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## **11. DEVIANCE**

by Ari Sitas, Sumangala Damodaran, Wiebke Keim & Nicos  
Trimikliniotis

Don Quixote tilted at windmills. He was considered to be "deviant," but this was the opinion of the bewildered mill-owners.

Our study begins in the 1600s and continues through to the present time. We are concerned to show briefly how modernity steered human effort, and how people were clustered in unique ways to achieve goals. We start from a historical moment when a number of foraging states redefined world relations. Starting from the seventeenth century enables us to bring Latin America, Africa, and Asia within the narrative of modernity.

It also avoids the silliness of concepts like "traditional society" and "mechanical solidarity" and the outrageous binaries of evolutionary sociology. There was nothing traditional about the world in 1650 and there were very few places untouched by the robust exchanges of an emerging capitalist modernity.

### **I. A typology of deviance**

It is hardly unusual to define the alterity of individuals or groups as "deviant." Although the word has suffered from a century of overuse, it is nevertheless a pragmatic concept that can be used to describe something disquieting to the upholders of dominant norms in a given society. Similarly, it is not strange to have bouts of panic about deviance or deviants, or about the conditions that produce such phenomena or people, or about the perceived

failure of the institutions that were supposed to eliminate, control, or shape deviance.

Modern institutions have tried to cluster people in certain ways to achieve both long-term and contingent goals. The particularity of each institution usually has to do with the manner through which it clusters people and the modalities through which it does so. The familiar list of institutions includes the factory, the mine, the plantation, the corporation, the state or local bureaucracy, the army, the police, the prison, the concentration camp, the gulag, the school, the hospital, the madhouse, and so on. Be they "closed" or "total" (Goffman 1974) or more open and permeable in their design, their social architecture is filled with commonalities and resemblances. There is a rhythm to their story punctuated by property and possession, by fences and boundaries.

We shall deal with four forms of perceived deviance, whose importance and frequency waxes and wanes throughout key turning-points in modern history, but which never disappear entirely. They are:

- **Behavioral deviance:** when the behavior of an individual, a group, or a social ensemble is deemed to be deviant. Different strategies are followed for its containment, depending on whether it is seen as "reformable" or not.
- **Articulatory deviance:** when an individual or a group articulates or signifies something in word, sign, or symbolic performance that is deemed to be deviant. This might be a religious tract, a document, or a public statement.
- **Existential deviance:** when a national, ethnic, racial, or religious group of people or an individual belonging to such a group is classified as "other" or "deviant" *sui generis*. The social majority may eliminate such a group in

whole or in part, or may dispossess it of its demarcated territories.

- **Miasmatic deviance:** when a group or an individual belonging to a group is seen as a polluted carrier of impure substances, such as bad spirits or viruses.

There are two possible criticisms of this pragmatic four-way split of the concept of deviance - that the "existential" mode is rather unorthodox, and that the distinction between "behavioral" and "articulatory" is rather forced.

It is however not true that the "existential" mode is unorthodox. Two pieces of legislation passed in Nazi Germany in 1936 resulted in a classification of Jews and non-Jews that was existential and, in the long term, lethal. Both the "Law of the Reich Citizen" and the "Law for the Protection of German Blood and German Honor" involved classification and codification of existential deviance and its contrasting normality. Such work was common from the seventeenth century onwards. Social groups all too often were classified as other, foreign, excludable, or exterminable because of who they were rather than what they did.

As for the second criticism, we know from theories of social agency and communication that a speech act can have illocutive or perlocutive effects - that is, the saying of something turns into the doing of something (Habermas 1981: 388-390). In this sense, the threshold between articulatory and behavioral becomes permeable, often blurred, and subject to interpretation. Some jurisdictions and institutions have been particularly sensitive to this and tended to define an expressed belief as a concrete subversive action, thus turning articulatory into behavioral deviance. We felt it was necessary to distinguish between the two because, on many occasions, men and women of socially faultless manners and behavior went to the rack because of what they said, wrote, or

drew. This is particularly relevant to struggles relating to freedom of expression, scientific freedom, and censorship.

