

Moral Passage

The Symbolic Process in Public Designations of Deviance*

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Recent perspectives on deviant behavior have focused attention away from the actor and his acts and placed it on the analysis of public reactions in labelling deviants as "outsiders."¹ This perspective forms the background for the present paper. In it I will analyze the implications which defining behavior as deviant has for the public designators. Several forms of deviance will be distinguished, each of which has a different kind of significance for the designators. The symbolic import of each type, I argue, leads to different public responses toward the deviant and helps account for the historical changes often found in treatment of such delinquents as alcoholics, drug addicts, and other "criminals," changes which involve a passage from one moral status to another.

Instrumental and Symbolic Functions of Law²

Agents of government are the only persons in modern societies who can legitimately claim to represent the total society. In support of their acts, limited and specific group interests are denied while a public and societal interest is claimed.³ Acts of government "commit the group to action or to perform coordinated acts for general welfare."⁴ This representational character of governmental officials and their acts makes it possible for them not only to influence the allocation of resources but also to define the public norms of morality and to designate which acts violate them. In a pluralistic society these defining and designating acts can become matters of political issue because they support or reject one or another of the competing and conflicting cultural groups in the society.

Let us begin with a distinction between *instrumental* and *symbolic* functions of legal and governmental acts. We readily perceive that acts of officials, legislative enactments, and court decisions often affect behavior in an instrumental manner through a direct influence on the actions of people. The Wagner Labor Relations Act and the Taft-Hartley Act have had considerable impact on the conditions of collective bargaining in the United States. Tariff legislation directly affects the prices of import commodities. The instrumental function of such laws lies in their enforcement; unenforced they have little effect.

Symbolic aspects of law and government do not depend on enforcement for their effect. They are symbolic in a sense close to that used in literary analysis. The symbolic act "invites consideration rather than overt reaction."⁵ There is a dimension of meaning in symbolic behavior which is not given in its immediate and manifest significance but in what the action connotes for the audience that views it. The symbol "has acquired a meaning which is added to its immediate intrinsic significance."⁶ The use of the wine and wafer in the Mass or the importance of the national flag cannot be appreciated without knowing their symbolic meaning for the users. In analyzing law as symbolic we are oriented less to behavioral consequences as a means to a fixed end; more to meaning as an act, a decision, a gesture important in itself.

An action of a governmental agent takes on symbolic import as it affects the designation of public norms. A courtroom decision or a legislative act is a gesture which often glorifies the values of one group and demeans those of another. In their representational character, governmental actions can be seen as ceremonial and ritual performances, designating the content of public morality. They are the statement of what is acceptable in the public interest. Law can thus be seen as symbolizing the public affirmation of social ideals and norms as well as a means of direct

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social control. This symbolic dimension is given in the statement, promulgation, or announcement of law unrelated to its function in influencing behavior through enforcement.

It has long been evident to students of government and law that these two functions, instrumental and symbolic, may often be separated in more than an analytical sense. Many laws are honored as much in the breach as in performance.⁷ Robin Williams has labelled such institutionalized yet illegal and deviant behavior the "patterned evasion of norms." Such evasion occurs when law proscribes behavior which nevertheless occurs in a recurrent socially organized manner and is seldom punished.⁸ The kinds of crimes we are concerned with here quite clearly fall into this category. Gambling, prostitution, abortion, and public drunkenness are all common modes of behavior although laws exist designating them as prohibited. It is possible to see such systematic evasion as functioning to minimize conflicts between cultures by utilizing law to proclaim one set of norms as public morality and to use another set of norms in actually controlling that behavior.

While patterned evasion may perform such harmonizing functions, the passage of legislation, the acts of officials, and decisions of judges nevertheless have a significance as gestures of public affirmation. First, the act of public affirmation of a norm often persuades listeners that behavior and norm are consistent. The existence of law quiets and comforts those whose interests and sentiments are embodied in it.⁹ Second, public affirmation of a moral norm directs the major institutions of the society to its support. Despite patterned practices of abortion in the United States, obtaining abortions does require access to a subterranean social structure and is much more difficult than obtaining an appendectomy. There are instrumental functions to law even where there is patterned evasion.

