

CHAPTER ONE

INTRODUCTION

Nature and Definition of Deviance

This chapter is basically concerned with the introductory aspect of the term deviance. It consists of the definition of deviance, the difference and similarity of the concepts deviance and crime, the function and dysfunctions of deviance, the idea of positive deviance, and self and societal reactions to deviance.

1.1. Definition of Deviance

The term deviance has different definitions as it is seen from the point of view of different scholars of different fields of studies. It is obvious that a biologist's or a psychologist's definition of deviance could not be one and the same with that of a sociologist's definition of the term. Thus, deviance cannot be uniformly defined throughout the world. Adler (2000) argued that differences in opinion exist regarding the definition of deviance.

Under this sub-topic, it has been tried to discuss all of the possible definitions of deviance. However, before directly proceeding to these specific definitions, it is found worthwhile addressing the general definition of deviance.

Generally, deviance can be defined as any behavior, belief, or condition that violates significant social norms in the society or group within which it occurs (Kendall, 2003). Similarly, Macionis (1997) explained that deviance is the recognized violation of cultural norms which are a guideline for virtually all human activities. Thus, the term deviance refers to those behaviors which are not considered normal, at least, by the good majority of a society, community, or social group, irrespective of the direction to where those behaviors deviate from the norm (normal). In other words, deviation from the normal way of behaving may be occurred either to the positive or the negative direction. Those behaviors which deviate from the normal to the negative direction are known as *negative deviance*, whereas those which are positive achievements and positive actions beyond the normal (average) behavior are known as *positive deviance*. Crime, insanity, adultery, theft and other similar behaviors are good examples of

negative deviations while those positive deviations are manifested by such behaviors as altruism, charisma, innovation, and so forth.

1.1.1. Positive Deviance

Positive deviance has been variously defined in the literature (Kelly, 2002). Besides, divergent examples, ranging from extreme intelligent to accomplished athletes have been advanced as prominent examples of positive deviance. Consequently, a classificatory model developed from the examples that have been in the literature on positive deviance is presented (Adler, et. al., 2000). The writers have identified the following ideal types of behaviors as positive deviance: *altruism, charisma, innovation, supra-conformity behaviors, innate characteristics and ex-deviant.*

A myriad behavior and/or actions have been advanced as examples of positive deviance. Specifically, the following have been referred as to examples of positive deviance: noble prize winners ... the gifted ... motion picture stars ... supra-star athlete ... pro quarterbacks ... altruists ... congressional medal of winners ... religious leaders ... straight A students ... zealous weight lifters and runners ... innovative or creative people such as Freud and Darwin ... and social idealist (Kelly, et. al., 2002: 23).

People will publicly evaluate those behaviors (considered positive actions) and/or actors in a superior sense; and these behaviors can be categorized under one of the following types:

- a. **Altruism:** includes saints and good neighbors, self-sacrificing heroes, congressional medal of honor winners, etc. It involves an act undertaken voluntarily to assist others persons or other people without any expectations of reward. Scholars, who have addressed positive deviance, identified two types of altruism: *autonomous altruism* which refers to actors such as abolitionists who died exert themselves and sacrifice themselves to a much greater degree, and *acts* such as *donating a small amount of money and doesn't require much effort*. Thus, it can, however, be concluded that autonomous altruism is more descriptive of positive deviance.

- b. **Charisma:** Some of the examples of charismatic individuals include Gandhi, religious leaders in general, Emperor Tewodros IV, Mandela, etc. Charismatic people have extra-qualities that force followers or other people to be willing to obey their leadership.
- c. **Innovation:** This type of deviance is described by such behaviors as *noble prize winners*, *innovative* or *creative figures* (such as Freud, and Darwin), reformers, etc. Innovation refers to the combination of already existing cultural elements in a novel manner, or the modifying of already existing cultural elements to produce a new one. Note that innovations are fundamental factors for social change in a society.
- d. **Supra-conformity:** Straight A students, zealous weight lifters and runners, and extreme moralists exemplify supra-conformity. It is a behavior which is at the level of the idealized norms within a culture. We know that norms operate at two levels: the *ideal* which most people believe is better but few *achieved* and *the realistic version* which most people can achieve. The negative deviant fail to abide by either level; the 'normal' person operates at the realistic level; but doesn't achieve the idealized level; and the positive deviant is able to attain or behave at the idealized level. Subsequently, it is only few individuals who can reach the idealized level.
- e. **Innate characteristics:** Scholars have come to an agreement on the idea that certain actions or actors, that are positive deviance or deviants, are at least partially resulted in innate characteristics. Some examples of this type are extremely beautiful woman, superstar athlete, movie stars and intelligent. In addition, these characteristics are culturally defined, for example, intelligence and attractiveness are also culturally defined.
- f. **The Ex-deviant:** The previously stigmatized persons, labeled in a negative fashion that manage to convert to a status of normative person, is essentially a novel way to think of a *positive deviant*. Examples include *de-stigmatization (an ex-convict)* and *transcendence* (an accomplished person with a physically disability).

To sum up, this typology will hopefully help us clarify the concept of positive deviance. However, in nearly all literatures on deviance, it is the negative deviation that gains more attention, particularly due to its negative impact on the normative standards of the society. As a

result, positive deviance has been found given only little attention. Thus, the remaining major portions of this teaching material are totally concerned with the issue of negative deviation alone. All demonological, biological, psychological and sociological explanations of deviance, addressed under chapter two, are dealt with this issue. Therefore, you are advised to bear in mind that Sociology of Deviance is often focused on those behaviors which deviate from the normal to the negative direction.

1.1.2. Specific Definitions of Negative Deviance

Deviance can generally be defined on the basis of different perspectives. These different points of view of deviance can be categorized into *absolute model*, *statistical model*, *labeling model*, *power model*, *normative model*, and *the relative model*.

However, it is also important to take a reminding note about social norms and values since deviation mostly comes to a scene against the grain of existing standardized guidelines of human behaviors of a given society or social groups within a society.

Several sociologists believed that deviance is the violation of social norms which are behavioral codes or prescriptions that guide people into actions and self- presentations conforming to socially acceptability. They further explain that norms are not expected to be agreed upon by every member of the social group, but a good majority should agree on them. These norms of a society can be classified into three categories: *mores*, *folkways* and *laws*. *Folkway* norms are more simple day-to-day standards based on customs, traditions, and etiquette while *mores* are norms established upon broad societal morals. For example, interracial marriage, illegitimate child bearing and so on are the violations of mores of a given society. *Laws*, on the other hand, are the strongest norms since they are supported by codified sanctions. By the same token, the violation of day-to-day norms doesn't create serious outrage, but considered as some odd behavior whereas the infringing of mores is stronger, and they would generate serious social condemnation. Similarly, the breaches of those codified laws leads to arrest and punish.

Now, it is time to come back to those specific definitions of deviance mentioned earlier. Let us begin with the explanation of *absolute definition* of deviance.

According to the **absolute** model of definition of deviance, social norms and rules are taken to be absolute, uniform, universal, clear and obvious for all in every nook and corner of the world. Hence, deviance is defined as the behavior that totally dead against these absolute norms of the universe. It is not something relative; rather it is eternal and global: if some behavior is judged to have been intrinsically morally wrong in the past, for example, adultery and divorce, it should be recognized as wrong today and forever in the future. Similarly, if something is regarded to be a morally bad in some place of the world, it should also be judged bad everywhere in the universe.

This absolute definition of deviance is subscribed to the demonological explanation of human behavior – it is a religious definition of deviance behavior.

Absolutists' definition of deviance has its own limitations. Basically, it ignores cultural differences across the globe. We know that people in the world are different as they have diversified norms and values. Although it is well recognized fact that norms and values are culture universal (found in every culture), they do differ from one society to the other - even from one social group to others within a given society.

Deviance can also be defined from **statistical** point of view. This model applies the assumption that '*what the majority is doing is normal behavior whereas those minority acts remain deviant behaviors*'. Thus, deviance is seen as the violation of norms and values of the greater part of a society. For this definition, deviance is a question of number; that is why this definition is regarded as statistical definition of deviance. For example, 'chat' chewing in rural areas of Northern Gondar Administrative Zone is a deviant act simply because the large majority of the people in these areas do not engage in the very act of 'chat' chewing. On the contrary, it is a normal and healthy behaviour in eastern part of Ethiopia since the mass of the people use it as habitual behavior.

The **labeling model** definition of deviance, on its behalf, rejects the idea that deviance is absolute or universal. This definition, however, believes that deviance is forged by people and referred by them anew in different times and locations that lead to significant construction and reconstruction of deviance. According to this model, deviance is, therefore, lodged in the eyes of the beholder rather than in the act itself. Hence, deviance is found outside of the act of the

deviant person, but it is up to the point of view of the social audience. The proponents of this view further explain that after a person has been labeled (publicly evaluated deviant), people consider them deviant; and then the person himself will accept the label; and later on, he starts to act in accordance with the label tagged to him.

Power definition of deviance is somewhat similar to the labeling model, partly in the idea that social group creates deviance by making the rules and regulations whose infraction constitutes deviance on outsiders. Subsequently, this model argues that deviance is not a quality of an act that a person commits, but rather it is an outcome of the application of rules and regulations by others to sanction an offender. This view also contends that deviance is not natural, but a particular group with power who has set rules and regulations in a society that determines deviant acts. As a result, deviance is the violation of rules and regulations formulated and implemented by a powerful segment of a society. In a given society, as per this definition, the politically, economically, and socially dominant group imposes its definitions on the behavior of the powerless segment; and the behaviors of this powerless majority are always evaluated against those rules and regulations formulated by the dominant class. Therefore, deviance is a presentation of unique power in the society. Here, it is worthwhile noting that the dominant or powerful class of a society can violate the rules and regulations they themselves made without being considered as deviants, because power is in their palms which lets them change the rules and regulations in favor of their own benefits.

The *normative definition* of deviance comes earlier than the relativistic model. For this view, deviance refers to the behavior that violates social norms or to a person who engages in such behavior. This definition of deviance has been challenged by sociologists who favor the relativistic alternative.

The normative definition narrows deviance on persons who engage in norm violating behaviors. It suggests the importance of identifying who breaks norms and explaining why they commit deviant acts.

1.1.3. Deviance: a Relative Term

So far we have seen those different models of defining deviance which define the behavior from only one angle. However, deviance cannot always be treated in this way since it is a relative social behavior which differs in its from one society to others, from social groups to social groups, from time to time, from social situation to social situation, and from one place to the other. Thus, we can see that it is not possible to isolate a certain acts and find them universally condemned by all societies as deviant acts (not even murder and incest). Even within a given society, behavior defined as deviant continuously undergoes redefinition (Russ Long, 2008). This type of definition of deviance is known as *relative definition*, because it views persons or their behavior as deviant only relative to the way other people react to them.

Relative definition of deviance is the one to which most sociologists are subscribed. For most of the sociologists, deviance is not absolute, universal, statistical, power-based, or labeled; but it is reacted with a particular social audience. As a result, deviance is always defined by some particular social audience. This, in turn, shows that it is advisable to take the society, social structure, social stratification, social norms, social control and social behaviors into consideration when we treat social deviance.

More surprisingly, the relativity of deviance is also observable even within deviant groups themselves. Deviant groups may have their own norms and values which governs/guides the activities and behaviors of their own members. These norms of deviant groups are totally antagonistic to the norms and values of the mainstream culture. Whatever antagonistic they are, still norms of deviant group govern the deviant members. Those individuals who violate the norms of these deviant groups become a *deviant of a deviant group* (deviant-deviant).

Deviance, furthermore, is relative to time and place, too. It is not possible to find something that is absolutely condemned by all societies of the world. A behavior which is deviant in one society may not be deviant in another. Even within one society, what is deviant today may not be deviant tomorrow (Russ Long, 2008), because perspectives of social audiences also change across time. Thus, deviance is a dynamic behavior that changes along with the changes of the social structure or the society.

Therefore, the relativity of deviance can be seen across time, society, social group, social situation and place. Now let's see this conditions for the relativity of deviance one by one

1.1.3.1. The Relativity of Deviance in Terms of Society

Societies are different due to the difference in social norms. Norms, as we know, are standard of behavior to identify what is good or bad, appropriate or inappropriate, suitable or unsuitable, proper or improper, and so forth. However, what is appropriate for one society cannot be appropriate for the other simply because there are norm variations. Thus, what is normal for the Sudanese may not be normal for Ethiopians? For example, taking alcohol drinking is a serious crime in Sudan whereas it is a normal behavior in Ethiopia. This is a good indicator for the relativity of deviance across societies. Another possible example is that abstinence from sex for two years after marriage in the West would be viewed as weird (strange) and grounds for annulment. Such behavior is, however, required for newly weds in the Dani tribes of New Guinea. Sexual activity for the Dani before two years would be viewed as a sexual deviance.

1.1.3.2. The Relativity of Deviance in Terms of Time

It is obvious that society is dynamic in its nature. It changes across time. Hence, social norms also change along with this societal change. In other words, as far as society changes across time, norms and value (which are basic elements of a given culture) also change. This, in turn, reveals that the change in norms across time brings about the changes in the attitude towards these norms. Thus, deviance varies. For example, termination of marital life (divorce) regardless of adultery was a serious deviant act at some few decades ago in our country; but, today it becomes a normal act that can be ended up without any problem. In addition, Russ Long (2008) argued that people used to be burnt at the stake for engaging in behaviors that most twentieth century people see as normal.

1.1.3.3. The Relativity of Deviance in Terms of Place

Deviance varies from place to place. This means that the place where an act has been taken place determines whether the act is deviant or normal. For example, killing a person is usually a wrong act. But, it will be renownable if it is taken place at the battle field. Still, it can be a serious crime if it occurs at someone's home for the purpose of revenge. Another more relevant example is that

fighting in classroom is absolutely a deviant act; but it is non-deviant if it is happened within the boxing ring.