So how can these four types of deviance be utilized in our analysis? Before we can study forms of deviance over the last five centuries, we need more refinement and focus.

## **II. Clearing the undergrowth**

The story starts with absolutist states in interaction. There were patterns of expansion and contraction. Boundaries shifted and borders became permeable. People were clustered by states. We shall speak metaphorically of foragers and of fence-builders. The foragers set boundaries and borders, and the fence-builders defined them and clustered human effort.

The foragers engaged in wealth-creation. They had to be innovators and model-builders in the process of colonizing the planet. Models that were successful resulted in expansion and assimilation, and were often ruthless. Models that succeeded include the seventeenth-century United Provinces (Dutch), England, France, Russia, and the embryonic United States. Models that failed resulted in contraction and collapse - the Mughals or the Spanish Crown. Case studies of comparative modernity or of the comparative paths to it tend to miss these entanglements and interrelationships.

Boundary-setting and keeping was the preserve of well-organized armed ensembles of men. Good foragers created long-distance capacities, better logistics, and more effective long-term boundary-keeping forces. They also had capacities that allowed them to contract boundaries without losing much advantage.

Foraging states also played a major role in clustering people in new ways. And this leads to our second metaphor. The fence-builders (literal and metaphorical) ensured that the private appropriation and ownership of the planet's land

surface grew from the original hypothetical 3% to a guesstimated 51% of the contemporary period. The commons, and collective, state, conservation, and faith-based surfaces shrank accordingly over time. The emergence of an "absolute property right" involved "the right to use and manage it; to derive income by letting others use it; to transfer it to another by gift or bequest; to capture the value [of it] by sale; to claim immunity against expropriation of the property" (Weaver 2006: 49). These modern institutions have all prided themselves on their efficiency and effectiveness, their rationality, their "purposiveness" (Weber 1922). It is a powerful ideology of success and of human improvement which defines, however violent and inhuman it is, our contemporary humanity.

Between the foragers and the fence-builders exists a complex dialectic of clustering human effort. Perhaps Colbert's *Code Noir* of 1685 was the ultimate turning-point in the fate of the modern. Alongside the Criminal and Civil Codes of the 1670s, also pioneered by Colbert, France created norm-setting institutions that defined the spirit of capitalism as did the very early norm-setting institutions of Spain and the subsequent ones of the United Provinces.

### **III. Two hypotheses**

We largely agree with Michel Foucault (2004 [1974-75]: 52) that deviance is "productive." Part of the impetus behind an impressive record of innovation and organization laws involved the attempted elimination, control, and management of deviance. It was at the same time, as Foucault so aptly described, a process of confining and segregating deviant populations into dedicated institutions for the purposes of work, service, punishment, treatment, or care. The evidence

garnered by us so far across four centuries has led us to the development of two interrelated hypotheses.

(1) A focus on non-teleological thinking, deviance, and institutions brings Michel Foucault center-stage. We share with Foucault a concern that, instead of more freedom or progress, we see different forms of control and domination replacing each other over time. In his words, we witness "the endlessly repeated play of dominations" (Foucault 1984 [1971]: 85). But Foucault tells only one part of the story. The modern world has not only been about the shift from one form of domination to another. There has also been the ratcheting and cascading effect of deviant struggles towards more freedoms and autonomy. We observe "progress" when the struggle by the deviants succeeds in winning space and societal recognition. Many forms of deviance came to be integral components of popular cultural formation, and some of them have remained so in story and song - the rebel, the bandit, the pirate, the rebellious peasant, the slave. However much we agree with Immanuel Wallerstein's work and world-systems analysis (1974), we have to stand the theory of economic cycles on its head - the up-phases of the world-economy are contingent on the ways deviance and alterity have been dealt with by those powerful enough to do so. In doing so, new paths for accumulation and growth became possible.

(2) The central and perhaps the most important point in our work is our contention that there are anomalic phases and cycles of deviance that are fascinating to study in their own right. They tell us something about the societies we live in at present.