A third impact of public affirmation is the one that most interests us here. The fact of affirmation through acts of law and government expresses the public worth of one set of norms, of one subculture vis-à-vis those of others. It demonstrates which cultures have legitimacy and public domination, and which do not. Accordingly it enhances

the social status of groups carrying the affirmed culture and degrades groups carrying that which is condemned as deviant. We have argued elsewhere that the significance of Prohibition in the United States lay less in its enforcement than in the fact that it occurred.¹⁰ Analysis of the enforcement of Prohibition law indicates that it was often limited by the unwillingness of Dry forces to utilize all their political strength for fear of stirring intensive opposition. Great satisfaction was gained from the passage and maintenance of the legislation itself.¹¹

Irrespective of its instrumental effects, public designation of morality is itself an issue generative of deep conflict. The designating gestures are dramatic events, "since it invites one to consider the matter of motives in a perspective that, being developed in the analysis of drama, treats language and thought primarily as modes of action."¹² For this reason the designation of a way of behavior as violating public norms confers status and honor on those groups whose cultures are followed as the standard of conventionality, and derogates those whose cultures are considered deviant. My analysis of the American Temperance movement has shown how the issue of drinking and abstinence became a politically significant focus for the conflicts between Protestant and Catholic, rural and urban, native and immigrant, middle class and lower class in American society. The political conflict lay in the efforts of an abstinent Protestant middle class to control the public affirmation of morality in drinking. Victory or defeat were consequently symbolic of the status and power of the cultures opposing each other.¹³ Legal affirmation or rejection is thus important in what it symbolizes as well or instead of what it controls. Even if the law was broken, it was clear whose law it was.

Deviant Nonconformity and Designator Reaction

In Durkheim's analysis of the indignant and hostile response to norm-violation, all proscribed actions are threats to the existence of the norm.¹⁴ Once we separate the instrumental from the symbolic functions of legal and governmental designation of deviants, however, we can question this

assumption. We can look at norm-violation from the standpoint of its effects on the symbolic rather than the instrumental character of the norm. Our analysis of patterned evasion of norms has suggested that a law weak in its instrumental functions may nevertheless perform significant symbolic functions. Unlike human limbs, norms do not necessarily atrophy through disuse. Standards of charity, mercy, and justice may be dishonored every day yet remain important statements of what is publicly approved as virtue. The sexual behavior of the human male and the human female need not be a copy of the socially sanctioned rules. Those rules remain as important affirmations of an acceptable code, even though they are regularly breached. Their roles as ideals are not threatened by daily behavior. In analyzing the violation of norms we will look at the implications of different forms of deviance on the symbolic character of the norm itself. *The point here is that the designators of deviant behavior react differently to different norm-sustaining implications of an act.* We can classify deviant behavior from this standpoint.

The Repentant Deviant

The reckless motorist often admits the legitimacy of traffic laws, even though he has broken them. The chronic alcoholic may well agree that both he and his society would be better if he could stay sober. In both cases the norm they have violated is itself unquestioned. Their deviation is a moral lapse, a fall from a grace to which they aspire. The homosexual who seeks a psychiatrist to rid himself of his habit has defined his actions similarly to those who have designated him as a deviant. There is a consensus between the designator and the deviant; his repentance confirms the norm.

Repentance and redemption seem to go hand-in-hand in court and church. Sykes and Matza have described techniques of neutralization which juvenile delinquents often use with enforcement agencies.

The juvenile delinquent would appear to be at least partially committed to the dominant social order in that he frequently exhibits guilt or shame when he violates its proscriptions, accords approval to certain

conforming figures and distinguishes between appropriate and inappropriate targets for his deviance.¹⁵

A show of repentance is also used, say Sykes and Matza, to soften the indignation of law enforcement agents. A recent study of police behavior lends support to this. Juveniles apprehended by the police received more lenient treatment, including dismissal, if they appeared contrite and remorseful about their violations than if they did not. This difference in the posture of the deviant accounted for much of the differential treatment favoring middle-class "youngsters" as against lower-class "delinquents."¹⁶

The Sick Deviant

Acts which represent an attack upon a norm are neutralized by repentance. The open admission of repentance confirms the sinner's belief in the sin. His threat to the norm is removed and his violation has left the norm intact. Acts which we can perceive as those of sick and diseased people are irrelevant to the norm; they neither attack nor defend it. The use of morphine by hospital patients in severe pain is not designated as deviant behavior. Sentiments of public hostility and the apparatus of enforcement agencies are not mobilized toward the morphine-user. His use is not perceived as a violation of the norm against drug use, but as an uncontrolled act, not likely to be recurrent.¹⁷

While designations of action resulting from sickness do not threaten the norm, significant consequences flow from such definitions. Talcott Parsons has pointed out that the designation of a person as ill changes the obligations which others have toward the person and his obligations toward them.¹⁸ Parsons's description sensitizes us to the way in which the sick person is a different social object than the healthy one. He has now become an object of welfare, a person to be helped rather than punished. Hostile sentiments toward sick people are not legitimate. The sick person is not responsible for his acts. He is excused from the consequences which attend the healthy who act the same way.¹⁹

Deviance designations, as we shall show below, are not fixed. They may shift from one form to

another over time. Defining a behavior pattern as one caused by illness makes a hostile response toward the actor illegitimate and inappropriate. "Illness" is a social designation, by no means given in the nature of medical fact. Even lefthandedness is still seen as morally deviant in many countries. Hence the effort to define a practice as a consequence of illness is itself a matter of conflict and a political issue.

