended to eliminate those acts or reduce their frequency.

**Deviant Events**

Deviant events take many forms, but all such events violate some norm. Potentially, therefore, people could commit as many deviant events as they can find norms to violate. Some of these acts involve physical behavior, as in crime, while
others may involve verbal behavior, such as children inappropriately scolding their parents.

The term event refers to some behavior, but also to the context in which the behavior occurs (Meier, Kennedy, and Sacco, 2001). That context may involve a deviant, a victim, the circumstances that brought them together, and, depending on the act, a history between the deviant and victim. The understanding of deviant events begins with antecedents or history and encompasses the immediate situation in which the event takes place and its aftermath or consequences (Sacco and Kennedy, 1996). An offender causes an act of simple assault, for example, but the victim and the interaction between the offender and victim also frequently constitute “causes.”

Clearly, the word cause means something different than blame, and analysis of deviance focused on events should consider all of the elements that came together to produce the deviant act. The offender and victim may have continued a dispute over a period of time, or a short argument may have preceded the assault. The assault may have followed an interaction in which one of the parties challenged the honor of the other or said something that the other considered disrespectful (Oliver, 1994). Event analysis requires attention to these and all contributing factors to the deviant act.

Focusing attention on the deviant act itself necessarily neglects the context in which it takes place. For example, some women bare their breasts at Mardi Gras in exchange for beads and other trinkets. They do so not simply because they are exhibitionists who take advantage of many opportunities to take off their clothing (Forsyth, 1992). Rather, this temporary exhibitionism depends heavily on situational variables like alcohol, a party atmosphere, the desire to engage in momentary risk taking, and a physical setting dissociated from sexual activity. Studies have described similar motivations for women who become strippers (Skipper and McCaghy, 1970) and topless dancers (Thompson and Harred, 2002). Many people enter these occupations not because they are exhibitionists, but because specific financial and social circumstances permit the women to undress in public. In this sense, an instance of exhibitionism may be physically isolated in time and space, but the social context defines and shapes the deviant act.

**Deviant Roles**

Everyone performs a number of social roles in everyday life. At different times, people may act as students, sons or daughters, consumers, friends, and, sometimes, deviants. No one is deviant all the time; the role of deviant, like all roles, only sometimes emerges in the acts that people perform. Some people play roles as deviants more than others, but even those who make their livings from deviance do not commit deviant acts all the time. This description clearly fits people who engage in deviant acts only occasionally, such as a person who has
too much to drink on New Year's Eve, but even people who are strongly committed to deviant roles only sometimes perform those roles. Organized criminals, for example, in addition to their criminal behavior, also act as spouses, parents, shoppers, football or soccer fans, and the like.

Most deviant acts do not just happen. Such an act culminates a process or series of stages that develops over a period of time—it has a history. In other words, most deviant acts occur in particular social contexts (Bryant, 1990: 23). Some deviant acts, such as instances of domestic violence, often begin without specific intentions to commit the acts; the acts follow development of interactions with others. "Each action of each party is in some measure dependent upon the previous action of the other party. The outcome of such an interaction process is a joint product of both" (Lolland, 1969: 146).

One can interpret behavior more easily after identifying the roles that the participants are performing. Male patrons of a pornography store, for example, fulfill a number of roles when not in the store (laborer, father, insurance executive, etc.) but another set of roles in the store. Tewksbury (1996) divided such patrons into five types based on their roles in the store: (1) porn watchers (who were interested only in the pornography the store sold), (2) masturbators (who sought sexual gratification via masturbation), (3) sex seekers (who sought other men for homosexual encounters), (4) sex doers (those sought by the sex seekers), and (5) naïve (curious visitors who did not interact with others in the store).

Deviant Places

A deviant act may begin with an interpretation of a situation as an opportunity to commit the act. If a teenager sees a set of keys left in a car, for example, he or she may interpret the situation as an opportunity to steal the car. Another teenager might pay no attention to the same situation (Karmen, 1981). A drug addict may view the presence of drugs in a pharmacy or a doctor's office as a possible supply and burglarize the premises. A difficult or stressful situation may elicit one kind of perception in a person contemplating suicide and a completely different perception in someone else. However it occurs, an analyst must evaluate the act in its social context as the outcome of a particular social process that includes a physical dimension.

Subsequent chapters will show that deviant acts are not random events; they occur more in some places, at some times, and among some groups than in others. The expression deviant place describes a physical location typically connected to deviant acts. Conventional crime is more frequent in cities than in small towns and in some neighborhoods more than others within cities. In the 1920s, two researchers at the University of Chicago, Clifford Shaw and Henry McKay, found a relationship between delinquency and certain areas of that city.
More recently, Stark (1987) has theorized a relationship between deviant acts and certain types of communities with high population densities and crowded housing conditions. Substantial poverty in these communities along with extensive physical deterioration can affect the social morale and outlook of residents. In these neighborhoods, people tend to spend a lot of time outside, where they encounter strong temptations and opportunities to deviate. These neighborhoods also feature low parental supervision, since the children spend much time out of their homes, decreasing opportunities for oversight. All of these conditions may contribute to deviant acts. There are a number of ways to design buildings and neighborhoods to reduce crime (Pelson, 2002: Chapter 9).

Deviant places are locations likely to host deviant conduct. Neighborhoods often become places where deviance is likely to occur as they decay into disorder (Kelling and Coles, 1996). Small instances of disorder, such as graffiti, panhandling, and gatherings of street people, can lead to larger instances and even crime. A broken window in an abandoned building supports the perception that no one cares about or owns the building. Similar developments often follow such an initial instance of disorder. These may, in turn, lead to the perception of absence of supervision on the street where the building sits. Eventually, those who are not bothered by the unsupervised atmosphere—or who actually like it—may take over the street.

