STIGMATIZATION PROCESSES. THE POWER OF CLASSIFICATIONS.

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> [...] It is notorious that a classification of the universe that is not arbitrary and full of conjectures does not exist. The reason is very simple: we don't know what the universe is. [...] It is possible to go further; It is possible to suspect that there is no universe in the unifying organic sense, a sense which that ambitious word has.
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> *Jorge Luis Borges*. The analytical language of John Wilkins.

Introduction

Prostitutes, *drug addicts*, *homeless*, *young criminals*, *misfits* or *violent…* This is presumably the core of the so-called social deviance camp or, if preferred, of the *abnormal* (Foucault, 2000a). People who are considered trapped in a certain type of rejection of the collective social order; those perceived as unable to use the opportunities for progress in the various paths approved by society (Goffman, 2003, p. 166). Beings that we cease to see as normal and ordinary people, as complete persons, and go on to swell the ranks of those *unhappy*, *internalized*, *differentiated* and *despicable* beings. The otherness - embodied, among others, in the figures of the deviant, the madman, the offender or the excluded - refers us to a system of representations that assigns the other inferiorizing attributes that will make him bearer of a stigma. Degrading features, notes Carlota Gallén (2006, p. 12), which can be completely fanciful but very operational as long as they find precisely in their imaginary nature the key to their irrevocability. The others, the different ones, the maximum exponents of moral and social degradation, will be placed in social categories towards whose members all kinds of negative responses are generated. Physical and symbolic violence legitimized in the different nature of the stigmatized, whose *impaired identity* authorizes the reduction of humanity with consequences that can range from social invalidation in its multiple modalities (confinement, banishment, repudiation, commiseration, etc.), to extermination, death.

It has been pointed out that anthropology privileges and is defined around the study of the fundamental category of otherness (Krotz, 2007, p. 160). From this discipline important contributions have been made -empirical and conceptual- to the analysis of the processes of identity production and of the social, cultural and political devices that make

it possible. Anthropological science has shown its relevance in the study of the negativity of the beings that represent those areas of shadow, darkness and disorder present in every society. At the same time, he has shown that the others, the *strangers*, far from being a natural phenomenon, are a product of social dynamics and ideologies. It is always the result of a specific and concrete socio-historical and situational relationship. As Enrique Santamaría says (2002a, p. 7), it is the effect of the social relationship between two heterogeneities: *relative* (the others are always the others of a heterogeneous us) and *relational* (the others of a us are a us that sees us as others). It is within these considerations that we underline the role of anthropology and sociology as reference disciplines in the development of the PROVA project in general, and of this chapter, in particular. In the pages that follow, we will try to approach the *modus operandi* of the classification logic and its corollary of stigmatizing effects as core elements that allow elucidating the construction of the figure of the *young criminal*. Likewise, we will address the different theories that have approached the phenomenon of social deviance in its criminal dimension.

We believe that this theoretical framework allows a better approach to the radicalization processes in the context of juvenile justice. The concept of "radicalization" can be defined as a "process of change, a transformation of a personal nature, by which the individual passes from one condition to another" (Christmann, 2012, p. 10). It is necessary to distinguish between "cognitive radicalization" and "violent radicalization" (Vidino & Brandon, 2012, p. 9), and underline that the existence of radicalization processes does not necessarily imply the existence of harmful or violent behaviors. Articular preventive actions within a field as sensitive as this requires precise uses of our analysis categories so as not to incur in what Bigo, Bonelli, Guittet and Ragazzi (2014, p. 6) warn: "radicalization seems to be a useless concept to understand the forms of political violence; simplistic causal links have obscured the fact that radicalization processes are complex and difficult to anticipate." We want this chapter to be a contribution in this enlightening sense of the phenomenon. We want this chapter to be an enlightening contribution in this sense of the phenomenon.

2. The (paradoxically) central role of the excluded.

> Dios habría podido hacer ricos a todos los hombres, pero quiso que hubiera pobres en este mundo para que los ricos tuvieran ocasión de redimir sus pecados.
>
> Life of San Eloy.

Émile Durkheim (1997 [1895]) was one of the first theorists to address the social functions of deviance. His main thesis postulates that deviance contributes to consolidate cultural values and norms, thus becoming an indispensable part in the process of creating and maintaining consensus on them. The deviance would be functional in two ways: first, because it provokes and stimulates the social reaction, stabilizing and keeping alive the collective feeling on which it is based - compliance with the norm - and secondly, because the fact that the public authority downloads Its regulatory function on the phenomenon of deviance provides social guidelines to integrate dysfunctional elements or social change, contributing to the promotion of social unity. The unitary response to deviance actions would strengthen the social bond and contribute to defining moral limits. The french sociologist criticized the representation of deviance as a pathological phenomenon arguing that it occurs in every society, linked to the conditions and physiology of all collective life and being an integral part of a *healthy* society. Ultimately, it would not be possible to understand the deviant subject as a radically antisocial being, as a foreign body introduced into society, but to understand it as a regulatory agent of the collective life that allows the social structure to be endowed, through an adequate regulatory reaction, of functional elements for the integration and cohesion of the system.

