

THE FAILURE OF ARBITRATORS

(On the attempts of reconciliation between
normative and interpretive approaches)

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The purpose of this paper is to review the attempts of reconciliation between the two perspectives in the studies of deviance, namely the normative perspective on the one hand and the interpretive perspective on the other. The present confusion and anomaly in the theories as well as methodologies in the studies of deviance seem to arise from two facts. First, the implications of those two approaches are understood at the most rudimentary level. Secondly, few students of deviance pay due attention to Kitsuse and Cicourel's proposal.

In 1967, Bordua wrote a review article on deviance studies and stated that there are essentially two schools in the sociology of deviance. One is West Coast School and the other is East Coast School. He characterized the former as "the friends of underdogs," and the latter as "the friends of overdogs." His argument was that West Coast School people focus their attention upon "societal reaction" and study deviance from the perspective of the deviants, whereas East Coast School people study deviance from the view-point of the official agencies with the intention of controlling it. This simplistic caricature-like overview is not only gross, but also misleading. It misses the major issues involved and gives a false impression that we might be able to come up with a more neutral and value-free theory of deviance by combining those two perspectives together.

(1) Bordua, David J.; "Recent trends : deviant behavior and social control" *Annals of the American Academy of Political and Social Science*, 369 (January, 1967) pp. 149-163.

Indeed, a number of attempts have been made to reconcile between the two perspectives. Those sociologists and criminologists who have tried to put both perspectives together into one theory typically set their goal as the explanation of *both* deviant behavior and social definition of deviant behavior. George Vold, who is a criminologist, states:

There is, therefore, always a dual problem of explanation.....that of accounting for the behavior as behavior, and equally important, accounting for the definitions by which specific behavior comes to be considered crime or non-crime.⁽²⁾

The present author's bias is, however, that the goal is to account for the social definitions of deviance and no more or no less.

The anomaly in the theories of deviance is intensified by the following two facts. First, the labeling and normative theorists share some aspects of their theory. For example, Becker, who is a labeling theorist, is indebted to Merton for the notion of "self-fulfilling prophecy." Secondly, some labeling theorists explicitly try to integrate their theories into the structural-functional scheme. Furthermore, there are some apparent similarities in both theories. Note, for instance, Parsons's description of social in the face-to-face interaction:

Actors are continually doing and saying things which are more or less "out of line," such as by insinuation impugning someone's motives, or presuming too much. Careful observation will show that others in the situation often without being aware of it, tend to react to these minor deviances in such a way as to bring the deviant back "into line," by tactfully disagreeing with him, by a silence which underlines the fact that what he said was not acceptable, or very often by humor as a tension-release, as a result of which *he comes to see himself more nearly as others see him.*⁽³⁾

(2) Vold, George; *Theoretical Criminology*, New York : Oxford University press, 1958, p. vi.

(3) Parsons, Talcott. *The Social System*, New York: The Free Press, 1951, p. 303.

In fact, some theorists equate the labeling processes with the processes of social control. However, *the labeling process in this paper means the process whereby the social order is sustained through the invocation of the concepts of norms, as opposed to Parsonian notion of social control by which a set of objectively existing norms is executed.*

The notion of “deviants in spite of their conforming motives,” proposed by the normative sociologists, Blake and Davis, bears a certain similarity to Becker’s notion of “falsely accused deviant.”⁽⁴⁾ But this concept of Becker’s is one of his concepts which contradict his own labeling perspective. For Becker is, by proposing this concept, assuming the existence of norms independent of interpretive processes.

In short, we must not take those apparent similarities in those two perspectives as fundamental ones.

Broadly speaking, the attempts of reconciliation can be classified into two categories. Some sociologists try to integrate the labeling explanation into the general scheme of structural functionalism with normative perspective. Others try to integrate their theories on social definition of deviance into conflict theory. Erikson, Schur, Turk, and Douglas⁽⁵⁾ fall into this category. This paper will deal with the at-

Underline added.

