

## SOCIAL DEVIANCE IN COMPARATIVE PERSPECTIVE

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### Introduction

Conventional perspectives have viewed deviance as detrimental for society. Yet, how is the ubiquity of deviance to be explained when it is only detrimental? This question puzzled Durkheim (1951:362-363) who philosophized: „Whatever is an indispensable condition of life cannot fail to be useful, unless life itself is not useful." This is a postulate, derived from the scholastic axiom *omne ens est bonum*, rather than an empirical finding. The function of deviance tantalized Durkheim throughout his works; but nowhere did he give a coherent general theory of deviance. His major contribution was to hypothesize a positive function for deviance: social integration, a proposition that found hardly any adherents among subsequent students of deviance. His further elaborations were quite inconsistent. (1) He was not able to relate deviance and social integration directly. He had to introduce sanctioning mechanisms as an intervening variable: „Punishment and crime are two terms of an inseparable pair," and crime is only useful „when reprovved and repressed" (Durkheim, 1951:363). Hence, sanctions rather than deviance are associated with social integration. (2) His presentation of the direction of the causal flow is contradictory. In *De la Division du Travail Social* (1893), deviance, through sanctions as an intervening mechanism, is claimed to be causal to social integration (Durkheim, 1933:108). In *Le Suicide* (1897), the extent of social integration, or, conversely, of *anomie*, is presented as causal to deviance, namely suicide (Durkheim, 1951:209, 299, 306 n.4, 316). (3) His analysis of sanctions as an intervening mechanism is also inconsistent.

Durkheim (1933: 108; 1951:363) describes sanctions as a requisite for the integrative function of crime in general, while no such requisite is given in the case of the relationship between *anomie* and suicide (1951:209).

Simmel (1908) simply cut the Gordian knot by arguing that conflict itself, irrespective of its concomitants or consequences, constitutes a form of sociation. He left us with the paradox that conflict, which we might have mistaken for a form of disintegration, is to be considered as a form of social integration.

In sum, students of deviance have raised a number of theoretically relevant issues but have not been able to come up with a general theory of deviance. Most theories of deviance are of a relatively low level of generality and present properties of deviance as universal that are in fact limited to the societies in which they were studied. It seems to be mainly a lack of comparative perspective that has led to this narrow perspective. The societies in which the theories of deviance have been developed are so complex that it is difficult to isolate variables and study their relationships in field-experimental situations. What makes the study of deviance particularly difficult is the fact that in complex societies, the functions of deviance overlap with the functions of other institutions.

The following study assumes a comparative perspective that looks at deviance in both complex and simple societies, concentrating geographically on Africa. The emphasis is first on small-scale African societies since they present a setting that allows the isolation of those variables that deviance is directly related to. In a second step, deviance is analyzed in large-scale African societies where deviance and its social concomitants will become increasingly familiar to the Western reader. In a last step, some general propositions are presented about deviance in any society.

## **I: Small-Scale African Societies**

### **Deviance and the Integration of Social Groups**

The basic proposition of this chapter is that *There is a relationship between social deviance and social integration*. Social deviance is a structural device of society geared at a function which is a prerequisite of any society: social integration.

The main characteristics that are of relevance for the study of deviance in African societies are:

1. There is a strong focus on integration.
2. The units of integration are groups rather than individuals.
3. The prime mechanism geared at integration as a process is social deviance.

*Ad (1):* In American society, an adult may decide for or against being integrated into a family. He may rent an apartment in Manhattan and live a very solitary life. He may even refuse membership in a productive organization by living on inherited property or by stealing other people's purses. If he is caught, it is he and only he who is punished.

There are no such solitary individuals in traditional African society. Everyone is integrated into a family and into other groups. „ . . . the unit of an ancient society was the Family, of a modern society, the individual," observed Henry Maine in *Ancient Law* (1861).

No one can contract out of membership of a lineage: he is born irretrievably into it. By that membership he gets rights in land, enters into social relationships, inherits totemic avoidances, acquires culture itself, and the sentiments on which it is based are formed in the family itself. [Gluckman 1963:72]

*Ad (2):* The fact that the African is „irretrievably born" into group membership explains a basic difference between the type of integration in African society and in our society. In our society, where a high valuation is placed on individualism, integration is primarily a process of coaxing *individuals as basic units* into group membership. In Africa, where *groups are the basic units*, integration is a process directed at the cohesion of group members within ever-present groups and at the cohesion between groups. In other words, integration is directed at preventing fission, that is, the disintegration of groups into smaller units, and fusion, that is, the combination of groups into larger units.

This group focus has sociolegal consequences, namely, that the parties to controversy and to sanctioning are not individuals but groups—usually bodies of kindred (Redfield, 1967:23; Gulliver, 1963:1). A conception of individual punishment inflicted on the person who committed a deviant act is generally absent. Settlement of a conflict is not an individual affair, but an affair between the family of the wrongdoer and the wronged. „It

was not necessary to take revenge on the person of the killer himself; any one of his kinsmen would do instead," found Howell (1954:40) among the Nuer in the Sudan.

*Ad (3):* It is the *principle of collective responsibility* that is operative *within* social groups in connecting deviance as a cause and integration as an effect. Upon a deviant act, two integrative processes start immediately, both geared at the integration of the social units concerned. For example, after a murder has been committed, one process of integration takes place *within* the family of the victim. It first finds its expression in a reaction of indignation at the personal loss, a reduction in their numbers, and the damage to the continuity of their group. Formal and informal meetings follow at which measures to be taken are discussed. Eventually, some kind of group action is taken against the family of the killer. Another process of integration starts *within* the family of the killer. First, the family demands that, in their joint interest, the killer shall perform those rites of expiation that will neutralize the effects of spiritual contamination emanating from the spirits associated with the dead man's kin (Howell, 1954:207). Formal and informal meetings take place at which the kin assemble to discuss what action the family of the victim is likely to take and how to respond to it. And lastly, the family as a group responds to whatever action the other family takes.

The reason why a process of integration takes place *within* each one of the two groups concerned is obvious: to prepare them for the ensuing dispute or conflict *between* them. That very conflict represents, as postulated by Simmel (1908:247), a form of sociation: it brings two groups into close contact and increases the intimacy and frequency of interaction between them. In simple cases, settlement procedures lead to a reconciliation of the two parties concerned, retributions are designed in a manner to strengthen the relationship between them. In more complex cases, the conflict between two families may activate the whole web of actual or imagined kinship or other group relationships and first lead to an integration of each group or set of groups on a large scale and then to a settlement between the two groups or sets of groups.