These considerations allow us to place the centre of the – borgian – maze from which to configure the theoretical framework of this research, and which could be formulated with the statement of Hebe Tizio (1997, p. 93), "every order is constituted based on an exclusion". The social imaginary places the threatening existence of the different ones in the margins, outside the group, against the order of the community. Jock Young (1999, p. 165) noted that the desire to demonize the other is based precisely on the ontological uncertainties of those inside. The construction of the social anomaly would, therefore, be the reflection of the fears that society experiences, a series of constructions that would attend, as Lluís Mallart (1984, p. 54) elucidates in relation to the disease, to a conceptual device which allows to explain the different forms of disorder that can destabilize the community. Or put another way, a mechanism that allows us to think, organize and (re)structure society. The deviant guarantees the separation between the normal and abnormal, the pure and the impure, the adapted and the maladaptive, by marking the necessary distance between the two domains: of a winged one, a structured and harmonic *order*, from another, an amorphous and anarchic *disorder*. Remember that this

construction of the other, as Claude Lévi-Strauss showed (1982), responds to logical operations that are always articulated from oppositions and incompatibilities.

Following the analytical sensitivity of the same author, it could be added that the figure of the abnormal -in any of his incarnations (young offender, prostitute, socially excluded, etc.)- acts as *symbolic operator* (Lévi-Strauss, 1992), that is, as a conceptual artifact to whom to think antagonistic and opposite or, taking the allegory of Dolores Juliano (2002) in the case of prostitution, a *dark mirror* that returns the image that would certify one's normality. It is in this sense that the deviant - in whom the category of the *socially excluded* would be none other than one of its contemporary representations (Venceslao, 2011) - allows to think of an ideal state of the social which is at the same time disabled by the disorders that its threatening presence implies. The discursive categories derived from antagonistic divisions, such as included/excluded, are the instruments per excellence of the construction of a symbolic order that places the individuals imprisoned in them as atoning figures of the community, characters that would come to dispel our fears when thinking they belong on the other side of law and order. It is the existence of the excluded, being anomalous, that confirms the inclusion situation of the included, which can breathe easily knowing they are within the parameters of normality.

In his approach to the processes of exclusion in the Middle Ages - which in my opinion are surprisingly analogous to those that occur in our contemporaneity - Jacques le Goff (2008, p. 179) summarizes the ideological bases of exclusion and introduces with them the paradoxically central role of those who embody the figure of the excluded. It deserves to be quoted extensively:

> In a [medieval] society beset by the fear of ideological contamination, but hesitant about excluding those who may contribute, contradictorily, to the salvation of the pure, what prevails over the marginalized is an ambiguous attitude. Medieval Christianity seems to banish them and admire them at the same time; It is afraid of them in a mixture of attraction and horror. It keeps them at a distance but sets that distance so that the marginalized are within reach. Medieval society is in need of these outcasts because, although they are dangerous, they are visible, because by virtue of the care they provide, peace of conscience is ensured and, even more, because they magically project and fix all the evils that drive them away of itself.

They are a source of disturbances and decompositions, at the same time as a generating substance that makes and remakes social life. I insist again on the idea that those labelled

as abnormal allow the social order to think of itself -with its inconsistencies and disorders- as the contingent result of a monstrous presence that needs to be monitored and controlled (Gallén, 2006). This is the relationship established by Victor Turner (2007) between those monstrous incarnations and some liminoid characters that exercise as *semantic molecules* (p. 115), that is, as elements that allow the social order to think of itself in terms of unity, order and perfection in opposition to the spawn and the stridency of the anomalous existence of that figure.

Summarizing. It is necessary the existence of evil and monstrous beings so that the evil can be located and surrounded, thus preventing a metastasis to the rest of the social body. It is in this type of operations -inscribed in dynamics of a political nature- that, as Rossana Reguillo (2005, p. 408) has emphasized, we can lighten our faults and mitigate our fears. All the precautions, the cares, the risks involved in being at the border warn not of the risk that exists at the borders, but of the enormous fear that leads us to imagine that there were none (Giobellina, 1990, p. 139).

The normal/abnormal dichotomy guarantees the strict separation of contaminants in a segregated sphere but within reach; separation that clearly defines the sphere of those included and excluded. In this sense, a certain parallel could be drawn between the figure of the foreigner elucidated by Georg Simmel (1977 [1927]) and that of the so-called *socially excluded*. Both figures embody the same contradiction, namely, they allude to beings that are inside, but that do not belong to the inside; they are at the same time near, physically, and far, morally. Note that the so-called socially excluded are always part of the society from which they are said to be expelled. They are, not outside of society, but outside certain circuits, of certain socio-economic practices (Venceslao, 2008) -. Robert Castel (2004, p. 63) has rightly pointed out that decollectivization is itself a collective situation. What I want to underline with these last assessments is the need to contemplate the material function of the deviance, without which it would not be possible to complete our analysis chart. The socially excluded, in any of its manifestations, is not only a symbolic operator that certifies the situation of inclusion of the considered normal, it is at the same time an essential gear of an economic system – capitalist – based on exploitation. Some considerations are imposed in relation to this double function.

In the Durkheimian integration model (Durkheim, 2002 [1893]), society is defined by a set of individuals and groups linked by dependence and interdependence relationships

based on their social utility, in which the excluded (Durkheim speaks of exploited) has its place and its social function. In order for certain fringes of society to be excluded from the economy, it is necessary, as Saül Karsz (2004, p. 160-161) observed, to occupy certain places in that economic structure: job seekers, industrial reserve army, the discarded because of progress, social misfits, unworkable, etc. It is precisely in the economy, continues the author, in which these populations fulfill precise functions -brake element of wage claims, support of the idea according to which those who have wage employment are privileged, confirmation of the work is health dogma, resignation to more painful labor conditions, stimulation of the distribution of employment without touching the structures of capital redistribution-. Remember that Pierre Bourdieu showed in different works (1988, 1995 and 2000) how symbolic systems, in addition to knowledge instruments, are at the same time instruments of domination in the sense indicated by Max Weber for theodicy or Karl Marx for the ideology. This double material and symbolic effect of deviance is especially significant in the case of the criminalization of contemporary poverty. The so-called socially excluded are of fundamental importance in maintaining the social order -especially at a time marked by the unrestricted expansion of neoliberalism-. As Zygmunt Bauman (1998) has pointed out, it is necessary to project the danger in these population segments, and redefine their living conditions in terms of criminality.