#### **IV. Cycles of deviance**

A key pivot for our work is that there are cycles of deviance that are very much like the cycles of boom and bust in the capitalist system, cycles that enable creative destruction and innovation.

We believe that cycles of deviance have accompanied the development of capitalist modernity, discrediting simplistic accounts of linear human progress. Some periods were defined by an increasing public shrillness about the proliferation of deviance. Stanley Cohen (1972) defined these shrill episodes of perceived or real deviance as "moral panics" - an amplified and angry reaction to individuals or groups who were deemed to be a threat to values, resulting in escalating demands for greater social control. The cycles have proceeded in this way: There is a real or perceived proliferation of deviancy, and a growing perception of social disorganization and normlessness, reaching levels of moral panic. This brings about efforts to define and classify the "problem" as well as debates about such definitions. There is then a process of classifying the deviance, and codifying it into rule, norm, or law. At that point, there starts the process of reorganization, institutional reform, violence, and re-clustering, and the creation of new institutions. This launches a new Up-phase.

Failures in each historical period cut right through a powerful ideology of success and improvement that defined, however violent and inhuman it has been, contemporary humanity. And panic was at its shrillest because the new attempt was perceived as the "best way" - the most advanced, technically sound, and rational. We are trying to turn "cycle theory" on its head - the fixers, through their innovations and repression, through the reconfigurations they bring with them, create conditions for a new sustained A-phase of accumulation. Without that, any system would have spun out of control.



We postulate that such a cycle becomes what we term an "anomalic phase" when it coincides with two other cyclical processes - an economic B-phase, and a cycle of increasing subaltern resistance. The B-phase throws many more people into unemployment, landlessness, and vulnerability, and more often than not it increases actions that are deemed by societal elites to be anti-social. The coincidence of a B-phase with a proliferation of deviance has been common, but so has been the coincidence of the two with the rise of movements challenging the class or social order of a society. There is always dissonance in any social system, and this often turns into alterity - an understanding by those below that there is an "us" and a "them." This may or may not lead to resistance. But when it does, and when this coincides with an economic B-phase, and when deviance is on the increase, it translates into an anomalic phase - a period of social polarization.

On the basis of our research (Sitas et al. 2014), we could present detailed accounts of cycles of deviance in each century. However, the scope of this paper does not permit that. We shall offer only a very brief summary of some examples.

## **V. Deviance during the seventeenth century**

The first period of the seventeenth century was primarily concerned with behavioral deviance, even though articulatory, miasmatic, and existential deviance were strongly present.

In the early seventeenth century, a spread of moral panic was evident in many places. Because this largely coincided with an economic downswing and the rise of challenges to existing forms of authority, we may call it an anomalic phase. There was panic about "masterless men" roaming the countryside

and invading cities, the proliferation of beggars and vagabonds in all the major towns of the West, fleeing serfs and slaves in the Russian domain, Brahmin defiance in the interstices of the Mughal Empire, slave rebellions in the Americas, recalcitrant lords resisting Manchu rule, pirates everywhere, and a general restlessness in "frontier" encounters from China and Russia to Ireland, the Americas, India, and West Africa.

At one level, the story is simple. There was a world-wide crisis in the first part of the seventeenth century. Many millions died during the Thirty Years War, the Manchu conquest of China, the continuing destruction of indigenous peoples in North America, the mass slaughter of Jews by Cossacks in Poland, Aurangzeb's campaigns on the Indian subcontinent, and the escalation of the slave trade. The ascending strata reorganized repressive apparatuses and introduced new rules of conduct and behavior, enabling the "inhaling" of a new economic phase. The period after 1650 should be understood as a period of methodical organization of the means of destruction by absolutist states. It also strengthened the claim of the state to monopolize the means of violence.

The most vital work, though, was to create the pre-conditions for a dynamic new phase of accumulation. In the process deviants were confined, transported, or killed. The world at the end of the century had been "normalized" - the new laws or tropes of power pointed to new indices of domination that were more effective than ever before. Yet in this shift some strata won more spaces than others, and more nascent rights were negotiated. Property rights were the most enduring of these.