The Enemy Deviant

Writing about a Boston slum in the 1930s, William F. Whyte remarks:

The policeman is subject to sharply conflicting pressures. On one side are the "good people" of Eastern City, who have written their moral judgments into law and demand through their newspapers that the law be enforced. On the other side are the people of Cornerville, who have different standards and have built up an organization whose perpetuation depends upon the freedom to violate the law.²⁰

Whyte's is one of several studies that have pointed out the discrepancies between middle-class moralities embodied in law and lower-class moralities which differ sharply from them.²¹ In Cornerville, gambling was seen as a "respectable" crime, just as antitrust behavior may be in other levels of the social structure. In American society, conflicts between social classes are often also cultural conflicts reflecting moral differences. Coincidence of ethnic and religious distinctions with class differences accentuates such conflicts between group values.

In these cases, the validity of the public designation is itself at issue. The publicly defined deviant is neither repentant nor sick, but is instead an upholder of an opposite norm. He accepts his behavior as proper and derogates the public norm as illegitimate. He refuses to internalize the public norm into his self-definition. This is especially likely to occur in instances of "business crimes." The buyer sees his action as legitimate economic behavior and resists a definition of it as immoral and thus prohibitable. The issue of "off-track" betting illustrates one area in which clashes of culture have been salient.

The designation of culturally legitimate behavior as deviant depends upon the superior power

and organization of the designators. The concept of convention in this area, as Thrasymachus defined Justice for Socrates, is the will of the stronger. If the deviant is the politically weaker group, then the designation is open to the changes and contingencies of political fortunes. It becomes an issue of political conflict, ranging group against group and culture against culture, in the effort to determine whose morals are to be designated as deserving of public affirmation.

It is when the deviant is also an enemy and his deviance is an aspect of group culture that the conventional norm is most explicitly and energetically attacked. When those once designated as deviant have achieved enough political power they may shift from disobedience to an effort to change the designation itself. This has certainly happened in the civil rights movement. Behavior viewed as deviant in the segregationist society has in many instances been moved into the realm of the problematic, now subject to political processes of conflict and compromise.

When the deviant and the designator perceive each other as enemies, and the designator's power is superior to that of the deviant, we have domination without a corresponding legitimacy. Anything which increases the power of the deviant to organize and attack the norm is thus a threat to the social dominance symbolized in the affirmation of the norm. Under such conditions the need of the designators to strengthen and enforce the norms is great. The struggle over the symbol of social power and status is focused on the question of the maintenance or change of the legal norm. The threat to the middle class in the increased political power of Cornerville is not that the Cornerville resident will gamble more; he already does gamble with great frequency. The threat is that the law will come to accept the morality of gambling and treat it as a legitimate business. If this happens, Boston is no longer a city dominated by middle-class Yankees but becomes one dominated by lower-class immigrants, as many think has actually happened in Boston. The maintenance of a norm which defines gambling as deviant behavior thus symbolizes the maintenance of Yankee social and political superiority. Its disappearance as a public commitment would symbolize the loss of that superiority.

The Cynical Deviant

The professional criminal commits acts whose designation as deviant is supported by wide social consensus. The burglar, the hired murderer, the arsonist, the kidnapper all prey on victims. While they may use repentance or illness as strategies to manage the impressions of enforcers, their basic orientation is self-seeking, to get around the rules. It is for this reason that their behavior is not a great threat to the norms although it calls for social management and repression. It does not threaten the legitimacy of the normative order.

Drinking as a Changing Form of Deviance

Analysis of efforts to define drinking as deviant in the United States will illustrate the process by which designations shift. The legal embodiment of attitudes toward drinking shows how cultural conflicts find their expression in the symbolic functions of law. In the 160 years since 1800, we see all our suggested types of non-conforming behavior and all the forms of reaction among the conventional segments of the society.

