

Constructing deviance

Joel Best

In *Outsiders*, Howard S. Becker (1963, p. 9) declared: “The deviant is one to whom that label has successfully been applied; deviant behavior is behavior that people so label.” Becker’s analysis was pivotal, in that it directed sociologists’ attention to the centrality of subjective, definitional processes for understanding deviance (Best 2004). Although sociologists sometimes pretend that deviance is an objective quality of behavior—that some acts simply *are* deviant—most acknowledge that definitions of deviance vary across time and space.

Analysts adopt a variety of verbs to characterize these definitional processes. They speak of becoming deviant, of creating, defining, making, framing, manufacturing, inventing, or discovering deviance. This chapter favors another term—constructing. Speaking of constructing deviance links the study of deviance to the larger literature on the social construction of all sorts of reality (Berger and Luckmann 1966; Holstein and Gubrium 2008). To say that something is socially constructed is to acknowledge that people depend upon language to make the world meaningful, and language is inherently social; all knowledge is shaped by the social arrangements within which it is produced. This is fundamental: any claim that some act or condition is deviant depends upon a set of shared, subjective understandings about the nature of the social order.

The general statement that deviance is socially constructed encompasses a variety of definitional processes. This chapter seeks to identify some of the more significant ways in which deviance is constructed. It begins by considering the creation of new forms of deviance, before considering how deviant categories can be changed or eliminated.

Creating deviance

All varieties of deviance have histories and geographies. Definitions of deviant categories shift over time, and they also vary from place to place. Even acts that seem to be universally deplored, such as murder, show such variation. Particular sorts of killing may be considered deviant at some time or place, but as legitimate or justified at others (Spiereburg 2008). And of course other offenses—the use of a particular drug, a specific sexual practice, and so on—may display wild variation in whether they are considered deviant and, if so, just why they are deviant.

Analysts who adopt a constructionist perspective tend to focus on the creation or emergence of deviance. Defining an act or condition that has been considered respectable as now deviant

is a fairly dramatic event, and a substantial literature has emerged around understanding this process.

Creating deviant categories

Many of these analyses adopt a macrosociological framework; they look at how deviant categories emerge in particular societies and at given historical moments. This is a topic that attracts the interest of analysts rooted in very different theoretical perspectives.

Conflict theorists, working in the intellectual tradition of Marx, tend to see the hand of elites in creating new categories of deviance. Viewing social control as a means for maintaining elites' position in and control over a society, they interpret creating deviant categories (by, say, passing laws against new criminal offenses) as a mechanism for preserving the status quo. In particular, shifts in society's economic base can threaten the established order, leading elites to protect their interests by designating activities as deviant. Thus, Chambliss (1964) argues that English vagrancy laws evolved to reflect shifting elite interests, first insuring that landowners would have access to cheap labor when the collapse of feudalism and the Black Death coincided to cause a labor shortage, and, later, as commerce became a more important economic sector, serving to protect merchants from idle rogues who might prey upon shipments of goods. By designating poor vagrants as deviant, the law protected the interests of the rich.

If conflict theorists emphasize the role of elite interests in creating deviant categories, sociologists working in the Durkheimian tradition focus on deviance's role in affirming social values. From this perspective, deviance is necessary for society, because it reinforces the social solidarity of its members ("the respectable") by devising rules; punishing those who break those rules ("the deviants") affirms the importance of the social ties that bind society together. New rules—creating new categories of deviance—allow society to adapt to social changes that may have threatened social solidarity or blurred old boundaries between respectability and deviance. For example, Erikson (1966) describes how the New England Puritans, who understood everything in religious terms and found their small, vulnerable colony beset by a sense of isolation and the hardships of building a new world, constructed witchcraft and other heresies as threatening their community, and sought to drive these deviants out. By identifying threats to the spiritual order, they reaffirmed the bonds of faith that held them together.