1.1.3.4. The Relativity of Deviance in Terms of Social Group

Social groups within a society have their own distinctive norms. For example, having two or more wives is a prescribed deed in those Muslim communities of the world. However, this is a serious and intolerable behavior in those Orthodox Christians of the world. Do you know the reason why? It is due to the fact that the norms and values that govern the behavior of Muslims are directly different from that of the Orthodox Christians. Now, let us take your attention to another example forwarded by Russ Long (2008) which is concerned with the behavior of individuals from poor social group and that of the rich ones: if a poor woman shoplifts a roast, people call her a common criminal. On the other hand, if a rich woman steals a roast; her deviant status is kleptomaniac – a form of mental illness.

1.1.3.5. The Relativity of Deviance in Terms of Social Situation

Social norms vary from one social situation to the other. So, deviation from those varying social norms also varies across different social situations. The Amharic proverb “Instead of a hyena eats you, let you eat it and then go for salvation” can fully express this view. This indicates that there are conditions in which social norms can be violated for the sake of personal safety. For example, if someone kills a person for self defending purpose, it is both non-deviant and non-criminal act.

Note that although deviance is a relative act or subjective social behavior, which depends on time, place, society, group and situation, there are some acts which are universally regarded as deviant. Examples of such types of deviant acts are: cannibalism, theft of personal property, armed robbery, suicide, rape, corruption, abortion, sexual deviations, delinquency, crime, drug addiction, gambling, mental disorder, burglary, arson, assault, murder, incest, and child-molestation.

However, we should be critical of these listed deviant acts when we treat them as universal deviance since there are several exceptions for each of these behaviors in which they cannot be considered as deviant.

1.2. Deviant Statuses

Deviant status, as a social position, can be two types: *achieved* and *ascribed* deviant statuses. People cast into the deviant realm for their behaviors have an achieved status: they have gained the deviant label through something they have done. People regarded as deviant due to the fact that their conditions often have an ascribed deviant status. It is involuntarily acquired from birth. This category, according to Adler, et. al., (2000), would include having deviant social, economic, cultural and political statuses, such as being a deviant racial status, a congenital physical handicapped, or a height deviants (too tall or too short).

People with ascribed deviant status have nothing to become deviant and nothing they can do to repair the deviant status, whereas people with achieved deviant status have done something that exposed them to be seen a deviant.

1.3. Deviance and Crime

Deviance is generally referred to as the violation of social norms whereas crime is the infraction from written rules and regulations, especially criminal law of a give society or social group. In most cases, crime involves victims. Criminal acts such as murder, arson, robbery, burglary, and larceny are totally unacceptable and condemnable simply because they involve victims. We label these acts crime, meaning that their violation of the public order is so severe that they must be handled punitively and coercively by social institutions, like the police, the courts, and prisons (Adler, et. al., 2002). Most of these and other unmentioned criminal acts are considered deviant behaviors. However, there are many cases in which criminal acts cannot be taken as deviant behaviors due to several reasons. Thus, the argument '*crime is not always a subset of deviance*, is sound. For example, white-collar crimes are commonly regarded as merely aggressive business practices.

In the analysis of the relationship between deviance and crime, we can have the following three possible dimensions: First, the overlap between deviance and crime is extensive with those crimes of violence, crimes of harm, and theft of personal properties. These behaviors, according to Kelly, et. al., (2002), are both illegal and deviant. Secondly, in the actual sense, much deviance is considered non-criminals. Some of the examples of such category include obesity,

stuttering, physical handicaps, interracial marriage, unwed pregnancy, and so on. Finally, we can also have another dimension, different from the above two, of the relationship between crime and deviance. Here, we can see that there are some criminal behaviors which do not violate norms and values of a society, for example, white-collar crimes – crimes which need a higher status to be committed – and forms of civil disobedience, where people break laws to protest against them.

Besides of these dimensions, there is still another area of difference between deviance and crime. As we have tried to mention earlier, deviance includes those deviations from the normal to the positive direction; but crime never include those positive deviant behavior.

Therefore, it is possible to conclude that crime is not a subset of deviance. They can be overlapping categories only in a single independent dimension (see the first dimension above).

1.4. Functions and Dysfunctions of Deviance

According to functionalist school, deviance is both functional and dysfunctional to the social system within which it occurs. Let us begin or discussion with the dysfunction it brings to the society at large.

1.4.1. Dysfunctions of Deviance

Dysfunctions of deviance, as to sociologists, are the negative or disruptive consequences of deviance. Obviously, several societies can tolerate a good deal of deviance without serious results. However, resistant and intensive deviance can impair and even seriously belittle organized social life. As all we know, organized social life is a product of the coordinated actions of many different peoples. “Should some people fail to perform their actions at the proper time in accordance with accepted expectations, institutional life may be threatened.” (Vander, 1990: 2005). The writer further argued that if a parent deserts a family, it commonly complicates the task of child care and child rearing. If in the midst of the battle a squad of soldiers fails to obey and run away, the entire army with no doubt becomes overwhelmed and defeated.

Second important dysfunction is that deviance undermines our willingness to discharge our responsibilities and obligations. It reduces our effort to play our roles and to contribute to the

larger social enterprises. If we realize that some people get rewards (even disproportionate rewards) without playing by the rule, we develop resentment and bitterness. Our morale, self-confidence and loyalty suffer ((Vander, 1990). Suppose that you have known that a number of students from your class got a grade in the course *sociology of deviance* illegally through either by cheating, favor made for a course instructor, or other forms of evil deeds. What would your reaction be? Undoubtedly, your motivation to struggle with the materials (books) and to study long hours would very likely be undermined and totally discouraged. Similarly, in a society with a higher degree of corruption, like Ethiopia, the situation will really discourage people who are engaging in acceptable ways of getting money; and most portion of members of the society become willing to internalize this illegal mechanism of getting money which later on can be seen a natural and common ways of being affluent.

Deviance also reduces our trust to other members of our social lives. We know that our social lives indicate that we trust one another. No trust to others in the social organization means there is no organized social life. Thus, we must have confidence that other will play by the rules and regulations constructed around our social lives in committing ourselves to collective enterprise, we allocate some resources, forgo some alternatives, and make some investment in the future. We do so because we assume that other people will do the same, but, would other not reciprocate our trust, we felt that our own efforts are pointless, wasted, and foolish. Subsequently, we remain less motivated and willing to play by the rules of our social lives.

1.4.2. Functions of Deviance

Although deviance undermines social organizations by de-motivating as to contribute to social organization, it may, at the same time, facilitate social functioning in several ways. Sociologist, such as Durkheim, Erikson, and others expressed that deviant behavior is not always harmful to group life. It enables groups capable of defining boundaries; it preserves stability within the group by pointing out the contrast between what is within a group and what is outside. Erickson suggests that without the battle between normal and deviant, the community would lack a sense of identity, sense of belongingness (or *esprit de corps*), and a sense of what makes it a special place in the larger world. Similarly, Lewis A. Coser argued that deviance is very important to bring about social cohesiveness in loosely integrated group.

Generally, Durkheim has identified the following four functions of deviance:

- a. Deviance affirms cultural values and norms. Culture, as to Macionis (1997), involves moral choices: people must prefer some attitudes and behaviors to others, for the write, conceptions of what is morally right exists only in opposition to notions of what is morally wrong “just as there can be no righteousness without evil; there can be no justice without crime.” (ibid: 211). In short deviance is inseparable from the process of generating and sustaining morality in a society or social group.
- b. Responding to the deviance clarifies moral boundaries by labeling or publicly evaluating people as deviants, a society or social group sets the boundary between wrong and right. For example, by imposing disciplinary procedures on those who commit plagiarism, a university marks a line between academic honesty and cheating.
- c. Responding to deviance promotes social unity. People typically react to serious deviance with collective outrage. In doing so, they reaffirm the normal ties that bind them (Macionis, 1997). A shared enemy arouses common sentiments and elements of feeling of integration and solidarity. Thus, when deviant behavior is seen as a threat to group solidarity and people unite in opposition to that behavior, their loyalties to society are reinforced. For example, currently, several houses in Gondar Town are being burgled. As a result, dwellers of several kebeles discussed the problem and established a jointly paid village guard so as to keep those burglars at a distant. This example clearly shows that people of some villages become united and remained loyal one another in struggles against burglars.
- d. Deviance encourages social change. Russ Long (2008) explains that deviance is an important element of social change since it offers alternative definitions to what is right. Sometimes the alternatives become acceptable and it may even become the dominant view. As it is clearly stated in Macionis (1997), Durkheim claimed that today’s deviance might well become tomorrow’s morality. Therefore, deviance brings about social change either through revolutionary actions against or amendment on the existing more rules of a

society. Deviance is, thus, a catalyst for a social change. A repeated deviance indicating that the existing social system is not functioning properly. This, in turn, forces social change to be realized.

- e. Deviance also provides job opportunities. It is due to the persistence of deviant behaviors within a given society that forced people to establish several social controlling institutions and organizations, no guard will stand by the gate of a bank if there are no deviants in a society.

1.5. Reactions to Deviance

The reactions to deviant acts may come either from the society or the individual who has already violated the norms and values of the society. The responses of these two parties are definitely different. The ideas of labeling theory and that of all theories of social control describe these concepts respectively.

CHAPTER TWO

Sociological Theories of Deviance

Introduction

So far we have addressed that deviance is the product of biological and psychological qualities of the deviant as well as the possession of an individual by demons. In other words, deviance was seen as behaviour caused by supernatural forces, genetical factors or psychological makeup. However, sociologists, according to Schaefer (2003), reject any emphasis on the mentioned causes of deviance. Rather they see the deviation from the normal behaviour as being caused by the existing social structure. There are many social conditions which influence individual member's behaviour. Durkheim explained that social facts are external to and independent of an individual, and influence the individual's behavior from outside.

Despite the fact that there are several different types of sociological explanations of deviance in this world, all have in common that deviance is always the outcome of a given social structure. However, these different sociological theories of deviance, beyond their common idea, try to see different aspects of the social structure and then their relationships with deviance. Some of these important sociological theories of deviance that are going to be addressed under this subtopic include anomie theories, structural and subcultural theories, social learning theories, labeling and ethnomethodological theories, power theories, ecological theories, conflict theories, control theories, and feminist explanations of deviance. Under each category, a variety of theories, with their own unique points of view, will be treated.

2.1. Anomie Theories of Deviance

Both Emile Durkheim and Robert K. Merton are the two most important structural-functional theorists who are related with the analysis of anomie. It is, however, worthwhile keeping in mind that Durkheim's anomie is different from that of Merton's. *For Durkheim, anomie is the state of normlessness*, a condition occurred within a given society when norms are absent or nonfunctional. On the other hand, Merton defined anomie as a social condition of an individual which occurred due the mismatch between societal goals and socially approved means by which goals are attained.

2.1.1. Durkheim's Anomie Theory of Deviance

Emile Durkheim, the founding father of functionalism in sociology, first studied anomie during the late 19th century. The concept generally refers to the state of 'normlessness' vis-a-vis the accepted norms of the greater society (Martin, 2005). These norms are rules and consensus about the way people should behave in society. As to Durkheim, after social upheavals such as war, traditional norms of behavior no longer work, thus causing societal normlessness. Several deviant acts like suicide, crime, and other crises exist in societies that do not develop effective norms. Therefore, anomie, for Durkheim, refers to a broad breakdown of norms in society, or a disconnecting of an individual from the norms of his society's contemporary values (ibid).

According to Durkheim, deviance or crime is inevitable and normal aspect of social life. It is an integral part of all healthy societies. Thus, it is impossible to have a society totally devoid of deviance and/or crime (Williams, 2004). Thus, deviance is inevitable due to the fact that not every member of society can be equally committed to the collective sentiments, the shared values and moral beliefs of society. Since individuals are exposed to different influences and circumstances, it is impossible for all to be alike. Therefore, not everybody shares the same strains about breaking the law (Haralambos, 2005).

He [Durkheim] argues that all social changes begin with some forms of deviance. In order for change to occur, yesterday's deviance must become today's normality. Since a certain amount of change is healthy for society, so it can progress rather than stagnate, so is deviance. For change to occur the collective sentiment must not be too strong, too hostile to change; they must have only moderate energy. If they were too strong [,] they would crush all originality, both the originality of the criminality and the originality of genius. . . . To make progress, individual originality must be able to express itself.... Thus, the collective sentiment must not be sufficiently powerful to block the progression of the people.... Durkheim regarded some crimes as anticipation of the morality of the future... terrorists or freedom fighters may represent a future established order (ibid, P: 412).

2.1.2. Robert K. Merton's Strain Theory

Robert Merton, according professor Andargachew (1988), took up Durkheim's original idea of anomie and used it to explain deviant behaviour. He used the concept **anomie** to explain the social state in which individuals fail to attain the societal goals using socially approved means. Thus, Merton's explanation about deviance is based on *goals* and *means*. Where Durkheim stated that anomie is the confounding of social norms, Merton goes further and stated that anomie is a state in which social goals and the legitimate means to achieve these goals do not correspond (Kelly, et.al., 2002; and Williams, 2004).

