

The Criminologist

The Official Newsletter of the American Society of Criminology

Vol. 28, No. 3

May/June 2003

CRIMINOLOGY AND THE SOCIOLOGY OF DEVIANCE

Christopher Uggen
Department of Sociology
University of Minnesota

Steven Messner organized a symposium for the most recent American Sociological Association annual meetings to discuss the current state of the sociology of deviance and share ideas about how to move the field forward. His charge to the panel (which also included Rosemary Gartner, Robert Sampson, and Charles Tittle) was to identify important developments in the field, areas of exceptional promise, and predictions about the future. Whereas that presentation was geared toward generating interest among sociologists in researching deviance, however, this essay offers some observations about how we criminologists might leverage some of the classical insights and contemporary advances in the sociology of deviance.

Deviance is a rich and wide-ranging concept, generally considered more inclusive than crime and less subject to the political process involved in defining acts as illegal (see, e.g., Tittle and Paternoster 2000:20). Moreover, the sociology of deviance offers a powerful set of general conceptual tools, such as norms and norm violation, and stigma and its management, to study phenomena closely linked to criminological theory and research. For example, the study of illicit drug use leads naturally to the study of licit substances; desistance researchers often become concerned with broader issues involving the adjustment or reintegration of former prisoners; and, students of the correctional system are often led to consider medicalization and other systems of social control. In short, although ASC members share a common concern with the study of crime and criminal justice, many (though certainly not all) criminologists are perhaps more comfortably ensconced under a broader umbrella classification as "deviance" researchers.

This essay emphasizes certain intersections of criminology and deviance in hopes of drawing out some useful themes and highlighting areas that have received relatively little research attention. In the spirit of my charge to be bold and provocative in this forum, I begin with three unqualified assertions. First, stigma and deviant labels have decisive effects on individual life chances and on American political and economic institutions. Second, were Emile Durkheim alive today, he would likely be conducting observations of sex offender community notification meetings. Third, the sociology of deviance occupies a cultural space analogous to heavy metal music. If readers will indulge me in explaining these seemingly unrelated observations, I will argue that together they help account for both the centrality of deviance to criminology and its apparent underrepresentation (at least as deviance qua deviance) in our major journals.

CRIMINOLOGY AND STIGMA

Life course criminology represents one area that has enjoyed real progress in recent years, examining whether and how the causes and consequences of crime differ at different life course stages. A related line of research takes up the question of desistance from crime (Maruna 2001), with policy interest in reentry geared toward facilitating the social reintegration of offenders and their exit from deviant roles. Putting aside any pre-existing differences between offenders and non-offenders, one of the reasons that the

IN THIS ISSUE...

Conferences and Workshops..... 2
Members' New Books6

Division News 14
Position Announcements.....16

task of exiting a deviant career is so difficult is the stigma of punishment and the formal application of deviant labels. Beyond the classic early statements on labeling, John Hagan's (1993) conception of criminal embeddedness has become especially useful in this regard: punishment and stigma act to embed individuals in institutions and social relationships that make deviance more likely and conventional success less likely. Today, convicted felons bear a permanent public mark that often restricts their abilities to work, raise children, vote, obtain housing, receive public assistance, and even to remain legal residents of the United States (Mauer and Chesney-Lind 2002). When stigma carries with it such a multiplicity of diffuse consequences – all plausibly linked to crime and recidivism – the impact of stigma on any *particular* circumstance is likely to be small relative to its combined effects (Link and Phelan 2001). Of course, stigma goes beyond formal sanctions or their collateral consequences. To borrow a phrase from Catherine MacKinnon's description of sexual harassment, the influence of informal deviant labels is so pervasive as to be almost invisible.

As U.S. correctional populations have increased, several lines of research have begun to trace this influence by linking deviant stigma with other social institutions and treating crime and punishment as independent as well as dependent variables. In economic life, Bruce Western and colleagues have shown how criminal punishment has emerged as a powerful labor market institution (Western 2002; Western and Beckett 1999). In political life, my work with Jeff Manza (2002) suggests that the disenfranchisement of a large number of "lost felon voters" with distinct political preferences is likely to have altered presidential elections and the composition of the U.S. Senate.