(4) Blake, Judith and Kingsley Davis, “Norms, Values, and Sanctions,” In Robert E. L. Faris (ed.) *Handbook of Modern Sociology*, Chicago: Rand McNally & Co., 1964. p. 468.

(5) Erikson, Kai; *Wayward Puritans*, New York: John Wiley & Sons, Inc., 1966 (Schur, Edwin M., “Reactions to Deviance: A Critical Assessment,” *American Journal of Sociology*, Vol. 75 (November, 1969) pp. 309-322.

Schur, Edwin M.; *Labeling Deviant Behavior: Its Sociological Implications*, New York: Harper & Row, 1971.

Turk, Austin; “Conflict and Criminality,” *American Sociological Review*, Vol. 31 (June, 1966), pp. 338-352.

Douglas, Jack D.; “Deviance and Order in a Pluralistic Society,” In John C. Mckinney and Edward A. Tiryakian (eds.); *Theoretical Sociology*, New York: Appleton-Century-Crofts, 1970. pp. 367-401.

tempts made by the sociologists in the group. We only note in passing that the sociologists in the latter group put more emphasis on the explanation of the labeling process.

2. Fundamental Issues

Before going into the discussion of those attempts of reconciliation, we need to clarify the major issues. The issues center around two points:

(i) the use of official statistics, and(ii)the concepts of norm and deviance.

(i) *The Use of Official Statistics*

Kitsuse and Cicourel point out the necessity to distinguish between “the behavior producing process” and “the rate producing process” through the criticism of Merton’s theory.⁽⁶⁾ Merton’s effort is essentially focused upon the attempt to explain the relatively high crime and delinquency rates among the lower class members by using official statistics as a major resource. He suggests some caution or reservation as to the validity and reliability of the official statistics. Nevertheless, he treats them as a valid and reliable source for the sociological explanation of “the behavior producing process.” Merton’s assumption is that some acts are inherently deviant and they are reflected in the official statistics. He falls into the difficulty of differentiating the variations of the crime rates caused by the actual deviant acts and the ones caused by the difference in the practices of official agencies. Since he cannot solve this dilemma, he has to assume that the variations caused by the differences in the rate producing procedures of the official agencies are negligible.

However, Kitsuse and Cicourel point out that if we take the labeling perspective (people become deviants only when they are labeled, defined and classified as such), we can not regard the official statistics as valid and reliable data, which can be used as our starting point of research.

(6) Kitsuse, John I. and Aaron V. Cicourel; “A Note on the Uses of Official Statistics,” *Social Problems*, Vol. 11 (no. 2), 1963, pp. 131-139.

Kitsuse and Cicourel are suggesting that the rate producing process is *the* process whereby the deviants are socially created. Therefore, we need to study the rate-producing process itself. In other words, we need to shift our focus of investigation in the studies of deviance.

This controversy stems from the difference in the conceptualization of norm and deviance between traditional sociology and labeling theory. Thus, we are led to the second issue.

(ii) *The Notions of norm and deviance*

The conventional sociology is based upon several assumptions concerning norms. First of all, it is assumed that a set of norms exists independent of the members' interpretive processes. A set of norms are *a priori* given in terms of culture. Therefore, some forms of behavior are inherently deviant from this perspective. The second assumption is what Jack Douglas calls "the assumption of moral homogeneity."⁽⁷⁾ That is, there is a dominant set of norms and values which is shared by the majority of the members of society. The third assumption, which is related to the second one, is that the seeming diversity in norms and values itself is the reaction to those dominant norms and values. Some people conform to a different set of norms simply because they cannot succeed by sticking to them. Thus, the deviance is conceptualized as a failure to conform to the dominant norms and/or conformity to the deviant norms which arise as a *form of reaction to the dominant norms*.