Existential, articulatory, and miasmatic forms of deviance were in ample supply in this century, but behavioral deviance troubled authorities the most. Peasant and slave rebellions and "idleness" were paradigmatic in the "Iron Century" (Kamen

1971). Such rebellions were common through Russia, Hungary, and the southern parts of the Germanic zone. They took acute forms in France after a plague that ravaged the countryside between 1627-30 and a deflation of agricultural prices in the 1630s (LeRoy Ladurie, 1975: 386). Slavery provided new images of Black deviance (Fouchard 1981) - an uncontrollable and savage figure of animal sensuality and sexuality, murderous and cannibalistic, irrational and utterly destructive. It has remained a persistent latent basis of White feelings of otherness and danger ever since (Sala-Molins 1987).

If the behavior of peasants and slaves ranked high as a deviance, idleness was close by as a perceived social malady. A commission established by the King of France in 1630 recommended prosecuting beggars and vagabonds, as well as "all those who live in idleness and will not work for reasonable wages or who spend what they have in taverns" (Foucault 1984 [1961]: 131-132).

The behavioral deviants were part and parcel of the cultural formations of the working masses in both rural and urban locales. What was deviance for those in power was the normal stuff of people's lives. Such deviants stood at the point of tension of the system. The slave whose ears were cut-off after flight would make other slaves shudder but the empathy would never be with the cutters of ears nor would it de-legitimize "flight" as a survival strategy. And so it was with the criminals against private property, the cutters of fences, the poachers, and the indigent poor. It is from these groups that ships were crewed, armies constituted, and settlers served.

As for articulatory deviance, apostasy was everywhere (Sumner 1986, Embree 1991 [1958], Blackwell 2006,). All governments in Europe responded to the rise of printing by establishing controls and censorship. If the printed word and a radical outlook made people deviant, the performance of

those recently colonized or enslaved made authorities shrill. Seditious, blasphemous, Godless thinking, apostasy, and slander kept institutions hard-pressed to respond, but as the century moved on and absolutist states gained in confidence, the apparatus of rule was refined.

During the seventeenth century, a "knowledge interest" emerged. Its rationalism was embryonic, but it was there (Sumner 1986). It was encouraged by factors such as travel, new discoveries by the likes of Kepler and Copernicus, and revolutions in cartography, philology, and medicine. Much of it was conducted through the networks of the Reformation and the Counter-Reformation (Hill 1991: 287ff.). It was also a time of religious ferment in Hinduism and Islam (Chand 1979, Embree 1991). In Ethiopia, the Arabs controlled the coast and the Ottomans the north. The route to the Christian spiritual homeland of Alexandria was blocked. The Portuguese offered a new way: silver, arquebuses, and cannon (Sumner 1986).

One of the most distinguishing features of absolutism was its military organization, creating powerful repressive apparatuses that could defend and extend its rule. This, as Wallerstein (1974) argued, went together with bureaucratization - a powerful tool in the organization of society. It aided the power of the throne against grumbling and resistant overlords, but at the same time it limited the despot's personal power.

New institutions emerged at this time. The core innovations in the West though were the Chartered Companies - the Dutch East India Company, the British East India Company, and the French East India Company, as well as the slave factories that processed people for trans-Atlantic passage.

Since each state furthermore existed within a web of inter-state relations, the development of military strategy, tactics, and logistics made each one believe that the balance of forces could lie in its hands. As expected, the foragers

were the most active in managing, controlling, and attempting to eradicate deviance. Then, on the basis of miasmatic forms of deviance and the panics that followed plague outbreaks and diseases in the slave factories, the beginnings of comprehensive medical institutions were inaugurated in western Europe and its new possessions, with parallel achievements in Mughal India. The zeal with which behavioral, articulatory, miasmatic, and existential deviance was addressed was unprecedented. The social tensions brought about in the first half of the century demanded swift solutions by emerging social strata.