Sociologists adopting a third, rather broader theoretical approach emphasize Weberian concerns. That is, they see deviance and social control as products of cultural and structural changes that lead to status competition, shifts in authority structures, and the like. Their arguments can take various forms. For example, Gusfield (1963) traces the history of disputes over alcohol: during most of the 19th century, those opposed to drink promoted Temperance campaigns designed to persuade drinkers to abstain; however, as that century came to a close, anti-alcohol crusaders shifted to calls for Prohibition—for making alcohol illegal. In Gusfield's view, this shift reflected a status competition within American society: opposition to drink was concentrated among small-town Protestants of English descent—people who saw their political dominance and once-considerable status being challenged by the wave of immigrants from Eastern and Southern Europe who were settling in large cities. These new immigrants came from different cultures and religions, and they often took drinking for granted; their growing prominence challenged the status dominance of the native-born. In this status conflict, alcohol became an important status symbol, and banning drink served to demonstrate that the old elite still had power.

The shift from Temperance to Prohibition illustrates a second important Weberian process: a transformation in the authority to define and control deviance. The Temperance campaign

had been rooted in religious authority; it understood drinking to be a moral lapse, a sin. Religious leaders had considerable authority in pre-Civil War America, but their influence was in decline by the late 19th century. The rise of Prohibition reflected a growing emphasis on the role of legal authority; under Prohibition, drinking's morality was irrelevant—it was now criminal behavior. Of course, national Prohibition was quickly repealed, and as the 20th century progressed, drinking increasingly came to be understood in yet another way—as an illness. This reflected another shift in authority. The 20th century saw a marked increase in the prestige of medical professionals, and a medical vocabulary (e.g. “disease,” “symptom,” “treatment,” etc.) was used to reframe all sorts of deviance—including drinking—that had previously been understood as moral or legal problems (Conrad 2007). The process of medicalization has itself evolved: in the mid-20th century, deviance was most often medicalized by psychiatrists who argued that deviant behavior was a manifestation of mental illness; however, by century's end, there was a new emphasis on explaining deviance in terms of an individual's genetic make-up, and recent decades have witnessed repeated efforts to identify the genetic markers for alcoholism. Thus, the creation of alcoholism as a deviant category reveals broader shifts in the relative authority of religion, law, and medicine.

While most sociological attention has focused on how these institutions' elites compete for the authority to define and control deviance, definitional campaigns can be mounted from outside elite circles. Some social movements seek to define particular acts or conditions as deviant, or to argue that authorities should devote more attention to controlling forms of deviance. For instance, while drunk driving has long been a criminal offense, offenders were not always subject to harsh sanctions. However, the highly visible campaign by the social movement organization Mothers Against Drunk Driving (MAAD) pressured officials to define drunk driving as a serious crime, and to pass and enforce tougher laws. Such movements, often mobilizing people who have been victimized, display popular support for creating deviant categories (Reinarman 1988).

Similarly, the mass media sometimes mount their own campaigns for deviance creation. Criminologists have long understood that crime waves are best understood as waves in media coverage. Media—sometimes, but not always, prompted by activists or elites—can focus attention on some variety of troubling behavior, perhaps giving it a dramatic name (e.g. “road rage” or “identity theft”), and suggesting that it is an increasing menace that demands action. Such coverage can draw public attention to troubling conditions and prompt the creation of new deviant categories (Chermak 2002).

In sum, the creation of new categories of deviance has attracted the attention of scholars working within a range of theoretical traditions. Different schools tend to emphasize particular actors and motivations: for Marxists, economic and political elites manufacture deviant categories to protect their interests; for Durkheimians, deviant categories are expressions of shared values that reinforce social solidarity; while Weberians recognize the importance of an array of status and professional interests that operate within a context of social movements and media organizations. In each case, however, there is the recognition that deviant categories are social constructions, created by actors who identify what is problematic, and presume that social control offers a solution.

Applying deviant labels

After new deviant categories are in place—a law is on the books, a disease is granted official recognition, or whatever—work remains to be done. Some deviant categories are never applied. Many US states, for instance, have had laws prohibiting all sorts of common sexual behavior,

yet those laws were virtually never enforced. In other cases, labels may be used fairly frequently, yet be applied to only a small proportion of those engaged in the deviant act. Contrast the many millions of times Americans smoke marijuana annually with the vastly smaller number of pot busts.