DURKHEIM AT THE COMMUNITY NOTIFICATION MEETING

Aside from such macro-level studies, however, community-level research is needed to understand the consequences of deviant labels for former criminal offenders and the neighborhoods to which they return. For this reason, I submit that sex offender community notification meetings offer an underutilized research setting in the sociology of deviance. In my home state of Minnesota, about 150 notification meetings have been held with a total attendance of over 50,000 citizens. The offender is typically escorted into a public meeting area (e.g., a high school gymnasium) along with a local law enforcement official, someone from the state department of corrections, a probation or parole officer, a victim services provider, and a representative from the local school district. This certainly illustrates a Durkheimian division of labor, but more importantly it represents a crucible for rendering community values, with discussion often centered on the mutual rights and responsibilities of the state, the community, and the former offender. Such meetings help define and maintain the boundaries between normal and pathological behavior and often exhibit the "collective effervescence" of an intense social gathering similar to those described in the *Elementary Forms of Religious Life*. A Durkheimian analysis could help explain how we create new rules and legal categories of deviance (such as involuntary civil commitment for those classified as sexually dangerous predators and held beyond the terms of their sentences), create institutions for enforcing these rules, and a community's role in marking and enforcing these boundaries. Moreover, a classic literature directs attention to these settings, with Edwin Sutherland (1950) offering a prescient analysis of publicity, fear, and the diffusion of sexual psychopath laws. Although there are many good descriptive accounts of such processes, to my knowledge there have been surprisingly few recent sociological analyses that use these research settings to develop or test theories of crime, law, and deviance.

Without belaboring the case or privileging Durkheim's functionalism over other models, my view is that sociological criminologists could gain greater traction in explaining contemporary developments (and connecting them together) by grounding ourselves in classical theory. For example, I would argue that Max Weber would today be interested in sexual harassment law and grievance procedures and that he has provided a strong conceptual framework to make sense of these phenomena. Sexual harassment represents an ideal research case for the study of irrational behavior in rational organizations, the legitimacy of authority, and processes of power and domination. In the last 25 years we have witnessed the emergence of this new legal form, with written rules codified in grievance procedures and case law. Such a framing of the issue could help explain why sexual harassment developed as a form of criminal sexual violence in nations such as France, but a civil action connected to workplace sex discrimination in the United States (Saguy 2000). Karl Marx, the third member of the classical sociological theory power trio, would no doubt be writing today about mass incarceration and the economics of prison expansion. Perhaps he would also be thinking about the commodification of deviance – how certain deviant signs, behaviors, and sometimes whole subcultures are packaged and sold for mass consumption. For example, such commodification could be considered as a life course process, with tattoos and piercings in adolescence and young adulthood now emerging as an important part of identity formation.

These crude and disparate sketches are only meant to show that by pitching contemporary research at a classical level of abstraction we might gain a useful perspective on how criminology relates to individual life chances and broader social processes. More specifically, I would argue for a renewed attention to rulemaking and the perspectives of deviants themselves, as evidenced in more recent classics in the deviance literature, such as Howard Becker's (1963) *Outsiders*. For example, a research focus on rulemaking would help explain the origins and consequences of various collateral civil penalties for convicted felons (e.g., Behrens et al. 2003; Mauer and Chesney-Lind 2002). Adopting an "unconventional sentimentality" and considering such sanctions from the perspective of reentering ex-felons may also help reveal how stigma is experienced and its relative importance in the process of desistance.

Of course, there are numerous barriers to doing criminology from a sociology of deviance perspective. First, the lived experiences of criminologists make it difficult to study certain phenomena. For example, I often feel ill-equipped to investigate some forms of corporate wrongdoing, probably because my work experience has been limited to academic, criminal justice, and low-wage survival work. In my view, more criminologists need to capitalize on their “secret advantages” (Simon 1996), whether they are a member of a stigmatized group or even the scion of an industrialist. I recall on one of my first job interviews the candid observation of an eminent senior criminologist, who wondered aloud whether “you young criminologists have done enough crime to make any sense of it” (I assured him that I had). There are also institutional barriers in the discipline and in our own careers to keeping up with a changing social world. One journal editor remarked that his first consideration was always “do we really want to publish a first-rate paper on this topic?” Such priorities suggest that it is likely to be easier to publish in an existing line of research— to add another “X” variable to a well established “Y” — than to study an altogether new or under-researched phenomenon.

In general, I think we should do everything we can, institutionally and personally, to open up the marketplace of ideas to further development in criminology and the sociology of deviance. As in any marketplace, of course, there are market distortions, and good ideas may go unnoticed. Jeff Manza once suggested removing all nametags at professional meetings, and with them any deference and derogation, as a form of radical egalitarianism. Specialization is also a barrier. Many of us have new ideas we would like to pursue, but are wary of the start-up costs. Frankly, it is often difficult to retool and write in new areas, and it may take years to learn the “secret handshake” needed to pass the gatekeepers and find an audience for one’s work.

Finally, and perhaps most importantly, the scientific study of deviance is tarnished by the reputations of the groups we study. It remains difficult to study “sex offenders” and stigmatized groups, no matter how systematic, compelling, or important this work will be to understanding desistance and reintegration. Nevertheless, the most exciting studies of deviance often emerge from investigations of the “interstitial areas” between established literatures (to borrow Thrasher’s fine term), and even “ignoble texts” on the periphery of respectability. Since the root of much creative work is in juxtaposing unlike ideas, images, or actions, progress in this area is likely to be enhanced by the increasing interdisciplinarity of the ASC and the productive collaborative efforts of its members.