The hypothesis of a relationship between social deviance and integration of social groups explains a phenomenon that appeared to be only bizarre, exotic, and inhuman to all who studied it: the widespread existence in Africa of certain societies generally referred to as leopard societies (also known as alligator societies and baboon societies) (Beatty, 1915; Joset, 1955). The manifest purpose of these societies is to produce a medicine that is supposed to give its owner economic and political power. The potency of that medicine depends upon its being frequently anointed with human fat and blood, which are obtained by killing a person, frequently a relative of one of the members. Moreover, anthropophagy is frequently practiced in conjunction with the killing as is apparent in most of the evidence about the activities of these societies (Joset, 1955), particularly in the trials of the colonial government in Sierra Leone between 1903 and 1912 during which 186 persons were charged with murder and 87 convicted and sentenced to death (Beatty, 1915). The latent function of the leopard society is social integration on an interkin group or even intertribal level, the deviant acts of murder and anthropophagy representing most powerful ties binding the participants together. Why lesser crimes are unlikely to suffice to fulfill the integrative function is discussed in the next section of this chapter. Less than twenty years ago (1952-1956), history provided us with a quasiexperimental setting for the study of the relationship between extreme forms of deviance and the extreme need for integration: the Mau Mau revolt against the colonial government in Kenya. The task was to unite a segmentary society, the Kikuyu, underground with the final goal of overthrowing the colonial government. The main mechanism through which unification and secrecy were to be achieved were oaths administered in conjunction with highly obscene rituals and frequently with elaborate

tortures, murder, and extreme mutilation of the bodies of the killed-completely unknown in traditional Kikuyu society where so strong a reason for integration had never before arisen. These extreme forms of deviance did in fact fulfill their purpose: the Kikuyu were integrated into a secret underground organization. The attempt to overthrow the government failed; yet it was one of the major forces that eventually brought about political independence for Kenya.

### **Social Deviance and Social Sanctions**

Social sanctions constitute a structural complement to deviance. Hence, the initial proposition could also read: *There is a relationship between social sanctions and social integration*. In most cases, the two propositions can be combined into one: *There is a relationship between social deviance with its sanctions and social integration*. However, since social deviance and social sanctions are not identical, one may speculate that they are independently variable. In fact, it will be shown that they are distinct.

The main characteristics of the sanctioning process in African societies are:

1. It is directed toward reintegration rather than alienation.
2. It does not attach moral labels to the deviant act.
3. It does not attach moral labels to the deviant person or group.

The emphasis on integration and the use of deviance as *the* mechanism for implementing integration explain a central feature of deviance and its sanctions in African society: that they effectively prevent the alienation of the deviant individual or group. This has two important social consequences; one related to the deviant act and the other related to the deviant person or group.

In principle, the *deviant act* is not considered immoral. Depending upon the circumstances, it may be considered disadvantageous, but no moral stigma is attached to it. The basic attitude to the deviant act is highly utilitarian. Howell (1954:82, 131-132, 206-207) reports that the Nuer do not consider concubinage, illegitimacy, or murder as „evil“ although it may be thought of as quite harmful. Schott (1959:123) reports the same about the Kung Bushmen.

The social attitude to the *deviant person or group* corresponds to the attitude to the deviant act. The deviant is not stigmatized, and there is *no secondary deviance*. Instead of alienating the deviant, he is reintegrated and rehabilitated. If any personality problems are at the root of the deviant act, they are dealt with according to all rules of psychotherapy, as Gibbs (1963) and others have shown. Similarly, therapeutic treatment is given if the deviant act has arisen out of group tensions.

### **The Relativity of Deviance and of Its Sanctions**

The hypothesized relationship between social deviance and its sanctions on the one hand and social integration focusing on groups as social units to be integrated on the other allows the following propositions:

1. Standards of deviance and its sanctions are not absolute or universal but are rather relative or particularistic. They vary according to the types of groups and to the types of relationship between the groups to be integrated.
2. At the one extreme, no deviant acts can be committed and no sanctions imposed between groups that do not stand in a meaningful social relationship to each other.

Without a social relationship there is no need for social integration, and without a need for social integration, there is no deviance.

3. At the other extreme, wrongs committed within the smallest social unit, the family, and limited to that group, are considered deviant since there is a meaningful social relationship between the two actors; but no sanctions are imposed since there is no need for integrating different groups. Evidence for this assertion would also prove that integration is not a process pertaining to individuals as the units to be integrated but to groups.

On the basis of these propositions, the initial hypothesis can now be specified, operationalizing social integration as intimacy of social relations:

1. *There is a direct association between social integration (or: intimacy of social relations) among groups and the probability of perceiving an act as deviant.*

2. *There is a direct association between social integration (or: intimacy of social relations) among groups and the perceived magnitude of deviance of an act.*

3. *There is a direct association between social integration (or: intimacy of social relations) among groups and the probability of sanctions.*

4. *There is an inverse association between social integration (or: intimacy of social relations) and magnitude of sanctions.*

In other words: the higher the level of integration between groups (or: the more intimate social relations among groups): (1) the more likely is an act to be perceived as deviant; (2) the more seriously is a deviant act viewed; (3) the higher is the probability of imposing sanctions; (4) but the smaller is the magnitude of sanctions. *Intimacy of social relations* refers to structural intimacy (defined as intimacy of actual or mythical kinship and other group ties) and/or actual intimacy of interactions.

From a negative point of view, this means that disturbing relations between two close groups is more serious than disturbing relations between socially more distant groups. From a positive point of view, this means that

closely related groups do have a certain need for deviance as a form of interaction and a mechanism of integration since intimacy of relations implies, by definition, certain levels of interaction and deviance is, as shown in the previous chapter, a central category of interaction and integration. In both cases, from the negative and the positive point of view, it is more likely that an act that affects two close groups is perceived as deviant; at the same time, a given act is considered to be more serious than it would be among distant groups. Similarly, sanctions are more likely to be imposed when deviant acts occur between closely related groups than between distant ones: negatively, because such acts are viewed as more serious, and positively, because there is a higher need for restitution and subsequent integration, or maintenance of integration. However, it takes less to restore closely knit relations than loose ties. In the case of most intimate social relations as found within the family, the likelihood of perceiving a norm-breaching act as deviant and the magnitude of deviancy of that act are highest, and so is the probability of imposing sanctions; but the magnitude of such sanctions approximates zero although it cannot become zero. In the extreme, sanctions are purely ritual.

The converse correlates of more distant social relationships are self-evident from the preceding analysis. It may be added that the increase in magnitude of sanctions that parallels the increase in social distance of a relationship is limited by the maximum indemnification that is customary for a particular deviant act. In the extreme case of nonexistent social relations between two groups, acts are not considered deviant, and the probability of sanctions approximates zero. In a situation of change, however, induced, for example, by migrations, acts may begin to be considered as deviant and sanctions may be imposed, thus signifying the beginning of a social relationship.

Howell, describing Nuer society, gives ample evidence for the relativity of deviance and its sanctions.

The significance of the structural relativity of Nuer society is . . . most important in a study of customary laws, for although the rules and principles which govern the conduct of all Nuer are essentially the same, the extent of their application is relative and largely dependent on the social context. [Howell, 1954:24]

About the relativity of deviance, he states, giving homicide as an example, that

The element of wrongness is relative to the relationship in the social structure of the parties involved. The killing of a stranger, especially of a foreigner, who does not come within the most expanded form of the social structure, is not really wrong at all. It is neither a crime nor a private delict, for there is no political sanction involved and no social relationship which might demand restitution . . . It is, however, a situation which demands expiation in the form of ritual and sacrifice . . . [Howell, 1954:207]

About the relativity of sanctions, Howell states, giving adultery as an example, that the

likelihood of the wrongdoer paying the cattle (as an indemnity-HDS) at all is determined by the relationship of the parties, both in terms of actual kinship and in terms of territorial proximity, in residence and all the sanctions which go with common residence. . . . Between men who are close kinsmen it is rare that anything more than this one cow (which has purely ritual significance; an additional five cows are customary as indemnity-HDS) will be demanded, for not only is the moral indignation much less, but the group of which they are part is sufficiently well-knit to resist the disturbance caused within it. Not only is the wrong a lesser one because the wronged person has other associations with the wrongdoer which mitigate the offense, but social equilibrium has not been disturbed to a degree which other sanctions making for good relations cannot rectify. [Howell, 1954:24]

Gulliver (1963:1) confirms this for the Arusha: „The significant jural factors are not only the kind of injury involved, but the social relationship between the two persons and the position of each in the structure of his society." If the relationship between groups is altered, the standards of deviance and its sanctions are altered too. For example, as long as the communities are in a state of feud, it is unlikely that disputes between families associated with opponent communities would ever be settled; however, the situation is substantially altered if the feud is composed (Howell, 1954:25).