Underlying many of the new institutional arrangements was a determined effort at classification and codification. It is important to distinguish between the two. Classification was the domain of new and rising intellectual elites in Europe, the Mandarins in China, religious scholars in the Papacy and Islam, and of the growing scientific spirit. Foraging provided the motivation for taxonomies and orders. Codification, on the other hand, was the process of defining and refining categories of discipline and categories of people. Through the latter, people become existential deviants.

The latter part of the seventeenth century involved the classification of races, which was to become a fundamental prop for all foraging states. Although the taxonomies and definitions of biology were to take off only in the next century, its framework was created in the seventeenth century. Two people in particular should be mentioned here. Francois Bernier was the first definer of "race" (Bernier 1864/5 [1684]; 1981 [1670], Lach 1993 [1965]). Bernier's work led to Linnaeus's binomial classification of plants, animals, and humans seven decades later. Then there was the great Jean-Baptiste Colbert. He led the work on the impressive Civil Law Ordinance of 1667 and the Criminal Ordinance of 1670, which stand out as remarkable works of rationalization. Colbert and

his aides thought hard about the world of races. The Black Code (*Code Noir*) of 1685 (*Édit du Roi* 1687) was the formidably decisive result (Sala-Molins 1987).

The *Édit du Roi* of 1685 set out several important ground rules about slavery. Slaves had to be baptized in the Roman Catholic Church and all slave masters had to be Catholic. Slaves were the economic domain of their masters but they were at the same time a property of the State's domain (community property) and therefore protected by the domain. Masters could beat their slaves but not kill or torture them. Slaves belonging to different masters were prohibited from gathering together. Slaves could not carry weapons. Fugitive slaves would have their ears cut off if away for up to one month, their hamstrings for up to two, and executed if longer. But then the code turned to areas of freedom from slavery. Slaves could be freed and would then be considered to be legal subjects of the French domain.

This period, despite its short-term normalization, left behind dissonance and alterity. John Locke, for example, declared that hereditary powers were not absolute but accountable through a social contract. This created a new terrain of struggle. For the "laboring poor" - wage-earners, serfs, peasants, slaves, and the indentured - there was a growing sense that authority was not a divine right.

## **VI. Deviance in the eighteenth and nineteenth centuries**

It could be said that, by the eighteenth century, although behavioral deviance was not in decline, the intensity of articulatory forms gained crescendo - for example, the literary pogroms in China (Brook 2007) and the large numbers of levellers in Europe. Existential forms of deviance were also on the rise, as indigenous people in the great land rush

of the century were defined, classified, and rendered surplus to the emerging forms of possession.

During the first half of the eighteenth century, the emerging powers in Europe and the settlers they unleashed through their forage points were gravely concerned because indigenous peoples did not cede land willingly but rather fought against incursions with some ferocity. This shaped a European conception of savagery, which was used to justify the fierceness of their suppression by settler militia and by troops. This existential deviance had two dimensions - their relation to nature and to land as pastoralists and/or hunter-gatherers; and their heathenism. Indigenous people were inassimilable others who had to be cleared off the land - the surplus people of a shifting frontier. Key here was the Lockean idea of private property (Thompson 1977).

Levelling ideas were also on the rise. The critique of arbitrary authority was part of widely-distributed provocative publications like Voltaire's *Essay on Toleration* and Rousseau's *Social Contract*. Voltaire asserted the equality of all people and their right to religious freedom. Couched in deist argument, he preached tolerance even if the other was patently wrong. Rousseau wrote about the necessary accountability of rule to those ruled. In addition, the voicing of egalitarian ideas in bourgeois and artisan circles in London were direct challenges to the social order. The critique of Manchu rule was more veiled, but the establishment of literary inquisitions located and killed off the dissenters.

The foraging and settlement frontiers had their rough and ready definitions of the existential deviants. Back in Europe, however, there was a broader taxonomic zeal. Much of the foraging brought with it an enormous amount of information about creatures, human or animal. Systematic investigation in Europe reached amazing levels of co-operation and peer

respect. The Levelling tradition led to polarization and social, political, and national revolution. In most cases "deviants" won the day. At the same time, the foragers prohibited Black subjects from becoming citizens. The former tradition became the heart of anti-slavery sentiment; the latter legitimated subordination and, in the longer term, colonialism.

