

A CONFLICT-OF-ORDERS
MODEL OF
DEVIANT BEHAVIOR

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For some time a number of "theories" about deviant behavior have competed for dominance in the thinking and applications of modern social scientists. While each of these theories has an impressive empirical base, their conceptual formulations are such that there has been considerable disagreement concerning their meaning--a disagreement which has continued in spite of all attempts at clarification of the conceptual and structural features of the theories.

Given this circumstance, one sensible move is to go outside the tradition and utilize an essentially different set of concepts in providing an explanation of the available relevant data. This paper assumes that the great majority of facts relevant to deviant behavior for which an explanation is needed are already known and understood by the reader. The discussion presented here will, therefore, be confined to an exposition of a new theory of deviant behavior and will be essentially devoid of citations of supporting facts, illustrations and examples.

The theoretical transformation offered here is based primarily upon the concepts of Max Weber, particularly his concept of legitimate order. Within the framework of meanings provided by these concepts, pieces of the formulations of other theorists, principally Merton and Cloward and Ohlin, are fitted together to form what is hoped to be a more comprehensive and clearly meaningful theoretical tool with which to view deviant behavior.

A person born into a society is confronted with sets of usages, customs, conventions, and laws which govern his behavior. Each set of such behavior rules taken separately can be viewed as an order; and to the extent that social conduct is oriented to what constitutes an individual's "idea" of the existence of the set of rules, the set can be termed a "legitimate order" in line with Max Weber's definition and use of the concept.¹

If each of these sets of usages, customs, conventions and laws is viewed as a set of rules governing behavior, then the possibility presents itself that for any two such sets, or orders, the rules that comprise them may coincide or conflict. In the event that the rules involved in two orders do not anywhere come in conflict, whether through complete coincidence, containment or one order in another, overlapping with coincidence, or complete separation of the areas of behavior which they govern, the case will be considered one of complete compatibility of orders. In the event that the rules contained in two orders do come in conflict, the case will be considered one of incompatibility of orders. The compatibility-incompatibility continuum is viewed as a quantitative variable. The end points are ideal-types, with perfect or complete compatibility being defined as above and perfect or complete incompatibility as

the case in which every rule in the set of rules involved in one of two orders is in conflict with rules involved in the other order. Each set of two orders can then be described as more or less compatible or more or less incompatible.

The number of different sets of usages, customs, conventions and laws, labeled together as orders, which may confront any one individual is not of importance. It is conceivable that only one, a few, or many different orders may confront any individual. What is important is the relationship these orders have to each other--whether they are relatively compatible or incompatible. If these orders are defined as sets of rules governing behavior then two orders which are incompatible can not both be completely legitimate for any individual cannot be perfectly oriented to both of the two orders. Such a situation also implies that the validity of each of the two orders, "the probability that action will actually empirically be so oriented,"² for a given individual, will be quantitatively affected by the validity of the other order.

For any society one general order or one set of particular orders can be viewed as the dominant order in that the actions of all members of the society are expected to conform to it (or the order is expected to be "legitimate" for all members of the society). This viewpoint equates "society" and political state, so that the general order is that set of rules which is formally embodied in the laws of the state. The order is also informally embodied in the usages, customs and conventions which taken with the laws comprise the set of rules which define the dominant order.

From this viewpoint, then, actions in accordance with or orientation to orders other than the dominant one will be considered deviant actions or orientations to the degree that these other orders are incompatible with the dominant order. This formulation of the concept of deviance is in essential agreement with the classical uses of the term by Thrasher, Sutherland, Merton, Cloward and Ohlin, and Cohen; but it is most fully consistent with Merton's and Cohen's conceptualizations in that it views deviance as mental and physical action that digresses from a single particular ideal set of such actions. This use of the term was chosen as providing the most clear and consistent mechanism for a model of deviant behavior. It also appears as affording hope that the resultant model can be formulated in terms of non-limited scope without the addition of epicyclical qualifications.

If such a model using the incompatibility of orders as a causal factor in the explanation of deviant behavior is to be successfully constructed, it must be clearly determined what is to be meant by an order, in what sense an order consists of a set of rules for behavior, and in what ways two orders can be compatible or incompatible.

