

DEFINING DEVIANCE

In its broadest sense, *deviance* is socially disapproved behavior—the violation of some agreed-on norm that prevails in a community or in society at large. Staring at a stranger in an elevator, talking to oneself in public, wearing outlandish clothes, robbing a bank, methodically shooting dozens of children in an elementary school, and setting off two bombs at the finish line of the world's most famous marathon can all be considered deviant acts. If we define deviance simply as any norm violation, then most deviance is rather trivial—even “normal”—like driving over the speed limit or walking across an intersection when the light is red. Most of us, at some point in our lives, occupy statuses or engage in behaviors that others could regard as deviant. But most sociologists focus on deviant acts that are assaults on mores, the most serious of a society's norms. It's this type of deviance to which I will devote most of my attention in this chapter.

The determination of which behaviors or characteristics are deviant and which are normal is complex. We usually assume there's a fair amount of agreement in a society about what and who is deviant. For instance, no one would challenge the notion that child abuse is bad and that child abusers ought to be punished. But the level of agreement within a given society over what specific acts constitute child abuse can vary tremendously. Spanking may be a perfectly acceptable method of discipline to one person but be considered a cruel form of abuse by another.

To further complicate the issue, some sociologists who are identified with structural functionalism (e.g., Durkheim, 1895/1958; Erikson, 1966) argue that deviance, as a class of behaviors, is not always bad for society and may actually serve a useful purpose. As you recall from Chapter 4, norm violations help define the cultural and moral boundaries that distinguish right from wrong and increase feelings of in-group togetherness among those who unite in opposition to deviance from group norms. At the surface level, individual acts of deviance disrupt everyday life and generate varying degrees of social condemnation, but at a deeper level, they can contribute to the maintenance and continuity of society. Deviance can also create needed change (Durkheim, 1895/1958). During the 1950s and 1960s, civil rights protestors purposely disobeyed laws they considered discriminatory, such as those that prevented Blacks from entering certain establishments or attending certain schools. These acts of deviance eventually helped convince many voters and politicians to support legislation ending legal segregation.

As you may have guessed, sociologists usually don't judge whether a given behavior should or shouldn't be considered deviant. Instead, they examine how deviance comes about and what it means to society. One of their primary concerns is whether people respond to deviance from the perspective that all human behavior can be classified as essentially good or bad (absolutism) or from the perspective that definitions of deviance are socially constructed (relativism).

Absolutist Definitions of Deviance

According to *absolutism*, there are two fundamental types of human behavior: (1) that which is inherently proper and good and (2) that which is intrinsically improper, immoral, evil, and bad. To those who subscribe to such a position, the distinction is clear and identifiable. The rightness or wrongness of an act exists prior to humanly created rules, norms, and customs and independently of people's subjective judgments (Erich Goode, 1994).

Absolutist definitions of deviance are often accompanied by strong emotional reactions toward those considered deviant. Speaking about the issue of same-sex marriage, the televangelist Jimmy Swaggart once expressed these sentiments:

I'm trying to find the correct name for it . . . this utter absolute, asinine, idiotic stupidity of men marrying men. . . I've never seen a man in my life I wanted to marry. And I'm gonna be blunt and plain; if one ever looks at me like that, I'm gonna kill him and tell God he died. (Brutally Honest, 2004, p. 1)

Such extreme reactions might seem at odds with what appears to be a growing cultural acceptance of homosexuality. Homosexuals have gone from being criminalized and closeted in the 1960s to being granted the right to legally marry in all 50 states in 2015. There are more openly gay characters on television—most notably on shows like *Glee* and *Modern Family*—than ever before. The NBA player Jason Collins made headlines in 2013 when he disclosed his homosexuality, becoming the first male athlete in a major team sport to come out while still an active player. In 2014, Michael Sam became the first openly gay football player to be drafted by an NFL team. In addition, a majority of Americans now favor allowing gays and lesbians to serve openly in the military, and opposition to gay adoption has decreased significantly in the past decade (Pew Research Center, 2006; Talbot, 2010). Gay couples appear on mainstream television commercials for products ranging from e-readers to painkillers. Major cruise lines, tour companies, and hotel chains offer (and openly advertise) vacation packages for gay, lesbian, bisexual, and transgender travelers. Marketing researchers estimate that the annual economic impact of LGBT travelers is around \$70 billion a year (Rosenbloom, 2014). In 2015, the World Economic Forum addressed global gay and lesbian rights, the first time this issue has ever been a part of the organization's formal agenda.