The application of available social control categories to specific instances of deviance also involves social construction; social control agents must construct—label—particular actors as deviant. Traditionally, studies of labeling deviance adopt a microsociological stance, examining how social control agents identify deviants, how deviants seek to avoid being labeled, and the social psychological consequences of having been labeled. There are countless case studies that examine labeling processes in particular settings: how police officers maintain order on skid row by choosing when to make arrests (Bittner 1967); how psychiatrists determine which patients can be involuntarily committed for observation (Scheff 1966); how prosecutors decide which sexual assault cases ought to be taken to court (Frohmann 1998); and so on. However, these same labeling practices also have macrosociological significance.

The creation of a deviant category creates a resource for social control agents, a new label that might be applied to some offenders. Just as the construction of deviant categories is an accomplishment, in that it creates a new label and thereby a new way of categorizing the world, so too is each individual application of that label a form of social construction, in which particular acts and people are designated—by social control agents, other deviants, ordinary folks, and even themselves—as offenders. In most cases, this work is done by social control agents, who evaluate the behavior of many individuals and identify some as warranting being labeled as deviants. This process should not be imagined to be some straightforward, mechanistic enforcement of rules; rather, particular decisions always occur within and are shaped by particular contexts. What exactly is the prospective deviant thought to have done? Who does this individual seem to be (e.g. gender, race, age, class, demeanor)? Are other people observing the interaction between this individual and the social control agent? What sorts of work pressures are affecting the social control agents (e.g. is the agency demanding that more cases of deviance be processed; how much discretion do individual agents have; is the agent's shift about to end)? There are all manner of considerations that can affect decisions whether to label a particular act, committed by a specific individual, as an instance of deviance. Deviance is not simply detected by social control agents; it must be actively constructed, so that this act—or this individual—is deemed deviant.

In sum, deviance must be created at both the macro and the micro levels. Acts and conditions need to be created as categories of deviance, through the construction of deviant categories. And, once those categories are available for the use of social control agents, they can be applied as labels to particular cases, so that individuals are constructed as deviants.

Altering deviance

The activities of social control agents often come under criticism. Critics adopt a range of positions. They may argue that social control is inadequate, insufficient to meet the need. Such critiques warn that social control is not doing enough to curb deviance, that agents need to be more active. Thus, warnings that crime is out of control may lead to calls for increasing the numbers of police, passing new laws that identify more crimes or specify tougher penalties, and so on. Alternatively, critics may warn that social control is excessive, too harsh. For instance, there are arguments that marijuana should be decriminalized, and treated more like alcohol as an acceptable—within limits—intoxicant; or that particular methods of execution are inhumane and ought to be replaced. A third form of critique views social control policy as not so much too

lenient or too harsh, but as misguided. Calls to medicalize deviance, for instance, often insist that punitive approaches fail and cannot help but fall short, while treatment offers the only hope of success.

Any of these critiques has the potential to lead to new constructions—or reconstructions—of deviant categories. Most deviant categories have complex histories. Cultural and structural changes in the larger society often lead to shifts in what is considered deviant, why it is considered deviant, the circumstances under which it is considered deviant, what sort of deviance it is thought to be, and what is thought to be the best way to respond. The history of homosexuality illustrates this complexity: at various times and in various places, homosexual relations have been valorized, ignored, and denounced; homosexuality has been variously understood as a sin, a crime, a psychological disorder, a genetic predisposition, and so on; and homosexuals have been characterized as constituting everything from conspiracies to political minorities (Greenberg 1988). It is not that homosexuality was simply created, at some particular moment, as a deviant category. Rather, time and again, existing ideas about homosexuality have been denounced by all manner of critics, who have claimed various sorts of authority—ecclesiastical, moral, legal, medical, and scientific. Each set of critics has argued that currently dominant ideas about homosexuality are wrongheaded and require revision, so that homosexuality can be constructed in a new, superior fashion. It is important to understand that analogous cycles—critique leading to a new construction that in turn inspires a new critique—characterize the histories of most deviant categories.

Note, too, that these critics often direct their attention not just to the abstract deviant categories but also to the practical social control policies that label deviants. Critiques identify ways in which existing control agents need to alter their practices in dealing with deviants, or they may call for more sweeping changes—for the establishment of entirely new social control arrangements. For instance, the history of policing has been marked by continual calls for reform, with critics attacking all manner of police excesses and insufficiencies—including corruption, brutality, racial profiling, and other abuses of police powers—as well as failures to live up to others' expectations of police (Klockars 1985).