DEVIANCE AND HEAVY METAL

To paraphrase Eugene O’Neill, before we can understand the meaning of crime and deviance we must learn to understand the facts about ourselves — ugly as they may seem to our sentimental vanity. I suspect that criminologists studying deviance erect and enforce some of the professional barriers noted above for reasons of legitimacy. While crime experts and government officials often enjoy great prestige within and outside our discipline, I would argue that students of deviant behavior generally occupy a place in public consciousness akin to that of heavy metal musicians. To draw this analogy, I rely on my own “secret advantage” as a former music critic. As the *All Music Guide* (AMG, 2003) describes the genre:

“Heavy metal has been controversial nearly throughout its existence — critics traditionally dismissed the music as riddled with over-the-top adolescent theatrics, and conservative groups have often protested what they perceive as evil lyrical content. Still, despite — or perhaps because of — those difficulties, heavy metal has become one of the most consistently popular forms of rock music ever created, able to adapt to the times yet keep its core appeal intact.”

So too, research in the sociology of deviance is often dismissed by critics in other areas and even challenged as evil by the public. There are clearly defined core and fringe areas of both enterprises, with some forms enjoying broad crossover appeal and others relegated to specialists. Elite musicians and bands (or professors and departments) are dominant, and their compositions receive a large share of the available airplay. Like popular musicians, we also draw distinctions that may be difficult for outsiders to fathom. A musician may argue vociferously that her band does *not* sound like U2 (even if it does), just as a life course criminologist may argue that her research does *not* sound like Sampson and Laub. Nevertheless, in spite of these parallels and the irreducibly controversial nature of its subject matter, deviance research remains central to both criminology and sociology and will continue to adapt to the times with its core appeal intact.

REFERENCES

- All Media Guide. 2003. "Heavy Metal." Alliance Entertainment Corporation One Stop Group. Retrieved March 30, 2003 (<http://www.allmusic.com/cg/amg.dll>).
- Behrens, Angela, Christopher Uggen, and Jeff Manza. 2003. "Ballot Manipulation and the 'Menace of Negro Domination': Racial Threat and Felon Disfranchisement in the United States, 1850-2002." Forthcoming in *American Journal of Sociology*
- Becker, Howard S. 1963. *Outsiders: Studies in the Sociology of Deviance*. New York: Free Press
- Durkheim, Emile. *The Division of Labor in Society*. [1893] 1984. New York: Free Press.
- , *The Elementary Forms of Religious Life*. [1915] 1965. New York: Free Press.
- Hagan, John 1993. The Social Embeddedness of Crime and Unemployment. *Criminology* 31:465-91.
- Link, Bruce, and Jo Phelan. 2001. "Conceptualizing Stigma." *Annual Review of Sociology* 27:363-85.
- Mauer, Marc, and Meda Chesney-Lind, eds. 2002. *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*. New York: New Press.
- Maruna, Shadd. 2001. *Making Good: How Ex-Convicts Reform and Rebuild their Lives*. Washington, DC: American Psychological Association.
- Saguy, Abigail. 2000. "Employment Discrimination or Sexual Violence?: Defining Sexual Harassment in French and American Law." 2000. *Law and Society Review* 34:1091-1128.
- Simon, Herbert. A. 1991. *Models of My Life*. New York: Basic Books.
- Sutherland, Edwin H. 1950. "The Diffusion of Sexual Psychopath Laws." *American Journal of Sociology* 56:142-48.
- Tittle, Charles R., and Raymond Paternoster. 2000. *Social Deviance and Crime: An Organizational and Theoretical Approach*. Los Angeles: Roxbury.
- Uggen, Christopher and Jeff Manza. 2002. "Democratic Contraction? Political Consequences of Felon Disenfranchisement in the United States." *American Sociological Review* 67:777-803.
- Western, Bruce and Katherine Beckett. 1999. "How Unregulated is the U.S. Labor Market? The Penal System as a Labor Market Institution." *American Journal of Sociology* 104:1030-60.
- Western, Bruce. 2002. "The Impact of Incarceration on Wage Mobility and Inequality." *American Sociological Review* 67:477-98.

TO OUR MEMBERS

Nati Cohen, beloved wife of Professor Albert Cohen, passed away Saturday, March 29. Nati was a lovely and delightful lady who attended the annual meetings with Dr. Cohen and had many friends among the ASC membership. Our thoughts and prayers go with Dr. Cohen. Condolences may be sent to Dr. Cohen at 3405 Florida Street, #206, San Diego, CA 92104 (619/692-1071).