A recent nationwide survey found that an overwhelming share of lesbian, gay, and bisexual people (92%) say that society has become more accepting of them in the past decade. About the same proportion expect such acceptance to grow even more in the next decade (Pew Research Center, 2013a). In 2015, a New Jersey court ruled that groups offering “gay conversion therapy”—an intervention program designed to “cure” men of their homosexual urges—violated the state's Consumer Fraud Act and could no longer be practiced (Eckholm, 2015b).

But many people still see homosexuality as absolutely deviant. According to the International Lesbian and Gay Association, 2.7 billion people today live in countries where homosexuality is a crime punishable by imprisonment, beatings, or even death (cited in Ball, 2014). Consider these examples:

- In 2012, legislators in the Ukraine introduced a bill that would make it a crime punishable by imprisonment for producers of television shows and movies to depict homosexuals sympathetically (“Ukraine Bill Proposes Prison,” 2012).
- In Nigeria, people who “directly or indirectly” make a “public show” of same sex relationships, participate in gay clubs, societies, and organizations, or who simply support those organizations can be thrown into prison for as long as 10 years (Nossiter, 2014).
- Iran, Mauritania, Saudi Arabia, Sudan, and Yemen have a statutory death penalty for homosexuality (Ball, 2014).
- The Sultan of Brunei recently signed into law a new penal code that prescribes death by stoning for gay sex (Garcia, 2014).

Closer to home, gay men and lesbians in the United States still face many obstacles stemming from absolutist attitudes:

- Now that same-sex marriage is legal, gay couples who obtain a public marriage license in a state that doesn't provide non-discrimination protection could still be at risk in other aspects of their lives, like losing their job or being denied credit or housing (T. S. Bernard, 2015). In 16 states, gays and lesbians lack virtually any explicit legal protections (Stolberg, 2014).
- According to the Human Rights Campaign (2014a), 91% of Fortune 500 companies provide explicit non-discrimination protections based on sexual orientation. But corporate policies don't always translate into individual behavior. In many areas of the labor force, open homosexuality is still considered a liability. Despite the corporate protections, over half of gay, lesbian, and bisexual employees nationwide hide their sexual orientation at work and 35% lie about it. And one in four open LGBT employees feel that coworkers become uncomfortable when the topic of sexual orientation comes up or report hearing negative comments about LGBT people at work (Human Rights Campaign, 2014b).
- Twenty states have laws (called "Religious Restoration Acts") that allow business owners to deny service to gays and lesbians if such actions impose a "substantial burden" on their religious beliefs. As one Oklahoma state senator put it, "[Homosexuals] don't have the right to be served in every single store. People need to have the ability to refuse service if it violates their religious convictions" (quoted in Fausset & Blinder, 2015, p. A18).
- Gay and lesbian travelers are still advised to prepare for trips by consulting with travel agents or websites about tolerance and safety issues associated with particular destinations. Said one columnist, "the last thing you want to do [on a vacation] is lie awake at night feeling unwanted or even afraid" (McElroy, 2014, p. 5).
- A 2014 Harris poll found that almost half of heterosexuals would be uneasy bringing a child to a same-sex wedding; over a third said they feel uncomfortable when they see a gay couple holding hands in public (cited in Bruni, 2015).
- In December of 2014, the Food and Drug Administration announced plans to lift its lifetime ban on blood donations from all gay and bisexual men. This policy was instituted in 1983 in the early days of the AIDS crisis, before tests for HIV in donated blood, which could easily identify the presence of the virus, became standard. However, the FDA will continue to prohibit donation of blood from gay and bisexual men who have had sex with another man within the past 12 months. Hence, an HIV-negative, married, monogamous, gay man would have to abstain from sex with his spouse for one year to be eligible to donate blood.

Absolutist definitions of deviance imply something about society's relationship with the person who is considered deviant. Many people consider "deviants" to be psychologically, and perhaps even anatomically, different from ordinary, rule-abiding people. The attribute or behavior that serves as the basic reason for defining a person as deviant in the first place is considered pervasive and essential to his or her entire character (Hills, 1980). Respectable, conventional qualities become insignificant. It doesn't matter, for instance, that the "sexual deviant" has an otherwise ordinary life, that the "drug addict" no longer uses drugs, or that the violent act of the "wife batterer" was completely atypical of the rest of his life. In short, the deviant act or trait determines the overall worth of the individual

(Katz, 1975). Being defined as deviant means being identified as someone who cannot and should not be treated as an ordinary member of society.