The Deviant Act Over Time

Analysts cannot effectively study deviant acts in isolation from their social contexts, including temporal relations between separate acts. Deviants may learn to commit these acts over long periods of time through a process of realizing pleasure and adventure from committing successive acts. The adult robber, for example, may have begun his or her career in adolescence with minor youth gang delinquencies and other risk-taking activities (Blumstein, Cohen, Roth, and Vishner, 1986). A member of the gay community may have engaged in homosexual activities only sporadically as a youngster; acquiring a homosexual identity only through later participation in the gay social environment (Troiden, 1989).

Risk-taking behavior like drug experimentation or low-stakes gambling may seem both financially and socially rewarding for some people. A study of gamblers has suggested that a lower-class, regular gambler may begin this career by pursuing a reputation for "seeking action." The person gambles because the activity offers excitement and confirms a self-image of a lively, interesting person (Lester, 1977). Someone who gambles regularly, in other words, acts consistently with the social role of a gambler. As their gambling activities increase, some participants appear to fall into continuing spirals of gambling involvement. As debts mount, the compulsive gambler increasingly views gambling as the only way out of a predicament. After using up other, legitimate options (such as
Parade Strippers

In certain parts of New Orleans during Mardi Gras, some women participate by exposing their breasts in exchange for beads and trinkets thrown from floats in parades. Unlike mooning and streaking, acts that occurred in certain parts of the country, parade stripping has grown in popularity to the point where a widely known term—beadwhore—labels women who participate in this activity.

Parade strippers often attribute their participation to either dares from friends or the effects of alcohol. Parade strippers gain some satisfaction from the experience, although like most people at nude beaches, they do not participate for sexual satisfaction. Receiving beads and the excitement of the moment apparently provide sufficient inducements for the strippers. Most parade strippers deny exposing themselves publicly in other situations or at other times. By limiting their participation to Mardi Gras in public areas with friends present, the strippers control the circumstances and ensure safety in the activity. Because Mardi Gras often involves the suspension of many norms and conventions, parade strippers experience less condemnation than those who perform other displays of public nudity. As a result, parade strippers engage in a mild form of public exhibitionism that seems to offend no one and for which the strippers suffer no disapproval.

The history of deviant acts suggests the possibility of transitory events; that is, some deviant acts occur at some times more than others. Some deviant acts, for example, are tied into particular situations. Nudity at Mardi Gras, as mentioned earlier, occurs under circumstances that are artificial to the lives of the participants. The party atmosphere, the effects of alcohol, and common expectations that some women will remove their tops—these conditions contribute to a feeling of a moral holiday. Those women who bare their breasts seldom appear publicly nude apart from Mardi Gras, and the time and place of the celebration provides a strong facilitating context for this form of deviance (Forsyth, 1992).

**Deviant Acts and Victims**

The nature of a deviant act depends not only on the past experiences of the actor but also on the responses of others in the immediate situation. The individual considers these responses in formulating a definition of the situation. The reactions of the social audience help to organize and shape the deviant act.

Unanticipated consequences often arise from events not expected in the early stages of the deviant act. Cases of criminal homicide often result from such surprises. For example, an offender may start out intending to burglarize a house and end up killing the resident. A number of murders occur in connection with other crimes, such as when a drug transaction goes sour and someone is killed. In crimes of violence, such as homicide and assault, perpetrators and victims frequently know one another (Reiss and Roth, 1993), as in family violence. Research has identified a number of factors usually associated with family violence, including low socioeconomic status, social stress, social isolation, and low self-concept (Gosselin, 2003). In addition, a family assault frequently reflects a cycle of violence in which perpetrators often report past family violence by their parents. One cannot understand family violence, in this very real sense, outside the context of the victims of this offense, since victims frequently become offenders later in life.

Not all deviant acts target victims, however, at least in the form of specific people or items of property. People with mental disorders, for example, generally do not inflict harm on victims, although their disorders may severely disrupt marital and family relationships. Similarly, homosexuality, drug addiction, prostitution, and alcoholism are not acts directed toward harming other people, although they too may significantly affect others associated with the deviant (Meier and Geis, 1997). Similarly, many deviants commit their acts outside the presence of any audience. Addicts often take drugs without anyone else present, and even some forms of crime can take place without audiences, such as burglary.

Deviant events gain their significance because they draw attention to conditions that define deviance rather than the deviants who commit the acts. Deviants are only one part of this social equation. Sociologists must broaden
their perspective to examine the nature of the social events associated with deviance (see also Miethe and Meier, 1994; Sacco and Kennedy, 1996). The social context of deviance includes social forces that bring deviants together with potential victims, as well as the times and places of those interactions. But that context also includes efforts designed to reduce deviance, a process that sociologists refer to as social control.

Social Control

Many scholars regard the problem of social order as perhaps the fundamental question for all social sciences (Rule, 1988: 224). Why do people conform to rules and norms, even when obedience contradicts their own interests? Why do some people violate laws and others violate deeply held social understandings about appropriate conduct? Most sociologists respond to such questions by talking about social control.

All social groups have means of dealing with behavior that violates social norms. These methods, taken together, are called social control (Meier, 1982). A definition might narrow the broad notion of control to a statement such as "overt behavior by a human in the belief that (1) the behavior increases or decreases the probability of some subsequent condition and (2) the increase or decrease is desirable" (Gibbs, 1989: 23). Social control implies deliberate attempts to change behavior. Social control measures serve the social purpose of ensuring, or at least attempting to ensure, conformity to norms. In some situations, people conform to norms because they know of no alternative. In other situations, they conform to gain some inducement to do so. These inducements may represent informal social control mechanisms, such as ridicule, or actions of formal agencies such as the church or government. Like a deviant event it seeks to limit, social control is a process.