The movement to limit and control personal consumption of alcohol began in the early nineteenth century, although some scattered attempts were made earlier.²² Colonial legislation was aimed mainly at controlling the inn through licensing systems. While drunkenness occurred, and drinking was frequent, the rigid nature of the colonial society, in both North and South, kept drinking from becoming an important social issue.²³

The Repentant Drinker

The definition of the drinker as an object of social shame begins in the early nineteenth century and reaches full development in the late 1820s and early 1830s. A wave of growth in Temperance organizations in this period was sparked by the conversion of drinking men to abstinence under the stimulus of evangelical revivalism.²⁴ Through drinking men joining together to take the pledge, a norm of abstinence and sobriety emerged as a definition of conventional respectability. They sought to control themselves and their neighbors.

The norm of abstinence and sobriety replaced the accepted patterns of heavy drinking countenanced in the late eighteenth and early nineteenth century. By the 1870s rural and small-town America had defined middle-class morals to include the Dry attitude. This definition had little need for legal embodiment. It could be enunciated in attacks on the drunkard which assumed that he shared the normative pattern of those who exhorted him to be better and to do better. He was a repentant deviant, someone to be brought back into the fold by moral persuasion and the techniques of religious revivalism.²⁵ His error was the sin of lapse from a shared standard of virtue. "The Holy Spirit will not visit, much less will He dwell within he who is under the polluting, debasing effects of intoxicating drink. The state of heart and mind which this occasions to him is loathsome and an abomination."²⁶

Moral persuasion thus rests on the conviction of a consensus between the deviant and the designators. As long as the object of attack and conversion is isolated in individual terms, rather than perceived as a group, there is no sense of his deviant act as part of a shared culture. What is shared is the norm of conventionality; the appeal to the drinker and the chronic alcoholic is to repent. When the Woman's Anti-Whiskey Crusade of 1873-1874 broke out in Ohio, church women placed their attention on the taverns. In many Ohio towns these respectable ladies set up vigils in front of the tavern and attempted to prevent men from entering just by the fear that they would be observed.²⁷ In keeping with the evangelical motif in the Temperance movement, the Washingtonians, founded in 1848, appealed to drinkers and chronic alcoholics with the emotional trappings and oratory of religious meetings, even though devoid of pastors.²⁸

Moral persuasion, rather than legislation, has been one persistent theme in the designation of the drinker as deviant and the alcoholic as depraved. Even in the depictions of the miseries and poverty of the chronic alcoholic, there is a decided moral condemnation which has been the hallmark of the American Temperance movement. Moral persuasion was ineffective as a device to wipe out drinking and drunkenness. Heavy drinking persisted through the nineteenth century and the organized

attempts to convert the drunkard experienced much backsliding.²⁹ Nevertheless, defections from the standard did not threaten the standard. The public definition of respectability matched the ideal of the sober and abstaining people who dominated those parts of the society where moral suasion was effective. In the late nineteenth century those areas in which the temperance sentiment was strongest were also those in which legislation was most easily enforceable.³⁰

The Enemy Drinker

The demand for laws to limit alcoholic consumption appears to arise from situations in which the drinkers possess power as a definitive social and political group and, in their customary habits and beliefs, deny the validity of abstinence norms. The persistence of areas in which Temperance norms were least controlling led to the emergence of attempts to embody control in legal measures. The drinker as enemy seems to be the greatest stimulus to efforts to designate his act as publicly defined deviance.

In its early phase the American Temperance movement was committed chiefly to moral persuasion. Efforts to achieve legislation governing the sale and use of alcohol do not appear until the 1840s. This legislative movement had a close relationship to the immigration of Irish Catholics and German Lutherans into the United States in this period. These non-evangelical and/or non-Protestant people made up a large proportion of the urban poor in the 1840s and 1850s. They brought with them a far more accepting evaluation of drinking than had yet existed in the United States. The tavern and the beer parlor had a distinct place in the leisure of the Germans and the Irish. The prominence of this place was intensified by the stark character of the developing American slum.³¹ These immigrant cultures did not contain a strong tradition of Temperance norms which might have made an effective appeal to a sense of sin. To be sure, excessive drunkenness was scorned, but neither abstinence nor constant sobriety were supported by the cultural codes.