Reconstructions are often linked to cultural or structural changes in the larger society. Thus, the 20th century saw such fundamental transformations in medicine as: the effort to professionalize medical care by standardizing medical education, setting standards for hospitals, and so on; the development of new, more effective treatments (most especially the emergence of antibiotics); the spread of medical insurance; and the explosion in biological knowledge that followed the discovery of DNA (and the spread of medical applications of that knowledge) (Starr 1982). These changes served to raise the prestige of medicine, leading more people to defer to medical authority. For deviance, this had the consequence that more forms of deviance were medicalized, with medical professionals assuming much of the responsibility for social control. Not only were new categories of deviance created, but existing deviant categories were reconstructed as medical problems. This in turn meant that labeling—the application of deviant categories in particular cases—was more likely to involve social control agents adopting medical language to justify their actions.

Social control agents prefer to present their activities as correct, justified, to imply that their approach is not merely the best but really the only sensible reaction to deviance. Taking this sort of confident stance helps ward off criticism that social control is arbitrary or unfair. But, in fact, social control agents often find their activities—to say nothing of the rationales that justify those activities—under attack. There are constant calls—from deviants, activists, the general public, the mass media, politicians, and even from within the social control agencies themselves—to reorient or reconstruct deviant categories and the ways in which those categories are applied.

Vindicating deviance

One variety of reconstruction deserves special mention—vindication. This occurs when a deviant category is abandoned, when behavior that has been considered deviant is redefined as respectable, or at least acceptable (Best 1979). When a criminal statute is struck down, and formally illegal behavior is legalized or decriminalized, it is a form of vindication. When the members of the American Psychiatric Association voted to remove homosexuality from the APA's *Diagnostic and Statistical Manual* (the *DSM* is widely acknowledged to be the authoritative catalog of mental disorders), homosexuality went from being defined as a form of mental illness to be reconstructed as an alternative form of sexual behavior (Kirk and Kutchins 1992).

Explanations for vindication parallel those for the creation of deviant categories. Conflict theorists emphasize the role of shifting economic interests (e.g. the early 20th-century public relations campaigns by tobacco and alcohol producers to redefine women's smoking and drinking as glamorous and sophisticated, rather than immoral). Functionalists point to shifting moral consensus (e.g. public opinion polls revealing growing tolerance for homosexuality). Scholars working in the Weberian tradition describe shifting status interests and changes in the social control apparatus (e.g. vindication campaigns by gay-rights activists). Note, too, that vindication can be viewed from a micro—as well as a macro—perspective; redefinitions of formerly deviant behavior as respectable must be turned into practical activities by social control agents. That is, agents must change their routines, so that they now treat formerly deviant behavior as outside their purview. Vindication, while less studied by sociologists, is undoubtedly as complex and multifaceted as the creation of deviant categories.

Since the Second World War, there have been a number of campaigns—several successful—to vindicate various forms of deviant exchange (so-called victimless crimes). Abortion has been legalized, many US states have reformed their laws governing sexual behavior between consenting adults, restrictions against pornography have been reduced, and there are currently far more forms of legalized gambling than in the mid-20th century. On the other hand, campaigns to legalize, criminalize, or medicalize illicit drug use have been relatively unsuccessful. Moreover, all of these redefinitions remain fairly controversial: there is a visible anti-abortion movement; critics continue to speak out against sexual promiscuity, pornography, and gambling; and would-be reformers advocating legalized marijuana or assisted suicide find that they have active, vocal opposition (Dombrink and Hillyard 2007). Recalling the complicated histories of many deviant categories, in which reconstruction and redefinition are sometimes quite common, we should be careful about assuming that recent reforms will be permanent. In the long run, we know that change—not constancy—characterizes definitions of deviance.

The importance of subjectivity

However much analysts may prefer to assume that some act or condition *is* deviant, that it can be identified, counted, and the resulting numbers subjected to sophisticated statistical analyses, deviance is, as Becker noted, a product of subjective judgments. Deviant categories emerge, evolve, and fall out of favor, just as social control agents choose to apply or ignore particular deviant categories. Whatever is counted must first be defined, and understanding what is defined as deviant has proven to be a rich topic for scholars of deviance.

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