Processes of Social Control

Sociologists can distinguish between two basic processes of social control. (1) Internalization of group norms encourages conformity through socialization, so that people both know what society expects and desire to conform to that expectation (Scott, 1971). (2) Social reaction influences conformity through external pressures in the form of sanctions from others in the event of anticipated or actual nonconformity to norms. These possibilities do not define mutually exclusive processes; they can and do occur together.

Internalization Processes Internalization of group norms achieves social control when a person learns and accepts the norms of her or his group. This
process is a result of the overall socialization process that motivates members to conform to group expectations regardless of other external pressures. Society need not exert conscious effort to secure compliance with such norms, for they define the spontaneous and unconscious ways of acting that characterize the bulk of any culture's customs.

People generally learn mechanisms of social control, like customs, traditions, beliefs, attitudes, and values, through prolonged interactions with others. Most wives do not murder their husbands, a fact due not entirely, or even mostly, to the severe legal penalties for criminal homicide; most North American drivers stay on the right side of road not entirely because they worry that other drivers will regard their driving as deviant; not everyone who drinks alcoholic beverages avoids becoming drunk simply through fear that the neighbors will gossip. Rather, most people conform to most norms most of the time because, first, they have learned the content of those norms and, second, because they have accepted the norms as their own and take those standards for granted in choosing their behavior.

A great deal of conformity to norms results from socialization that convinces people that they should conform, regardless and independent of anticipated reactions from others. In this sense, socialization deserves the label self-control because this conformity often results from the socialization process. Social control consists, in a sense, of processes that teach the person to avoid processes of deviance. Social control processes teach how not to engage rather than how to engage in deviant behavior (Gottfredson and Hirschi, 1990).

Sanctioning Processes Sanctions are social reactions to behavior. Sociologists sometimes classify them according to their context. Social controls through external pressures include both negative and positive sanctions. A negative sanction is a punishment meant to discourage deviant conduct. A positive sanction is a reward meant to encourage conduct that conforms to a norm. Sociologists also classify sanctions according to their sources, that is, who supplies the reactions. Informal sanctions, such as gossip and ostracism, are unofficial actions of groups or individuals, while formal sanctions, such as criminal penalties, are official group expressions meant to convey collective sentiments.

Formal and informal sanctions do not act independently from one another (Williams and Hawkins, 1986). Formal sanctions can reinforce informal sanctions, and vice versa. One study found, for example, that a sample of 800 teenage boys expressed more concern for what their families would think of them than about formal penalties associated with arrest by the police (Wilcock and Stokes, 1968). Yet, the fear of formal penalties, such as arrest and incarceration, exerted important influence, too. This finding suggests that a combination of both informal and formal sanctions powerfully influences behavior.
**Table: Different Kinds of Sanctions**

<table>
<thead>
<tr>
<th>Nature of Sanction</th>
<th>Formal</th>
<th>Informal</th>
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<tbody>
<tr>
<td>Positive</td>
<td>Raise in job salary</td>
<td>Praise</td>
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<tr>
<td></td>
<td>Medal in the army</td>
<td>Encouragement</td>
</tr>
<tr>
<td></td>
<td>Certificate</td>
<td>Smile</td>
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<td></td>
<td>Promotion</td>
<td>Handshake</td>
</tr>
<tr>
<td>Negative</td>
<td>Imprisonment</td>
<td>Criticism</td>
</tr>
<tr>
<td></td>
<td>Dismissal from a job</td>
<td>Spanking a child</td>
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<tr>
<td></td>
<td>Excommunication from a church</td>
<td>Withholding affection</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Negative gossip</td>
</tr>
</tbody>
</table>

**Informal Social Controls**

Informal social sanctions come from reactions to behavior by people who personally know one another. Informal sanctions act to enforce informal norms, often in small groups.

Informal sanctions such as gossip and ridicule may work especially effectively in relatively small social groups where everyone knows everyone else and the same people spend time in continuing face-to-face contact. An author has reported one example of an informal sanction, in this case, gossip, from such a society:

Early this morning, when everyone was still around the village, Fokanti began loudly complaining to an affine (who was several huts away and was probably chosen for that reason) that someone was "killing her with broken promises." Who? Asibi. He promised to help Fokanti with her rice planting today and now he's reneged. At this point, Asibi appeared and tried to explain how something else had come up which required his attention. This cut no ice with the woman, who proceeded—her voice still at a high volume—to attribute Asibi's unreliability to his "just wanting to go to dances all the time, like last night!" None of this public broadcasting was helping Asibi's reputation any, so he promised to change his plans and make good his original promise. (Green, 1977: 42)

This example clearly illustrates the extremely powerful effect of informal sanctions. Asibi kept his original promise because he cared about what others thought of him. He regarded his reputation in the group as important and he did not wish it damaged. He wished, in other words, to avoid shame and embarrassment in the community for not keeping his word.
In another tribal society, Brison (1992) found that the Kwanga of Papua New Guinea used gossip to attempt to control the behavior of other tribal members. If gossip succeeds, it allows people to avoid other, more confrontational methods of resolving conflicts. Gossip provides an effective means of social control because the group can readily control it, and members can easily defend themselves against accusations. Charges may draw counter charges. Verbal salvos handled in this manner can preempt other forms of interpersonal conflict resolution, such as violence.

Informal sanction reactions inspire a range of specific behaviors: ridicule, reprimands, criticism, praise, gestural cues, glances and other mechanisms of body language meant to convey approval or disapproval, denial or bestowal of affection, and verbal rationalizations and expressions of opinion. “Frequently, the penalty consists of verbal expressions of displeasure; even a glance of annoyance on the face of a friend is often enough to inhibit deviant acts or to arouse feelings of guilt or shame” (Shibutani, 1986: 219). Gossip, or the fear of gossip, is a very effective sanction among people who have close personal relationships.