Many writers have reported that acts committed against other tribes with whom there is no recognized relationship are not really considered deviant. About the Nuer, a segmentary society, Howell (1954:25) reports that

The sanctions for composition operated along lines of social cleavage, being less intense and therefore less effective the greater the structural distance. A man of one tribe could rarely hope to exact compensation for an injury inflicted by someone of another tribe unless there were other links between them that extended beyond the political limits of the tribe. Similarly, an individual living within one primary segment would find it difficult to get compensation from an individual living in another primary segment unless there were other ties between them, usually kinship or marital ties, which made composition mutually advantageous.

About the Barotse, a state society, Gluckman (1965:204) reports that he „heard very few cases arising out of a variety of wrongs committed by people on others previously

unrelated to them." Among the Tiv, a segmentary society, it is even considered a serious breach of manners to interfere in the business of anyone with whom one is not acquainted. „The *jir* (court-HDS) often has trouble in getting witnesses of this sort, even though the number of people who have seen an act is legion" (Bohannon, 1957:39).

The theorem that *the more intimate social relations among groups, the higher the perceived magnitude of deviance of an act* (because there is little or no need to mobilize the integrative function of deviance) explains why leopard societies or the Mau Mau employ such extremes of social deviance as described. It takes very little deviance to integrate closely related groups, but very much deviance to integrate socially distant ones.

The other extreme, deviance within the smallest social unit, is considered a serious wrong, actually more serious than any other wrong, but no sanctions are imposed because no relationship between groups has been disturbed; hence the integration effect of sanctions is not needed. For example, patricide or fratricide are acts that are almost on a par with suicide. But no action against the offender is taken because compensation would be given by the same group that receives it. Howell (1954: 62) reports that „in such circumstances the Nuer find the greatest difficulty in understanding why the (colonial-HDS) Government would seek to punish the culprit, and the Nuer court will usually resist an attempt to do so." Similarly,

breaches of the rules of exogamy and incestuous extra-marital intercourse are not generally the subject of dispute or of litigation in the courts. Both parties are equally guilty, there is no question of compensation, and the spiritual contamination . . . falls equally on both parties and even upon their relatives. [Howell, 1954:82-83]

Sanctions, in these cases, are merely ritual.

### **Sanctioning Mechanism and Social Integration**

As an intervening variable, sanctioning mechanisms may be crucial in the relationship between social deviance and social integration. It has been shown that before sanctions are imposed, it is the expectation of sanctions that leads to the integration process *within* each of the two groups concerned. The actual sanctioning process leads to integration processes *between* two groups.

The literature about the sanctioning process in our society frequently stresses that it is more likely to increase the alienation of the wrongdoer from society than to reintegrate him. Since the sanctioning process in African societies is essentially geared at integration, it may be expected to be governed by different principles.

Proverbially, one may characterize the sanctioning process in our society as being governed by the principle of „a life for a life" (including the case that a life sentence has been substituted for the actual taking of a life), whereas the African sanctioning process may be characterized as being governed by the principle of „a wife for a life." This is certainly an oversimplification but it well illustrates the insensitivity of our sanctioning process to the need for a restoration of social relations that are disturbed by a deviant act-social relations that may in fact deteriorate further *because* of the sanctions imposed. The African sanctioning process, however, is very sensitive to the need for social integration, and the sanctions imposed may not only restore' the web of social relations but may even strengthen it: for instance by linking the families of the killer and the victim by marriage ties knit as a compensation-without payment of the otherwise customary bride price-for the death of a member of one of the two families.

## Sanctions Administered through Moots

The two principal sanctioning mechanisms in small-scale societies are indemnification administered by a moot, and retaliation or self-help directed at an indemnity or at life. An indemnity is something of value given by a person or group to another person or group as compensation for a wrong (Radcliffe-Brown, 1952:210). Among the Nuer, for example, the indemnity for adultery is six head of cattle, and for homicide it is forty head of cattle (Howell, 1954:25). The probability that the indemnity is paid in full, in part, or not at all depends upon the kind of social relationship between the two groups concerned. The payment of indemnities aims directly at the restoration and strengthening of the web of social relations that are disturbed by the deviant act. This is discussed in more detail in a later section of this chapter.

The moot as an adjudicative institution relying on indemnification as its main sanction is found in all types of African societies: both state and stateless. In state societies, it is complementary to the formalized court system and may be considered as the major expression of adjudicatory decentralization. In stateless societies, it is either the only adjudicative institution, or it parallels retaliation or self-help. Moots are nothing specific to Africa. In Old English, the term „moot" refers to town meetings, that is, the settlement of disputes by the important members of the village. Bohannan (1964:202) reports that, „Well into the twelfth and thirteenth centuries, Anglo-Saxon communities settled their disputes by meeting outside, under the shade of a tree, in whole communities, in order to discover correct and just solutions to disputes. Such is, in a sense, the origin of the common law." Gibbs (1963) Africanizes the term as „house palaver," that is, an institution for the informal settlement of disputes within or between families or kinship groups using a third party as an adjudicator. Gibbs (1963) has analyzed the moot and its conciliatory and therapeutic functions from a psychoanalytic point of view. Among the Kpelle in Liberia, the moot is „an informal airing of a dispute which takes place before an assembled group which includes kinsmen of the litigants and neighbors from the quarter where the case is being heard. It is a completely *ad hoc* group, varying greatly in composition from case to case" (Gibbs, 1963:3). Gibbs (1963:1) found that it is „based on a covert application of the principles of psychoanalytic theory which underlie psychotherapy." Although Gibbs describes moots mainly in domestic settings, his findings apply similarly to intergroup disputes. Compared with court procedures, the airing of grievances in the moot is more complete and results in a more harmonious solution because of the following factors:

1. The hearing takes place soon after a breach has occurred, before the grievances have hardened.
2. The hearing takes place in the familiar surroundings of a home.
3. Investigatory initiative rests to a large extent with the parties themselves.
4. The range of relevance applied to matters that are brought out is extremely broad: hardly anything mentioned is held to be irrelevant.

Any solution reached is highly consensual, the adjudicator, chosen by the two parties themselves, acting mainly as a mediator. The following factors are responsible for the high probability that the solution is accepted by both parties:

1. There is no unilateral ascription of blame; fault is attributed to both parties.
2. The mediator is not backed by political authority and the physical force



that underlies it; hence, decisions are not imposed.