In short, in the eighteenth century, the intensities and polarizations were expressed as existential and articulatory deviance. Of course, there were expanding boundaries as armed men took possession of larger tracts of land. This in itself created tensions, which brought about exclusions and violence. For European societies the conquest of the Americas was the last step in the development of a global market. This was the period of specific forms of deviance that threatened the functioning of the market - the pirates by sea and the bandits on land (Cordingly 1999; Linebaugh & Rediker 2000; Haude 2010).

By contrast the nineteenth century was shrill in three domains: first, the enormous behavioral and articulatory deviances industrial capitalism found in its working-classes and emerging nationalisms in their demos; secondly, the enormous behavioral, existential and miasmatic forms of deviance that the sub-continent of India threw in the face of colonizing Britain; thirdly, the emergence of sharp distinctions in the African continent between insiders and outsiders in centralizing states that were based on slavery and the raids of slaves before and after its de jure abolition.

The most significant aspect of the late nineteenth and early twentieth centuries was the explosion of existential deviance and how quickly inter-imperial rivalry made such definitions, classifications, and forms of control similar.



But it also provided the backdrop for the emergence of the holocaust and racial deviance (Keim 2014).

### **VIII. Deviance in the twentieth century**

The post-second World War period was defined by a bold attempt to create a transnational system of rules of engagement and create norms that made the horrors of the holocaust non-replicable. Due to space limitations we have to assume that the reader is conversant with the conditions of growth and social development and the forms of inter-state relation in the bi-polar world after 1945.

In the contemporary period beginning in the 1970s, articulatory and existential forms of deviance have decreased but behavioral forms have gained new momentum.

The anomalic phase in the twentieth century combined an economic B-phase, a cycle of increased deviance, and a new cycle of resistances. The decline of the old movements of collective action has not ended alterity and conflict, but it has animated new forms of resistance, not least through new technologies and networks. The very same technologies, however, also enable better systems of control, discipline, and surveillance. Acting together, these produce serious tensions.

It is apparent that we now live in a "world which is lurching from crisis to crisis" (Krugman, 2008: 184). Unlike previous B-phases and anomalic phases, this one is in a quagmire. In the West, the restructuring of the welfare state, a new market orthodoxy, and monetarism preceded the development of a new ideology of institutional change, neo-liberalism. In the Far East, too, a new phase was ushered in, which within a decade moved the economy away from self-

reliance. The unprecedented growth of capitalist production had as much to do with the former as with the latter.

The down-phase has had polarizing effects at many levels. The rupture of 1989 - the crumbling of the Warsaw Pact, the dissolution of the Soviet Union, and the annexation of the former German Democratic Republic by the Federal Republic of Germany - marked the defeat of so-called Communism in the bipolar confrontation between East and West and was said to demonstrate the worldwide victory of capitalism. With China and India joining the global accumulation game, the attempt to create a market-driven world is today global. A large number of the deviants of the colonial phase were co-opted and sanitized. The new deviants were those who worked against the consensus on national development and the priority of increasing output and undertaking land reforms. These approaches reached points of rupture by the late 1960s and early 1970s, when the inability of large parts of the developing world to address fundamentally livelihood, poverty, and consumption became clear. Since then, the dismantling of welfare-state structures and neo-liberal structural adjustment has led to the decline of the middle strata. This has had a profound polarizing effect between the powerful rich and the powerless poor.

As for intensities, we argue that we can see a dramatic increase in moral panics about behavioral deviance - economic, social, and political - even though existential and articulatory deviance might be said to have declined. Existential deviance is no longer defensible as an idea, and racial superiority and gender discrimination no longer expressible within the paradigm of modernity. The granting of gender, ethnic, and racial rights has meant that it is no longer possible to define any group as a category to be eliminated or disciplined. Furthermore, it is no longer possible to condemn modes of expression and their

dissemination by entire groups of people. In other words, multi-racial, multi-ethnic contexts are upheld as the framework of rational capitalist modernity.