Table :-Summery of Robert K. Merton's Strain Theory

<i>Adaptation</i>	<i>Legitimate means</i>	<i>Cultural goal</i>	<i>Example</i>
<i>Innovator</i>	<i>Reject/ block</i>	<i>Accept</i>	<i>Ganging to buy good house</i>
<i>Retreatism</i>	<i>Reject (often)</i>	<i>Reject/block</i>	<i>Alcoholism after fired from job</i>
<i>Rebellion</i>	<i>Reject/ want new</i>	<i>Reject/ want new</i>	<i>Terrorism and revolution</i>
<i>Ritualism:</i>	<i>Accept</i>	<i>Reject/ forget</i>	<i>Those who play well but loose the game</i>
<i>Conformist</i>	<i>Accept</i>	<i>Accept</i>	<i>Study hard to get A+</i>

2.1.3. Agnew's General Strain Theory

In the mid of 1970s strain theory came under heavy attacking after having dominating deviance research in the decades of the 1960s, prompting that it become abandoned. However, since that time have survived such attacks, but has felt behind a diminished influence. In 1992, Robert Agnew proposed a general strain theory that focused on, at least, three measures of strain. Agnew's theory was an extension of Merton's theory (Conklin, 2004). In place of anomie theory's limited focus on blockage of access to societal goals, especially those involving monetary success. The three measure of strain proposed by Agnew are:

1. The actual or anticipated failure to achieve positively valued goals;
2. The actual or anticipated removal of positively valued stimuli; and

3. The actual or anticipated presentation of negative stimuli.

(Williams, 2004)

Therefore, Agnew's general strain theory focuses on the individual effects of strain, how it is that this strain leads a person towards delinquency and crime (Cernkovich, et. al, 2000). Thus, more individualized than the first strain theory that was introduced by Emile Durkheim and Robert Merton, general strain theory is considered at the micro level, rather than the macro level (Seigel, 2003).

Agnew's strain theory focuses primarily on negative relationship with others, in that a person is not treated in a way that he expects or wants to be treated. He wholeheartedly argued that people are pressure into deviant and criminal behaviours by negative affective states such as anger which results in negative relationships. Such a negative affective state leads to pressure which, in turn, leads to illegitimate ways to attain a goal. But, other strain theorists explain strain in a way that relationships with others prevent one from reaching positively valued goals. They focus primarily on goal blockage that is often experienced by the lower and lower-middle classes.

2.1.4. Relative Deprivation Theory

A significant number of scholars have tried to identify the concept *relative deprivation*. Haralambos (2005) applies the term *reference deprivation* to refer to subjectively perceived deprivation which people actually feel. Schaefer (2003) defined it as the conscious experience of a negative discrepancy between legitimate expectations and present activities. Kendall (2003), on her behalf, agrees with the idea that relative deprivation is the discontent that people may **feel when they compare their achievements** with those of similarly situated persons and find that they have less than they think they deserve. Karl Marx explained the idea of relative deprivation as:

A house may be large or small, as long as the surrounding houses are small; it satisfies all social demands for a dwelling. But, let a palace arise besides the little houses, and it shrinks from a little house to a hut (cited in Kendall, 2003: 643).

Therefore, a relative deprived person is dissatisfied because he feels down trodden relative to some appropriate reference group (Schafer, 2003).

Individuals engage in some deviant behaviour when their institutional means do not match cultural goals.

Runciman has identified four preconditions of relative deprivation of object **X** by **A** as follows:

- A does not have X
- A knows other persons that have X
- A wants to have X
- A believes obtaining X is realistic.

Runciman, based on this preconditional analysis, identified between *egoistic relative deprivation* and *fraternalistic relative deprivation*. Egoistic relative deprivation is caused by unfavourable social position when compared to other better off members of a specific group of which A is the member while a fraternalistic relative deprivation is caused by unfavourable comparison to other better off groups. Egoistic relative deprivation can be seen in the example of a worker who believed he should have been promoted faster and may lead to that person taking actions designed to improve his position within the group; those actions are, however, unlikely to affect many people. Similarly, fraternalistic relative deprivation can be seen in the example of racial discrimination, and are much more likely to result in the creation and growth of large social movement, like the American civil right movement in the 1960s. Another example is an envy teenagers feel towards the wealthy character that are portrayed in movies and on television as being middle class or normal despite wearing expensive clothes, driving expensive cars, and living in mansions.

2.2. The Ecology of Deviance: The Chicago School

During the 1920s, a group of sociologist based in Chicago, which later became known as the Chicago school, developed an ecological approach to the study of social life. Ecology refers to the relationship between organisms and their environments. Member of Chicago school applied

this concept to the growth of cities and argued that behaviour could be explained in terms of the urban environment. Under this subtopic, we are going to treat the ideas forwarded by several ecological theorists such as Clifford Shaw, Henry McKay, Robert E. Park, and Ernest W. Burgess.

2.2.1. Robert E. Park and Ernest W. Burgess

The sociological research of the Chicago school was mainly inspired by the teaching and theoretical understandings of Park and Burgess, the most influential sociologists at the university of Chicago during the *social disorganization period* (Orcutt, 2003). They introduced an ecological analysis of crime causation. They developed the idea of the nature of urban areas which consisted of the concentric zone which extends out from downtown central business district to the commuter zone at the fringes of the city (Keel, 2001). Each zone has its own structure and organization, characteristics and unique inhabitants. This had been known as *Burgess's Concentric Zone Theory*.

2.2.2. Shaw and McKay – 1929

Shaw and McKay were researchers at the Chicago's institute for **juvenile** research and cooperators with Chicago's sociology department. They were interested in Park and Burgess's conception of the natural urban area of Chicago, and used this model for the purpose of investigating the relationship between crime rates and different urban sections. Thus, Shaw and McKay developed their model of analysis of deviance and crime based on the ideas of Park and Burgess. They divided the city into five zones, drawn at two mile intervals, and radiating outwards in concentric circles from the central business district. They examined the rate of crime for these five zones. Using statistics on male delinquency from the juvenile court, they discovered that the delinquency rate steadily decreases from zone one, the areas covered the central business district, to zone five on the outskirts of the city (Keel, 2001).

Limitations of the Ecological Theories

There are problems regarding the concept of social disorganization and these problems are what contributed to its decline in importance. These problems are:

- ☞ It confuses cause and effect. It was locked into a circular argument in their theorizing about the social disorganization and deviance.
- ☞ It tried to explain crime as an almost entirely lower class phenomenon, and no way included middle and upper class deviance and crime rates. Social change was often confused with social disorganization, and little attention was paid to explain why some social changes were disorganized and why others were organized.

2.2.3. Delinquency and Drift Theory: David Matza

In a series of writings during the 1960s American sociologist David Matza provided a timely warning about the implications of above mentioned theories. First, he argued that they make the deviant appear more distinctive than he really is. Secondly, Matza contended that they present an over-deterministic view of the origin of deviance. For Matza, this view ignores the choice and alternatives which are always available for human action. Thus, these two points are the two main issues in which many sociological theories of delinquency were misleading.

Subsequently, Matza rejects the idea of a distinctive subculture and that this subculture determines behaviour. Delinquents, for him, are similar to everyone else in their values and indeed display similar feeling of outrage about crime as the majority of the population. Matza expressed this idea in a paper with Gresham Skyes entitled *techniques of neutralization*. Matza argues that male delinquents to be committed to the same values and norms as other members of the society. Society has a strong moral hold on delinquents and prevents them from being delinquent, most of the time. Matza exemplified his idea by the point that delinquents often express 'regret' and 'remorse' at what they have done. Deviants give justifications and rationalization for their deviance behavior which Matza terms *techniques of neutralization*

Technique of Neutralization

If delinquents follow cultural goals, norms, etc, why do they even commit crime? They are able to neutralize the *moral blind of society*, i.e., that the law doesn't apply to them on a particular occasion. To release themselves from the constraints of society develop techniques of neutralization. Matza proposed such techniques as:

1. *Denial Responsibility*: delinquents will propose that their victim of circumstance and that they pushed or pulled into situations beyond their control. For example, a delinquent may say “It was not my fault!” Matza has explained this technique in his own word as follows:

As a technique of neutralization . . . the denial of responsibility extends much further than the claims that deviants are an ‘accident’ or some similar negation of personal accountability. It may also be asserted that delinquent acts are due to forces outside of the individual and beyond his control such as unloving parents, bad companions, or a slum neighbourhood . . . (cited in Kelly, et. al., 2002 p: 123).

2. *Denial of Injury*: the victim is supposed not to be harmed by the crime. For example, the delinquent may say “They can afford it.” Matza explained :

For the delinquent . . . wrongfulness may turn on the question of whether or not anyone has clearly been hurt by his deviance, and this matter is open to a variety of interpretations. Vandalism, for example, may be defined by the delinquent simply as ‘mischief’ – after all, it may be claimed, the person whose property has been destroyed can well afford it(ibid p: 124).

3. *Denial of the Victim*: delinquent view what acts as not being wrong, that the victim deserves the injury or that there is no real victim. For instance, a delinquent may argue “They had it coming to it.” Matza says:

Even if the delinquent accepts the responsibility for his deviant actions and is willing to admit that his deviant actions involve an injurer hurt, the moral indignation of self others may be neutralized by an insistence that the injury is not wrong in light of circumstances. The injury, it may be claimed, is not really an injury; rather, it is a form of rightful retaliation or punishment. By a subtle alchemy the delinquents move himself into the position of an avenger and the victim is transformed into a wrong-doer (Kelly, et. al., 2002 p: 124)

4. *Condemnation of the condemner*: here, condemners are seen as hypocrites; delinquents argue that the condemners are not different from themselves. For example, “yeah, I was driving when drunk, but so does everyone else.” Matza further argues that the delinquent shifts the focus of attention from his own deviant acts to the motives and behaviours of these who disapprove of his violations. This is according to McCorkle and Korn a *rejection of the rejecters*. The delinquents condemners, Matza explained, are hypocrites, deviants in disguise, stupid, and brutal (Kelly, et. al., 2002).

These techniques of neutralization show that delinquents do feel shame – i.e., partial acceptance of norms and values. If there were a subculture, there would be no need to neutralize this guilt and shame.

2.3. Control Theories of Deviance

Control theories focus on another aspect of why some people never engage in deviant behavior. The main assumption of control theories is that delinquent acts result when an individual’s bond to society is weak or broken (Kelley, et. al., 2002; & Adler, 2000).

2.3.1. Containment Theory: Walter C. Reckless

Sociologist Walter C. Reckless proposed containment theory of deviance in the year 1961. This theory explains that delinquency as the interplay between two forms of control known as **inner (internal)** and **outer (external)** containments. His containment theory assumes that for every individual a containing internal structure as well as external protective structure exist (Kendall, 2003; Keel, 2005 & Andargachew, 1990). These two containments protect the individuals from violation of the social and legal norms of a society. Thus, these two containments, according to Reckless, are responsible to buffer, protect, and insulate individuals against deviance and delinquency as well as crime. Reckless, however, wanted his theory to explain not only deviation but also conformity.

For containment theory society produces pushes and pulls that move people towards deviant behaviours; however, some people insulate themselves from such pressures by having *positive self-esteem* and *good social group cohesion* (Kendall, 2003). Reckless argued that many people do not resort to deviance because of these two containments – inner and outer.

Inner containments are ‘*self*’ components which include *self-control, a sense of responsibility, good self-concept, strong ego, well developed conscience, high frustration tolerance, and resistance to diversions*. These all are strength of one’s personality. On the other hand, outer containments refer directly to one’s *social environment or social setting*.

Generally, Reckless concluded that those with the strongest containment mechanisms are able to withstand external pressures that might cause them to take part in deviant behaviours. If, by chance, there are conditions that may lead them to deviant behaviours, they are negated, neutralized, rendered impotent or paired by the two containing buffers (Andargachew, 1990).

Reckless identified those pulls and pushes which motivate individuals to participate in deviant behaviour – internal pushes, external pulls and external pressures. ***Internal pushes*** are personal factors which include restlessness, discontent, rebellion, anxiety, and hostility whereas ***external pulls*** include deviant peers, membership in deviant or delinquent gangs, and pornography. Finally, Reckless distinguished ***external pressures*** as those living conditions which give rise to crime and delinquency. These include relative deprivation, poverty, unemployment, insecurity and inequality.

2.3.2. Social Bond Theory: Travis Hirschi

The theory, known as *social bond theory* or *social control theory*, was presented by American scholar called Travis Hirschi. **This theory proposes that people who engage in delinquency are free of intimate attachments, aspirations, and moral beliefs that bind them to conventional and law abiding way of life** (Conklin, 2004).

Travis Hirschi, in 1969, identified four kinds of social bonds which promote socialization and conformity. These include ***attachment, commitment, involvement, and belief***. He argued that the stronger these four bonds, the least likely one would become delinquent. Hirschi first assumes that everyone has potential to become delinquent and criminal and it is the social controls, not moral values, which maintain law and order within a society. Without controls, as to him, one is totally free to commit criminal acts (Adler, 2000 & Kelly, 2002).

Travis Hirschi further assumed that a consistent value system exists in all societies is, thus, exposed to such a system. Moral codes are, then, defied by delinquents since their attachment to society is weak. While Sykes and Matza believe that **delinquents share the same values and attitudes as non-delinquents**, Hirschi sees delinquents as rejecting such social norms and beliefs.

Elements of the Bond

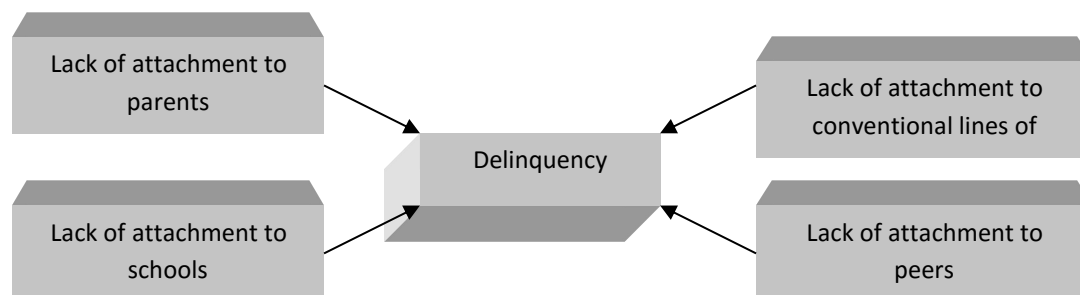
As it has already been explained above, Hirschi have identified four components of the social bond: *attachment, commitment, involvement, and belief*.