3. Sanctions are not so burdensome as to cause hardship to the losing party or to give grounds for a new grudge against the other party.
4. There is a ritualized apology at the end of the moot symbolizing very concretely the consensual nature of the solution. Both parties publicly offer and accept tokens of apology indicating that each party has no further grievance and that the settlement is satisfactory and mutually acceptable. The parties *and the spectators* drink together to symbolize the restored solidarity of the group (that is, the two parties within the wider social context) and the rehabilitation of the offending party. [Gibbs, 1963:5]

Gibbs (1963 :6-8) found that the moot goes beyond reconciliation, it is therapeutic. It involves support, permissiveness, denial of reciprocity, and manipulation of reward that Parsons (1951:314319) claims are the elements of therapy:

1. *Support*: In the moot, the parties are encouraged in the expression of their complaints and feelings because they sense group support; the very presence of one's kinsmen and neighbors demonstrates their concern.
2. *Permissiveness*: Everyday restrictions on antisocial statements or impulses are lessened. This permissiveness results in *catharsis*. In a familiar setting, with familiar people, the parties to the moot feel at ease and free to say all that is on their minds. Nothing should be left to embitter and undermine the decision.
3. *Denial of reciprocity*: Permissiveness in therapy requires that the therapist will not respond in kind when the patient acts in a hostile manner or with inappropriate affection. However, the denial is only of congruent response, not of any response whatsoever. In the moot, the parties are allowed to hurl recriminations that, in the courtroom, would be punished as contempt of court.
4. *Reward*: In therapy, the patient is coaxed to conformity by the granting of rewards. The most important reward of the moot is group approval that goes to the wronged person who accepts an apology and to the person who is magnanimous enough to take one.

At the end, the wrongdoer is restored to good grace and is once again acting like an „upright Kpelle" (although he may of course refuse to accept the decision of the moot). He is eased into this position by being group & with others to whom blame is also allocated; typically, he is not singled out and isolated in being labeled deviant. Sanctions are positive (institutionalized apology, praise, and acts of concern and affection), not negative (fines, jail sentences) as in our courts. That way, the moot avoids the vicious cycle phenomenon that each step taken to curb deviance has the effect of driving the deviant further into deviance (Gibbs, 1963:6-9). Gulliver (1963:2) found similar principles operative in Arusha society.

### **Sanctions Administered through Self-Help**

Retaliation or self-help as a sanctioning mechanism is found predominantly in societies without legal process, that is, without a formal court system. Retaliation in these societies is not as Durkheim assumed a system of blind revenge in which two parties inflict the maximum injury they can on each other. Rather, there are „socially approved, controlled and limited acts of revenge" (Radcliffe-Brown, 1952:209) that are „reduced to system" (Redfield, 1967:11). In his study of African sociolegal systems, Carlston (1968:412) found that, „Measures of self-help, including the blood feud, tend to be subject to procedural rules designed to limit the retribution or reparation which is exacted

so that it is proportionate to the injury offered. Measures of self-help directed to inflicting violence upon the group to which a wrongdoer belongs may be subject to procedural rules designed to control the weapons employed so that less dangerous weapons are used for less serious offenses." Two types of self-help or retaliation may be distinguished; one directed against the property and the other directed against the life of the members of another group. In both types, success depends largely upon the extent to which the wronged and the wrongdoer are supported by their respective groups (Gulliver, 1963:2). If an action is considered justified and the group decides to seize a certain number of cattle from the other group, then

the wronged may receive the assistance of their own kinsmen and neighbors, who will overwhelm any attempt at resistance. This applies to groups of individuals in relations to other groups in the same way, and is expressed in the balanced opposition of tribal segments and kinship groups. A Nuer may owe one of his kinsmen a cow and refuse to pay it. His kinsmen will take the cow by stealth or wrest it from him by force, and the success of this action will depend on the extent of the non-intervention of other relatives. [Howell, 1954:23]

Similarly, a Tiv who seized a goat will be defended by his kinsmen if the others try to retaliate; however, if he has taken the goat inappropriately, that is, if he has a „bad case," his kinsfolk will not risk their hides and their reputations for him (Bohannon, 1964:204). It must be stressed that this type of licensed seizure is fundamentally different from theft for which the thief can produce no customary justification. Howell (1954:199) even asserts that „a man will never steal a cow from a fellow tribesman merely because he wants one." It is only from persons belonging to neighboring tribes that he has no hesitation in stealing cows; but this is not considered in any way wrong-because of the relativity of deviance that limits wrongness to acts between groups in a meaningful social relationship to each other. On principle, retaliation directed at property serves the same purpose as the payment of a compensation and can be interpreted as being geared at social integration the same way (see: „Social Deviance and the Web of Obligations" in this chapter). At the first look, retaliation directed at life seems to fall into a different category because, „To kill a person of the other group restored the balance by reducing their number proportionately, but it was a negative way of dealing with a situation which required more positive action if a permanent feud was to be avoided" (Howell, 1954:41). What are the conditions, then, that determine which one of the two alternatives is chosen? The discussion of the relativity of deviance hypothesized: the larger the social distance between groups, the lower then is the probability of imposing sanctions, but the greater is the magnitude of sanctions. This theorem answers the question:

a feud, that is, a sanctioning mechanism directed at a maximum magnitude of sanctions, namely life, is more likely to arise between socially distant groups for whom the need for integration is low. A conflict between closely related groups is more likely to be settled by retaliation directed at property that implies that a smaller indemnification than life is sufficient to restore the relationship and that the probability of imposing sanctions is higher. The reason for a high need for and a high probability of sanctions between closely related groups is obvious: „Two tertiary tribal segments, for example, previously hostile might have to settle their differences because of the threat of violence from another and less closely related segment of the tribe" (Howell, 1954: 41). However, if it is correct that deviance in African societies has such a strong integrative function as claimed, one may wonder why there are any feuds at all directed against the life of members of other groups. A feud has an integrative function in a double sense. Anascopically (Geiger,

1962:147-150), it is a powerful integrative force *within* a Segment because the threat to life is more likely to unite the members of a group into a closely knit unit than the threat to property. From a catasopic point of view, however, integration may not only be seen as a process that welds the segments of a society into solid units but at the same time as a process aiming at the maintenance of the general integration level of the whole society. This means that segments in a given social distance from each other are to be kept at that distance and prevented from merging! Without a mechanism directed at that goal, segmentary societies would very soon change into centralized states. Hence the dual integrative function of the feud: it integrates segments and keeps society segmented. Howell (1954: 40) observed this among the Nuer: „... the spread of a state of feud follows generally the lines of social cleavage, and gives emphasis to the segmentation of the tribe.”

Retaliation and indemnification are the main sanctioning mechanisms for deviant acts committed between different groups in segmentary societies. These societies are politically decentralized and do not recognize any central authority, neither in the political nor in the judicial realm. Political and judicial roles are typically performed on an *ad hoc* basis. That is, as the need for the exercise of political or adjudication roles arises, a person is chosen—usually very democratically—for that particular task: a war against a neighboring tribe or a judgment in a particular case.

### **The Institutionalization of Social Deviance**

Durkheim considered social deviance as a consequence of the structural (or negatively: anomical) situation of society. Depending upon the degree of „health” or „sickness” of the „organism” *society*, in some mystical way social deviance would result—hence not an individual but a social phenomenon. For African societies, it has been shown that the reverse is equally true:

society produces social deviance in order to maintain its specific anomical (or positively: „structural”) situation. Society producing deviance, or deviance producing society are but two aspects of the same process, at least in relatively simple societies. In complex societies as our own, there are „functional alternatives” producing society.

Since social deviance plays such a crucial role in African societies, they do not rely on some mystical way of producing deviance (comparable to the way societies produce a more or less steady rate of suicide as described by Durkheim) but rather institutionalize it. The institutionalization of deviance in African societies is directed toward keeping social deviance at an equilibrium level where it prevents society from overintegration (fusion of its segments) and from disintegration. Two aspects of the institutionalization of deviance may be distinguished: (1) it may be directed toward guaranteeing the continued existence of social deviance; or (2) it may be directed toward one form of deviance that is integrative or at least not disintegrative as a substitute for other-disintegrative-forms of deviance.