Becker marks the departure from the conventional perspective. Becker defines deviance and deviant as follows:

From this point of view, deviance is not a quality of the act a person commits, but rather a consequence of the application by others of rules and sanctions to an "offender." The deviant is one to whom that label has successfully been applied; deviant behavior is behavior that

(7) Douglas, Jack D.; *Op. Cit.*

people so label.⁽⁸⁾

However, Becker re-introduces the perspective of conventional sociology through the notion of "secret deviance." This notion presupposes the existence of deviance independent of the interpretive process by the members of society. As Jack Gibbs points out, the notion of "secret deviance" contradicts Becker's own definition of deviance.⁽⁹⁾

The new perspective proposed by Kitsuse and Cicourel breaks farther away from the perspective of conventional sociology. For example, Kitsuse notes:

Forms of behavior *per se* do not differentiate deviants from non-deviants; it is the responses of conventional and conforming members of the society who identify and *interpret* behavior as deviant which sociologically transform persons into deviants.⁽¹⁰⁾

The fundamental point is that deviance does not exist independent of the interpretive processes. Certainly, the concept of norms is invoked to explain both deviant and conforming behaviors by the members of society including sociologists. But it does not mean that certain distinct norms are shared. On the contrary, through that very process of interpretation, the norms are sustained and elaborated.

As one can easily see, those two perspectives are fundamentally different, so that any attempts of reconciliation must necessarily face a certain dilemma or ignore the existence of dilemma.

(8) Becker, Howard S.; *Outsiders*, New York: The Free Press, 1963 p.9.

(9) Gibbs, Jack; "A Critique of The Labeling Perspective," In Earl Rubington and Martin S. Weinberg; *The Study of Social Problems*, New York: Oxford University Press, 1971, pp. 193-204. Originally published in *Pacific Sociological Review* (1966).

(10) Kitsuse, John I.; "Societal Reaction to Deviant Behavior," In Earl Rubington S. Weinberg (eds.); *Deviance*, New York: The Macmillan Company, 1968, p. 20. Originally Published in *Social Problems*, Vol.9 (Winter, 1962).

Perhaps Robin Williams was the first sociologist who faced the dilemma. Because his theory contains two different concepts of norms, arising out of two different theoretical background, namely structural functionalism and symbolic interactionism. In brief, he asserted that norms are *a priori* given in the culture. But he added that a norm is “not a point or a line, but a ⁽¹¹⁾ *zone*.” Therefore, the way in which a norm is applied depends on the individual differences in interpretation. He was well aware of the negotiation involved in the processes of norm application……in his words, in “the labeling of questionable conduct.” However, since concepts of norms, namely *a priori* given norms and negotiated or negotiable norms, are irreconcilable, he dropped the latter concept from the subject matter of sociological study, by asserting that it is the task of psychologists to study the interpretive processes.

In the next section, we will discuss several attempts of reconciliation. As we have seen, any attempt of reconciliation must assume that the official statistics reflect more or less accurately the behavior producing process. And in any attempt of reconciliation, norms are assumed to be *a priori* given, and the interpretive processes involve in the application of norms are totally neglected.

3. Arbitrators

(i) Albert Cohen

Cohen's note on “the uses of official statistics” is strangely contradictory. First, he warns us against making inferences about the population from the official statistics because they are biased samples. But he states that the official statistics are useful for the study of the social processing of deviant behavior, through which some deviant acts become identified and and selected for treatment. Then suddenly he

(11) Williams, Robin M., Jr., *American Society* (Third Edition).