Attachment refers to one's interest in others. One's acceptance of social norms and the development of social conscious depend on attachment for other human beings. Hirschi views parents, schools, and peers as important social institutions for a person. Thus, attachment, as to him, takes three forms:

- 👤 Attachment to parents,
- 👤 Attachment to schools, and
- 👤 Attachment to peers.

According to Hirschi, adolescents who have fewer attachment to family, schools, peers, and conventional lines of action are more likely to involve in delinquency because they do not feel society's rules are binding on them and do not fear the disapproval of others. Refer the following diagrammatical presentation of this idea.

Figure2.1: *Hirschi Model of Delinquency*



Source: Conklin, 2004, P: 180

The second bond is that of *commitment* and it involves time, energy and effort placed on conventional lines of actions. In other words, it is the support of and equal partaking in social activities an individual to the moral and ethical codes of society. Hirsch's control theory hold an ***investment in life, property and reputation are less likely*** to engage in criminal acts which will jeopardize their social position. A lack of commitment to such conventional value will cause an individual to partake in delinquent or criminal acts (Keel, 2005; Adler, 2000; & Kelly, et. al., 2002).

Involvement is the third component of the social bond. This is all about **the preoccupation in activities** that stress the conventional interests of society. Hirschi argued that an individual's **heavy involvement in conventional activities doesn't leave time to take part in delinquent or criminal acts..** Thus, according to him, involvement in school, family, recreation, etc., insulates all juveniles from potential delinquent behaviour that may be a result of idleness. This idea of involvement is totally concerned with the idea that "***An idle mind is the workshop of devil.***"

The final bond is known as ***belief***. It is dealt with **assents to society's value** system – which entails *respect for laws and the people and institutions which enforce such laws*. Hirschi expressed that ***people who live in common social settings share similar human values***. If such beliefs are weakened or absent, one becomes more likely to involve in antisocial acts (Keel, 2005). In addition to, if people believe that laws are unfair, this bond to society weakens and the likelihood of committing delinquent acts arises.

Limitation of Social Control Theory

1. Control theory does not identify the social structure sources of motivations to break laws or conventions. Even when other social forces such as poverty, deprivation, etc., impel them to engage in crime and delinquency, attachment to family, schools and peer groups can keep people from violating the laws, for Hirschi. However, a complete theory of crime and delinquency need to explain the way that social, cultural, and economic forces produce the motivation to break the law (Conklin, 2003).

2. Social control theory wouldn't benefit from a more dynamic analysis of social interaction. Rather than describing attachments as they are of a given time, social control theory needs to examine the way that attachments change over time. For example, the way that parents behave at one time affects their children's action at a later time, but those actions by the children can, in turn, affect the way that their parents will treat them in the future.
3. Social control theory fails to take into account possible reciprocal relationship between social bonds and delinquency, focusing instead on the way that weak attachments lead to delinquency. Scholars argued that weak attachment to the family and school caused delinquency, but also that delinquent behaviour reduced the strength of bonds to family and school, which in turn increased delinquency.

2.4. Social Learning Theories of Deviance

Some theory in criminology believe that criminality is a **product of socialization**, how individuals have been influenced by their experiences or relationship with family, peer groups, teachers, church, authority figures and other agents of socialization. These are known as learning theories, specifically social learning theories, because criminologist never really embraced the psychological deterministic inherent in most learning psychologies. They are also less concerned with the content of what is learnt (like cultural deviance theories). However, it is not deniable that criminologists are more concerned with explaining the social process by which anyone, regardless of class, race, gender, or caste would have the potential to become a criminal. **"You, too, can learn to be a serial killer."**(Robert Hale, 1998).

Learning is defined as habits and knowledge that develop as a result of experiences with the environment as opposed to instincts, drives, reflexes and genetic predispositions. The history of learning has a long tradition in human life. Associationism (developed by Aristotle, Hobbes, Locke and Hume) is the oldest learning theory. It was based on the idea that mind organizes sensory experiences in some ways, and is called cognitive psychology today. It is relied upon the idea that mind require a physical response by the body in order to organize sensory associations. Imitation sometimes called *contagion*, is the oldest social learning theory developed by Gabriel Tarde (1843-1904), a sociology who argued that crime begins as fashion and later becomes a custom.

Under social learning theories, theories such as the Law of Imitation (Gabriel Tarde), Differential Association Theory (Edwin Sutherland).

2.4.1. The Law of Imitation: Gabriel Tarde (1843-1904)

Tarde was totally dead against the positivist criminology of Cesare Lombroso which held that criminality was inherited and that someone '*borne criminal*' could be identified by physical defects. Instead, Tarde proposed that the social environment is crucial both in the development of criminal behaviour and its control.

Jean-Gabriel Tarde believed that the discipline that three distinctive, yet interrelated processes characterize human society – *invention*, *imitation* and *opposition*. He **observed that only one percent of people could make creative association in their minds**, and can, thus, be regarded as gifted or inventive. According to him, invention is the source of all human progresses. *Opposition*, for Tarde, takes place when two or more inventions come into conflict with one another, or when new and old ideas collide. Opposition may be associated with social groups, like nations, regions, or social classes, or may remain inside the minds of individuals. The outcome of opposition is often an adaptation.

The third process which was very much important for the emergence and development of learning theories of human behaviour was *imitation*. Tarde explained that imitation is widespread in society. Most people are not inventive, but only copy what they see from other people. *Imitation*, therefore, refers to the engagement in behaviour after the direct or indirect observation of similar behaviour by others (Akers and Jensen, 2003). Whether or not the behaviour modeled by others will be imitated, is affected by the character of the models, the behaviour observed and the observed consequence of the behaviour – the behaviour can either be prosocial or antisocial (deviant and criminal).

Tarde identified three laws of imitation – **the law of close contact, the law of imitation of superiors by inferiors, and the law insertion**. Tarde's influence in the area of criminology and sociology of deviance is observable through these three laws of imitation. He formulated a theory of *imitation and suggestion* through which he tried to explain criminal and deviant behaviours. According to him, the origin of deviance is similar to fashions and fads, and that his

three laws of imitation can explain people engage in crime and deviance. These three laws are explained as follows:

1. ***The law of close contact***: explains that people have a higher inclination to imitate or copy the fashions or behaviours of those around them. Thus, if one is constantly surrounded by deviant behaviour, he is more likely to imitate that type of behaviour than other, of which that person knows little. This implies that direct contact with deviance fosters more deviance. Tarde convinced himself with the idea that as people becomes denser; they will start to imitate each other more. He suggested that the mass media played a key role in proliferation crime as criminals copied each other's style which they learn about through the media. Dear readers, what do you think about Ethiopian media pertaining to this issue?
2. ***The law of imitation of the superiors by the inferiors***: is Tarde's second law of imitation which explains that the poor or the young or the powerless imitate the rich or the more experienced or the powerful, and that crimes among the poor are in fact their attempts to imitate wealthy, high-status, and powerful people. Here, you can recall the condition exists between contemporary Ethiopians and American rappers and film actors.
3. ***The law of insertion***: is the third law. It says that new behaviours are superimposed on older ones and subsequently either reinforce or extinguished previous ones. If criminals, for instance, start to use a new type of weapon, then they will intend to use the older one anymore.

Therefore, Tarde's laws of imitation exposes the idea that deviant behaviours are like those normal behaviours which are learned by contacting people. According to him, in order for the deviant act to be imitated or copied, they must be new and owned by superiors. Thus, close contact with these newly created superiors' behaviours accelerates the chance to be copied.

2.4.2. Differential Association Theory: Edwin Sutherland

Edwin Sutherland, in his work *Principle of Criminology* in 1939/47, developed an important sociological theory known as *Differential Association Theory*. Sutherland is most influential criminologist of the 20th century. His theory is more of social psychological. Differential association theory changes focus from structure to process due to the fact that it is the process of

social learning in which criminals/delinquents and law-abiding people learn their behaviour from their associations with others.

The main focus of differential theory was all criminal or negative deviant behaviours. It is established upon the premise “*people learn to commit crime or to deviate from normal through exposure to antisocial definitions.*”

Differential association theory is generally constructed upon the following postulates:

1. *Criminal/deviant behaviour is learned*: According to Sutherland, criminal behaviour is not inherited, as such; also a person who is not already trained in crime does not invent criminal behaviour, just as a person does not make mechanical inventions he has had training in mechanics.
2. *Criminal behaviour is learned in interaction with other people in process of communication*: This communication can either be verbal or nonverbal.
3. *The principal part of the learning of criminal behavior occurs within intimate personal groups*: This shows the claim that crime is learned in *face-to-face interaction in small groups*. This argument rejects the possibility that such behaviour is learned from the media. “Negatively, this means that impersonal agencies of communication . . . movies and newspapers play a relatively unimportant part in the genesis of criminal behaviour.” (Adler, 2000: 75).
4. *When criminal behaviour is learned, the learning includes*: a) techniques of committing the crime which are sometimes very complicated, sometimes very simple. b) The specific directions of motives, drives, rationalization, and attitudes. Conklin (2004) further explained this principle when he says that little or no skill is needed to commit some crimes. The murder of spouse requires little skill. However, embezzlers have to learn verbalization that allows them to use their accounting skills for illegal ends, but they do not need to learn specific techniques of embezzlement.
5. *A person becomes delinquent because of an excess of definitions favourable to violation of law over definitions unfavourable to violation of law*: Here lays the principle of

differential association. It stresses contacts with criminal or noncriminal definitions, but does not require contact with criminal or noncriminal individuals. “People can learn definitions favourable to violation of the law from law-abiding people and they can learn definitions unfavourable to violation of law from criminals.” (Conklin, 2004: 213). According to the principle of differential association, an individual holds both definitions favourable and unfavourable to violation of law, and that bit is only when definition favourable to violation of laws exceed definitions unfavourable that a person will turn to crime.

6. *Differential association may vary in frequency, duration, priority, and intensity:* This means that associations with criminal and noncriminal behaviours vary in those respects. Here, what is important is the nature of association, with criminal and noncriminal patterns, rather than the mere fact of those associations. This implies that associations that are more frequent play a higher role in the balance between definitions favourable to violation of laws and definitions unfavourable to violation of laws. Associations that endure over the longest time are the most significant in determining criminal behaviour. Likewise, associations that occur earlier in life, in childhood or adolescence, are the most important in forming definition of the law.
7. *The process of learning criminal behaviour by association with criminal and antirriminal patterns involves all of the mechanisms that are involved in any other learning process:* This shows the idea that crime is a form of behaviour that is learned in the same way as noncriminal behaviours. The learning of criminal behaviour is, thus, not restricted to the process of imitation alone.
8. *While criminal behaviour is an expression of general needs and value, it is not explained by those general needs and values, since noncriminal behaviour is an expression of the same needs and values:* Thieves generally steal in order to secure money, but likewise, honest labourers work in order to secure money. Here, Sutherland argues that criminal behaviour cannot be explained by the general desire to accumulate property or enhance status among peers because those motives can also lead to noncriminal behaviours. Thus, it will be wise keeping the ideas that only learning through differential association with

definitions favourable and unfavourable to violation of the law can explain criminal behaviour (Adler, 2000 & Conklin, 2004).

Critiques of Differential Association Theory

Differential association theory had been criticized for several reasons. For one thing it is criticized for its stress on the ratio of definitions favourable to violation of law over definitions unfavourable to violation of law. The theory might be mistaken in looking at definition of the law in general, because individuals violate specific laws. Thus, a person might not need to hold an overall unfavourable view of the law before committing a crime, holding unfavourable definitions of one specific law could be enough.

Sutherland examined the learning process by which people become criminals, but it leave the question ‘why people have the association they do?’ unexplained. It does not explain how the associations are distributed throughout the social structure.

The theory also has been criticized for overly simplified view of the way that people choose models for their behaviour. Differential identification theory proposes that the choice of model does not necessarily involve interaction with other in intimate personal groups instead a person pursues criminal behaviours to extend that he identifies himself with real or imaginary persons from whose perspective his criminal behaviour seems acceptable.

Differential association theory might describe how some people initially become involved in crime better than it explains why people continue in a criminal career. The cause may be the direct rewards of crime.

The theory has also been criticized for being too general and imprecise to test easily or to verify fully. Even if the concepts of the theory could be defined in measurable terms, an enormous movement of data would be needed to test the theory.

2.5. Interactionist Perspective on Deviance

Introduction

Those explanations addressed till now, emphasized on the motivation pressures and social forces that are expected to influence his behaviour. Instead, interactionist perspective focuses on the importance of the **interaction between deviant and those who define him as deviant**. The main attention of this perspective is to explain how and why particular groups and individuals are defined as deviant and the effects of such definition upon their future actions.

The interactionist perspective is very much interested in examining the **meanings the various** actors of the social interaction bring to and develop within the interaction situation. Meanings, as to interactionists, are not fixed and clear cut. They are modified and developed in the process of the interaction (Haralambos, 2005). Thus, the definition of deviance is negotiated in the interaction situation by the actors involved. However, all the approaches to deviance so far dealt, with their focus on the idea that the deviant simply reacting to the forces which are external to himself and largely beyond his control, are closer to positivist positions (ibid).

This perspective has been influenced very much by the idea of Charles *Cooley's looking glass-self which examines self as a product of our social interaction with others*; and Herbert Mead's *significant others* and *generalized others*. However, we are not going to discuss these two theories of the self in a detail here. Some important interactionist thinkers whose ideas are going to be treated include.