Most actual cases of institutionalized deviance have both aspects, although one may prevail over the other. Some examples of institutionalized deviance follow.

### **Dual Structuring**

In many societies, macro structural conflict, or, taking conflict as a type of deviance, macro structural deviance is built right into the social system by using the balanced opposition of segments or moieties as a structural principle. Among the Gusii and Nuer, LeVine (1960: 51) found that, „Two segments of equal level within the tribe would

combine to fight a different tribe, but would conduct blood feuds against each other at times." Among the Arusha where even the polygynous nuclear family is divided into two groups of cowives, Gulliver (1963: 72, 110) found that „bifurcate segmentation (is) a principle of social structure . . . and it is essential to regular social processes." On a more general level, Carlston (1968: 393) found that African societies

exhibiting kinship structures of social action may order such structures into a series of levels of similar but opposing kinship groups, with (1) the kinship groups in each level being identified by descent from a common ancestor of the same degree of remoteness or structural distance from the last-born generation and (2) each kinship group in the same level being perceived to be in opposition to the others yet successively united in more inclusive kinship groups at higher levels identified by common descent from an ancestor of an increasingly remote structural distance from the last-born generation. This dual structuring of kinship groups enables the performance of exogamic, political, dispute-settlement, and war functions.

The two aspects of institutionalized deviance are apparent: dual structure guarantees the maintenance of structural opposition rather than leading to a fusion of the segments of society. It provides a setting for exogamic, political, dispute-settlement, and war-alliance relations rather than leaving the relationship anomic and the social field open for *any* type of deviant act. At the same time, allegiance, or exclusion from allegiance, can be determined in any situation of conflict and dispute by means of the principle of dichotomy:

„The group or category of smallest scale of which the two disputants are both members is divisible into its two segments..., such that each segment contains one of the disputants, and the other members of that segment are automatically his supporters." (Gulliver, 1963: 118).

### **Fission and Fusion**

Tensions within a group or between related groups may rise to the point that they result in deviant acts. In most cases, there is a vested interest in reconciliation that is achieved through these deviant acts and the subsequent sanctioning processes. However, if groups have grown much beyond the customary size of groups and/or if tensions have become insurmountable, there is in segmentary societies an institutionalized alternative to civil strife:

fission. In those cases where the group that splits away is too small to form its own segment, it may fuse with some other segment. Fission may be seen primarily in terms of a mechanism preventing other forms of deviance, namely, civil strife. However, by splitting away a group becomes a new segment that represents a potential for conflict with other groups-the first aspect that was previously discussed (see Carlston, 1968, 36, 404-405).

### **Nonfinality of Settlement**

In many African societies, the two parties may agree to a partial rather than a full restitution for a deviant act. Among the Nuer, for instance, „in a dispute over adultery, the wronged husband may eventually agree to accept only three head of cattle. Even though there may be little chance of getting the remainder, his face is saved because six head is the established custom and the rest will be due to him in the form of a debt" (Howell, 1954:26). This practice has even been overtaken by

the Nuer courts that were introduced by the colonial government that may order the making of part of the payment immediately and the remainder at an unspecified later time. In a more general sense, Gluckman (1965:8) states that „disputes in these groups of kind can never be finally settled," ramifying through the whole network of ties that bind various km to one another. During each dispute, km who are ostensibly outside the quarrel at issue side with one of the litigants; the way in which they take sides is influenced by degrees of kinship, by factional alignments within villages, and by past records of friendships and hostilities. This nonfinality of settlement in itself may be considered a deviant state of affairs. At the same time, it invites minor deviant acts, such as quarrels over the outstanding debt or even acts of self-help as described previously, which then may become a new focus of dispute. Directing the interest of the parties concerned to these minor acts of deviance may also serve as a substitute for graver offenses.

### **„Joking Relationships"**

Joking relationships, defined as relations „between two persons in which one is by custom permitted, and in some instances required, to tease or make fun of the other, who in turn is required to take no offence" (Radcliffe-Brown, 1952:90), are extremely widespread in Africa and in other parts of the world. They are typically found in relations that are particularly strenuous and have to be prevented from being alienated, as among relatives by marriage. They may also exist between clans and even tribes, as, for instance, between the Sukuma and Zaramu, the Sukuma and Zigua, and the Ngoni and Bemba. (Radcliffe-Brown, 1952: 91, 94). The dual aspect of institutionalized deviance in joking relationships-modes of organizing a definite and stable system of social behavior in which conjunctive and disjunctive components are maintained and combined-has been noted by Radcliff-Brown (1952: 92):

Any serious hostility is prevented by the playful antagonism of teasing, and this in its regular repetition is a constant expression or reminder of that social disjunction which is one of the essential components of the relation, while the social conjunction is maintained by the friendliness that takes no offence at insult.

An alternative to joking relationship is avoidance.

### **Rites of Reversal**

Centralized societies may provide rites of reversal as institutionalized outlets for political tensions which would otherwise lead to rebellion. Such rites typically reverse the usual authority role relationship, for example, rites of reversal may require a king to walk naked through the people and to accept humiliation without reprisal. This ritual protest against the established order implies that the order as such is accepted. „Once there is questioning of the social order, the ritual of protest is inappropriate, since the purpose of the ritual is to unite people who do not or cannot query their social roles" (Gluckman, 1955:134). The same type of political conflict that is aired in rituals of rebellion among the centralized Zulu and Swazi is also found among the Barotse, another centralized society, but without such rituals. Among the Barotse, these conflicts are built into an elaborate series of councils (Gluckman, 1955: 133), comparable in their function of institutionalizing conflict to dual and segmentary structuring as previously described.

## Deviant Organizations

Reference has been made to leopard societies and similar deviant organizations and to the strongly integrative function of the use of extreme types of deviance. Beatty's (1915) detailed descriptions of leopard societies in Sierra Leone point to the interkin group and intertribal integration achieved by these societies. They have to be seen in conjunction with Poro, an intertribal secret society to which *every* adult free-born male in most tribes of Eastern Sierra Leone and Western Liberia belongs. It seems that the integrative function of Poro alone is not sufficient to handle the task of bringing about integration *within* tribes (none of which is strongly centralized) and a minimum level of integration *between* tribes. To understand to what extent leopard societies are accepted by society in general, it is crucial to realize the strength of ties between leopard societies and Poro: „Every member of the Human Leopard Society is a member of the Poro, the main supporters of both societies are the chiefs, the place of meeting for both societies is the Poro bush. . . , (Beatty, 1915: 20). Institutionalization implies control. That is, if deviant organizations become deviant, control mechanisms start operating. One such mechanism is the Tongo play in Sierra Leone. Allridge (1901: 156-159), writing about the Sherbro in Sierra Leone, reports that, „As soon as the Tongo players determined to comply with a request from a chief (to investigate into acts of murder and anthropophagy committed by leopard ~societies-HDS), they sent out their emissaries into his towns and villages to obtain information concerning suspected people. . . . In the investigation one village at a time was dealt with. A messenger was dispatched to call all the men, women, and children to a meeting~ to be held on an appointed day." During this meeting, either a trial was held in conjunction with an ordeal, or a „play" or dance was performed during which the guilty were discovered. They were usually clubbed and burned to death (see also Beatty, 1915:

21). Leopard societies are probably the most extreme case of institutionalized deviance in African societies. The two aspects of institutionalized deviance are again apparent: their very existence guarantees the maintenance of a certain level of deviance-for integrative purposes; at the same time, by creating inter-kin group and inter-tribal ties, they prevent other forms of deviance, at least temporarily, namely wars.