Democratic freedoms exist in perhaps half of the world's countries today. Formal reciprocity (Sitas 2004: 104-113) favors the legitimacy and necessity of co-existing divergent views and positions, and therefore articulatory deviance is on the decline. Nevertheless, some recent cases - like Salman Rushdie's *Satanic Verses* or the Mohammed cartoons - have stretched the limits of intercultural relations. There are tensions concerning the explosion of pornography. There are modes of dress and appearance that define deviant prototypes at custom control points and in the streets. Nevertheless, in comparison to other periods, the post-1970s have been more tolerant to the world of signification.

There are a stupendous number of poor people on the land, whose income is often supplemented by remittances from migrations. Two types of deviance have emerged - where rural cultivators have turned to the mass cropping of coca, hashish, opium and marijuana; and where they seek the assistance of bands of armed groups. Their relatives in the urban areas are also proving to be troublesome: vigilante slum-defenders, enforcers, gang-recruits and pirates on the coastline.

There has also been a breakdown of the distinction between categories of deviance. The melding of behavioral, articulatory, and existential deviance is not new, but it has taken on a particular form that is seriously animating social dynamics. The perceived deviant behavior of (illegalized) migrants, drug dealers, religious fundamentalists, or terrorists turns into existential deviance of certain supposedly recognizable groups. Given the deeply-rooted historical underpinning to the connection between *subaltern groups* (such as race, ethnic minorities, migrants, working

class persons) and *crime*, inevitably these groups have been targeted.

There are important colonial linkages to the current "era of migration" (Castles & Miller 2003 [1993]). Modern migration can be traced back to colonial time via its historical antecedents (chattel slavery, transmigration, indentured labor). The current migratory systems are products of the colonial division of the world. This migration of people from the former colonies to the more "developed" world has created a multicultural setting within the North that is redefining the world. Nation-states have been under severe pressure by social reactions to a perceived social insecurity about such others.

Existential profiling of racial, cultural, and gender types is on the increase again. This melds with articulatory deviance into a dangerous mix. At the core of anti-immigrant politics is the discourse and political praxis of combating "illegal immigration," a subject intimately connected to social phenomena such as racist populism in debates regarding social citizenship. Illegal migrants and economic and political refugees may easily give rise to moral panics about xenophobia, and could lead to genocide.

Articulatory deviance has often been seen as behavioral deviance insofar as the expression of a belief in visible or audible signs is considered to represent a concrete and serious threat to the established order. Generic panics about dangerous spaces and places are increasingly being racialized, to the extent that it is almost impossible to dissociate race, space, and deviance in dominant discourses of power. Categories of people are assumed to be dangerous *in potentio*—dangerous seas and trading routes, the habitations of dangerous classes. However, as urban social exclusion increased and darker strangers came to be nudged to live in

those urban slums, an inherent lawlessness and normlessness became attached to their existence.

Finally, there are countries whose people in general have been identified as deviance-bearing or potentially deviance-bearing. These threatening states are to be found mostly in Africa or in ungovernable urban locales. The existence of such states of being, and the need for a balance between direct and indirect interventions, refines and constantly transforms the forms of governance necessary to decrease the threats.

To pull together what is being presented here, this "melding process" has three dimensions: first, an ontologizing tendency made up of a range of common-sense tautologies about others; secondly, the creation of three sites of deviance that need direct or indirect intervention; thirdly, a meta-discourse of the need to manage crises by defining the period as a state of exception. It has turned politics and political competition into the politics of unease, and has opened up the space for the media to valorise fear.

Many contemporary institutions were developed to deal decisively with the fall-out of a previous cycle - for example, the economic depression of the 1930s, the rise of fascism, the Holocaust. The multilateral, regional, national, and local institutions that were created faced a serious crisis by the late 1960s. There was a growing consensus that the welfare and developmental states that emerged were seen to be a hindrance to profitability and growth.