As in other periods of history, today we come across a speech that places the emergence of what Louis Chevalier (1969) called the *dangerous classes*. In moments crossed by strong economic discomforts, the power groups seem to activate strategies of displacement of the structural conditions of a system generating inequalities, towards the menacing figures of the social order. The design of these alarms underpins the imaginary of fear that makes consensus possible before the punitive treatment of marginality, to the detriment of other types of responses: social justice, without going any further. The rugged imagery of the fearsome gang member or the violent young -Reguillo warns (2007, p. 313) - legitimizes repressive logic without touching the socio-economic model that operates as a breeding ground that accelerates youth violence. In this sense, it is necessary to bring up the double utility of *hyperencarceling* of the urban subproletariat pointed out by Loïc Wacquant (1999, p. 93, 2010). In material terms, this phenomenon serves to neutralize and separate elements that are superfluous in the new economic order. In symbolic terms, it operates as a dissipator of the physical and moral threat posed by groups considered dangerous.

We believe that it is possible to register this relationship of mutual dependence between both functions, in the educational *praxis* of a corrective nature developed in juvenile justice centers. In order for certain subjects to function as functional gears of a given order -confinement object, social assistance or police surveillance-, it is necessary to previously deploy a whole set of symbolic operations of inferiorization that legitimize their control, surveillance and/or exploitation. Only in this way can those that appear as normative failures for certain social logics be operated on.

3. Taxonomies of the deviance

The analysis of the *corpus* built so far leads to consider one of the touchstones of the phenomenon of abnormality, namely the classification mechanisms and their correlation of logical-social nomenclatures. For deviance to exist it must be named; it is not said in the first person, it is a third party, a social Other, who makes the judgment (Tizio, 1997, pp. 98-99). The production of otherness requires the existence of nominating artifacts that distribute and award categories from a previously defined classification system, in which the institutions responsible for their management -and production- become fundamental pieces of the gear. Thus, to give a place of existence to that other segregated, it is necessary to classify it previously, that is, generate taxonomies that define and locate a *dark side* from which to stay away, and that, in that distance, society can be structured and think of itself as compact and cohesive. Let us stop in this rough classifying framework. The first mandatory reference is the article of Durkheim and Mauss (1996 [1901]) on totemic systems. Their contributions allow us to shed light on the importance that the classification function has in the construction and maintenance of any social order, since these are essential operations to provide meaning and legibility to the world, making social life possible. These authors wonder about what it is that leads human beings to arrange their ideas in classification systems, and on what substrate we find "the plan of such a deep disposition" (p. 31). They point out that the classification function is to group beings, events and world facts and order them in different groups, separated by clearly defined limits. Classifying things or beings does not only mean building categories, it also means arranging them based on relationships of inclusion and exclusion. And every classification involves a hierarchical order that, far from being a spontaneous or natural product, refracts the social order of a certain group with its consequent asymmetries and subordinations. In the words of the authors: "The classification of things reproduces the classification of human beings" (p.33). There is a

correspondence between social and cognitive structures; a kind of homogeneity between society and universe, in which this would be a reverberation of the social structure. In other words, cognitive systems derive from social systems. Thus, the categories of understanding that underlie collective representations are organized in relation to the social structure of the group.

Pierre Bourdieu (1995, 2000) seems to follow Durkheim in his correlation between social and cognitive structures. However, unlike him, Bourdieu adopts a certain distance in relation to the arbitrary nature of the social determination of the classifications. He proposes that social divisions and mental schemes are structurally homologous, and that the latter result from the incorporation of the former. That is why an adequate science of society must encompass both objective regularities, and the process of internalization of objectivity according to which the transindividual and unconscious principles of vision and division are constituted, which agents incorporate into their practices. Bourdieu (1995) has shown how, in the form of classification systems made of mental and bodily schemes –which serve as a symbolic matrix of practical activities, behaviors, thoughts, feelings and judgments–, human beings define the meaning of the world that produces it. What we find is a correspondence between social structures and mental structures, between the objective divisions of the social world and the principles of vision and division that the subjects themselves apply to them.

Returning to the proposal of Durkheim and Mauss (1996 [1901]) - to approach the rationality that operates in the classification, distribution, distinction, separation and ranking by categorical groups of human and material objects of what we call the social world- we can consider that the action of classifying is not spontaneous nor responds to a natural need of the human being. On the one hand, he could not find the essential elements of the classification, and on the other, "things do not present themselves thus grouped together in observation" (1996 [1901], p. 30). In relation to such a disquisition, Manuel Delgado (2007, p. 200) stresses that it is not the visibility of physical, social or cultural differences that generate diversity, but that the diversification mechanisms that motivate the search for markings that fill with content the will to distinguish oneself and distinguish others, not rarely for stigmatizing and excluding purposes. It is the differentiation that creates and reifies the difference. Following the appreciation of Jean Pouillon (1993, p. 122) we will say that we do not use classification because there are things to classify, it is because we classify that we can discover them. Or even, as

Durkheim says (2002 [1893], p. 91) in the case of crime, "we do not reprove it because it is a crime, it is a crime because we reprove it".