Arthur (1998) studied a conservative Mennonite community in California where a strict dress code existed for women. The dress code was a symbol of group belonging, and adherence to it was considered a sign of religiosity. It was required for all female church members. Women who deviated from the code were subject to a number of constraints, from gossip to expulsion and shunning. Nevertheless, some women managed to create minute changes in the dress code to express some individuality.

Braithwaite (1989) sees an important general crime control tool in informal social controls. Informal sanctions such as shame may help to prevent criminal acts and to reintegrate offenders into the community. He notes that most members of society refrain from crime, not because they fear legal sanctions, but because their consciences do not permit legal violations. Most people do not contemplate “bad” actions because they share society’s characterization of those actions as bad behavior that people should avoid. People who do violate the law might respond to appeals to shame, in addition to the formal sanctions of fines and prison, arousing their consciences and inducing them to control themselves. This use of shame, a common sanction in many countries, such as Japan, joins the informal power of the individual conscience with the formal power of the state and its criminal sanctions.

When a young constable raped a woman in Tokyo several years ago, his station chief resigned. In this way, junior and senior ranks express a shared commitment to blameless performance. This view of responsibility is part of the Japanese culture more largely. When a lighter aircraft struck a commercial airliner, causing it to crash, the Minister of Defense resigned. Parents occasionally commit suicide when their children are arrested for heinous crimes . . . . Japanese policemen are accountable,
then, because they fear to bring shame on their police "family," and thus run the risk of losing the regard of colleagues they think of as brothers and fathers. (Bayley, 1993: 156)

The interplay of formal and informal controls also affects the operation of law enforcement in rural areas. The discretion of local law enforcement officials often helps to keep some suspects out of the system. A local police officer may bring greater information about the suspect or a longer association to an encounter than an urban officer would possess. This relationship might lead the officer to forgo an arrest otherwise justified by a person’s offense (Weisheit, Falcone, and Wells, 1996: 81–82). Informal relationships with citizens also aid rural police in solving crimes, and rural police officers are likely to feel stronger appreciation of their communities and local traditions than urban police officers. These informal relationships and community identification result in a different kind of peacekeeping in rural districts than in cities, where the law alone, not personal relationships, provides the main means of social control.

**Formal Social Controls**

Formal controls involve organized systems of reactions from specialized agencies and organizations. The main distinction between these controls separates those instituted by the political state from those imposed by agencies other than the state. These agencies include churches, business and labor groups, educational institutions, clubs, and other organizations.

The development of formal systems of control may be related to conditions that weaken informal systems of control (see Horwitz, 1990: 142–149). When family, church, clan, or community do not apply controls, as occurs in the process of urbanization, society needs alternative forms of control. These alternative forms involve actions by third parties—such as the state in the form of police, courts, and correctional system—to enforce various norms and regulations.

Because the institutional systems of society incorporate formal sanctions, these sanctions are administered by people who occupy particular positions or roles within those institutions. These people are commonly known as agents of social control since their duties include administration of controlling sanctions. In the most general sense, the label fits anyone who attempts to manipulate the behavior of others by imposing formal sanctions. The police, prosecutors, and judges in the criminal justice system obviously qualify as agents of social control, but so too do employers, psychiatrists, teachers, and religious leaders who promise heaven and threaten hell to believers. In each instance, society charges the people who occupy these roles with making authority to determine reactions to (sanctions for) the behavior of others. The behavior of social control agents in effect forms a system of social control that intertwines control efforts from different sources—police, judiciary, corrections, juvenile justice, psychiatry,


<table>
<thead>
<tr>
<th>Institution</th>
<th>Agent</th>
<th>Deviance</th>
<th>Sanction</th>
</tr>
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<tbody>
<tr>
<td>Religion</td>
<td>Minister, priest</td>
<td>Sin</td>
<td>Penance, withholding rites, excommunication</td>
</tr>
<tr>
<td>Business</td>
<td>Employer</td>
<td>Absence, laziness, violation of work rules</td>
<td>Dismissal, suspension, fine</td>
</tr>
<tr>
<td>Labor union</td>
<td>Shop steward</td>
<td>Failure to obey union rules</td>
<td>Expulsion from union, fine</td>
</tr>
<tr>
<td>Professional group</td>
<td>Officer</td>
<td>Ethical violations</td>
<td>License revocation, expulsion from group</td>
</tr>
<tr>
<td>Political state</td>
<td>Police, prosecutor, judge</td>
<td>Violations of administrative, civil, or criminal law</td>
<td>Fine, probation, imprisonment, civil suit</td>
</tr>
<tr>
<td>Club or social organization</td>
<td>Officers</td>
<td>Violations of club rules</td>
<td>Fines, suspension of privileges, expulsion</td>
</tr>
<tr>
<td>Family</td>
<td>Parents</td>
<td>Youthful disobedience</td>
<td>Spanking, &quot;grounding,&quot; withholding privileges</td>
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</table>

welfare, the family, and other agencies of the state and civil society—to form a network of control (see Lowman, Menzies, and Plays, 1987).

Nonpolitical groups impose penalties, some more severe than those imposed by the political state, for crimes. A business concern may fire an employee, even after long years of employment, for an act of deviance, such as theft or embezzlement. A professional group or union may suspend or even expel an individual member, an act that may cost the offender his or her livelihood (see Shapiro, 1984: 135–166).

Professional athletes may face fines of several thousands of dollars for infractions of the rules of their clubs or leagues, such as insulting spectators, violating club rules, taking illegal drugs, or losing the club’s playbook. Violations of such norms may result in fines or even suspensions without pay. Religious organizations may demand penance or withhold certain religious services, such as the wedding privilege or a religious service at death. They may even impose the most drastic punishment of all, especially to members of a particular faith—excommunication from the church. Clubs and similar groups generally define scales of fines, temporary suspension of membership privileges, or even expulsion, as means of controlling their members’ behavior.