There are currently a series of institutions that have come to be seen as incapable of dealing with deviance and with deviants, which has exacerbated moral panics. Key here has been the nation-state as the boundary-keeper and norm-enforcer (Castells 1999; Sassen 2005). The denationalization of activities - be they criminal, economic, military, or political - has increased the calls for a planetary carapace

of rules and norms. However, the international regimes created to create such rules and norms faltered at implementation.

As a result, it has become as essential as ever for the nation-state to define, control, and discipline the new behavioral deviants, not least through the erection and expansion of infrastructure for surveillance, imprisonment, and punishment. Even as rights have been granted and safeguards against existential deviance institutionalized, discrimination was allowed against those who stretched limits.

The privatization of policing and technological control of whole populations has exacerbated the problem on the institutional side that defines, administers, and manages the deviants. At the same time, organized violence - such as networked terrorist associations; mafia-like structures in drug, weapons, and human trafficking; and violent criminal behavior by former soldiers (the three kinds often being interrelated or combined) - has increased. The transfer of policing functions to civil society has not necessarily led to increasing "success" and more democracy. It has made communities more resolute in their frustration with the state and readier to take on a vigilante role.

Nevertheless, the state has not caved in. What have been forming through the interaction of states in the contemporary period are three patterns. Firstly, the "war on terror" has brought about an intelligence and surveillance system coordinated by the United States that is unaccountable to national legislatures or the United Nations. Secondly, there is an executive-led commitment to regionalism as a new form of multilateral inter-state relationship, whose exemplar is the European Union. Thirdly, we see a reformed national administration that fiscally is larger than ever before and whose *raison d'être* has brought about new allocative priorities, creating the pre-conditions necessary for the easier movement of global flows in goods, information,

communication, financial transactions and, to a lesser extent, people. Neither the new surveillance systems nor an enhanced regionalism has seemed to lessen the moral panics about institutional failure.

## **Conclusion**

Thousands gathered to witness the stoning of an adulterer, and news crews sent televised images of it to the world. Tens of millions watched the last moments of Saddam Hussein with a rope around his neck, thanks to a cell-phone's video function. Knives were used to commandeer airplanes and fly them into the World Trade Center. Stones twine, and knives, the oldest means of violence, interfaced with the latest technologies to bring performances of violence and deviance into our intimate spaces.

The moral panic is perhaps shriller in present times due to the contradictory duality outlined so far. On the one hand, there is progress in terms of recognition of rights as a result of historic struggles. On the other, there is the expansion of disciplinary surveillance and the law-and-order institutions to control society.

The evidence we have garnered points in two directions. First, there are cycles in which, instead of more freedom or progress, we see more control and domination. In Foucault's words (Foucault 1984 [1971]: 85), we witness "the endlessly repeated play of dominations" or how "humanity installs each of its violences in a system of rules and thus proceeds from domination to domination." Some periods are defined as polarizing, as a threat to the socio-economic system, as signs of imminent collapse, followed by decisive action, change, and re-steering. Yes, there are cycles that involve the perceived proliferation of deviance (anomalous phases), which point to

institutional failures. These cycles not only generate concern but bring with them improvisation, innovation, and institutional reconfiguration. Nevertheless, we also observe a cascading "progress" when the deviants struggle hard enough to win space or societal recognition. Not all deviants did so effectively, but the many that did have counter-steered the system to more equality and more freedom. So for the current period the correct question is what are the polarizations embedded in current forms of deviance, and can this anomalic phase be fixed?

No matter how sophisticated the technologies of surveillance and control might have become since the digital and the genetic revolutions, and how much the 226 nation-states that constitute the map of the present invest in them, the bubbles of panic continue in a very long B-phase. We can sketch the anomalic phase but cannot as yet grasp the ascending fixers and moral entrepreneurs. What technology has done is to make deviance theatrical and immediate, but the world is in no way "normalized." So virus carriers, foreign migrants, terrorists, traffickers, and rogues keep the media working, the panic sustained, and the world on tenterhooks as it searches for a new Don Quixote.