New York : Alfred A. Knopf, 1970, p. 413. First Edition was Published in 1952.

concludes as follows:

Therefore official statistics, the records of "business transacted" by official agencies, may be used as bases of inference about the largely invisible total populations of offenses and offenders, or as data for the study of the later processing of these populations by agents of social control.⁽¹²⁾

Cohen's notions of "deviant act" and "deviant character" appear to be based on Becker's theory. But Becker's theory is perfectly transformed into a normative theory. Cohen states:

It is one thing to commit a deviant act... It is quite another thing to be charged and invested with a deviant character... It is to be assigned to a role, to a special type or category of persons. The label ... the name of the role... does more than signify one who has committed such-and-such a deviant act. Each label evokes a characteristic imagery. It suggests someone who is normally or habitually given to certain kinds of deviance.⁽¹³⁾

Through the notion of "deviant act" which is so defined independently from the members' interpretive processes, he preserves the normative perspective. The notion of "deviant role" presupposes the role-expectations. Thus, his explanation can be summarized as follows: (a) some acts are deviant in terms of societal norms (=rules), (b) those who commit deviant acts may not be recognized, (c) but eventually they are recognized and caught in the mesh of role expectation (=rules) as deviants.

(ii) Cloward and Ohlin

Cloward and Ohlin begin their study with the same argument about the use of official statistics. In any event, they assume we can infer

(12) Cohen, Albert K.; *Deviance and Control*, Englewood Cliffs, N. J. : Prentice-Hall, Inc., 1966, p. 29.

(13) *Ibid.*, p. 24.

“the behavior producing process” from the official statistics.⁽¹⁴⁾ We will not dwell on their argument.

In contrast to Cohen, who at least recognizes the importance of studying the process by which a career deviant is produced, Cloward and Ohlin assign only a limited and supplementary role to the labeling process. We will show the evidence that at least they recognize the existence of such a process.

The initial contest between the individual and the authorities over the legitimacy of certain acts of deviance sets in motion a process of definition that marks the offender as different from law-abiding folk. His acts and his person are defined as “evil,” and he is caught up in a vicious cycle of norm-violation, repression, resentment, and new and more serious acts of violation. The process of alienation is accelerated, and the chasm between the offender and those who control and reform him grows wider and deeper. In such circumstances he becomes increasingly dependent on the support of others in his position; the gang of peers forms a new social world in which the legitimacy of his delinquent conduct is strongly reinforced.⁽¹⁵⁾

But Cloward and Ohlin offer an explanation which is totally different from the labeling perspective. First of all, according to them, the boys who get labeled as delinquents are the ones who defy the legitimacy of established social norms. They already have the feeling that the existing norms are unfair to them. Secondly, the first delinquent act is committed as a form of impulsive expression of the resentment and defiance against the existing norms as well as of the alienation from the established social order. Finally, societal reactions have different consequences depending on whether the delinquents are already predisposed

(14) Cloward, Richard A. and Lloyd E. Ohlin; *Delinquency and Opportunity*, New York: The Free Press, 1960, pp. 28-30.

(15) *Ibid.*, p. 127.

to the defiance of the established social order.

They do not even recognize the possibility of getting perceived as deviants in spite of the motivated compliance, as Blake and Davis⁽¹⁶⁾ do. In their argument, a deviant is motivated to get labeled as such.

(iii) Jack Gibbs

Gibbs's criticism against the proposals made by the labeling theorists is based on some suppositions.⁽¹⁷⁾ He criticizes Kittsuse and Cicourel that their account of the rates of deviant behavior, i. e., "the rates of deviant behavior are produced by the actions taken by persons in the social system which define, classify and record certain behaviors as deviant," does not explain "why the incidence of a particular act varies from one population to the next."⁽¹⁸⁾ We need to ask Gibbs how he knows that the incidence of a particular act varies from one population to the next. He is actually supposing it without any evidence except official statistics. This is the point of Kittsuse and Cicourel's proposal. That is, we cannot tell whether the incidence of a particular act differs in the various populations, without studying the labeling processes, by which deviance is socially created.

Gibbs departs farther away from the point, when he poses the following questions:

But are we to conclude that the incidence of a given act is in fact a constant in all populations and that the only difference in the quality of reactions to the act? Specifically, given two populations with the same kind of reaction to a particular type of act, can the new perspective explain why the incidence of the act is greater in one population than in the other?⁽¹⁹⁾

(16) Blake and Davis; *Op. Cit.*

(17) Gibbs, Jack; *Op. Cit.*

(18) *Ibid.*, p. 199.