Classification mechanisms are cognitive instruments, and at the same time, power and control devices that order and separate social groups, delineating differences and borders that are sometimes impregnable. The classification logic, inscribed in the will to distinguish, operates as a legitimizing mechanism of unequal social systems. The taxonomic order inserted in a certain symbolic system is not a mere instrument of knowledge, it is first and foremost a powerful artifact of domination that enables moral consensus, while greasing the gears of the reproduction of the social order. As Dario Melossi emphasizes (cited in Larrauri, 2000), classification processes, in addition to nominalist processes, are fundamentally ways of governing acts and controlling reality.

In summary. The deviant, in our case the *young offender*, does not occupy a normalized place in the social scene and is usually perceived as an anomalous, dirty and/or immoral being. The awkwardness of his legitimate presence is that those mechanisms that immunize and protect the community from the contradictions arising from their relationship with him loom over this threatening figure. In the deviant category -and in all the variants that emerge from the normal/abnormal division- vigorous symbolic structures operate that are the reflection of the social structure in which they register. There is a tenacious symbolic demarcation that distinguishes the dirty (the excluded, the deviant and contaminated) from the clean (the included, the normal and pure). The former will be stigmatized by their impurity and their deteriorated identity; the latter, who have the power to elaborate and impose the logical systems of significance, are usually free of any macula. Fortunately, as Mary Douglas (2007) also taught us, although life in society implies a system of classification of objects, people and relationships, every taxonomic system is incomplete and presents areas of ambiguity and uncertainty on which gravitate questions, fears, dark areas. The attempt to classify the anomalies, associated with the pollutant and the impure, always presents difficulties and generate turbulence. This results in the idea that what is located in a confusing place ends up ensuring the delineation of the symbolic boundaries that distinguish the different social categories.

4. Theories of social deviance related to crime.

Once the logic that makes possible the production of the deviant figure is introduced, this section will try to offer a summary table of the theories and authors that have addressed

the phenomenon of deviance and, particularly, in its relation to the phenomenon of delinquency (a phenomenon that occupies a central place in the designation of young people who inhabit juvenile justice centers). With this recapitulation we do not intend to make an exhaustive examination of them, only to outline what would be a succinct genealogy of the currents and the authors who have configured the theoretical field of crime. The tour is organized around three concatenated theoretical guidelines that I consider unavoidable within the framework of any investigation that seeks to address the phenomenon of crime. Thus, we will refer first to functionalist theories. Second, to theories of criminal subcultures, as predecessors of specific studies on juvenile delinquency. Third and last, we will consider the theory of labelling or *labelling approach*, whose microsociological approach constitutes one of the fundamental theoretical scaffolds of this chapter and, therefore, deserves to be treated with a certain degree of specification. We will stop particularly in his observations about the processes and effects of the stigma to subsequently juxtapose them with some considerations that critical criminology has made regarding the relevance of the criminal system as a producer and administrator of the phenomenon of crime.

4.a. Functionalist theories

Our starting point is Durkheim's work (1997 [1895]). *The rules of the sociological method* constitutes the first classical alternative to the conception of the biopsychological differential characteristics of the offender and the positivist criminology postulates that had dominated the theoretical field so far. The functionalist structural theory of anomie and criminality introduced by this author, and later developed by Robert Merton (2002 [1949]), represents, according to Alessandro Baratta (2004, p. 56), the change of sociological orientation most relevant carried out by criminology in recent decades.

Durkheim elucidated deviance as a normal phenomenon of any social structure in which crime would not only be "an inevitable phenomenon, although repugnant, due to the irreducible human evil", but also "an integral part of every healthy society" (Durkheim, 1997 [1895]), p. 66). This apparent paradox can be explained if, as seen in the preceding section, we consider what constitutes the normality and functionality of the crime in the social body. In the first place, crime - provoking and stimulating social reaction- stabilizes and keeps compliance with the norms alive. The crime, however, is also a phenomenon of a particular entity, sanctioned by criminal law. The fact that the public authority, sustained by collective sentiment, discharges its own regulatory reaction on deviance

phenomena that reach the level of crime, allows greater elasticity compared to other normative sectors and makes possible through individual deviance, the transformation and social renewal. It can also have a direct role in the moral development of a society. Contrary to the postulates of the until then dominant Italian criminological school, Durkheim does not see the offender as a radically antisocial being, but rather as "a regulating agent of social life" (p. 58).

Merton (2002 [1949]) takes up in the 1940s the theory of social factors of anomie that accompanied the functionalist vision of crime proposed by Durkheim. This author, who like Durkheim is opposed to the pathological conception of deviance, points out that society creates pressures that encourage the individual to commit deviant/illegal acts. The functionalist sociological theory that Merton applies to the study of anomie allows interpreting deviance as a product of social structure, as normal as behavior according to the prevailing rules and values. Social structure not only has a repressive effect, but also and above all, a stimulating effect on individual behavior. For the American sociologist, the origin of the deviant behavior lies in the inconsistency between the purposes culturally recognized as valid and the legitimate means available to the individual to achieve them. This explanatory model can be synthesized as follows: the culture proposes to the individual certain goals that constitute fundamental motivations of their behavior. At the same time, it provides institutionalized behavior models, which concern the modalities and legitimate means to achieve those goals. On the other hand, however, the socio-economic structure offers individuals (depending on their social position) the possibility of accessing legitimate means. In conclusion, the social structure does not allow a behavior according to the values and norms to the same extent to all members of a society. This possibility varies according to the position that individuals occupy in society, with the lower social strata being the ones under greater pressure.