Institutions of social control establish series of specific actions not only to punish transgressors but also to reward those whose compliance with norms equals or exceeds the expectations of the group. Curiously, nonpolitical agencies such as businesses and professional, religious, and social groups, probably use rewards more than punishments to mold the behavior of their members (Santee and Jackson, 1977). Through promotions, bonuses, or tangible tokens of merit, business
organizations frequently reward those who make outstanding contributions. Professional groups reward faithful members with election to honored offices or special citations. Religious groups reward their members with promises of future lives filled with euphoria, by positions of leadership within the church organizations, and by pins and scrolls that recognize exemplary service and commitment. Clubs, lodges, fraternities, and sororities likewise offer diverse prestige symbols for those who walk the path from initiate to full-fledged member without reflecting dishonor on the group. In recognition similar to military awards, a small number of U.S. civilians each year earn Carnegie awards for outstanding heroism.

Unlike many other kinds of organizations, the political state seldom distributes positive sanctions, or rewards, as a way to maintain social control. Citizens seldom receive rewards or commendations for systematically obeying most requirements demanded by the law for such behavior. The state of, say, Nebraska cannot practically award certificates to all those who did not commit burglaries in the past year, even if it could identify them. Some states and cities occasionally publicize the long-term safety records or courtesy of certain drivers, but this is one of the few exceptions. This limitation on positive sanctions from the state has important implications for citizens' expectations regarding the effectiveness of its social control efforts. One might expect only partial effectiveness of official, state-imposed social control, because state sanctions are limited to those that are negative in content. Some jurisdictions occasionally experiment with rewarding citizens who conform to the law, such as cases where drivers are recognized for being accident- or ticket-free, but such programs are rare and do not extend to serious crimes.

The political state can impose a variety of penalties upon those who violate state or legal norms, and some observers have noted increases in the power of the political state over time (Lowman et al., 1987). Law violators below the legal age of adulthood come under the jurisdiction of juvenile courts; those who have attained adulthood are subject to punishment under criminal law. Offenders can face fines, imprisonment, requirements for probation supervision, or, in some states, even execution. The state also imposes sanctions beyond those of the criminal law to control law violations by business organizations. Administrative sanctions and civil actions may subject firms to monetary payments, court injunctions, and license revocations. States can revoke the licenses of professionals such as physicians and lawyers, to practice.

**Law as an Example of Formal Control**

Law interests sociologists not only because it is everywhere, but also because it represents a formal system of social control (Friedrichs, 2001). Chapter 1 introduced the discussion of the origins of social norms, and this section extends that
coverage by examining the origins of legal norms. While it does not provide a comprehensive analysis of the sociological origins of law, it does illustrate the origins of legal, as opposed to social, norms.

The content of law reflects the conditions of its society. In the United States, the content of law developed around central issues of states’ rights, slavery, economic development tempered by government regulation of monopolies, and the role of the Constitution in protecting individual civil rights (Abadinsky, 1988: 25–51). Even the most detailed accounts of legal development, however, do not explain any theories of the origin of law.

Scholars promote two major views of the origins of law. One asserts that law emerges to embody and reflect the strong, majority sentiment of the population; the other asserts that law reflects successful actions by certain groups with enough power to legislate according to their own interests. These consensus and conflict models, respectively, compete to establish the general orientations of lawmaking.

Clearly, laws originate in actions of government or its agencies. Before any government or state articulated laws, however, society recognized certain acts as wrong, justifying punishment by a central authority, such as a monarch. Such acts as murder, robbery, and assault have long been considered illegal and violations of what is called common law, an Anglo-Saxon legal tradition, defining law as judicial precedent rather than statutory definition. Emerging state law simply incorporated these common law crimes into the legal system in a formal way by codifying the prohibitions (Thomas and Bishop, 1987). One could interpret these laws as products of the strong social consensus regarding the wrongfulness of the prohibited acts.

Many other criminal laws, however, stir more disagreement about the wrongfulness of specific acts. Laws related to these acts develop from conflict among groups in society (Chambliss and Seidman, 1982). In any society, conflicts inevitably pit the interests of states, groups, and cultural units against one another. Conflict is a normal feature of social life, and it exerts a well-documented effect on the lawmaking process.

To illustrate, historical analyses indicate that statutes against embezzlement and vagrancy evolved through conflict processes motivated by competing economic, political, or social interests. Initial laws against vagrancy represented devices to protect the development of industrial interests in English society at the time by forcing people into the cities to work (Chambliss, 1964). Early legal responses to embezzlement emerged from a requirement for strict measures to protect foreign trade and commerce against the acts of people retained by others as agents (Hall, 1952: Chapters 1 and 2). Under previous social understandings, these agents who legally gained possession of property were not guilty of crimes if they then turned this property into their own use. This arrangement, however, made foreign trade extremely risky at a time when England was expanding its economic influence to other countries. Clearly, a new law was
needed to protect merchants and their trading relationships with other countries. The first embezzlement statute overturned this older idea and made the agents responsible for that property. Without such a law, bank tellers, bookkeepers, and others trusted with other people's money could take that money for their own use without legal risk.

Within this general framework of consensus about and conflict over legal requirements and prohibitions, some criminologists have regarded virtually all crime as behavior that conflicts with the interests of segments of society that have the power to shape social policy (Bieme and Quinney, 1982). Although this definition seems appropriate for much crime related to political behavior and personal morality, it states too broad a case to explain the origins of all criminal sanctions. All social strata regard acts such as burglary, larceny, and robbery as crimes; these behaviors would remain crimes no matter who wielded power in the social structure, so legal sanctions seem more properly to originate from general consensus in society. Moreover, Hagan (1980) has concluded, after an extensive review of historical analyses, that many interest groups influence the provisions and passage of most legislation. Hagan denies the accuracy of assertions that laws have benefited only vested business or political interests. Still, a full understanding of the origins of laws clearly requires sensitivity to the roles of various interest groups, both in the formulation of new legislation and in changes in penalties under existing legislation (see Berk, Brackman, and Lesser, 1977).