## Social Deviance and the Web of Obligations

One of the most basic social categories of traditional African societies is the *obligation*. In fact, the *web of obligations* in these societies is to be considered as a synonym for *social structure*. As an example of a state society, we report Gluckman's (1965: 242) finding that, „. . . the Barotse conceive of all relationships, whether of established status or ensuing from either ‚contract' or tort, in terms of ‚debt." It is to be noted that the Barotse use only a single word to express the meaning of „right" and „duty," which is derived from a verbal form that can be translated as „ought." The same was found among the Tiv, a stateless society, by Bohannan (1957: 112):

„The idea of contract takes, for purposes of classification, a subordinate position to the idea of the debt involved." In fact, *debt* is an aspect on which Tiv classify:

The Tiv word for this classification, *injo*, covers a wider range of phenomena and social relations than the English word „debt" usually does. If I borrow money or goods and fail to repay, I have „fallen into debt" (*gba injo*). Furthermore, if I have agreed to care for some of my kinsman's livestock, this stock and its natural increase are my debt or *Injo* to him. Still further, if my animal damages a neighbour's field the matter „becomes a debt."

Many Tiv personal relationships are expressed in terms of debt. If my ward has married into a lineage which has not provided me or one of my dose kinsmen with a wife, it is their *info* to do so, even though there may be no actual bridewealth debt. The matter of „flesh debts" covers one of the primary problems of social relationships as expressed in terms of witchcraft and religious belief. [Bohannan, 1957:102]

Gluckman (1965: 242) claims that all early law is a *law of debt* or a *law of obligations*. Malinowski (1926: 18-23) asserts that obligations are the basic principle of Melanesian economics:

The ownership and use of the canoe consist of a series of definite obligations and duties uniting a group of people into a working team. Thus on a dose inquiry we discover . . . a definite System of division of function and a rigid System of mutual obligations, into which a sense of duty and the recognition of the need of cooperation enter side by side with a realization of self-interest, privileges and benefits,

the enforcement mechanism being reciprocity. Malinowski (1926: 22) found obligations being at the root of social relations throughout the whole social system, for example, „ . . . in the Trobriands there is not one single mortuary act, not one ceremony, which is not considered to be an obligation of the performer towards some of the other survivors," and arguing on a most general level: „ . . . in all social relations and in all the various domains of tribal life, exactly the same legal mechanism can be traced, that it places the *binding obligations* in a special category and sets them apart from other types of customary rules." (Malinowski, 1926: 39).

An obligation may be defined as the probability of transferring anything perceived by society as scarce or valuable. It was claimed that the web of obligations constitutes the social structure. To test this proposition, we assume that the above probability becomes zero. According to the definition, this implies that there is no obligation. Hence, there is no social relationship, or a previous social relationship is terminated if the probability of transferring the valuables implied by a particular obligation becomes zero. Of the evidence, we cite only the rule among the Nuer that failures to fulfill obligations are grounds for divorce, that is, the termination of a marital relationship. Such failures to fulfill obligations are barrenness, laziness, continued adultery, desertion, impotence or sterility of the husband, stinginess, failure to support wife, and ill-treatment (Howell 1954: 141-144). Most important in this context are procreative obligations. The Nuer are very legalistic about the implications of our hypothesis. They conclude that if the probability of transferring the goods, services, and the like which are constitutive for a particular obligation cannot become zero, then the social relationship derived from that obligation cannot be dissolved: „Nuer consider that the dissolution of marriage, instituted by either party, is impossible if the wife has fulfilled her procreative obligations" (Howell, 1954:148).

Our definition of deviance and obligation places the two in a very special relationship to each other: *deviance is the probability of incurring obligations: actually and/or ideally*. Sanctioning processes are then mechanisms of enforcing the fulfillment of obligations. This is very clearly expressed by Bohannan (1957:137): among the Tiv, „all institutions of self-help are; seen, by the persons who use them, as mechanisms for . . . making other people perform their obligations." The same is true for the Nuer where „a man may seize for himself cattle which he regards as his just due in compensation for some injury done to him by their owner." (Howell, 1954: 199). By that very act, however, the wronged party also incurs an obligation toward the wrong-doer party. Thus arises the

web of obligations as an emanation of deviance. Needless to say as4 deviance involves groups rather than individuals, obligations arise between groups rather than individuals.

The crucial role played by deviance now becomes apparent: society is but a web of obligations, and deviance is the process of producing obligations.

An example of this set of relationship is the widespread practice of „subletting wives." In most African societies, the standard of living is basically egalitarian, the wealthy cannot eat more than a certain amount of food, they cannot wear luxurious clothes when only materials such as skin, barkcloth, and a little cotton are available, or live in a palace when habitations are made of skin, grass, or mud. Hence, the wealthy and powerful do not form a separate „class," cut off from the poor by a different life style. In fact, rich and poor may be km to one another, and intermarriage is possible without provoking a public scandal. The social consequence of this situation is that „the powerful and wealthy use the lands and goods they control to attract followers, and a man's prestige is determined by the number of dependents or subjects he has, much more than by mere possession and use of goods. Prestige and power are important and enable a man to control the actions of others; but he gains that control through establishing relationships of personal dependence with as many others as he can" (Gluckman, 1965: 4-5). These relationships of personal dependence arise out of obligations that are largely produced by deviance. Hence deviance may be skillfully used to create or increase one's number of followers. In many societies, a man may „sublet" his wives-often for indefinite periods. The deviance it involves-adultery-makes the legal husband the owner of obligations and thus creates a clientele. The group which thence arises is held together by a web of obligations arising out of deviance. No moral stigma is attached to this practice.

The relationship between deviance and obligations brings to light an aspect of social order that is inherent in any deviance and obligation: the aspect of dualism. One form of this was discussed in a previous section entitled „The Institutionalization of Social Deviance" that is dual structuring. According .to Malinowski (1923: 25),

The dual principle is neither the result of „fusion" nor „splitting" nor of any other sociological cataclysm. It is the integral result of the inner symmetry of all social transactions, of the reciprocity of services, without which no primitive community could exist . . . symmetry of structure . . . as the indispensable basis of reciprocal obligations.

## **II: Large-Seale African Societies**

Large-scale African societies are more differentiated and more centralized than small scale societies. However, they are not as differentiated and centralized as modernized societies. In fact, the element of decentralization is a feature of any, even the most centralized, nonmodernized society. „However despotic their rulers, relatively nonmodernized societies are never stable without major provisions for decentralization. The major structure of decentralization in the last analysis is always the actual if not ideal autonomy of the nearly self-sufficient units within the sphere of their own devices" (Levy, 1966:100). This puts complex African societies into an intermediate position where they have certain features in common with simple African as well as modernized Western societies.