2.5.1. The Dramatization of Evil - Frank Tannenbaum

Tannenbaum was interested in Herbert Mead's idea upon which he based his concept dramatization of evil. In 1938, Tannenbaum wrote 'Crime and Community'. In this book, he saw that there was a conflict between a delinquent and community. For him, when an act is committed, there exist different definitions of the situation. Tannenbaum explained this idea as:

In the conflict between the young delinquent and the community [,] there develop two opposing definitions of the situation . . . the definition of the situation by the young delinquent may be in the form of play, adventure, excitement, interest, mischief, fun To the community, however, these activities may and do often take on the form of

nuisance, evil, delinquency, with the demand for control, admonition, chastisement, punishment, police court, truant school (Tannenbaum, 1938, cited in Kelly, et.al, 2002: 2004).

This conflict over the situation is one that arises out of a divergence of values – there are different emphases over the situation on behalf of the two. As the problem develops, as to Tannenbaum, the situation gradually becomes redefined. The attitude of the community hardens definitely into a demand for suppression – the community defines the actor only one way, but the juvenile defines in other. Then, ‘there is a gradual shift from the definition of the specific acts as evil to the definition of the individual as evil, so that all his acts come to be called upon with suspicion.’ (ibid: 205).

This boy no more guilty than the other members of his groups, discovers a world of which he knows little For this boy there suddenly appear the police, the patrol wagon, the police station, the other delinquents and criminals found in police lock-ups, the court with all its agencies He is questioned, examined, tested, investigated The boy, no different from the rest of his gang, suddenly become the center of a major drama in which all start of unexpected characters play important role (Kelly, et. al, 2002: 207).

Generally, Tannenbaum’s argument can be summarized as,

- The social audience creates deviance and deviants by so defining the act and actors that way.
- A process of transference takes place, the label is easily transferred from act to actor.
- The label related to the conduct norms and the behaviour but the connection is a very loose one.

Frank Tannenbaum’s theory is not without limitations, though few they are. However, the dramatization of evil, better known as labeling theory, is still alive and very popular today (Davenport, 2004). One major criticism lies in its *simplicity*. This theory is based upon the changes that occur within the labeled individual and how these changes cause the individual to further their criminality. However, Tannenbaum and his successors paid no attention to the

impact of the label. No attention is given to the changes that were actually occurring in the self, how this might be affected by other individual characteristics.

Another criticism sets upon the tradition of subjective observation and definitions. Scientists have always relied on objective definitions so that experiments could be duplicated. For instance, within a subjective tradition, it would be impossible to measure deviance of the rich and the poor using the same guideline. The method is very controversial.

2.5.2. Primary and Secondary Deviation – Edwin Lamert

This is another variety of labeling theory. Lamert emphasizes the importance of societal reaction (the reaction of others to the deviant) in his explanation of deviance. He identified two types of deviations: primary and secondary. Primary deviation comprises of deviant acts before they are publicly labeled.

Lamert said that the important factor in “producing” deviance is societal reaction – the public identification of the deviant and the consequences of this for the individual concerned (Haralambos, 2005). Secondly, deviation is the response of the individual or the group to the societal reaction. Thus, Lamert recommended that studies of deviance should focus on secondary deviation which has major consequences for the individual’s self-concept and status in the community today and in the future.

Subsequently, it has been argued that societal reaction can be seen as the major causes of deviation recede and give away to the central importance of the disapproving, degradational and isolation reaction of society. This implies that social control is a dynamic factor or ‘cause’ of deviance. (Haralambos, 2005) strengthens this idea when he contends that Lamert neatly reverses traditional views of deviance – the blame for deviance lies with the agents of social control rather than with the deviant.

Therefore, according to Lamert, a full-fledged criminal behaviour becomes realized after the individual actors have passed through the following steps:

1. primary deviation,
2. social penalties,

3. secondary deviation,
4. stronger penalties,
5. further deviation with resentment and hostility towards the punishers,
6. the general community stigmatizes as a criminal because tolerance threshold passed, and
7. strengthening of deviant conduct because of these stigmatizing penalties => accept the role of deviant (criminal).

2.5.3. Labeling Theory – Howard S. Becker

Howard S. Becker, a prominent interactionist thinker, has developed the labeling theory of deviance. He argues that “. . . social groups create deviance by making the rules whose infraction constitutes deviance, and by applying those rules to particular people and labeling them as outsiders.” (cited in Adlers, 2000: 78). This idea, as to Becker signifies that deviance is not a quality of the act the person commits, but the consequence of the application of rules and sanctions to an ‘offender’ by others.

Accordingly, Becker defined a deviant as *one to whom the label deviant has successfully been applied*; and deviant behaviour is a behaviour that people so-label (Adlers, 2000). The only thing that these labeled people have in common, according to Becker, is the label as well as the experience of being labeled as an outsider.

Becker also explains that after being labeled deviant, the actor may begin to act in accordance with the expectation associated with his label. This process is known as *self-fulfilling prophecy*, in which the person labeled deviant is cut off from others in appropriate way for the type of deviance; and he or she moves into an organized deviant group (Hamlin, 2001).

Limitations of Labeling Theories

Many scholars have criticized the social labeling theory as:

- ☞ One of the major weaknesses of labeling theory is that it doesn't attempt to explain why people violate social norms for the first time. It doesn't dare to explain the reason for primary deviation (Andagachew, 1990: 224).
- ☞ Labeling theory completely externalizes the responsibility for deviant behaviour leading to the belief that a society without deviance is possible. This appears to be highly romantic view (ibid: 225).
- ☞ The theory leave, the question "How do people overcome the problem of labeling?" unexplained.
- ☞ "Why labeling works for some and not for others?" is not explained.
- ☞ Labeling theories fail to make clear the condition under which labeling will alter self-concepts, restrict opportunities, hurt social relationships and drive deviants into subculture (organized deviant group).
- ☞ The time when a label will be accepted by deviant and when a deviant will reject or disavow a label is not specified by labeling theory.
- ☞ Labeling theorists believed that deviant or criminal behaviors are produced by social institutions established for social control. However, there is little empirical evidences that labeling by the criminal justice system actually increases crime or delinquency.

2.5.4. Deviance and the Institution – Ervin Goffman

In general interactionists view various institutions for the treatment of deviance (the prison, mental hospitals and reform school) as a further set of links in a long chain of interaction which confirm the label of deviance both for the individual so-labeled and for the society as a whole (Haralambos, 2005: 436).

Ervin Goffman examined the treatment of mental patients in institutions. He contends that though the outspoken aim of such institution is to cure and rehabilitate, a close examination of interaction patterns within the institution reveals a very different picture (Kelly, et. al, 2002).

Goffman was very much keen to show how, through a sequence of interaction, pressure is placed upon the inmate to accept the institution's definition of him (ibid). Upon entry, the inmate begins a series of abasements, degradations, humiliations, and profanities of self. His self is systematically mortified. Often his closes, an important symbol of identity are removed.

His possession a further symbol of identity may be taken away and stored for the duration of his stay. He may be washed disinfected and his hair cut. He may be then issued with a new 'identity kit' such as regulation clothes and toilet articles. (Haralambos, 2005: 436).

Such standardized items tend to remove individuality and define the inmate simply as a number of uniform mass (ibid). After the entry phase has been completed, the inmate settles down to an endless round of *mortifying* experience. Everyday is strictly programmed into a set of forcefully done activities directed and controlled by the staff. Throughout his stay, according to Goffman, his actions are assessed by the staff pertaining to the rules and regulations set by the institution. Many of the regulations are degrading. Goffman summarized that,

Therefore, Goffman comes to the conclusion that many social control institutions (treatment institutions) seem to function merely as storage dumps for inmates. Like societal reaction, in general, treatment institutions serve to re-enforce rather than reducing deviance.

Critical Evaluation of Interactionist View of Deviance

The interactionist perspective of deviance has already been criticized by several scholars for several shortcomings. These include the following ones:

1. Interactionists fail to explain the origin of deviant behaviour. For example, labeling theory fails to explain the behaviour of the individual before he was labeled deviant. Moreover, deviant behaviour simply created by the label. For instance, why do certain individuals chew 'Khat' in the first place while others do not?

2. Interactionist idea that *deviants do not have awareness that his action could be seen as deviant until he is stopped in his track by a label* is criticized. However, many deviants are aware that their behaviour is regarded by others as deviants. Thus, they actively make decision to break norms of a society. They are not passive, blinkered creatures, suddenly waked from blissful ignorance as a label is slapped upon them (Haralambos, 2005). Critics furthered their idea that, indeed, many individuals are not only aware of their deviance, but also they are proud of it.
3. Jack Gibbs severely criticized the interactionists tendency to give the impression that members of society do not see behaviour as deviant until it is officially labeled as such. He further argues that the interactionists tend to lose sight of the fact that there are social norms that deviance is a behaviour that breaks them and that members of society perceive reality in terms of such norms. Thus, social norms also have power to label an act as deviant.
4. It is also argued that the interactionists fail to fully explain societal reaction to deviance. For example, in Cicourel's study, why do the police and juvenile officers have particular meanings and definitions of deviance that lead them to label some individuals and not others? Why some activities regarded as deviant in a particular society and not others? This related with the definition of power and the nature of decision making in society that is going to be addressed by conflict theories of deviance under subtopic 2.4.8.

Important Contributions of Interactionist Perspective on Deviance

1. They have shown that the definition of deviance is not a simple process. For example, the legal authorities do not simply arrest, try and punish deviants.
2. They have drawn attention to important consequences which stem from the labeling process.
3. They have also drawn the attention to the fact that deviance results from interacting situations in which differences in power between the participants can have an important effect upon the outcome.

2.6. Conflict Theories of Deviance

Introduction

The basic premises underlying conflict perspective is that the life experience of groups are generally shaped by those who have power over them (Kelly, et. al., 2002). Conflict theorists generally see deviance as a result of conflict between individuals and groups (*wikipedia, the free encyclopedia, 2008*). This conflict, according to conflict theorists, is occurred due to the prevalence of unfair distribution of advantages within a social group. Thus, the social-conflict paradigm links deviance to social inequality.

Here, '*who determines what kind of behaviours is deviant or criminals?*' is a central question which has been answered by different branches of conflict theory (Kendall, 2003). One branch of this school gives much more attention to *power* as the control factor in defining deviance and crime. In other words, people in position of power maintain their advantages by using the law to protect their own interests. Another branch of this school sees the relationship between deviance and a socio-economic system called *capitalism*. Still other branch of the conflict paradigm applies feminist perspective, and focused on the influence of race, class, and gender issues in fabricating of deviance and crime (*ibid*).

2.6.1. Deviance and Power Relation

Most thinkers subscribed here focus on power relations in society. They suggest that deviant is a lifestyle defined as illegal by those political and economic elites. According to this perspective, the law formulated and implemented by the powerful defines and controls two distinct categories of people: deviants/criminals and non-deviants or non-criminals.

For this perspective, norms and laws are established for the benefits of the powerful people and do not reflect any absolute standard of right and wrong. Thus, the activities and behaviours of the poor and lower-income individuals are more likely to be defined as criminal than those people from middle and upper-income backgrounds (Macionis, 1995). Moreover, the criminal justice system is more concentrated on, and is less forgiving of, deviants and criminals behaviours engaging in by people in specific categories; for example, young, single, urban males are more likely to be perceived as members of the dangerous class and received a stricter sentence in criminal courts (Kendall, 2002).

2.6.2. Richard Quinney: The Social Reality of Crime

Richard Quinney believed that a theory that helps people begin to understand the legal order critically is the one he calls the “social reality of crime” (Adlers, 2000). Understanding this theory, helps us to think of crime as it is affected by the dynamics which shape the society’s social, economic and political structures. As to him, everything that makeup crime is very much related to the established legal order. For him, the social reality of crime is constructed on conflict in our society (ibid). The theory of the social reality of crime is formulated as:

- i. **The Official Definition of Crime:** crime as a legal definition of human conduct is created by agents of the dominant class in a politically organized society. Thus, crime, as officially determined, is said to be definition of behaviour that is conferred on some people by those in power. Criminal law is formulated and administered by agents of law, such as legislators, police, prosecutors and judges. “Upon formulation and application of these definitions of crime, persons and behaviours become criminals.” (Quinney, 1965: cited in Adlers, 2000: 65). This first proposition of Quinney’s theory is concentrated on the formulation and administration of criminal law. Hence, Quinney argued that the greater the number of definitions of crime that are formulated and applied, the greater the amount of crime (ibid).
- ii. **Formulating Definition of Crime:** definitions of crime, for Quinney, are composed of behaviours that conflict with interests of the dominant class. In other words, definitions of crime are formulated according to the interests of those who have the power to translate their interests into public policy. Furthermore, Quinney shows that definitions of crime in a society change as the interests of the dominant class changes – those who are able to have their interests represented in public policy regulate the formulation of definition of crime.
- iii. **Applying the Definition of Crime:** Quinney contended that definitions of crime are applied by the class that has the power to shape the enforcement and administration of criminal law. Since class interests cannot be protected solely by formulating criminal law, the formulated law should be enforced and administered.

Therefore, the interests of the powerful also operate where the definitions of crime reach the application stage. Quinney, based upon Vold's idea, explains his view as *"Those whose interests conflict with the ones represented in the law must either change their behaviour or possibly find it defined as criminal."* (Quinney, 1965: cited in Adlers, 2000: 66).

According to Quinney, the degree of the conflict between the behaviours of the powerless and the interests of those in power determines the probability that definition of crime will be applied. Hence, when the interests of the dominant class are threatened by the behaviour of the powerless, law enforcement efforts and judicial activities are more likely to increase, and vice versa. Quinney understands the reality that the criminal law is not applied directly by those in power – its enforcement and administration are delegated to authorize legal agent. The application of definitions of crime is also influenced by the visibility of violations. Similarly, it is also affected by the legal agents' occupational organization and ideology.

iv. How Behaviour Patterns Develop in Relation to Definition of Crime: This proposition states that behaviour patterns are structure in relation to definitions of crime, and within this context people engage in actions that have relative probabilities of being defined as criminal. Various behaviours, as per the idea of Quinney, represent patterns within society. All persons act in reference to normative system learned in relative social and cultural settings. Thus, a behaviour which is defined as criminal is related to the behaviour patterns of the class that formulate and apply the definitions. As a result, Quinney argues that people whose bahaviour patterns are more likely to act in ways that will be defined as criminal than those who formulate and apply the definitions.