4.b. Theories of the criminal subcultures.

During 1920 and 1930, the School of Chicago founds a first corpus of specialized investigations on urban sociology, characterized by the ethnographic field work. Many of the academics who integrated this school were interested in the study of youth aggregations in the proletarian neighborhoods of Chicago at the time and the phenomenon of juvenile delinquency. From the concept of *subculture*, an autonomous archipelago of theories emerges that directs its attention mainly to the ways in which *criminal subculture* is communicated to young offenders. This theory, elaborated by Clifford Shaw (1930), is

based on the following idea: deviant behavior, like the rest of behaviors, is learned in the environment in which one lives. Deviant acts would therefore be a consequence of socialization in environments with values and norms different from those that society considers normal. I will point out some of the most relevant authors, succinctly pointing out the theoretical core of their approaches.

The first mandatory reference is the work of Frederic Thrasher, *The Gang: a study of 1313 gangs in Chicago*, published in 1927. It is not only a classic work of the Chicago School, but also one of the foundational researches done on the phenomenon of youth groupings that, despite the criticisms and revisions to which it has been submitted, it continues to be an inexcusable citation in the approach of street gangs. In a detailed ethnography, Thrasher analyzed the activity and behavior of bands located in the suburban areas of the city, and went on to define these groups as interstitial elements of the social structure created spontaneously as a response/symptom to the "New World disorders" (Thrasher, 1927, p. 20). He evidenced its contextual and relational complexity, while emphasizing the agency and intentionality of young people -many of them were children of immigrants- in the construction of their identities and social relations. The gang is a space in which its members create important values, beliefs and goals, thus providing them with a sense of belonging and a reference. He insisted that they can only be understood in relation to other social institutions such as the family, school, police, the media, etc., and stressed that they emerge precisely when these institutions disappear or fail in their function (ibidem). Crime is one of its associated problems: the social environment can lead its members towards criminal behavior.

The work of William F. Whyte *The society of the corners*, published in 1943, is another of our inexcusable references. This is an investigation carried out in a suburb of the city of Boston, mostly inhabited by Italian immigrants. Influenced by the work of Thrasher, it marked a turning point in the study of youth groupings by inaugurating a line of work that, through participant observation proper of anthropology, focused attention on the composition and in-depth analysis of the roles and internal dynamics of the gangs. Whyte (1971 [1943]) studied how these groups produce their own values and generate leaderships stable enough for members to respect their rules. Youth subcultures such as those of the *corner boys* are born as defense mechanisms against discrimination inflicted on their members by the external environment, while tending to strengthen the collective identity and internal cohesion of the group.

It is also worth noting Edwin Sutherland, who contributed to the theory of criminal subcultures with the analysis of the ways of learning criminal behavior. His theory, known as the *differential contacts theory* (Sutherland, 1940), postulates that criminal behavior is learned by young people during the socialization process in contact with individuals or criminal groups. Those socialized in criminogenic groups (family, school, friends) learn attitudes tending to disobey the law so they are more likely to commit infractions. In this way, if the normalization model that surrounds children will be assimilated throughout their socialization process, they will become violators in direct proportion to the intensity, priority, duration and frequencies of the contacts they establish with criminal spheres.

Sutherland directly faced the problem of the social causes of the various differential contacts, but it was Albert K. Cohen (1971 [1955]) who fully developed this problematic aspect of subculture theory in one of the canonical works on juvenile delinquency. *Delinquent Boys* analyzes the subculture of youth gangs, describing it as a system of beliefs and values that draw their own origin from a process of interaction between young people who occupy similar positions within the social structure. This subculture would represent a solution to the problems of adaptation for which the dominant culture does not offer satisfactory solutions. The social structure determines in adolescents of the working-class the inability to adapt to the models of the official culture, while at the same time awakening in them certain problems of status and self-consideration. Hence the emergence of a subculture characterized, says the author, by elements such as *evil* or *negativism*, which enable those who enroll in it to express and justify hostility and aggression against the causes of social frustration. He argues that the most economically and socially disadvantaged groups tend to commit criminal acts to obtain the goods advocated as desirable by society. It is the structural difficulties that do not allow minors to obtain their objectives by lawful means.

Taking as a premise the functionalist theory of anomie, Richard Cloward and Lloyd Ohlin (1958, 1960) develop the theory of criminal subcultures based on the difference in the opportunities that individuals have to use legitimate means to achieve cultural purposes. According to this postulate, known as the *differential opportunity theory*, the origin of a subculture of criminal youth in industrialized societies resides in the unequal distribution of opportunities to access legitimate means. They argue that the bands -belonging to the

lower social strata- develop deviant norms and models of behavior compared to the middle strata. In this sense, the construction of this subculture represents the reaction of disadvantaged minorities and their attempt to orient themselves within society. The central element of this theory is that the possibility of becoming a criminal is determined by the possibilities of integration that the individual has within a society. To access the assets, young people from the most disadvantaged sectors will have to develop behaviors that are classified as infringing or diverted for the rest of society.