What Kinds of Problems Can the Law Solve?

Criminal law is a political product, and there are disagreements about many aspects of law, including which acts to prohibit, how severely to punish violators, and which powers the police should exercise under what circumstances. The disagreements spark political debates, arguments before courts and legislatures, and even conversations among neighbors. Because a government enacts laws within a political context, controversy about criminal law is virtually guaranteed.

Despite some disagreement over most laws and their handling in the criminal justice system, society has become increasingly sensitive to the complex relationship between criminal law and the problems it addresses. A full explanation must consider two questions: What kinds of problems can the law solve? What kinds of problems can the law create? The questions themselves suggest that the law can both benefit and harm society, although most conceptions of law give little consideration to its potential to make matters worse. To enforce laws against prostitution, for example, the police must often engage in aggressive tactics that border on unethical practices and even entrapment. Posing as clients, police may go beyond acceptable legal limits to precipitate the very action they wish to prevent. Many people see no legitimate role for the law in regulating drug use; some even advocate complete decriminalization of certain drugs, like marijuana.
Legal Punishment for Teenagers Who Have Sex

An Idaho district attorney generated controversy when he decided to prosecute an unmarried teenage mother for fornication. Some people expressed concern about teenage pregnancies and cited a need for control, so they backed the prosecutor. Others believed that the law cannot solve this problem, and it should not try.

An NBC poll, taken for the Dateline show broadcast on November 15, 1996, asked a sample of respondents about the case. The results of this unscientific survey showed that 3 percent agreed with the decision to apply the law in such cases, 17 percent believed religious counseling represented the best reaction to the teenagers, 21 percent cited sex education in the schools as the best solution, and 53 percent favored sex education in the home.

Clearly, people disagreed widely on the appropriate solution. In such instances, the law will have considerable difficulty because it lacks the support of widespread social agreement.

The most effective laws reflect social consensus that deems certain problems appropriate for legal intervention (Meier and Geis, 1997). In the absence of such agreement, the law is often an ineffective tool for social control. In 1996, for example, the district attorney in Gem County, Idaho, decided to mount a legal attack on the problem of teen pregnancies. He began to prosecute unmarried teenaged mothers for violations of a long-dormant statute prohibiting fornication, that is, sexual intercourse between unmarried people. He justified his action by noting, "It’s a sad thing for a child to only know his or her natural father as someone who had a good time with his mother in the back seat of a car." When identified, the fathers face a similar charge. Typically, convicted offenders suffer court sanctions, including 3-year probation terms and requirements to attend parenting classes together, to complete high school, and to avoid drugs, alcohol, or cigarettes. Civil rights advocates have objected to what they see as discriminatory enforcement of the fornication law only against teenagers (Brooke, 1996).

Clearly, the law cannot solve every behavior problem, even if everyone agrees that specific behavior represents a problem. Some behaviors lie outside the authority of law, and they should remain that way. Failure to brush their teeth causes problems for some people, but the problem may not call for a legal response.

What kinds of problems should the law address? People disagree, but scholars have suggested several criteria to guide these decisions. First, the law should
target behavior that represents harm to others. This principle, first articulated by John Stuart Mill in the 19th century, has come to serve as an important social guideline. Mill argued that the state can legitimately exercise power over citizens in a free society, against their will, only to prevent harm to others. Such a criterion recognizes that most crimes pose danger to people, whatever the moral qualities of the acts. Criminal law should focus on restricting the physical, financial, and social costs of crime to members of society.

In contrast, some legal scholars have suggested that the law should highlight behavior that violates the moral beliefs of a large number of people (Packer, 1968). Few concepts of criminal laws state criteria divorced from such moral judgments, since most people's conception of crime includes behavior that violates norms, that is, behavior that should not occur. The law should not try to prohibit every immoral act, however, if only because people's versions of morality differ, and because many violations of moral beliefs do not produce sufficiently serious effects to merit legal prohibitions. Breaking promises, forgetting a friend's birthday, breaches of etiquette and manners are all immoral acts in the sense that they ought not to occur. But these breaches do not by themselves represent good candidates for measures in criminal law. Rather, other forms of social control provide more appropriate responses to these acts of deviance. Instead, acts that generate widespread and strong condemnation are more likely candidates for criminalization.

A third standard suggests that legal prohibitions should target acts for which the state can enforce its laws. A law against cancer would do little good, and it could do a good deal of harm, because legal measures can do nothing about this problem. Police can enforce laws against prostitution and other sexual acts between consenting adults only by engaging in undesirable activities of their own, such as spying on people, paying informers, and listening at wiretaps. In truth, many people pay high prices so that all may live in a free society. The law can do little about most drive-by shootings, random robberies, and residential burglaries. While police apprehend some gang assassins, robbers, and burglars and send them to court for punishment, these offenders often return to crime, and other criminals often take the place of those caught by police. In a very practical sense, democratic principles limit legal measures to reactions after the fact to most crimes. While threats of legal sanctions may deter some criminals from committing offenses, not all think ahead, and even those who do may not be deterred forever. A speeding driver immediately slows down when a police car appears in the rearview mirror (the threat of a ticket deters the offense), but he or she may speed up again once the police car disappears.

While laws do not change circumstances that contribute to crime, society probably benefits from establishing such laws. Even though the police cannot control the conditions that give rise, for example, to most murders—arguments, alcohol consumption, and easy availability of firearms—society should not
decriminalize violent crime. If the law does nothing else, it conveys a very powerful message about the value of life and the extreme social abhorrence toward illegitimate violence. In less clear-cut cases, however, society must carry out a delicate and contentious process to decide which acts should be illegal, and the resulting legal controls require careful application.