The establishment of behaviour pattern with regular trend helped individuals to have a guideline for creating personal action patterns. People, according to Quinney, construct their own patterns of action in participating with others.

Thus, the probability that persons will develop action patterns with a high potential for being defined as criminal depends on:

- ✚ Structured opportunities,
- ✚ Learning experiences,
- ✚ Interpersonal associations and identifications, and
- ✚ Self-concept.

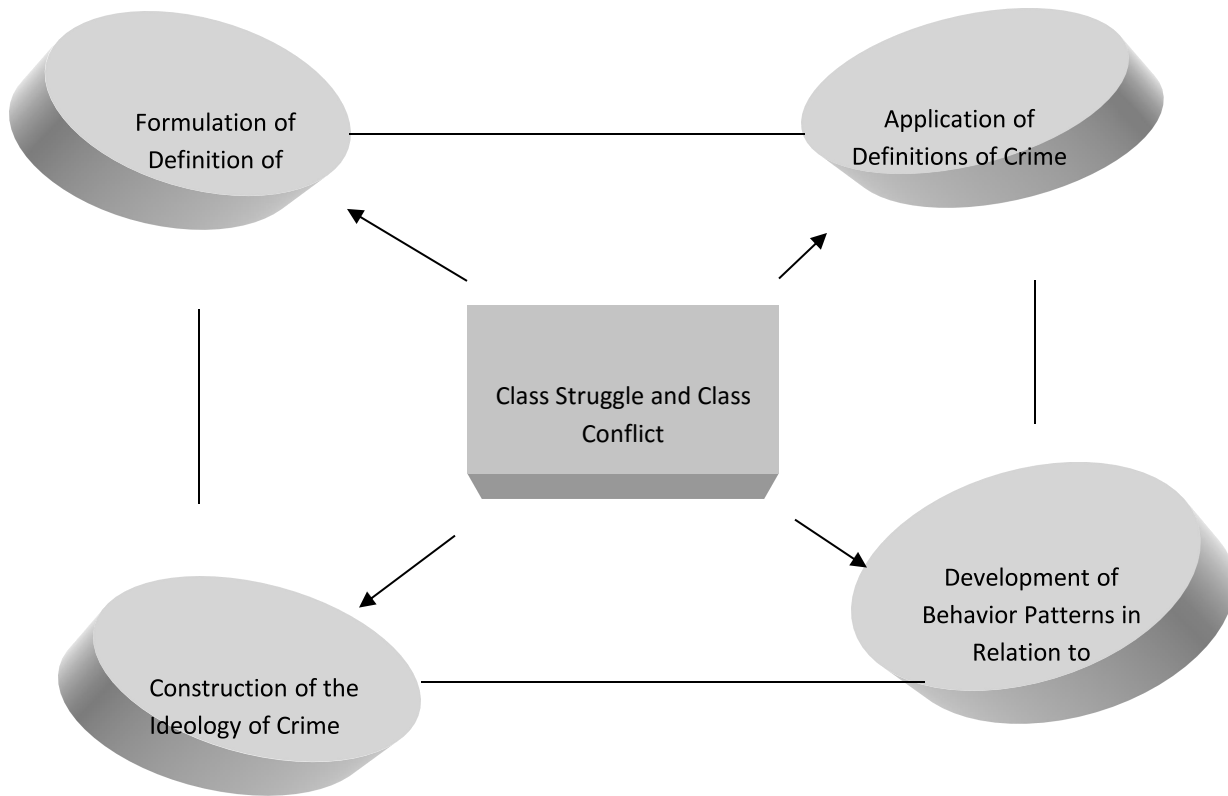
Furthermore, Quinney argues that those who have been defined as criminal begin to conceive of themselves as criminal. “As they adjust to the definitions imposed on them, they learn to play the criminal roles.” (Quinney, 1965: cited in Adlers, 2000: 66). As a result of others’ reactions, therefore, people may develop personal action patterns that increase the likelihood of their being defined as criminal in the future.

v. Constructing the Ideology of Crime: An ideology of crime is constructed and diffused by the dominant class to secure its hegemony over those subordinate groups. People behave in reference to the social meaning they attached to their experiences. Among the conceptions that develop in a society are those relating to what people regard as crime. Images developed about the relevance of crime, the offender’s characteristics, the appropriate reaction to crime, and the relation of crime to the social order. Communication is very important in the construction of the ideology of crime. This ideology is, thus, diffused throughout the society.

Vi. Constructing the Social Reality of Crime: Quinney argues that the social reality of crime, the development of behaviour patterns in relation to these definitions, and the construction of the ideology of crime. In other words, the above five propositions are collected here into a final composition proposition – constructing the social reality of crime.

For a clear understanding of Quinney’s theory please refer to the following diagram that indicates the formulation of the social reality of crime.

Fig 2.2: The Social Reality of Crime Developed by Quinney



Source: Quinney, (1965), cited in Adlers (2000: 69)

According to Quinney (1965), the construction of the social reality of crime is a continuous and sustainable process in a given society, simply because all relevant phenomena contributing to creating definitions of crime, development of behaviour patterns by those involved in criminal behaviour – defining situations and constructing an ideology of crime are also dynamic.

2.6.3. Deviance and Capitalism

A second branch of conflict theory – the Marxist/critical theory – views deviance and crime as a function of a capitalist economic system.

Marx based his critique of capitalism on the inherent conflict that he believed existed between the capitalist (bourgeoisie) and the working class (proletariats). As per Marx's idea, in capitalist societies, the superstructures (institutions like law, politics, education, etc) legitimize the existing class inequalities and maintain the capitalists' superior position in the class structure. Thus, he

saw capitalism as a social system which produces the *haves* and *have-nots*, who engage in different forms of deviance and crime.

2.6.3.1. William Bonger

Bonger, following Marx, viewed crime as a behaviour created by the social structure, like other normal behaviours. He also related control and punishment with power. According to him, the very nature of the capitalism appreciates unequal distribution of resources. Subsequently, it produces two classes: the *Haves* and the *Have-nots*. Laws in capitalism, serve the Haves, regardless of the needs of the Have-nots.

Bonger equated crime with those harms or threats of harm to the powerful segment of the society. These powerful groups are those who acquired unfairly large amount of wealth based on unrestricted competition. This resulted in unevenly distribution of wealth among members of a given society. Competition within the social structure of capitalism, according to Bonger's view, encourages individualism and self-interest.

Consequently, egoistic impulses will develop among individuals of the society. Thus, in order to fulfill these egoistic needs, individuals may commit crimes. This implies that crimes are possibly committed by the rich and the poor. However, crimes committed by the poor are greatly recognized by the criminal justice system, because the justice system works for the good will of the rich.

According to Bonger, the poor mostly commit street crimes for the purpose of survival; they find that they cannot afford the necessities, such as food, clothing, shelter and health care. Therefore, some crimes present a rationale response by the poor to the unequal distribution of resources in a capitalist society – a class society based on capital.

2.6.4. Feminist Theories of Deviance

According to feminist scholars, theories developed to explain male behaviours cannot be used to understand female deviance and crime. “A new interest in women and crime developed in 1975 when two books – Freda Adler's ‘*Sisters in Crime*’ and Rita James Simon's ‘*Women and Crime*’ – declared that women's crime rates were going to increase significantly as a result of the women's liberation movement.” (Kendall, 2003 p: 211). As per to the writer, Alder's and

Simon's works, irrespective of their limitations, encouraged feminist scholars (both women and men) to examine more closely the correlation among gender, violence and crime. Despite the fact that there is no single feminist explanation on deviance and crime, three schools of thought have emerged: the liberal feminist, the radical feminist and the Marxist or socialist feminist theories.

According to the liberal feminist perspective, women's deviance and crime are rational response to the existing general descriptions that women experience in families and the workplaces. For the liberalist theories lower-income and minority women typically have fewer opportunities or advantages. Kendall (2003) explains ". . . lower-income and minority women typically have fewer opportunities not only for education and good jobs but also for 'high-end' criminal endeavours." (ibid: 211). As to Daly and Chesney-Lind (1988), a woman is more likely to be a big-time drug dealers or an organized crime boss than she is to be a corporate director.

Radical feminists, contrary to liberal feminists, believe that the cause of women's crime to ongoing male domination over female. Patriarchy is the main cause for female criminality. This perspective concentrates on social factors that mold women's lives and experience and indicates how explanations may trigger deviant behaviours and criminal activities. Theorists, under this school, further argued that even though state laws usually considers both female prostitute and the male customer as violating the law; in most states the woman is far more likely than the man to be arrested, brought to trial, convicted and sentenced (Kendall, 2003).

Marxist feminists, on their behalves, analysed female deviation based on the assumption that *women are exploited by both capitalism and patriarchy*. Thus, they linked women's criminality with gender conflict created by the economic and social struggles in modern societies. They further argued that prostitution is a *female sexual slavery* in a capitalist society. According to some socialist feminists, men control women biologically and economically just as members of the capitalist class control the labours of the working class.

However, it is not deniable that these are the only explanations for female deviance. Several others have tried to study female deviance on the basis of class position and family function. John Hagan was the prominent scholar in this respect. Hagan attempted to explain differential rates of deviance related to gender and social class.

2.6.5. Hagan's Power-Control Theory

Hagan's view is that crime and delinquency rates are a function of two factors: class position (power) and family function (control). The link between these two variables is that within the family, parents reproduce the power relationship they hold in the workplace (Seigel, 1983).

According to Hagan, parents' class position, as defined through their work experiences, influences the delinquent behaviour of their children. When fathers occupy the traditional role of sole breadwinner and mother have only menial jobs or remain at home to handle domestic affairs, the paternalistic or patriarchal family is indicated. Here, the fathers' experience of control over others or being controlled is reproduced in the household. His focus is directly outwards his instrumental responsibilities while the mother is left in charge of the children, especially their daughters. Sons are granted greater freedom as they are prepared for the traditional male role symbolized by their fathers. Daughters are socialized into the cult of domesticity under the close supervision of their mothers, preparing them for lives oriented towards domestic labour and consumption; while sons are encouraged and allowed to *experiment* and take risks. Daughters, in this scenario, are closely monitored so that participation in deviant or delinquent activity is unlikely.

Hagan's theory has been criticized as being basically a fair straight forward adaptation of the liberation hypothesis, *as females experience upward mobility and status change, their access to deviant and illicit behaviour expand*. However, critics argued that a better explanation of female deviance, especially their lower rates of participation, would focus on nurturing relationship developed during socialization, leading them toward a more prosocial behaviour. Female deviance becomes a product of the *sexual scripts* within patriarchal families that make it more likely for them to become the victims of both sexual and physical abuses. If they run away, the juvenile court support parental rights and returns them to the home, persistent violations lead to incarceration and future trouble as official delinquents/deviants or live on the street where survival depends on involvement in crime.

Limitations of Conflict Theories

Marxist conflict theorists saw the society of modern world as characterized by the persistence of conflicting interest over economy. But, critics argued that not all conflicts represent economic or social class interests.

Socialist (Marxist) conflict theorists have also been criticized for their failure to see the reality that crime continues to exist in the so-called socialist societies, too. Studies show that there is a similarity between socialist and capitalist societies in terms of the workings of the legal system: arrest and imprisonment as solutions to the crime problems.

Several critics of feminist approaches of deviance saw these schools as they have neglected the centrality of race and ethnicity and focus on the problems and perspectives of women who are white, middle and upper income, and heterosexual without taking into account the views of women of colours, lesbians, and women with disabilities.

Social conflict theorists assume that laws and other cultural norms are created directly by the rich and the powerful. This is an oversimplification since many segments of our society influence, and benefits from, the political progress. Laws also protect workers, consumers and the environment, sometimes in opposition to the interest of capitalists (Macionis, 1995).

CHAPTER THREE

Forms of Deviance

Introduction

In starting to look more closely at the concept of deviance, it tends to be assumed that "deviant behaviour" is somehow always behaviour that is generally frowned upon by people in a society (the very name seems to imply that such behaviour is, at best, "not very nice" and, at worst, downright criminal). That this is not necessarily the case can be shown by looking briefly at the way in which we can categorize various basic forms of rule-breaking behaviour in terms of three basic ideas:

1. Admired behavior

An example of deviance that might be considered as "good" or "admirable" behaviour (whilst also breaking social norms) might be something like heroism - the saving of the life of another. e.g altruism

2. Odd behaviors

Many forms of behaviour - whilst not being criminal - are frequently considered to be somehow "odd" or "different" to normal behavior. These forms of deviance range from such things as outlandish modes of dress, through mildly eccentric forms of behavior (the person who shares their house with 10 cats, for example), to outright madness.

3. Bad behavior

Deviant behaviour in this category tends to be restricted to law-breaking or criminal behaviour - behaviour that in some way is seen as being something more than simply outlandish or eccentric. Depending upon the time and place, forms of behaviour in this category might include crimes of violence, crimes against property and so forth.

As we have noted, the above represent very broad categories of deviant behavior, and it's not uncommon for behavior to cut-across these various categories behavior that is considered both "odd" and "bad".

The other forms of deviance was developed by Howard S. Becker, a labeling theorist, touched basis with different types of deviant behaviors. There are four different types of deviant behaviors falling into different categories. One **of the four is falsely** accusing an individual

which falls under others perceiving you to be obtaining obedient or deviant behaviors. **Pure deviance**, which falls under perceiving one to participate in deviant and rule-breaking behavior, is also apart of the four types of deviant behaviors listed above. **Conforming**, which falls under not being perceived as deviant, but merely participating in the social norms that are distributed within societies, can also be placed into the category with pure deviance and falsely accused. Lastly is **secret deviance** which is when the individual is not perceived as deviant or participating in any rule-breaking behaviors.