Between these two groups—the native American, middle-class evangelical Protestant and the immigrant European Catholic or Lutheran

occupying the urban lower class—there was little room for repentance. By the 1850s the issue of drinking reflected a general clash over cultural values. The Temperance movement found allies in its political efforts among the nativist movements.³² The force and power of the anti-alcohol movements, however, were limited greatly by the political composition of the urban electorate, with its high proportion of immigrants. Thus the movement to develop legislation emerged in reaction to the appearance of cultural groups least responsive to the norms of abstinence and sobriety. The very effort to turn such informal norms into legal standards polarized the opposing forces and accentuated the symbolic import of the movement. Now that the issue had been joined, defeat or victory was a clear-cut statement of public dominance.

It is a paradox that the most successful move to eradicate alcohol emerged in a period when America was shifting from a heavy-drinking society, in which whiskey was the leading form of alcohol, to a moderate one, in which beer was replacing whiskey. Prohibition came as the culmination of the movement to reform the immigrant cultures and at the height of the immigrant influx into the United States.

Following the Civil War, moral persuasion and legislative goals were both parts of the movement against alcohol. By the 1880s an appeal was made to the urban, immigrant lower classes to repent and to imitate the habits of the American middle class as a route to economic and social mobility. Norms of abstinence were presented to the non-abstainer both as virtue and as expedience.³³ This effort failed. The new, and larger, immigration of 1890–1915 increased still further the threat of the urban lower class to the native American.

The symbolic effect of Prohibition legislation must be kept analytically separate from its instrumental, enforcement side. While the urban middle class did provide much of the organizational leadership to the Temperance and Prohibition movements, the political strength of the movement in its legislative drives was in the rural areas of the United States. Here, where the problems of drinking were most under control, where the norm was relatively intact, the appeal to a struggle

against foreign invasion was the most potent. In these areas, passage of legislation was likely to make small difference in behavior. The continuing polarization of political forces into those of cultural opposition and cultural acceptance during the Prohibition campaigns (1906–1919), and during the drive the Repeal (1926–1933), greatly intensified the symbolic significance of victory and defeat.³⁴ Even if the Prohibition measures were limited in their enforceability in the metropolis there was no doubt about whose law was public and what way of life was being labelled as opprobrious.

After Repeal, as Dry power in American politics subsided, the designation of the drinker as deviant also receded. Public affirmation of the temperance norm had changed and with it the definition of the deviant had changed. Abstinence was itself less acceptable. In the 1950s the Temperance movement, faced with this change in public norms, even introduced a series of placards with the slogan, "It's Smart *Not* to Drink."

Despite this normative change in the public designation of drinking deviance, there has not been much change in American drinking patterns. Following the Prohibition period the consumption of alcohol has not returned to its pre-1915 high. Beer has continued to occupy a more important place as a source of alcohol consumption. "Hard drinkers" are not as common in America today as they were in the nineteenth century. While there has been some increase in moderate drinking, the percentage of adults who are abstainers has remained approximately the same (one-third) for the past 30 years. Similarly, Dry sentiment has remained stable, as measured by local opinion results.³⁵ In short, the argument over deviance designation has been largely one of normative dominance, not of instrumental social control. The process of deviance designation in drinking needs to be understood in terms of symbols of cultural dominance rather than in the activities of social control.

The Sick Drinker

For most of the nineteenth century, the chronic alcoholic as well as the less compulsive drinker was viewed as a sinner. It was not until after

Repeal (1933) that chronic alcoholism became defined as illness in the United States. Earlier actions taken toward promotion of the welfare of drinkers and alcoholics through Temperance measures rested on the moral supremacy of abstinence and the demand for repentance. The user of alcohol could be an object of sympathy, but his social salvation depended on a willingness to embrace the norm of his exhorters. The designation of alcoholism as sickness has a different bearing on the question of normative superiority. It renders the behavior of the deviant indifferent to the status of norms enforcing abstinence.

This realization appears to have made supporters of Temperance and Prohibition hostile to efforts to redefine the deviant character of alcoholism. They deeply opposed the reports of the Committee of Fifty in the late nineteenth century.³⁶ These volumes of reports by scholars and prominent men took a less moralistic and a more sociological and functional view of the saloon and drinking than did the Temperance movement.

The soundness of these fears is shown by what did happen to the Temperance movement with the rise of the view that alcoholism is illness. It led to new agencies concerned with drinking problems. These excluded Temperance people from the circle of those who now define what is deviant in drinking habits. The National Commission on Alcoholism was formed in 1941 and the Yale School of Alcoholic Studies formed in 1940. They were manned by medical personnel, social workers, and social scientists, people now alien to the spirit of the abstainer. Problems of drinking were removed from the church and placed in the hands of the universities and the medical clinics. The tendency to handle drinkers through protective and welfare agencies rather than through police or clergy has become more frequent.