Gresham Sykes and David Matza (1957) introduce what Baratta (2004, p. 75) considers more a correction than a theoretical alternative to subculture theories - even though a part of criminology has conceived it as such -. In any case, the so-called theory of neutralization techniques was an important revision by incorporating the analysis of those forms of rationalization of deviant behavior, which are learned and used simultaneously to the normalized behavior models to which, however and as will be seen in the ethnographic analysis of this investigation, the offender usually adheres. They argue that criminal systems are not separate, but rather inserted, in society, so they also internalize values and norms consistent with the law. The analysis of the groups of young offenders carried out by the authors shows that they recognize, at least in part, the dominant social order: they notice feelings of guilt or shame when they transgress order. It is through specific forms of justification or rationalization of the behavior itself, that the offender resolves favorable to deviant behavior. They consider that it is through learning these techniques that minors become criminals, and not so much through the learning of moral imperatives, values or attitudes that are in direct opposition to those of the dominant society (Sykes and Matza, 1957, p. 667). The formation of a subculture is, in itself, the most widespread and most effective of the neutralization techniques, since nothing gives such a great capacity to mitigate scruples and ensure support against the regrets of the superego as the emphatic, explicit and repeated approval of other people (p. 669).

Let us recapitulate. Theories of criminal subcultures deny that crime can be considered as an expression of an attitude contrary to general social norms, and states that there are specific norms of various social groups (subcultures). These, through mechanisms of interaction and learning within groups, are internalized by the individuals belonging to them and determine their behavior in concurrence with the values and norms of the dominant moral. Both the functionalist theory of anomie and the theory of criminal subcultures contribute in particular to the relativization of the system of values and the

rules sanctioned by criminal law. The first highlights the normal, non-pathological, nature of deviance and its function against the social structure. The second shows that the mechanisms of learning and internalization of rules and models of behavior that permeate criminal careers do not differ from the mechanisms of socialization through which *normal* behavior is explained. However, these leave unresolved the structural problem of the origin of subcultural models of behavior that are communicated. Subcultural theories inherit from functionalism the uncritical position of the criminal quality of the behaviors they examine.

In a critical review, Baratta (2004, pp. 80-81) points out that both theories circumvent the problem of social and economic relations on which the law and the mechanisms of criminalization and stigmatization that define the quality of criminal behavior and criminalized subjects are founded. For this author, the theory of subcultures stops his analysis at the socio-psychological level of specific learning and group reactions. In this way, it remains stagnant in a merely descriptive record of the economic conditions of subcultures, which are uncritically postulated as a structural framework. The risk lies then -points Baratta (*ibidem*)- that if the conditions of the economic and cultural inequality of the groups are not analyzed critically, the correlative phenomenon of deviance and criminality is neither problematized nor historically located in its meaning within the development of socioeconomic formation, much less, put into a theoretical and practical relationship with the objective conditions for its overcoming. However, the theory of subcultures has the undeniable merit of having indicated a line of analysis and suggested further reflection on the economic conditions of crime.

4.c. Labelling theory or *labelling approach*

In the theoretical horizon of the *labelling approach* two currents of American sociology closely linked to each other intersect: the symbolic interactionism of Georg H. Mead (1999 [1934]) and the ethnomethodology of Harold Garfinkel (2006 [1967]). Such an intersection led to a new body of investigations.

Labelling theorists introduced a paradigm shift in the study of deviance in the 1960s, which was a fundamental shift in the analysis perspective: from studying social control as a response to deviance, the deviance was analyzed as response to social control. The new object of study would no longer be the deviant and the causes of its behavior (etiological paradigm), but the social control devices and their multiple functions for

monitoring abnormality (social reaction paradigm). This approach considers that it is impossible to understand the deviance if the actions of the control instances that define it are not studied, starting with its abstract norms, until reaching the action of the official instances.

The Labelling Theory considers that the deviance refers to behaviors defined as such. They are social behaviors like any other, only defined as crime, mental illness, etc. As Howard Becker (1971, p. 19) indicates, the deviant is the one to whom the label has been applied successfully. Those who have had the same behavior but have not been reached by the action of the control instances do not obtain the deviant status. Thus, the social reaction defines a certain act as deviant, the deviance being a social construction and the deviated being the one to whom that *abnormalizing* mark has been attributed. What is deviant is not the act itself, but the meaning conferred to it, that is, its interpretation. For a behavior to be perceived as such, it is necessary to observe the social reaction that it provokes; the simple objective deviance from a model or a norm is not enough, it must generate reactions that disturb the habitual perception and arouse indignation, embarrassment, fear, guilt, commiseration, etc.

Let open a brief parenthesis to underline that there are few criminologists who have approached crime from this perspective. Dennis Chapman (1968) stated that the criminal concept is a social construction that is part of the social control policy gear. For Fritz Sack (citado en Baratta, 2004, p. 112), criminality, as a social reality, is not a pre-constituted entity with respect to the activity of judges, but a quality attributed by the latter to certain individuals. The author considers as arbitrary judgments those by which a punishable act is attributed to a person (production of the criminal quality in the subject) with legal (criminal responsibility) and social consequences (stigmatization, change of status, social identity, etc.). From the sociology of conflict, Austin Turk (1969) held the idea that criminality is a social status attributed through the exercise of the power of definition. Criminality is not a conduct of a subject only against the State, but the result of a conflict between groups. He attributes to the way that the police operate the main role within the mechanisms that lead to the distribution of criminal status and its concentration in certain disadvantaged social groups.