Because of their emphasis on decentralization, complex societies share the basic features of deviance in simple societies: deviance is the prime mechanism of integration, the units of integration being groups rather than individuals; since deviance functions as an integrative mechanism, the deviant act is not considered immoral, nor are groups or persons labeled as deviant; societal reactions to deviance are directed toward reintegration



rather than alienation of the deviant; secondary deviance is avoided. The higher the degree of complexity and of centralization, however, the higher is the probability of finding *simultaneously* a tendency to use mechanisms other than deviance for integration to emphasize groups *and* individuals as units of integration, to consider deviant acts as immoral, to label groups or persons as deviant, to alienate the deviant, and to create secondary deviance. One of the most telling accounts of this tendency is found in Rattray's (1929) description of the highly centralized Ashanti kingdom. Rattray (1929: 294) reports the existence of *Oman Akyiwdie*, „things hateful to the tribe" that were considered as „sins" to be punished immediately by the central authority. He (1929: 372-378) also found labeling to be widespread and little concern about reconciliation and rehabilitation. The strongest sanction among the Ashanti was the label of derision or ridicule. Rattray gives examples of people who carried the label of ridicule even for acts that are only slightly deviant. He reports cases in which the ridiculed were so ashamed that they committed suicide-another („secondary") deviant act considered far more severe by the Ashanti than anything the ridiculed could have possibly committed before. Rattray also reports the widespread use of capital punishment (decapitation, strangling, clubbing, or mutilation of the ears, lips, nose, and genitals as a substitute), flogging, imprisonment, imposing of fines and of enslavement as a punishment by the central authority. This testifies clearly to the existence of the principle of individual responsibility as found in modern societies. At the same time, however, „corporate responsibility for every act was an established principle that survived even the advent of a powerful central public authority as the administrator of public justice" (Rattray, 1929: 286). Sanctioning mechanisms in complex African societies are in part identical with those in simple societies. The moot is an important institution for the settlement of disputes in both types of societies. The conclusions Beattie (1957: 194-195) reaches about the role and effectiveness of the moots („neighbors courts" in his terminology) in the Banyoro kingdom of Uganda are similar to those of Gibbs. In the words of an informant, the moot's aim is „to finish off people's quarrels and to abolish bad feelings." As in the Kpelle moot, the losing party is asked to provide beer and meat, which is shared with the other party and all those attending the *rukurato* (moot). This feast is not to be viewed primarily as a penalty, for the wrongdoer acts as host and also shares in the food and drink. „It is a praiseworthy thing; from a dishonourable status he is promoted to an honourable one . . . and reintegrated into the community."

Whereas the moot operates in both simple and complex societies and is *relatively* independent from the degree of complexity, self-help as a sanctioning mechanism varies inversely with the size of societies. In complex and centralized large-scale African societies, self-help is, if it occurs, a deviant act rather than a legitimate sanctioning mechanism. Its substitute in centralized societies is the court as a mechanism of administering sanctions.

In centralized African societies, legal sanctions are backed by the power of judicial authorities to inflict punishment. Actually, Bohannan (1964: 199) asserts that, „Africa is one of the homes of advanced legal institutions." This is particularly true for the Bantu states where the local or provincial chief is one of a number of judges on a large and inclusive bench. The bench includes representatives of all of the important social groups of the community. The judges form a regular and pronounced hierarchy and are seated in a row or an arc. Judgment is passed up the hierarchy, starting with the youngest judge and ending with the highest whose decision is final (Bohannan, 1964: 199-200). Similarly, „Among the Barotse we are dealing with a powerful kingship exercising its authority through a hierarchy of councils which acted as parliaments, executives, and courts of justice" (Gluckman, 1965: 4).

Previously, it has been asserted that sanctioning processes in our society frequently alienate the wrongdoer from society, whereas in most African societies they are directed toward integration and reintegration. An explanation for this difference is in order before evaluating the role of deviance in African states with a court system and nonstates without a court system. In every society there is conflict between individuals and groups representing, or resulting in, deviant acts. These are the centri- or sociofugal forces that tend to drive the units of society apart. To keep society in its present form, namely some kind of a coherent and integrated social system, counteracting mechanisms are needed, centri- or sociopetal forces that weld the units of society together. In highly differentiated societies, usually special institutions, for example, the bureaucratic administration of a centralized political organization, keep society integrated. In undifferentiated societies without such unifunctional institutions, some of the more basic multifunctional social processes have to fulfill that function. Such a basic process is social deviance that is not just an outburst of antisocial tendencies but serves an integrative function in itself and/or in conjunction with subsequent sanctioning processes. Simple societies cannot afford the luxury of wasting the integrative potential of social deviance, whereas highly differentiated societies can, and do.

Centralized African societies are in an intermediate position where they still have to rely to some extent on the integrative functions of social deviance and its sanctions and at the same time, either to some extent or at times, on the centralized political system for the integration of society. That means that in many cases they may be concerned about not alienating individuals or groups from their social environment by the type of sanctions imposed or about reconciling individuals or groups in conflict. In fact, some of Gluckman's (1965) descriptions of trials in the Barotse kingdom very closely resemble Gibbs' and Beattie's descriptions of the moot. In other cases, however, the punishment inflicted by courts may be guided by quite different principles, as Rattray (1929: 292) asserts for the Ashanti kingdom—principles he considers a consequence of centralization:

In the olden days, before the rise of a powerful class of aristocracy, the chief aim of such authority as existed seemed to have been the avoidance of possible causes of dispute and the conciliation of the parties temporarily estranged by litigation. In more modern times an exactly opposite result would appear to have become the goal of a central authority, which found itself powerful enough to quell serious disputes, if necessary by force, and came to rely on the proceeds of litigation as a fruitful means of replenishing a depleted treasury. Litigation, in this somewhat degenerate epoch, came actually to be encouraged. Having given a decision, the courts were indifferent whether conciliation between the parties took place or not. . . . Prayers were offered to the gods to send cases. (See also Hoebel, 1954: 233]

If such centralized societies fail to make use of the integrative functions of deviance and its sanctions (that is, if they fail to decentralize—Levy, 1966: 100), they are likely to disintegrate and break into their tribal segments as happened frequently in the history of Africa; it is only in relatively modernized societies that other institutions are, in the long run, strong enough to guarantee the cohesion of society.

This proposition may be expressed in more general terms: *the more centralized a society, the lower is the probability that it relies on deviance alone for the maintenance of integration.* That centralized societies can afford to do without the integrative function of deviance was explained by referring to the fact that they have developed specialized integrative institutions. However, why they in fact choose the specialized institutions over deviance is to be explained by our theory of the relativity of deviance and of its sanctions: the less intimate a social relationship, the

less serious is a deviant act and the lower the probability of reintegration. Since centralized societies „are usually amalgams of different ethnic groups" (Elias, 1956: 11), which are socially distant from each other, deviance involving two different ethnic groups in a centralized society has a very slight integrative effect. Hence, if integration is to be maintained, it is to be achieved by institutions other than deviance. *Within* ethnic groups, deviance may still fulfill its integrative function.

### **III: Toward a Theory of Deviance**

#### **Deviance in the Light of Structural-Functionalism and Conflict Theory**

It is now in order to draw the major theoretical conclusion that gradually emerged out of the previous analyses. We have shown that social order, that is, the network of patterns of social interaction or the ordered system of social relationships, in short, social structure, depends essentially on deviance. Social order emerges only out of the break of social order; none can be considered *prius*. Social structure is a process *essentially* depending upon conflict or deviance, and deviance is a conflict depending *essentially* upon social structure. Both are but two aspects of the same phenomenon.