**Legal Sanctions**

Legal sanctions represent some of the most visible tools of formal social control. Legal sanctions are penalties imposed for violating laws. Many of these punishments come from criminal law, but other bodies of law specify legal sanctions as well. The regulatory agencies of the federal government, such as the Federal Trade Commission (FTC), Securities and Exchange Commission (SEC), and Occupational Health and Safety Administration (OSHA), impose a variety of sanctions for violations of their rules. An *injunction*, an order to terminate some activity, is one of the most common regulatory sanctions. Regulatory agencies can also administer fines that can become substantial sanctions, depending on the circumstances of the case, sometimes as much as three times the damage caused by the violation.

Sanctions associated with violations of criminal law include court-ordered community service, fines, incarceration, and even execution. Incarceration creates a particularly visible form of legal control. Increasing use of imprisonment in the United States in recent years has raised the country's rate of imprisonment to the highest in the world. Overcrowding plagues almost all state prison systems, as American prisons and jails housed almost 2 million people in 2001. Still, prison populations continue to climb.

Other legal penalties leave offenders in their communities. Courts sometimes sentence offenders to participate in community supervision programs (probation) instead of sending them to prison or jail. After a period of incarceration, an offender may live under supervision in the community (on parole) instead of serving the remaining sentence in prison. Probation handles more people in the United States than any other correctional program.

In recent years, legislators have developed a number of sanctions for specific offenders and for use under special circumstances. Since prison overcrowding limits flexibility in many states, these sanctions provide alternatives to institutionalization. Certain offenders remain at home under house arrest, enforced by *electronic monitoring* devices, in many communities. A court sentence may order an offender to wear a special wrist or ankle bracelet that sends electronic signals indicating the offender's whereabouts to correctional authorities. Drug offenders in some communities are sentenced through special *drug courts* to participate in treatment programs as a condition of probation. Some communities are experimenting with programs based on *restorative justice*, which makes a strenuous
effort to include the victims of crimes in legal proceedings. Courts may order offenders to pay restitution and/or medical bills for their victims. Such sentences may also require offenders to meet with their victims to attempt to reconcile, or they may assume some special obligations to the victims’ families as a result of their crimes.

THE IRONY OF SOCIAL CONTROL

Deviants interact with associates, victims, and others in committing deviant acts. They may also interact with agents of social control after the acts are committed. Agents of social control represent the community or society in those interactions, with important consequences for the deviants. Under certain circumstances, applications of social control measures may intensify or reinforce deviant acts in unintended ways. Participation in a drug treatment program, for example, may intensify a drug user’s self-conception or identity as an addict. The person may come to accept that continued association with other addicts and participation in the addict subculture as a necessary or even “natural” situation in light of this self-conception.

Whether contact with an agent of social control directs a person toward or away from deviance depends on many factors. Contact with social control agents can certainly enhance the feelings of differentness and apartness that most deviants experience (Becker, 1973). This contact even influences some deviants to continue their associations with other deviants and their deviant conduct. In this sense, rather than solving deviance problems, social control agents and agencies can contribute to them.

Some people engage in deviant acts while they continue to occupy conventional status ranks and roles. Some sociologists call this activity primary deviance (Lemert, 1951: 75–76). Primary deviants do not form deviant self-concepts, and they tend not to identify with deviant roles. Thus, physicians who work in fee-for-service settings may unethically persuade uninformed patients that they need more medical services, such as surgery, than their conditions actually require (Coleman, 1989: 113). These physicians may not view themselves as far outside the norms of their conventional professional roles and acceptable medical practices. If deviant acts do not materially affect a person’s self-concept or cast that person in a deviant role, they remain examples of primary deviance. Someone who takes illegal drugs with friends a few times may not sacrifice a self-image as a nonaddict as a result.

On the other hand, secondary deviance may develop when the deviant role is reinforced through further participation in a deviant subculture that brings associations with more pronounced deviants (Lemert, 1951: 75–76). A blind person may begin as a primary deviant, for example, and then develop
And these signs shall follow them that believe: ... They shall take up serpents; and if they drink any deadly thing, it shall not hurt them. Mark 16:17–18

The Holiness snake handlers of eastern Kentucky are a controversial religious group. They sincerely believe that God will protect them from the poisons of the snakes they handle during their religious services. The serpent handlers originated in 1910 in the Appalachian counties of Kentucky (Kimbro, 1995). Their practices placed them in opposition to other religious groups and a number of times to police authorities, as well. By involving poisonous snakes in their services, these people sought to test their faith. These sincere believers rejected the more intellectual faiths associated with traditional eastern U.S. ministers. The fundamentalist belief system of the serpent handlers emphasized simple good and evil distinctions in determining right and wrong.

Snake handling arose among people struggling to survive a transition from subsistence agriculture to a free-market economy based on mining. Many hesitated to give up subsistence farming, a family enterprise that closely linked the occupation of farming with family life and activities. As this simple life was breaking down, the rural, poor, uneducated people of Harlan County, Kentucky, sought to maintain their traditional ways of life.

As they experienced these attacks on their livelihood and way of life, these people felt that religion was not helping to sustain them. Established Protestant religions came into the area along with the mining operations, but Appalachian folk did not relate to these highbrow, relatively unemotional ministers and their sermons. Over time, local preachers arose to meet the residents’ need for a more involved kind of religion. Drawing from members of the Church of God, Pentecostal, and Holiness churches, and Free Will Baptist churches, the local preachers stressed not Bible knowledge (which was in short supply in Appalachia in any case), but personal identification by the residents with the messages of the preachers. These messages stressed empathy with the congregations’ problems, something lacking in the services of the eastern ministers.