Another categories of deviance was given by, Sociologist John Hagan (1994) usefully classifies various types of deviance and crime along three dimensions. The first dimension is the *severity of the social response*. At one extreme, homicide and other very serious forms of deviance result in the most severe negative reactions, such as life imprisonment or capital punishment. At the other end of the spectrum, slight deviations from a norm, such as wearing a nose ring, will cause some people to do little more than express mild disapproval. The second dimension of deviance and crime is the *perceived harmfulness* of the deviant or criminal act. Some deviant acts, such as rape, are generally seen as very harmful, whereas others, such as tattooing, are commonly regarded as being of little consequence. Note that actual harmfulness is not the only issue here. *Perceived* harmfulness is. The third characteristic of deviance is the *degree of public agreement* about whether an act should be considered deviant. Hagan's analysis allows us to classify four types of deviance and crime:

1. **Social diversions** are minor acts of deviance such as participating in fads and fashions. People usually perceive such acts as harmless. At most they evoke a mild societal reaction such as amusement or disdain, because many people are apathetic or unclear about whether social diversions are in fact deviant.
2. **Social deviations** are more serious acts. Large proportions of people agree that these acts are deviant and somewhat harmful, and they usually are subject to institutional sanction.
3. **Conflict crimes** are deviant acts that the state defines as illegal, but the definition is controversial in the wider society.

4. Finally, **consensus crimes** are widely recognized to be bad in themselves. There is little controversy over their seriousness. The great majority of people agree that such crimes should be met with severe punishment

3.2. Crime

Crime is a violation of criminal law for which some governmental authority applies formal penalties. It represents a deviation from formal social norms administered by the state. And like deviance in general, what is considered a crime varies by time and place. Laws divide crimes into various categories, depending on the severity of the offence, the age of the offender, the potential punishment that can be levied, and the court that holds jurisdiction over the case. Crimes tend to affect some groups more than others; for example, their impact can be gender-specific and age specific for example girls make up the vast majority of victims of sexual assault , criminal harassment , kidnapping or abduction .

3.2.1. Types of Crime

Rather than relying solely on legal categories, sociologists classify crimes in terms of how they are committed and how society views the offenses. In this section, we will examine four types of crime as differentiated by sociologists: professional crime, organized crime, white-collar crime, and “victimless crimes.”

A. Professional Crime

Although the adage “crime doesn’t pay” is familiar, many people do make a career of illegal activities. A **professional criminal** is a person who pursues crime as a day-to-day occupation, developing skilled techniques and enjoying a certain degree of status among other criminals.

Some professional criminals specialize in burglary, safe-cracking, hijacking of cargo, pickpocketing, and shoplifting. Such people have acquired skills that reduce the likelihood of arrest, conviction, and imprisonment. As a result, they may have long careers in their chosen “professions.” Edwin Sutherland (1937) offered pioneering insights into the behaviour of professional criminals by publishing an annotated account written by a professional thief. Unlike the person who engages in crime only once or twice, professional thieves make a business of

stealing. They devote their entire working time to planning and executing crimes and sometimes travel across the nation to pursue their “professional duties.” Like people in regular occupations, professional thieves consult with their colleagues concerning the demands of work, thus becoming part of a subculture of similarly occupied individuals. They exchange information on possible places to burglarize, on outlets for unloading stolen goods, and on ways of securing bail bonds if arrested.

B. Organized Crime

Organized crime to be the work of a group that regulates relations between various criminal enterprises involved in the smuggling and sale of drugs, prostitution, gambling, and other illegal activities. Organized crime dominates the world of illegal business just as large corporations dominate the conventional business world. It allocates territory, sets prices for goods and services, and acts as an arbitrator in internal disputes. Organized crime is a secret, conspiratorial activity that generally evades law enforcement. Organized crime takes over legitimate businesses, gains influence over labour unions, corrupts public officials, intimidates witnesses in criminal trials, and even “taxes” merchants in exchange for “protection”. There has always been a global element in organized crime. But recently law enforcement officials and policymakers have acknowledged the emergence of a new form of organized crime that takes advantage of advances in electronic communications. *Transnational* organized crime includes drug and arms smuggling, money laundering, and trafficking in illegal immigrants and stolen goods, such as automobiles.

C. White-collar crime

It refers to illegal acts “committed by a person of respectability and high social status in the course of his [or her] occupation” (Sutherland, 1949: 9). Such crimes include embezzlement, false advertising, tax evasion, insider stock trading, fraud, unfair labor practices, copyright infringement, and conspiracy to fix prices and restrain trade. Sociologists often contrast white-collar crimes with **street crimes**. The latter crimes include arson, burglary, robbery, assault, and other illegal acts. Street crimes are committed disproportionately by people from lower classes, whereas white-collar crime is committed disproportionately by people from middle and upper classes. White-collar crime is underreported.

D. Victimless crimes

White-collar or street crimes endanger people's economic or personal well-being against their will (or without their direct knowledge). By contrast, sociologists use the term *victimless crimes* to describe the willing exchange among adults of widely desired, but illegal, goods and services (Schur 1965, 1985). While the term *victimless crime* is widely used, many people object to the notion that there is no victim other than the offender in such crimes. Numerous social thinkers have forwarded their own understanding about what really victimless crimes are. Senna and Seigel (2001) defined victimless crime as an act that is in violation of society's moral code and therefore has been outlawed. Some of the victimless crimes such as drug abuse, gambling and prostitution are interdependent and interlinked because, although they have not external victims, they are considered harmful to the social fabric of the society in which they appear.

The term "crimes without victims" was first coined by Edwin Schur in 1965. His focus was on *drug addiction, homosexuality and abortion*. But, in present-day world it includes prostitutions, sexual deviance (gayism and lesbianism), drug abuse and dealing, alcoholism, gambling, vagrancy and so on (Conklin, 2004).

Because no one complains to the police about being victimized, making arrest and prosecuting the culprit are difficult. Usually crimes have identifiable victims who suffer from the criminal behaviour. **But, in victimless crimes, only the offenders themselves are likely to suffer all round** (ibid). Similarly, Andargachew (1990) argued that some forms of crimes such as prostitution, drug abuse gambling, homosexuality, drunkenness and disorderly conduct and vagrancy are victimless crimes since they are group of offences. Here, there is no one is injured with a possible exception of those persons involved in these acts.

There are arguments and counter arguments whether victimless crimes should be labeled victimless or not. In other words, social thinkers have been debating over the criminalization and decriminalization of victimless crimes. Some activists are moving heaven and earth so as to decriminalize many of those illegal practices categorized under victimless crimes. They argued that these activities should be taken out of the statute books because the prosecution of victimless

crimes is the invasion of **individual rights by the state**. This is so due to the fact that what governments consider vices are always determined by the powerful segment of the society (Andargachew, 1990). This point of view reminds us of the important insights of labeling and conflict theories presented under chapter two. These two theories have given much consideration on addressing on two basic questions: (1) Who has the power to define behaviour as crime? And (2) who has the power to label such behaviours as victimless?

The critics of idea of decriminalization of victimless crimes, on the other hand, strongly argue that society should not give tacit approval to conduct such as prostitution, pornography and so on, because they reinforce several misconceptions, for example, prostitution and pornography have a misconception that women are “toys” who can be treated as objects rather than people (Schaefer, 2003). Thus, these and other similar activities must be included in a criminal code of a given country. For example, homosexuality endangers the natural fabric of the whole society. It always stands against one of the basic social institutions – the family for human survival – and its primary function of reproduction.

However persistent the disagreement upon the decriminalization of victimless crimes, nearly all the social scientists seem to convince themselves to the idea that the current severities caused by these acts should be alleviated.

Therefore, the debate on the decriminalization of victimless crime is concerned with the question **“Can we impose morality through legislation?”** and this has something to do with the difference of norms and values of people across the world. Thus, we have found that it is important to see victimless crimes such as drug abuse, homosexuality, prostitution, alcoholism, and gambling. Those actions highly determined by social factors for the occurrence and differences of such acts across different culture (Williams, 2004).

CHAPTER FOUR

Deviance and Control

Mechanisms of Social Control

Introduction

All societies have ways to promote order, stability, and predictability in social life. In its general sense, *social control* refers to **the regulation of human behaviour**. Hence, the sources of social control are often located within the individuals. However, macro sociological conception of social control derived from thinkers, such as Durkheim; refer to the ability of societies and **communities to realize common values** (Sampson, 1986). Criminological investigations of macro level social control usually concern *legal controls, including official actions and sanctions such as arrest and imprisonment* (ibid). **Both the formal and informal social controlling mechanisms, thus, emanate out of the societal cultural norms and value**. Social controlling mechanisms are very much important part of a society which contributes for the survival of a harmonious society. The term *social control* according to Schaefer (2003), refers to the **techniques and strategies for preventing deviant and criminal human behavior in any society**. They occur in all levels of a society. In the family, we are socialized to obey our parents and elder people simply because they are our parents and older than us. The writer has put the way and where we are socialized within our respective society in the following manner:

Peer groups introduce us to informal norms such as dress codes, which govern the behaviour of members. Colleges establish standards they expect of their students. In bureaucratic organizations, workers encounter a formal system of rules and regulations. Finally the government of every society legislates and enforces social norms (ibid: 183).

Most of us respect and accept social norms and assume that others will do the same. Even without thinking, we obey the instructions of police officer, follow the day-to-day rules at our jobs. Such behaviours reflect an effective process of socialization the dominant standards of a culture. At the same time, we are well-aware that individuals, groups and institutions *expect* us to act “properly”. **This expectation carries with it sanctions, penalties and rewards for conduct concerning social norm**. If we fail to live up to the norms, we may face punishments through

informal sanctions such as *fear and ridicule*, or formal sanctions such as *jail sentences or fines* (*ibid*).

Functionalists contend that people must respect social norms if any group or society is to survive. In their view, societies literally could not function if massive number of people defied standards of appropriate conducts. **By contrast, conflict theorists maintain that “successful functioning” of a society will consistently benefit the powerful and work to the disadvantage of other groups.** They point out, for example, that widespread resistance to social norms was necessary to overrun the institution of slavery. For example for Africa to get independence from [colonizers], to secure civil rights, to allow women to vote (Kendall 2003).

Techniques for social control operate on both the group level and the social level. People we think as peers or equals influence us to act in particular ways; the same is true of people who hold authority over us or occupy awe-inspiring positions. There are two concepts related with two conditions. These are *conformity* and *obedience*.

Conformity is defined as going along peers – individual of our own status, who have no special right to direct our behaviour. By contrast, obedience /respect is defined as compliance with higher authorities in the hierarchical structure.

4.2. Informal Social Control

Our behaviour is mostly shaped by our relationship with people around us. The peers, friends, families, neighbouring people, co-workers, kinship and so on are very much influential in curving our tendency towards some forms of deviant and/or criminal acts. Conklin (2004) **claims that informal social controls are more effective in crime control than formal ones.** Let us see how he expressed:

Because only 1 to 2 percent of all serious crimes are reported to the police and leads to arrest, conviction, and imprisonment, the formal sanction of the criminal justice system are probably less important than informal sanctions such as group censure, and bystander intervention in controlling criminals (P: 319).

Like their formal counterpart, informal controls exist to reward or punish people for acceptable/unacceptable behaviour (what sociologists call deviance). Informal controls cover a vast array of possible sanctions and tend to differ from individual to individual, group to group and society to society. Informal controls apply to informal norms of behaviour and they include things like **ridicule, shame, sarcasm, disapproving looks**, punching people in the face and so forth. In extreme cases sanctions may include social **discrimination and exclusion**. This implied social control usually has more effect on individuals because they become internalized and, thus, an aspect of personality.

As with formal controls, informal controls reward or punish acceptable or unacceptable behaviour (i.e., deviance). Informal controls are varied and differ from individual to individual, group to group and society to society. For example, at a Women's Institute gathering a disapproving look may be enough to tell you that people think it is not appropriate to flirt with the vicar. Amongst members of a criminal gang, however, it is unlikely that a disapproving look would be used as a means of informal social control should you tell them you intend to inform on their activities to the police (Wikipedia, the free encyclopedia).

The sanction used to encourage conformity and obedience – and to discourage violation of social norms – are carried out through informal social control. People will seriously sanction us if we found guilty of violating social norms. They may disapprove, ridicule, marginalize, or discriminate us in a group. Some members will frown on us. As the term implies, people use informal social control casually to enforce norms. Example of informal social control, as to Schaefer, includes smiles, laughter, raising an eyebrow, and ridicule (Kendall, 2003).

Now, you can recall **Emile Durkheim's** analysis on types of societies in terms of **mechanical** and **organic** solidarities. Traditional societies are organized by more intimate relationships and more social integration than are modern industrialized societies. In primitive and other traditional societies, primary groups such as the family and the peer groups are relatively stronger than they are in complex societies. These simple societies are held together by a unity based on shared values and norms and on similarity of functions performed by every member of a society. Children in these societies are socialized to the shared values and norms through a face-to-face

contact. This learning process is responsible for the prevalence of the collective conscience across generations.

Thus, informal social control mechanisms of deviance and crime are become most effective if and only if a face-to-face interaction is common and the surveillance of behaviour is possible. These conditions are very common among those traditional societies and rural areas. The importance of informal social controls is less available in larger urban area than smaller ones.

4.3. Formal Social Control Mechanisms

While informal social controls are conducted by the any member of the society or by a group of people in the social structure, formal social controls, conversely, are carried out by concerned agents of the government such as police officers, physicians, school administrators, employers, military officers, and managers of different organizations. It can serve as a last resort when socializations and informal sanctions do not bring about desired behaviour. An increasing means of formal social control in Ethiopia is to imprison people who are found being culprits (Macionis, 1995).