But let's return to microsociology, after all, the preferred theoretical basis of this contribution. This showed the implacable consequences that the attribution of stigma has

on the subjects marked by inferiorizing signs. To microsociology we owe the approach to stigmatization processes from the analysis of the tripartite relationship between stigmatizer-stigmatized-institution. For Erving Goffman (2003), one of the authors with more insight addressed the issue from functionalist structural microsociology, being discovered and qualified as deviant has important consequences for the self-image of the affected, as well as for their subsequent social participation. The most important consequence is a drastic change in the public identity of the individual, which will lead him to occupy a new status and sustain a new public identity. The subject labelled as abnormal experiences a *deteriorated identity*, which impel him to be consider himself unworthy, inferior, abject. This identity, continues the author, is projected in the social interactions that the subject maintains in his daily life. In this way, the one that has been marked with a *defective* attribute, it is very possible that ends up learning the terms of their inferiority, that is, internalizing them, giving them meaning. We will see in the next chapters how the classified as a *problematic young* ends up becoming what they say about him, that is, that ends up becoming problematic.

In a similar line, Becker (1971) shows that the most important consequence of the application of a label consists in a decisive change of the individual's social identity; a change that takes place at the time it is introduced in the deviant status. The label would act as a *self-fulfilling prophecy*, that is, the one defined as deviant, ends up acting as such. The subject ends up adopting the identity that others attribute to him; a series of mechanisms that conspire to conform the subject to the image that people have or expect from him are set in motion.

Edwin Lemert (1967), another relevant author, argues that a social reaction or punishment for deviant behavior induces other deviances by generating in the individual a change in the social identity that leads him to play the role according to the label that has been assigned to him. One of the central distinctions in his theory of deviance is made between the ideas of *primary delinquency* and *secondary delinquency*. Lemert develops this separation to show how the punishment of a first behavior often has the function of promoting deviant behavior in the subject, generating, through a transformation of his social identity, a tendency to play the new assigned role. The primary deviance is defined by the author as the acts that the subject performs due to multiple social, psychological, biological factors, etc. In the secondary deviance the subject no longer acts moved by these initial factors, but guided by a new situation, a new identity created by the action

and the relationship with the control devices. The causes of the deviance must be located, as we will see in the next sections, in the reactions of disapproval, degradation and isolation made by society.

It is precisely in the requalifying dimension, that voices representative of critical criminology (Larrauri, 2000; Bergalli, Bustos and Miralles, 1983; De Leo, 1985; Baratta, 2004; González Vidaurri and Sánchez Sandoval, 2008; among others) have actively questioned the criminal process arguing that it is the correctional path in itself that contributes decisively to the construction of the *criminal* subject. In addition to pointing out that those labelled as criminals are rejected by society, critical criminology has emphasized that the processes of public designation lead to the subject assuming a new identity, reordering his personality and consolidating himself in his new status as a criminal, different from the one he had when he started his criminal activities. This is what David Matza (1981) synthesized as the *irony of the criminal system*: the criminal process, supposedly aimed at reducing the number of criminals, causes with its public process of labelling that the subjects who had performed acts of a criminal type assume that identity and subsequently act as criminals, which was precisely what was intended to be avoided. We can extend this irony to certain practices in the social field that, by marking a categorical separation between included and excluded, end up reproducing the logic of exclusion that they intend to combat. In this sense, we cannot fail to mention Michel Foucault (2000b, 2006b) as one of the authors who has argued with greater force that the function of the criminal system is not to suppress illegalities, but to distinguish and distribute them, that is, to create crime. Wacquant (1999, p. 145) underpins this thesis by arguing that crime, or in the author's words, the criminal management of insecurity, feeds on its own scheduled failure.

We would like to finish by synthetically reviewing some of the core aspects of the work of another unavoidable author of this tour. We refer to John Lofland and his work published in 1969, *Deviance and identity*. Following Blumer, but also Goffman, Becker and Lemert, this author approaches the study of deviance from symbolic interactionism, underlining that the important thing is the situation in which the *deviated* behavior was developed, and not the act itself. It is about studying the deviance not so much as a distinctive feature of the deviant subjects, but as a social response. One of the differential marks of its approach lies in placing the phenomenon as a type of social conflict between two opposing parties, a powerful one and a weak one. Hence, the consideration of power

relations between both factions is a necessary issue. The imputation of acts and persons as deviants depends mainly on the size, organizational level and degree of power to attribute deviant features (p. 15). The interest, therefore, is not the violation of rules *per se*, but their transgression in a context of power, size and relative degree of organization between the conflicted parties. It is in this opposition that the dominant group sponsors the idea that the weak part is breaking society's rules. By underlining that it appropriates the concepts "society" and "rules" to make them synonymous with its interests (p. 19), Lofland integrates in his analysis the relations of domination in an explicit way. On the path opened by Durkheim (1997 [1895]), it places the symbolic (but also material) need for deviance for the maintenance of cohesion and social order. Without the existence of this phenomenon, the boundaries between *good life* and *bad life* could not be defined. The deviants, scapegoats of every society, become essential objects to temper the hostilities of social life and affirm the normality of the accusers (p. 302-303).

Lofland was especially interested, and with this we conclude, by the conditions that allow the appearance of deviant acts and their transformation into stable patterns of behavior, pointing out that the ascription to a category diverted by the others is a central element in the process of assumption of a deteriorated identity: the greater the consistency, duration and intensity with which the others define the actor, the greater the possibility that he adopts this definition as true and applicable to himself (1969, p. 121). And it is that the construction of social identity, whatever it is, cannot be analyzed without considering the *reciprocal dependence* between the actions of the others and the actor (p. 146), or what is the same, without considering the process of interaction between the different actors.