The structural-functional model rests on the assumption of a stable equilibrium created by the system-maintaining functions of the institutions of society. However, it was found that deviance, conflict, and disorder represent a central institution directed toward that equilibrium—an equilibrium that is never stable because social structure is a dynamic process. The conflict model rests on the premise of incompatible interests of individuals and/or groups that by their very nature cannot be brought into any equilibrium. But it was found that deviance is in fact directed toward an equilibrium and may actually bring it about for a point in time—even if this is only the beginning of a new series of conflict and deviance. Only permanent deviance creates integration and stability, and only that integration and stability creates deviance. Hence, the study of social deviance in Africa has led us to the conclusion that a theory of society cannot be based on either a structural-functional or a conflict model: it rests on both. The two models are not incompatible; they depict but two aspects of the same process, a process constituting society. The dispute between the two theories is the same as between Parmenides and Heraclitus of whom the former saw stability (structure) and only stability in all movement, and the latter saw movement and only movement in all stability.

#### **Definitions**

The crucial term in this chapter is *deviance*. Most of the definitions of this term are not culture-free and are thus of little applicability in the African context, and hence of a relatively low level of generality. The conventional definition of deviance as behavior contrary to norms leads to a contradiction in itself when applied to African societies because—considering norms as prescriptions for behavior—deviance has been shown to be in fact prescribed behavior, actually and ideally. The now fashionable labeling definition that considers deviance as a property conferred upon a person by others is irrelevant because small-scale African societies simply do not label—except in some very specific cases: deviance in Africa is social behavior that occurs between groups, and not between individuals or between individuals and groups; also, deviance in Africa is not a moral category. Hence, there is no basis for labeling. A definition more applicable to the African context has been suggested by Black and Reiss: individual or group behavior is

deviant if it falls within a class of behavior for which there is a probability of negative sanctions subsequent to its detection.

The definition used in this chapter has gradually evolved out of the study of deviance in African societies, starting with a prescientific notion of deviance. It is claimed that the definition is of a higher level of generality than the ones previously given and is applicable in both modernized and nonmodernized societies.

1. *Deviance is that aspect of social behavior that refers to the probability of incurring social sanctions.*
2. *Social sanctions are claims to anything perceived as scarce or valuable by society, such as goods, services, persons, life, psychic gratification, political or economic power, and the like; these claims are independent of the consent of the individuals upon whom sanctions are imposed. Combining (1) and (2), the definition can be abbreviated into:*
3. *Deviance refers to the probability of incurring claims to anything perceived by society as scarce or valuable.*

It has been shown that there is a dose relationship between deviance and obligations:

4. *An obligation refers to the probability of trans/erring anything perceived by society as scarce or valuable.*

This allows a redefinition of deviance for small-scale societies:

5. *Deviance refers to the probability of incurring obligations.*

For large-scale societies, with their focus on rights rather than obligations, this definition reads:

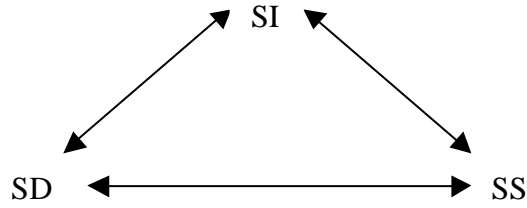
6. *Deviance refers to the probability of incurring claims to rights.*

In either case, the incurrence may be ideal and/or actual.

It may be noted that a transfer is a type of interaction and not of solitary action; hence, it is a social category. Obligation and deviance are patterns of action that involve two parties. Where no second party of actual individuals or groups is involved, society in the abstract may be substituted-this is the procedure in large-scale societies where many deviant acts are considered as being committed against society. The other alternative that usually occurs in small-scale societies is not to consider such action as obligation or deviance.

### **Propositions toward a Theory of Deviance**

1. Three universals are of relevance for the study of social deviance:
  - a. *In every known society, there is social deviance.*
  - b. *In every known society, there are social sanctions.*
  - c. *In every known society, there is social integration.*
2. Levels of social deviance, social sanctions, and social integration are intrasocietally and intersocietally variable.
3. The following three associations may be postulated:
  - a. There is an association between social deviance and social sanctions.
  - b. There is an association between social deviance and social integration.
  - c. There is an association between social sanctions and social integration.



**Figure 10-1: Social Deviance, Social Sanctions, and Social Integration.**

4. Since social sanctions are a complement to social deviance, the three propositions may be reduced to a single proposition that constitutes the *basic theorem of deviance*:  
*There is an association between social deviance (and its sanctions) and social integration.*
5. The relationship is one between structure and function: social deviance is a structural device directed toward social integration as a requisite function.
6. The association between social deviance and social sanctions is probabilistic and symmetrical with regard to each other. (a) That the association is probabilistic implies that there are not only two congruent combinations of the two variables, but also incongruent combinations. (b) That the association is symmetrical implies that both incongruent combinations exist: there is social deviance without sanctions; and there are social sanctions without deviance.
7. The two incongruent combinations represent inconsistencies in the system. Since systems tend to avoid inconsistencies, there is a tendency to assume supernatural deviance (for example, witchcraft) in the case of the No Deviance-Sanctions pattern and supernatural sanctions in the case of the Deviance-No Sanctions pattern (for example, damnation).

Deviance	Yes	Sanctions	
		Yes	No
	Sanctioned Deviance		Nonsanctioned Deviance
	No	Sanctioned Nondeviance	Nonsanctioned Nondeviance

**Figure 10-2: Social Deviance and Social Sanctions.**

8. Since the level of integration varies by the types of units to be integrated, the following *relativity theorem of deviance* can be derived from the basic theorem (4):  
*There is an association between standards of deviance on the one hand and intimacy of social relations (or: levels of integration, or: types of units to be integrated and types of relationships between units to be integrated) on the other.*  
 With reference to standards of deviance, the *relativity theorem of deviance* may be reformulated in terms of the following propositions.
9. There is a direct association between intimacy of social relations among units and the probability of perceiving an act as deviant.

10. There is a direct association between intimacy of social relations among units and the perceived magnitude of deviance of an act. As the intimacy of social relations approximates zero, the relativity theorem of deviance leads to the following corollary:
11. *Corollary I:* No deviant acts can be committed between units that do not stand in a social relationship to each other. Without a social relationship, there is no need for social integration; without a need for social integration, there is no need for deviance. As intimacy of social relations tends to infinity, the relativity theorem of deviance leads to the following corollary:
12. *Corollary II:* When social relations are most intimate, the probability of perceiving an act as deviant and the perceived magnitude of deviance of a given act are highest.
13. Since social sanctions are a complement to social deviance, propositions (8) to (12) may be reformulated into a *relativity theorem of sanctions*, and its derivatives. The relationship between social deviance and social sanctions with regard to social integration is asymmetrical.
14. There is an association between standards of sanctions on the one hand and intimacy of social relations on the other.  
With reference to standards of sanctions, the relativity theorem of sanctions may be reformulated in terms of propositions (15) and (16).
15. There is a direct association between intimacy of social relations among units and the probability of sanctions.
16. There is an inverse association between intimacy of social relations and magnitude of sanctions.  
As the intimacy of social relations approximates zero, the relativity theorem of sanctions leads to proposition:
17. *Corollary I:* No sanctions are imposed between units that do not stand in a social relationship to each other.  
As the intimacy of social relations approaches infinity, the relativity theorem of deviance leads to proposition:
18. *Corollary II:* When social relations are most intimate, the probability of imposing sanctions is highest and the magnitude of sanctions is lowest.

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