Therefore, formal social control is always expressed through law as statutes, rules, and regulations against deviant behavior. It is conducted by government and organizations using law enforcement mechanisms and other formal sanctions such as fines and imprisonment. In democratic societies the goals and mechanisms of formal social control are determined through legislation by elected representatives and thus enjoy a measure of support from the population and voluntary compliance.

Control, under formal social control, is based around the idea of formal, legal, norms (or laws) of behaviour. That is, rules of behaviour that are written down and, in societies such as our own, that apply equally to everyone (not all societies apply formal rules equally). Where laws are involved, it is usual to find a group of people, normally employed by the government, whose job is to enforce the law. In our society, for example, the main agency of formal social control is the police and the judiciary (courts), although the armed forces can, on occasions, be used to perform this role.

Not all formal **norms** are **laws**, however. When you are accepted into an organization (such as a school or college for example), you agree to abide by the formal rules governing behaviour in this institution. In this example, if you do not attend classes then you will be punished in some way.

In general terms, formal rules and social controls exist to tell everyone within a society or social group what is and is not acceptable in terms of behaviour. Such formal controls usually exist where a group is very large and its members are not in day-to-day contact with each other.

Prisons and remand homes are the most common forms of social controlling mechanisms in most contemporary societies. In modern time, the influence of informal social controls becomes low. The action of members of the society is not open to face-to-face contacting of people. Although face-to-face contact of the people in modern time is very high, it is *superficial and shallow*. Interaction is based on a functional interdependence. People are dependent one another, but this dependency is not based on emotional and deep feeling of sense of belongingness. Rather it is done on the basis of a rational calculation of cost and benefit of the interaction (Zander, 1990).

Therefore, in the absence of informal social controls, formal social controls become very necessary. That is why modern societies have several forms of formal organizations working as social control mechanisms of a society. For example, in our country, the police, the courts, and the military are the most commonly employed formal social control organizations and institutions.

4.3.1. History of Formal Social Control in Ethiopia

Under this topic, the legal system and the prisons of the country have been dealt with. First, let's begin with the legal system of the country.

A. The legal system

Although Ethiopians have long depended on written laws, the criminal legal system observed at the time of the 1974 revolution was of relatively recent origin. The first integrated legal code, the Fetha Nagast (Law of Kings), was translated from Arabic in the mid-fifteenth century.

Attributed to a thirteenth-century Egyptian Coptic scholar, it was inspired by the Pentateuch (the first five books of the Old Testament), the New Testament, canons of the Christians' early church councils, Roman civil law, and tenets of Quranic law.

The Fetha Nagast and customary laws remained the basis of criminal judicial procedure until 1930, when Haile Selassie introduced a penal code, which, although primitive in its application, strove for modernity in its articulation. Unlike the old system, the 1930 penal code set down specific punishments for precisely defined offenses. It was a legal principle that a person who performed an act not prohibited by law committed no crime; nor was acts of omission punishable by law. The code made distinctions among preparatory acts, attempted crimes, and completed offenses. Preparation in itself was not considered criminal, nor was unsuccessful attempts, especially ones in which commission of the offense was judged to be "absolutely impossible." Courts did not inflict punishment if the accused acted out of superstition or "simplicity of mind."

The penal code was strong on retribution, but the courts determined penalties according to the degree of individual guilt. In addition, the courts took into consideration an offender's background, education, and motives, as well as the offense's gravity and the circumstances of its commission

In 1958 a Swiss legal expert drafted a revised penal code to meet the needs of a developing nation. A 1961 criminal procedures code, drafted by a British jurist, augmented the 1930 penal code. The former was based on the Swiss penal code and many secondary sources; the latter reflected the influence of English common law.

Following the 1974 revolution, a normal legal process theoretically was in effect for dealing with criminal offenses. Existing parallel to it was a "revolutionary" system of neighborhood justice. In practice, it was impossible to distinguish between criminal acts and political offenses according to the definitions adopted in post-1974 revisions of the penal code.

A November 1974 decree introduced martial law, which set up a system of military tribunals empowered to impose the death penalty or long prison terms for a wide range of political offenses..

In July 1976, the government amended the penal code to institute the death penalty for "antirevolutionary activities" and economic crimes. The 1976 revision of the penal code also created new categories of so-called economic crimes. The list included hoarding, overcharging, and interfering with the distribution of consumer commodities. More serious offenses concerned engaging in sabotage at the work place or of agricultural production, conspiring to confuse work force members, and destroying vehicles and public property. Security sections of the Revolutionary Operations Coordinating Committee investigated economic crimes at the awraja level and enforced land reform provisions through the peasant associations. These committees were empowered to indict suspects and hold them for trial before local tribunals. Penalties could entail confiscation of property, a long prison term, or a death sentence.

In 1981 the Amended Special Penal Code replaced the Special Penal Code. This amended code included offenses against the government and the head of state, such as crimes against the state's independence and territorial integrity, armed uprising, and commission of "counterrevolutionary" acts (these provisions also were in the earlier Special Penal Code); breach of trust by public officials and economic offenses, including grain hoarding, illegal currency transactions, and corruption; and abuse of authority, including "improper or brutal" treatment of a prisoner, unlawful detention of a prisoner, and creating or failing to control famine.

The Amended Special Penal Code also abolished the Special Military Courts and created new Special Courts to try offenses under the Amended Special Penal Code. Special Courts consisted of three civilian judges and applied the existing criminal and civil procedure codes. Defendants had the right to legal representation and to appeal to a Special Appeal Court.

B. Prisons

Detailed information on Ethiopia's prison system was limited. Only generalized data were available on prison installations.

Although the imperial regime achieved some progress in the field of prison reform, most prisons failed to adopt modern penological methods. Government-published figures on prison populations since 1974 were considered incomplete and misleading. Amnesty International, the

London-based human rights organization, and a few individuals who survived detention and escaped from the country have described prison conditions in a critical light.

The administrator of prisons managed the national penal system. Each administrative unit--including kifle hager (region), awraja (subregion), and wereda (district)--had at least one prison. Addis Ababa's Akaki (or Central) Prison, considered Ethiopia's most modern penal facility in 1974, was the central prison for Shewa. Akaki had separate facilities for female political prisoners.

In 1978 the government proposed a plan for deploying large numbers of inmates imprisoned for minor offenses to work on minimum-security state farms as part of the agricultural development plan. A single institution oversaw the rehabilitation of male juvenile criminal offenders. There was no comparable facility for female juvenile offenders, who usually were placed in the custody of their parents or guardians. In exceptional pre-1974 cases, the authorities jailed juveniles in larger prisons. After the emergence of the Marxist regime, a large but unspecified number of youthful political detainees of both genders were held in prisons and association jails. Many were released after a period of "political rehabilitation."

Historically, prison life in Ethiopia was gloomy and for political prisoners extremely brutal. The so-called process of rehabilitation often consisted of severe beatings, exhausting work and calisthenics, and political indoctrination. A public confession normally was proof of rehabilitation; in some cases, a political detainee's willingness to torture fellow prisoners was regarded as an indication of his penitence. Recreational facilities were rare, and no program existed to assist prisoners after their release. Punishment was the major concern of prison officials.

4.3.2. Functions of Formal Punishments and Prisons

Punishment of people who violated the criminal and other written laws of the nation has immense functions within a given society. Offenders may either be sent to the jail or punished with other forms of punishments. Different countries can have different goals of stating different

types of punishments. There are several points of view regarding criminal control. Crime control perspectives include the following types:

- Rehabilitation perspective,
- Nonintervention perspective,
- Justice perspective,
- Retrospective justice perspective, and
- Due process perspective.

According to Senna and Seigel (2001), a **rehabilitation** perspective is a model of criminal justice that views its primary purpose as helping to care for people who cannot manage themselves. In this perspective, crime is seen as a manifestation of frustration and danger created by social inequality that can be controlled by giving people the means to improve their lifestyle through conventional endeavours. In countries that are governing by a rehabilitation perspective, the function of punishment is to rehabilitate criminals or to restoring criminals to a law-abiding way of life through treatment. More specifically, “rehabilitation is the result of any planned intervention focused on the offender that reduces criminal behaviour, whether that reduction is achieved by changes in personality, abilities, attitudes, values and behaviours.” (Conklin, 2004: 397).

A justice philosophy called **nonintervention** perspective emphasizes the least intrusive treatment possible (Senna and Seigel, 2001). Its central policies are division and decriminalization. In other words, as per the idea of writer, less is better while the justice perspective centers on the belief that all people should receive the same **treatment under the law**. Thus, the purpose of punishment, here, is to make the law **just** and **fair**.

Retrospective justice perspective is a view that advocates peaceful solutions and mediation rather than coercive punishment. Whereas the due process perspective argues that the greatest concern of the justice system should be providing **fair and equitable treatment of those accused of crime (ibid)**.

Based upon the above angles of looking at, punishment, as one of the crime controlling mechanisms can have such functions as general deterrence, incapacitation, specific deterrence, retribution, rehabilitation and restitution.

A crime control policy that depends on the fear of criminal penalty is called **general deterrence**. It measures such as long prison sentences for violent crimes, are aimed at convincing the potential law violators that the pain associated with crime outweigh its benefits.

Incapacitation is the policy of keeping dangerous criminals in confinement to eliminate the risk of repeating their offense in society whilst *specific deterrence* suggests that punishment should be severe enough to convince convicted offenders never to repeat their crime activity.

Retribution, also known as *just desert*, states that the purpose of criminal process is to punish deserving offenders. In other words offenders are punished simply and solely because they deserve to be disciplined for what they have done – the punishment should fit the crime (Senna & Seigel, 2001; and Conklin, 2004).

The **rehabilitation** policy of crime control focuses of the view that it may be fairer to offer offenders an opportunity for rehabilitation rather than harsh criminal punishment whereas restitution or equity policy claims that sanctions based on equity seek to compensate individual victims and the general society for their losses due to crime. Here, a convicted criminal must pay back their victims for their loss (ibid).

4.3.3. The Juvenile Justice System

Senna and Seigel (2001) reported that a juvenile justice system is the system of agencies and organization that deal with *youths who commit acts of juvenile delinquency* (crime under a given age) and acts of noncriminal behaviours (truancy and incorrigibility). It is a system that particularly concerned with addressing those deviant and criminal acts committed by young offenders and deviants who cannot be treated in the justice system established for the treatment of adult offenders.

The modern practice of legally separating adult and juvenile offenders can be traced to two developments in English custom and law: the development of *poor laws* and the *Chancery*

courts. Both were designed to allow the state to take control of the lives of the needy but not necessarily criminal children. They set the precedent for the later American development (Senna and Seigel, 2001: 469).

A person defined by a statute as juveniles and alleged to be delinquent or status offenders will most probably be taken to the court called *juvenile court* which has original jurisdiction over the treatment of offenses committed by the juvenile delinquents. Conklin (2004) has presented this issue as follows:

People who violate the law but who are not legally adults – defined as those below the age of eighteen, in many states – can be taken to juvenile court, an institution that is about a century old, and be “adjudged delinquent” rather than convicted of a crime. These delinquents might have committed an act that would be a crime if done by an adult. The designation juvenile delinquent is also applied to those who commit status offenses, acts such as underage drinking, running away from home, or truancy, which are violation only because those who engage in them are below the age of majority (ibid:5).

4.3.4. Similarities and Differences between Juvenile and Adult Justice System

The following points on the similarities and differences of juvenile and adult justice system have been directly taken from the works of Senna and Seigel (2001:477).

A. Similarities

- ☞ Police officers, judges and correctional personnel used discretion in decision making in both the adult and the juvenile systems;
- ☞ The right to receive Miranda warnings applies to juveniles as well as to adults;
- ☞ Juveniles and adults are protected from prejudicial lineup or other identification procedures;
- ☞ Similar procedural safeguards protect juveniles and adults when they make an admission of guilt;
- ☞ Prosecution and defense attorneys play equal critical roles in juvenile and adult advocacy;
- ☞ Both juveniles and adults have the rights to counsel at most key stages of the court process;
- ☞ Pretrial motions are available in juvenile and criminal court proceedings;
- ☞ Negotiation and plea bargaining exist for both juvenile and adult offenders;
- ☞ Juveniles and adults have the right to hearing and appealing;

- ☞ The standard of evidence in juvenile delinquency adjudications as in adult criminal trials, is proof beyond a reasonable doubt;
- ☞ Juveniles and adults can be placed on probation by the court;
- ☞ Both juveniles and adults can be placed in pretrial detention facilities; juveniles and adults can be kept in detention without bail if they are considered dangerous; and
- ☞ After trial both can be placed in community treatment programmes.

B. Differences

- ☞ The primary purpose of juvenile procedures is protection and treatment, but with adults, the aim is to punish the guilt;
- ☞ Age determines the jurisdiction of the juvenile court while the nature of the offense determines the jurisdiction in adult system;
- ☞ Juvenile can be apprehended for acts that would not be criminal if they were committed by adult (status offense);
- ☞ Juvenile proceedings are not considered criminals; adult proceedings are;
- ☞ Juvenile court procedures are generally informal and private. Those of adult courts are more formal and are open to the public;
- ☞ Courts cannot release identifying information about the juvenile to the press, but they must release information about an adult;
- ☞ Parents are highly involved in the juvenile process but not in adult process;
- ☞ The standard of arrest is more stringent for adults than for juveniles;
- ☞ Juveniles are released into parental custody. Adults are generally given the opportunity for bail;
- ☞ Juveniles have no constitutional right to a jury trial. Adults have this right;
- ☞ Juveniles can be searched in without probable cause or warrant;
- ☞ A juvenile's record is generally sealed when the age of majority is reached. The record of an adult is permanent; and
- ☞ A juvenile court cannot sentence juveniles to country jails or state prisons; these are reserved for adults.