There's another element of unfairness involved in the absolutist approach to deviance. People routinely make judgments about deviants based on strongly held stereotypes. If you ask someone to imagine what a typical drug addict looks like, for instance, chances are she or he will describe a dirty, poor, strung-out young man living on the streets and resorting to theft to support his illegal habit. The image probably wouldn't be one of a middle-class, stay-at-home mother or clean-shaven, hardworking physician hooked on prescription drugs, even though these groups constitute a higher percentage of drug addicts than any other in U.S. society (Pfohl, 1994).

Absolutist images of deviants are often oversimplified and fall short of accounting for every individual. The vast majority of African Americans do not commit crimes, just as the vast majority of Latino/as are not in gangs, the vast majority of Italians are not involved in the Mafia, and the vast majority of Muslims are not terrorists. Nevertheless, the degree to which an entire group is characterized by an absolutist stereotype is important, because it determines individual and societal responses. If affluent housewives and businesspeople who abuse drugs are not considered typical drug addicts, they will never be the focus of law enforcement attention, collective moral outrage, political rhetoric, or public policy.

Relativist Definitions of Deviance

Reliance on a strict absolutist definition of deviance can lead to narrow and often inaccurate perceptions of many important social problems. This shortcoming can be avoided by employing a second approach to defining deviance, *relativism*, which draws from symbolic interactionism and the conflict perspective. This approach—which parallels the more general “cultural relativism” discussed in Chapter 4—states that deviance is not inherent in any particular act, belief, or condition; instead, it is socially constructed, a creation of collective human judgments and ideas. Like beauty, it is in the eye of the beholder. Consequently, no act is universally or “naturally” deviant. The relativist approach is useful when the focus of study is the process by which some group of people or some type of behavior is defined as deviant.

For the relativist, complex societies consist of different groups with different values and interests. Sometimes these groups agree and cooperate to achieve a common goal, as when different segments of society join together to fight a foreign enemy. But more often than not there is conflict and struggle among groups to realize their own interests and goals.

Different people or groups can thus have dramatically different interpretations of the same event. In 1995, a 35-year-old white ex-Marine named William Masters was taking his usual armed, late-night walk through a barren neighborhood in Los Angeles. He came upon two young Latino men spray painting graffiti beneath a freeway overpass. Masters wrote down the license number of their car on a small piece of paper. When the men saw him and demanded the paper, Masters pulled out his 9-millimeter pistol and shot them, wounding one and killing the other. He told the police that the men had threatened him with a screwdriver and he had acted in self-defense, even though both were shot in the back. He was not charged with murder. Eventually, he was found guilty on one count of carrying a concealed gun in public and one count of carrying a loaded gun in public—charges that carried a maximum of 18 months in jail and a \$2,000 fine.

Shortly after his arrest, Masters made a case for why his actions shouldn't be defined as deviant. He told one interviewer he was sure people were glad that he, the intended victim, had gotten away and that no jury would ever convict him (Mydans, 1995). Many people agreed. Callers to radio talk

shows and letters to newspapers applauded him for his vigilant antigraffiti efforts and for his foresight in carrying a weapon for self-protection. A few suggested that society would be better off with more people like William around (Mydans, 1995). But others expressed dismay at the verdict and argued that Masters was simply a racist out looking for trouble. They felt he was a deviant who literally got away with murder.

All those who expressed opinions on this case would likely agree on one thing: "Murder" is a deviant act at the far end of the spectrum of social acceptability. However, their perceptions of whether William Masters was a "murderer" were quite different. Was he a "hero" or a "killer"? The answer lies not in the objective act of taking another's life but in the way others define and respond to such an act.

To fully understand the societal and personal implications of deviance designations, we must look at how these definitions are created and perpetuated. One key factor is who is doing the defining. One person's crime is another person's act of moral conscience; one group's evil is another group's virtue; one culture's terrorist is another culture's freedom fighter.

Definitions of deviance are also relative to particular cultural standards:

- In Singapore, a young vandal is a serious deviant (punishable by caning), as is a person who leaves chewed gum where it can be stepped on. The fine for bringing one stick of gum into Singapore is \$10,000.
- In Thailand, it is illegal to step on a *baht*, the nation's currency, or insult the king in any way.
- In Malaysia, a Muslim woman can be whipped for drinking alcohol in public or arrested for snacking during the daylight fasting hours of Ramadan.
- In some Indonesian cities, it is illegal for women to straddle motorbikes or hold on to a male driver while riding on the back of one.
- In Japan, a drunk driving conviction carries the possibility of a 3- to 5-year prison sentence, depending on the level of intoxication, and passengers who either provide the alcohol or provide the vehicle face criminal charges as well.