"The bare statement that 'alcoholism is a disease' is most misleading since . . . it conceals what is essential—that a step in public policy is being recommended, not a scientific discovery announced."³⁷ John Seeley's remark is an apt one. Replacement of the norm of sin and repentance by that of illness and therapy removes the onus of guilt and immorality from the act of drinking and the state of chronic alcoholism. It

replaces the image of the sinner with that of a patient, a person to be helped rather than to be exhorted. No wonder that the Temperance movement has found the work of the Yale School, and often even the work of Alcoholics Anonymous, a threat to its own movement. It has been most limited in its cooperation with these organizations and has attempted to set up other organizations which might provide the face of Science in league with the tone of the movement.³⁸

The redefinition of the alcoholic as sick thus brought into power both ideas and organizations antithetical to the Temperance movement. The norm protected by law and government was no longer the one held by the people who had supported Temperance and Prohibition. The hostility of Temperance people is readily understandable; their relative political unimportance is crucial to their present inability to make that hostility effective.

Movements of Moral Passage

In this paper we have called attention to the fact that deviance designations have histories; the public definition of behavior as deviant is itself changeable. It is open to reversals of political power, twists of public opinion, and the development of social movements and moral crusades. What is attacked as criminal today may be seen as sick next year and fought over as possibly legitimate by the next generation.

Movements to redefine behavior may eventuate in a moral passage, a transition of the behavior from one moral status to another. In analyzing movements toward the redefinition of alcohol use, we have dealt with moral crusades which were restrictive and others which were permissive toward drinking and toward "drunkards." (We might have also used the word "alcoholics," suggesting a less disapproving and more medical perspective.) In both cases, however, the movements sought to change the public designation. While we are familiar with the restrictive or enforcing movements, the permissive or legitimizing movement must also be seen as a prevalent way in which deviants throw off the onus of their actions and avoid the sanctions associated with immoral activities.

Even where the deviants are a small and politically powerless group they may nevertheless attempt to protect themselves by influence over the process of designation. The effort to define themselves as ill is one plausible means to this end. Drug addiction as well as drunkenness is partially undergoing a change toward such redefinition.³⁹ This occurs in league with powerful groups in society, such as social workers, medical professionals, or university professors. The moral passage achieved here reduces the sanctions imposed by criminal law and the public acceptance of the deviant designation.

The "lifting" of a deviant activity to the level of a political, public issue is thus a sign that its moral status is at stake, that legitimacy is a possibility. Today the moral acceptance of drinking, marijuana and LSD use, homosexuality, abortion, and other "vices" is being publicly discussed, and movements championing them have emerged. Such movements draw into them far more than the deviants themselves. Because they become symbols of general cultural attitudes they call out partisans for both repression and permission. The present debate over drug addiction laws in the United States, for example, is carried out between defenders and opposers of the norm rather than between users and non-users of the drugs involved.

As the movement for redefinition of the addict as sick has grown, the movement to strengthen the definition of addiction as criminal has responded with increased legal severity. To classify drug users as sick and the victims or clients as suffering from "disease" would mean a change in the agencies responsible for reaction from police enforcement to medical authorities. Further, it might diminish the moral disapproval with which drug use, and the reputed euphoric effects connected with it, are viewed by supporters of present legislation. Commenting on the clinic plan to permit medical dispensing of narcotics to licensed addicts, U.S. Commissioner of Narcotics Anslinger wrote:

This plan would elevate a most despicable trade to the avowed status of an honorable business, nay, to the status of practice of a time-honored profession; and drug addicts would multiply unrestrained, to the irrevocable impairment of the moral fiber and physical welfare of the American people.⁴⁰

In this paper we have seen that redefining moral crusades tends to generate strong counter-movements. The deviant as a cultural opponent is a more potent threat to the norm than is the repentant, or even the sick deviant. The threat to the legitimacy of the norm is a spur to the need for symbolic restatement in legal terms. In these instances of "crimes without victims" the legal norm is *not* the enunciator of a consensus within the community. On the contrary, it is when consensus is least attainable that the pressure to establish legal norms appears to be greatest.