(19) *Ibid.*, pp. 199-200.

First of all, Kitsuse and Cicourel are not suggesting that the incidence is a constant in various populations, nor that the rate is solely determined by the reactions. Secondly, why can he be sure that there is a same kind of reaction to a particular type of act in different populations without studying the process of reaction itself?

The fundamental and irreconcilable difference stems from the fact that Gibbs wants to preserve the traditional concept of norms. He writes:

My preference is to identify deviant acts by reference to norms,
and treat reaction to deviation as a contingent property.⁽²⁰⁾

Here, Gibbs is asserting that deviance is objectively identifiable both by sociologists as well as other members of society and that reaction arises out of the shared norms, although reaction may be strong or weak. From our view-point, it is erroneous to assume the objective existence of norms independent of the members' interpretive process.

The essential feature in the attempts of integration of the labeling perspective into the normative perspective is the assumption that the societal reaction or labeling process take place because a set of distinct norms is shared in common among the members of society. Norms are never made problematic in those attempts.

4. Conclusion

Somehow, Kitsuse and Cicourel's proposal is misunderstood or ignored.

It is clear that their proposal is purely theoretical and methodological. Yet some people, such as Bordua, suspect a leftist-bias in their proposal. It is no doubt, however, that they are not against using the official statistics to infer the behavior producing process because the lower-class people are over-represented in them.

There are also several attempts to test the validity of official statistics. For example, Terry tries to test whether the over-representation

(20) *Ibid.* p. 203.

of males, minority groups...Blacks and Chicanos... , and lower-class members is due to the biased treatment on the part of law-enforcement agencies.⁽²¹⁾ But what he examines is whether or not the order of severity in dispositions of various law-enforcement agencies is biased against each of those groups by using statistical method. For example, the order of severity in police actions are: (a) "release," (b) "referral to a social or welfare agency," (c) "referral to the county probation department," and(d)"referral to the state Department of Public Welfare." It may be true that the treatment of those groups after they are booked by the police is not biased, as he concludes. But his conclusion that the over-representation of those sectors of population is not due to the biased practices of those agencies is overstated. He should have studied the official case record in which those sectors of population are already over-represented.

Akers's proposal appears to come out of the ignorance of the proposal made by Kituse and Cicourel. He proposes that we should start to compile unofficial statistics of deviance because official statistics are biased and unreliable.⁽²²⁾ What Kitsuse and Cicourel are pointing is the fact that there are no remedy to the gap between "the behavior producing process" and "the rate producing process."

When we suspend the assumption that sociologists, law-enforcement agents, and other members of the society, all alike, share a set of distinct norms, we are necessarily led to shift our focus in the studies of deviance. We are led away from statistics-accumulating or statistics-explaining attempts to ethnographical studies at the micro-level. There is no reconciliation.

(21) Terry, R. M.; "Discrimination in the handling of juvenile offender." *Journal of Research in Crime and Delinquency*, Vol. 4(no. 2).

(22) Akers, Ronald L.; "Problems in the Sociology of deviance : Social definitions and behavior," *Social Forces*, Vol. 46 (june, 1968). pp. 455-465.

Some sociologists, such as Akers and Wheeler,⁽²³⁾ express their grievances against this trend. Their claim is that we need to know more about common elements and properties which are more generalizable. In point of fact, however, the micro-level studies⁽²⁴⁾ have discovered common elements and properties, i. e., the common elements and properties in the process by which our social reality is constructed.

(23) Akers, *Ibid.*, and Wheeler, Stanton; "Deviant Behavior," In Smelser (ed.). *Sociology*, New York: John Wiley, 1967. p. 633.

(24) See for example: Cicourel, Aaron V.; *The Social Organization of Juvenile Justice*, New York; Wiley, 1968. Emerson, Robert N.; *Judging Delinquents*, Chicago, Aldine, 1969.

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