Deviance definitions undergo changes over time as well. For instance, several states at one time had laws designed specifically to protect women's virtue. Florida had a law that prohibited women from parachuting on Sundays. Michigan law made it a crime for men to use profanity in front of women. In Texas, it was a crime for women to adjust their stockings in public. The state of Washington still has a law on the books that makes it illegal to call a woman a "hussy" or "strumpet" in public (Kershaw, 2005). Sometimes new laws outlawing previously acceptable behavior seem just as ludicrous.

The absolutist approach assumes that certain individual characteristics are typical of all deviants, but the relativist approach acknowledges that there is no typical deviant. In fact, the same act committed by two different people may yield very different community responses. In 1980, a Bayonne, New Jersey, teacher named Diane Cherchio was caught kissing and groping a 13-year-old male student at an eighth-grade dance. A few years later, after being promoted to guidance counselor, she had sex with an 11th grader, became pregnant, and eventually married him upon his graduation in 1985. Yet instead of being fired or even reprimanded, she was allowed to continue working in the public school district for two decades. When the son she gave birth to grew to be a teenager, Ms. Cherchio began having sex with one of his friends. She used her school authority to rearrange the boy's schedule so they had time for their sexual trysts. When that boy's parents

found out and complained to the police, she was arrested. Again, she was not fired. School officials instead allowed her to take an early retirement package that increased her pension. They even gave her a gala farewell party. When she finally pled guilty to sexual assault charges in 2005, glowing references from coworkers convinced the judge to sentence her to probation and to spare her from registering as a sex offender (Kocieniewski, 2006).

Cherchio was eventually punished, as have been other older women who've had sexual relationships with teenage boys. Nevertheless, it's hard to imagine a school accommodating or defending a male teacher who seduced teenage girls in such a way. Because she was a young, attractive, intelligent woman whose victims were willing teenage boys, people in her community looked the other way. When *she* did it, somehow it wasn't so bad. One author summed up the public response to such incidents: "A teenage boy who gets to live his fantasy? What can be the harm?" (Levy, 2006, p. 2).

From a relativist approach, immediate situational circumstances, such as the time and location of an act, can also influence definitions of deviance. For example, drinking alcohol on the weekend is more acceptable than drinking during the week, and drinking in the evening is more acceptable than drinking in the morning. Twenty-four states have "stand your ground" laws, which justify deadly force if people feel threatened not just in their home but in any other place they have "a right to be" (Currier, 2012). Had William Masters lived in any of these places instead of Los Angeles, he wouldn't have faced even minor criminal charges; he would have simply been a citizen exercising his legal right. These laws came under national scrutiny in 2012 when an unarmed Florida teenager named Trayvon Martin was gunned down on a Sanford, Florida, sidewalk by a neighborhood watch captain who claimed he felt threatened by the boy and was acting in self-defense. A jury agreed, finding the man not guilty of the second-degree murder charge he faced.

If deviance is relative, then even acts of extreme violence may be defined as acceptable under certain circumstances. Killings committed under the auspices of the government—shooting looters during a riot, killing enemy soldiers during wartime, or executing convicted murderers—fall outside the category of behaviors deemed deviant and problematic in society. However, a relativist approach to defining deviance doesn't mean that we can't be upset by activities that some people consider acceptable:

Relativity does not require moral indifference, and it does not mean that one can never be . . . horrified by what one experiences in another group or culture. . . . [It] just reminds us that our personal beliefs or our cultural understandings are not necessarily found everywhere. (Curra, 2000, p. 13)

Relativists, like absolutists, acknowledge that every society identifies certain individuals and certain behaviors as bothersome and disruptive and therefore as justifiable targets of social control, whether through treatment, punishment, spiritual healing, or correction. However, to a relativist the main concerns in defining deviance are not so much what is committed but rather who commits the act, who labels it, and where and when it occurs. Some people have the wherewithal to avoid having their acts defined as deviant; others may fit a certain profile and be defined as deviant even if they've done nothing wrong. Definitions of deviant behavior change over time, and certain acts are acceptable to some groups and not others. The definitions most likely to persevere and become part of the dominant culture are those that have the support of influential segments of the population or have widespread agreement among the members of that society.