Notes

- Howard S. Becker, *Outsiders: Studies in the Sociology of Deviance*, Glencoe: The Free Press, 1963, Chap. 1. A similar view is presented in John Kitsuse, "Societal Reaction to Deviant Behavior," *Social Problems*, 9 (Winter, 1962), pp. 247-256; Kai Erikson, "Sociology of Deviance," in E. McDonagh and J. Simpson, editors, *Social Problems*, New York: Holt, Rinehart and Winston, Inc., 1965, pp. 457-464, p. 458.
- The material of this section is more fully discussed in my book *Symbolic Crusade: Status Politics and the American Temperance Movement*, Urbana: University of Illinois Press, 1963, esp. Chap. 7.
- See the analysis of power as infused with collective goals in Parsons's criticism of C. Wright Mills, *The Power Elite*. Talcott Parsons, "The Distribution of Power in American Society," *World Politics*, 10 (October, 1957), p. 123, 144.
- Francis X. Sutton, "Representation and the Nature of Political Systems," *Comparative Studies in Society and History*, 2 (October, 1959), pp. 1-10. In this paper Sutton shows that in some primitive societies, political officials function chiefly as representatives to other tribes rather than as law enforcers or policy makers.
- Phillip Wheelwright, *The Burning Fountain*, Bloomington: Indiana University Press, 1964, p. 23.
- Talcott Parsons, *The Social System*, Glencoe: The Free Press, 1954, p. 286.
- Murray Edelman has shown this in his analysis of the discrepancy between legislative action and administrative agency operation. Murray Edelman, *The Symbolic Uses of Politics*, Urbana: University of Illinois Press, 1964.
- Robin Williams, *American Society*, New York: A. A. Knopf, 1960, pp. 372-396. Hyman Rodman's analysis of "lower-class value stretch" suggests yet another ambiguity in the concept of norm. He found that in Trinidad among lower-class respondents that both marriage and non-legal marital union are normatively accepted, although marriage is preferred. Hyman Rodman, "Illegitimacy in the Caribbean Social Structure," *American Sociological Review*, 31 (October, 1966), pp. 673-683.
- Edelman, op. cit., Chap. 2. The author refers to this as a process of political quiescence. While Edelman's symbolic analysis is close to mine, his emphasis is on the reassurance function of symbols in relation to presumed instrumental affects. My analysis stresses the conflict over symbols as a process of importance apart from instrumental effects.
- Gusfield, op. cit., pp. 117-126.
- Joseph Gusfield, "Prohibition: The Impact of Political Utopianism," in John Braeman, editor, *The 1920's Revisited*, Columbus: Ohio State University Press, forthcoming; Andrew Sinclair, *The Era of Excess*, New York: Harper Colophon Books, 1964, Chap. 10, pp. 13-14.
- Kenneth Burke, *A Grammar of Motives*, New York: Prentice Hall, 1945, p. 393. Burke's writings have been the strongest influence on the mode of analysis presented here. Two other writers, whose works have been influential, themselves influenced by Burke, are Erving Goffman and Hugh D. Duncan.
- Gusfield, *Symbolic Crusade*, op. cit., Chap. 5.
- Emile Durkheim, *The Division of Labor in Society*, trans. George Simpson, Glencoe: The Free Press, 1947, especially at pp. 96-103. For a similar view see Lewis Coser, "Some Functions of Deviant Behavior and Normative Flexibility," *American Journal of Sociology*, 68 (September, 1962), pp. 172-182.
- Gresham Sykes and David Matza, "Techniques of Neutralization: A Theory of Delinquency," *American Sociological Review*, 22 (December, 1957), pp. 664-670, at p. 666.
- Irving Piliavin and Scott Briar, "Police Encounters with Juveniles," *American Journal of Sociology*, 70 (September, 1964), pp. 206-214.
- This of course does not mean that the patient using morphine may not become an addict.
- Talcott Parsons and Renée Fox, "Illness, Therapy and the Modern Urban Family," *Journal of Social Issues*, 8 (1952), pp. 31-44.
- A somewhat similar distinction as that presented here can be found in Vilhelm Aubert and Sheldon Messinger, "The Criminal and the Sick," in V. Aubert, *The Hidden Society*, New York: The Bedminster Press, 1965, pp. 25-54.
- William F. Whyte, *Street-Corner Society*, Chicago: University of Chicago Press, 2nd edition, 1955, p. 138.
- See William Westley's analysis of the differences between the morality shared by the lower class

and the police in contrast to that of the courts over such matters as gambling, prostitution, and sexual perversion. The courts take a sterner view of gamblers and prostitutes than do the police, who take a sterner view of the sexual offender. William Westley, "Violence and the Police," *American Journal of Sociology*, 59 (July, 1953), pp. 34-42.

22. The best single account of Temperance activities before the Civil War is that of John Krout, *The Origins of Prohibition*, New York: A. A. Knopf, 1925.