5. Conclusion: the nominating devices

We placed beforehand that deviance, to exist, must be named. It is not said in the first person, it is a third party, a social Other, who makes the judgment (Tizio, 1997, p. 99). In other words, deviance does not exist outside the devices, institutions and professionals that designate and regulate it. Gaetano De Leo (1985, p. 14) raises it unambiguously in the case of Juvenile Justice institutions by placing this device as a fundamental artifact of the criminalization of young people, "in the sense that their action plays a key role in the definition, delimitation, elaboration and social and institutional production of the phenomenon". Not anyone can access and appear in the discredited categories; it is necessary, as Saül Karsz (2004, p. 133-134) points out, to be caught in the meshes of certain machinery for coding reality. To enter the networks of what is indicated by the

contemporary *socially excluded* category, the author continues, individuals and groups must know certain relatively typical material itineraries, and present a certain number of characteristics determined in terms of employment, schooling, housing, family life, etc. The sufficient condition is to make an itinerary inscribed in a series of theoretical meanings, administrative classifications, institutional intimidations, economic assignments and political treatments.

These considerations lend themselves to several comments. Let us first take the plot vector provided by Howard Becker (1971, p. 13) and John Lofland (1969, p. 19 and 144) by stating that it is not that there are *per se* and *a priori* subjects whose behaviors are deviated, but it is based on the creation and prior social imposition of a universe of rules, that whoever is believed to have broken them may be placed as deviant. All social groups create rules that, at certain times and circumstances, they try to impose. These define certain situations and the appropriate types of behavior for them, prescribing some actions as correct and sanctioning others as incorrect. Or what is the same, social groups with power create deviance by making the rules whose violation constitutes becoming deviated and, at the same time, by applying those rules to certain people and classifying them into abnormalizing categories. The deviance is not classified because there are different types, but it is because we classify it that we can detect it. Making an analogy in the case of a crime, Émile Durkheim (2002 [1893], p. 91) wrote that "we do not reprove it because it is a crime, but it is a crime because we reprove it." Deviance is not a quality of the act committed by the person, but a consequence of the application that others make of the rules and penalties for an offender. The deviant, synthesizes Becker (1971, p. 19), is a person to whom such qualification has been successfully applied.

Such observations lead us, secondly, to consider the classification in its concomitance with the act of naming (Leach, 1985), or if it is preferred, with the *speech act* as a performative statement (Austin, 1971), that is, a linguistic statement that does not designate but does or executes what it designates. The deviant behavior, Becker (1971) continues, is the behavior named that way, from which it follows that one of the core gears of the construction processes of the otherness -deteriorated- resides in the nominating mechanisms of the *other*. The dynamics of inferiorization begin with the act of naming it from the inventory of denigrative formulas that make up the classification cartography of abnormality. As noted by Peter Berger and Thomas Luckmann (2001, pp. 186-187) in his classic work *The social construction of reality*, every label implies a

certain social location, that is, the allocation of a specific place in the social world. This assignment entails, in turn, the attribution of a particular *ethos* that essentializes the subject from a deviated feature, an operation that, it is necessary to underline, crosses many of the representations and concepts used in the field of the so-called socioeducational intervention. Pronouncements as young "misfit", "asocial" or "problematic" appear before the eyes of some professionals in the social field as a reality in itself. These classification tables function as rhetorics of truth, that is, as invested conceptualizations of a character of evidence, which underpin what we could understand as a hypostasized representation of the "young offender", the "drug addict" or the "dysfunctional family", all of them figures that, under the rules of what Michel Foucault (2010, p. 38) called *discursive police*, appear or *are* in a real way[1]. The infamous features attributed to them come as an ontological essence of their bearers, thus obscuring the procedure by which these social taxonomies, like all others, are chiselled -paraphrasing Arthur Schopenhauer (1997 [1819])- as *will and representation* of a world.

These categories are thought of in their positivity, that is, as external objects that are available there to be captured by the visibility networks of theories. Deceptive academic elaborations but, as Foucault warned (2000a, p. 297), of hard real effects; especially if we consider that many of the subjects classified in discredited categories end up discrediting themselves, that is, identifying themselves with the role granted to them and internalizing the macula with which they are appointed. As Herbart Blumer (1981, p. 10) wrote from symbolic interactionism, "we see ourselves through the way others see or define us". This postulate can be tied to another of the axioms of the Chicago School. I refer to the famous *self-fulfilled prophecy* itself or Thomas's Theorem (1928, pp. 571-572), which argues that if *a situation is defined as real, it is real in its consequences*. From this conundrum a core aspect of the taxonomic operation that I try to elucidate can be deduced, denominations, as meaning-producing devices, produce reality effects, that is, representations and

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[1] Evidence that scientific literature tends to produce and reproduce, ultimately constituting one of its best supports. Consider, for example, that both Jean Piaget (1977 [1932]) and Lawrence Kohlberg (1958) suggested in their early writings that juvenile offenders could be characterized by less developed reasoning skills than those of their peers. These hypotheses were later consolidated in the works of E. James Anthony (1956) and Kohlberg and Freundlich (1973). Since then, multiple empirical studies -especially inscribed in American social positivism- have dealt with this topic, concluding that juvenile offenders have significantly lower moral development. Similarly, investigations comparing the levels of moral reasoning of "adult offenders" with non-offenders present identical results (Gilligan (1974), Griffore and Samuels (1978), Kantner (1975), Parlett et al. (1975) and Ravitch (1973)). Apparently, deficits in the cognitive development and moral and ethical reasoning of "young offenders" would be a causal factor in their decisions to commit crimes (Arbuthnot et al., 1987).

meanings that create images and symbols with real consequences socially and institutionally, but also in the identifications produced by the individual itself, in which he ends up being -or appearing- what others say about he *is*.

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