Mountain evangelists stressed simple messages (right versus wrong) and allowed freedom for self-expression. Participatory services invited members of the congregation to contribute, often in direct and vocal ways. The early evangelists stressed the Bible lessons implied by Mark 16, and soon reports of miracles were circulating the hill country—levitations, fire handling, serpent handling, poison drinking, and resurrection of the dead.

As the popularity of the lively, involving services spread, another attraction lured people to the snake handlers’ services: the use of symbols. The snake handlers became important as much for the rituals they performed as for their beliefs. They conveyed a sense of order, a sense of good, in an increasingly disorderly, seemingly evil world. As social
The Snake Handlers (continued)

change engulfed the area, as mining and a credit economy increasingly replaced kinship and barter, and as new cultural forms threatened the old hill ways, the snake handlers offered stability and harmony. They helped believers to cope with the humiliation of poverty by offering a moral alternative to the new values. The snake handlers embodied the response of these hill folk to their feelings of dislocation as isolation and the old ways surrendered to the pressures of the modern world.

The snake handlers promised protection for the poor hill people, changing them from individual victims of enormous social changes that threatened their entire way of life to a group capable of a powerful collective response. "We are all in this together" was the message. The church services emphasized common responses and prayers. The congregations assumed that if the Holy Ghost influenced one member, He was likely to influence all. Group prayers and songs lifted sagging spirits, snakes symbolized traditional values and faith, and talk of the millennium evoked images of the thousand years of peace promised in Revelation. These elements all buttressed the people against the social collapse they saw around them.

In pursuing their religious vision, of course, the snake handlers became deviants. Although their services created a unique sense of order and control, they were seen as threats to the order of others. Often disparaged as crazy or psychotic, the snake handlers appeared to be nothing of the sort. They seemed like deviants from the perspective of outsiders, whose norms rejected the apparently extreme use of poisonous snakes in worship services. But from the viewpoint of the people they served, the serpent handlers were important people. They provided harmony in an increasingly disorderly, threatening world. They left believers with a sense, after all the change, of the rightness of old-fashioned beliefs, in spite of what outsiders thought. The snake handlers were thus an important source of social control in their eastern Kentucky counties, but a source of deviance for those outside the local groups.

a self-concept that results in secondary deviance through association with other blind persons or participate in agencies for the blind. A person who engages in occasional homosexual acts may start to frequent gay bars and practice a gay or lesbian lifestyle; a relatively casual drug user may become immersed in an addict subculture for purposes of social support and access to a supply of drugs; an official who accepts one bribe may do additional favors for money and become further involved in a corrupt political machine. These secondary deviants acquire deviant roles that increase their participation in deviant subcultures, promote acquisition of knowledge and rationalizations for the behavior, and boost their skills at avoiding detection and sanctions.
The process of self-evaluation in developing secondary deviance has several additional effects, including a tendency to minimize the stigma of deviance. "Experiences at one time evaluated as degrading may shift full arc to become rewarding. The alcoholic is an example; deeply ashamed by his first stay in jail, he may as years go by come to look upon arrest as a means of getting food, shelter, and a chance to sober up" (Lemert, 1972: 84). The secondary deviant becomes committed to deviance and performing deviant roles. Sometimes, the deviant does not perform this role by choice. Some deviants become trapped in deviant roles by the force of penalties they encounter when they try to establish themselves in nondeviant contexts.

In this sense, social control efforts sometimes backfire and complicate the deviance problems they ostensibly work to correct. Observers sometimes struggle to identify the conditions under which control defeats its own goals in this way, and conditions in which social control efforts do counteract deviance. For present purposes, it is sufficient to recognize that regardless of the intent, social control may not effectively inhibit deviance.

As we noted in the previous chapter, sociologists judge deviance relative to applicable standards. It involves a norm violation, but who sets the norm? Behavior that qualifies as deviant in one group is conforming or "normal" behavior in another. Some forms of deviance can arise from changes in a group that set it apart from others. In this way, acts regarded as deviant may actually be responses to establish social control within the group. Such is the case with religious snake handlers.

**Summary**

Deviant events take place in specific social contexts. They develop their own histories and can evolve over time. Awareness of this context is necessary, not only to understand the events, but also to allow effective social control. Social control efforts usually influence people's actions through sanctions, or specific reactions to behavior. Internalization of norms establishes probably the most effective form of social control because it eliminates the need for sanctions. Social control can operate through either formal or informal methods, and different types of sanctions exert varying effectiveness. The social control process is part of the deviance definition process. Some people control others by defining their conduct as deviant. In this way, the definition of deviance serves the same function as specific sanctions—keeping people "in line" or in their "places."

Law is an example of a formal mechanism of social control. By nature, law applies to everyone in a political jurisdiction, and violations often provoke severe sanctions. Members of society sometimes disagree about what should be against the law. In those cases, the law usually cannot supply effective social control. In
other cases, the law creates worse drawbacks than ineffectiveness; it sometimes actually magnifies social problems by amplifying deviance.

Sociologists judge both deviance and social control relative to specific standards. Since behavior that constitutes deviance varies from group to group according to changes in their normative structures, measures of social control also vary.

**Selected References**

This is a recent statement from an influential thinker on social control. Tightly reasoned and written, the challenging reading can lead to substantial rewards in the form of a greater understanding of the important concept of control.

A systematic examination of the nature and meaning of social control. In this well-written and informative book, the author examines social control as something itself to be explained.

An extended explanation and application of the broken windows philosophy that small, unattended disorders (e.g., graffiti) can lead to larger, more serious problems (e.g., crime). This book supplies a strong reminder that social control works on many levels and in many ways.

Processes of deviance and social control play out in concrete circumstances with real people. This interesting story highlights the interrelationships of the nature of deviance, social control, and social change.

A collection of papers dealing with the criminal events perspective, which highlights the interaction among offenders (and other deviants), victims, and the social situations immediate to the deviant act.