23. *Ibid.*, Chapters 1 and 2; also see Alice Earle, *Home Life in Colonial Days*, New York: Macmillan and Co., 1937, pp. 148-149; 156-165.

24. Gusfield, *Symbolic Crusade*, op. cit., pp. 44-51.

25. *Ibid.*, pp. 69-86.

26. *Temperance Manual* (no publisher listed, 1836), p. 46.

27. See the typical account by Mother Stewart, one of the leaders in the 1873-74 Woman's War on Whiskey, in Eliza D. Steward, *Memories of the Crusade*, Columbus, Ohio: W. G. Hibbard, 2nd edition, 1889, pp. 139-143; also see *Standard Encyclopedia of the Alcohol Problem*, 6 (Westerville, Ohio: American Issue Publishing Co., 1930), pp. 2902-2905.

28. Krout, op. cit., Chap. 9.

29. See the table of consumption of alcoholic beverages, 1850-1957, in Mark Keller and Vera Efron, "Selected Statistics on Alcoholic Beverage," reprinted in Raymond McCarthy, editor, *Drinking and Intoxication*, Glencoe: The Free Press, 1959, p. 180.

30. Joseph Rowntree and Arthur Sherwell, *State Prohibition and Local Option*, London: Hodden and Stoughton, 1900, using both systematic observation and analysis of federal tax payments, concluded (p. 253) that "local veto in America has only been found operative outside the larger towns and cities."

31. See the accounts of drinking habits among Irish and German immigrants in Oscar Handlin, *Boston's Immigrants*, Cambridge, Massachusetts: Harvard University Press, 1941, pp. 191-192, 201-209; Marcus Hansen, *The Immigrant in American History*, Cambridge, Massachusetts: Harvard University Press, 1940.

32. Ray Billington, *The Protestant Crusade, 1800-1860*, New York: Macmillan, 1938, Chap. 15; Gusfield, *Symbolic Crusade*, op. cit., pp. 55-57.

33. William F. Whyte, op. cit., p. 99. Whyte has shown this as a major attitude of social work and the settlement house toward slum-dwellers he studied in the 1930s. "The community was expected to adapt itself to the standards of the settlement house." The rationale for adaptation lay in its effects in promoting social mobility.

34. Although a well-organized Temperance movement existed among Catholics, it was weakened by the Protestant drive for Prohibition. See Joan Bland, *Hibernian Crusade*, Washington, D.C.: Catholic University Press, 1951.

35. See my analysis of American drinking in the post-Repeal era. Gusfield, "Prohibition: The Impact of Political Utopianism," op. cit.

36. The Committee of Fifty, a group of prominent educators, scientists, and clergymen sponsored and directed several studies of drinking and the saloon. Their position as men unaffiliated to temperance organizations was intended to introduce unbiased investigation, often critical of Temperance doctrine. For two of the leading volumes see John Shaw Billing's, *The Physiological Aspects of the Liquor Problem*, Boston and New York: Houghton, Mifflin and Co., 1903; Raymond Calkins, *Substitutes for the Saloon*, Boston and New York: Houghton, Mifflin and Co., 1903.

37. John Seeley, "Alcoholism Is a Disease: Implications for Social Policy," in D. Pittman and C. Snyder, editors, *Society, Culture and Drinking Patterns*, New York: John Wiley and Sons, 1962, pp. 586-593, at p. 593. For a description of the variety of definitions of alcoholism and drunkenness, as deviant and non-deviant, see the papers by Edwin Lemert, "Alcohol, Values and Social Control" and by Archer Tongue, "What the State Does About Alcohol and Alcoholism," both in the same volume.

38. The WCTU during the 1950s persistently avoided support to Alcoholics Anonymous. The Yale School of Alcohol Studies was attacked and derogated in Temperance literature. A counter-organization, with several prominent pro-Dry scientists, developed, held seminars, and issued statements in opposition to Yale School publications.

39. Many of the writings of sociologists interested in drug addiction have contained explicit demands for such redefinitions. See Becker, op. cit.; Alfred Lindesmith, *The Addict and the Law*, Bloomington: Indiana University Press, 1965, and David Ausubel, *Drug Addiction*, New York: Random House, 1958. The recent movement to redefine marijuana and LSD as legitimate is partially supported by such writings but is more saliently a movement of enemy deviants. The activities of Timothy Leary, Allen Ginsberg, and the "hipsters" is the most vocal expression of this movement.

40. Harry Anslinger and William Tompkins, *The Traffic in Narcotics*, New York: Funk and Wagnalls Co., Inc., 1953, p. 186.