Weber characterizes an order as being composed of "maxims" or rules.³ He also provides a useful prescription for defining "validity" in an order: "such an order will only be called valid if the orientation to such maxims includes, no matter to what actual extent, the recognition that they are binding on the actor or the corresponding action constitutes a desirable

model for him to imitate."⁴ There is some difficulty in Weber's discussion in that he does not keep the notions of "legitimacy" and "validity" conceptually clear. In the above quotation, the notion of validity was tied to the binding force of an order on an individual. In the same paragraph he states that the idea of "the prestige of being considered binding...may be expressed [as the idea of] 'legitimacy.'"⁵

For the purposes of model construction it will be necessary to more precisely delimit the concept of order and its modifiers, legitimacy and validity, and to impart a quantitative notion to validity which will provide a great part of the model's rationale and to legitimacy which will partially provide a mechanism. An order will be used as designating a set of rules for mental and physical social action, which set is a complete entity in itself in the sense that its prescriptions govern all actions which it defines as being in its scope. Legitimacy as a modifier of order will be used to denote the binding force which an order has on an individual. Thus any order can have more or less legitimacy for an individual or two orders confronting an individual can be ordered as to the degree of legitimacy which they have for him. Validity as a modifier of order will be used to denote the legitimacy an order has for a group or the binding force an order has on a group. In this sense an order which has a high degree of legitimacy for one individual in a group or a small segment of individuals in a society (used in the sense of political state) will be viewed as of low validity for the group or society as a whole. This sense of the term is also employed by Weber in the same discussion in which he was cited as confusing the meanings he would give to the concepts of legitimacy and validity. The group sense of his use of validity is implicit but clearly present in his description of the disposition of a thief and the resulting behavior: "A thief orients his action to the validity of the criminal law in that he acts surreptitiously. The fact that the order is recognized as valid in his society is made evident by the fact that he cannot violate it openly without punishment."⁶ From this passage it is clear that the validity of the criminal law was not based on its binding force on the individual in question, the thief, but rather on the legitimacy it held for the mass of individuals in the society, or, in other words, on the binding force it held for the society as a whole.

This characterization of the concept of validity provides a conceptually clear definition of the "dominant order" in a society as the order with a scope covering every aspect of life and which has greater validity in the society than every other order of similar scope.

If the distinction between dominant and subordinate orders is first introduced in regard to orders which have wide enough scope to define a particular way of life in a comprehensive manner, then the dominant order (there can be only one) will also define appropriate activity for each distinct area of life. The prescriptions of this order would then be in opposition to the prescriptions of all other orders of societal scope and also all orders whose scope covers only some or one area of social life. This is to say that the dominant order in a society always defines "proper" behavior and every other order defines "deviant" behavior, to the degree that each of these other orders is incompatible with the dominant one.

With this understanding of the meaning of the concept of order, it is now necessary to turn to the question of the nature of the rules of behavior which go to make up an order. According to Merton's model of deviant behavior,⁷ deviance can occur in relation to either the ends of "goals, purposes and interests held out as legitimate objectives"⁸ of a society or the means to the ends, "the acceptable modes of reaching out for these goals."⁹ Using this conceptualization and the descriptive material contained in Merton's discussion it is not possible to make a clear distinction between what things are to be considered as ends and what actions are to be considered as means in social life. This fault, I believe, arises out of Merton's concern solely with Western European society and particularly the United States as the area in which deviance is to be explained. In the culture peculiar to this society it is possible to specify what appear to be, on the surface, clearcut ends and means. This situation would appear to be due to a rational veneer which covers what the society looks like rather than to an essentially rational civilization which spells out ends and means to ends as distinct entities.

What Merton seems to be attempting to get at in his ends-means categories is the notion of a societally approved point of view or rationale and societally approved social behavior. Thus the question of whether wealth ought to be considered as an end or as a means to some other end is not a valid question. In the culture of American society wealth is considered "good." Concomitant with this point of view, certain ways of obtaining wealth and certain ways of using wealth are also considered good. What is important is not what is an end and what is a means for a society, but rather what is the approved rationale and what are the approved behaviors in a society; using this conceptualization it is possible to categorize the possible types of deviant behavior in a way which is more universally meaningful than by using Merton's rather culture-bound scheme. The rules of behavior which comprise an order are, then, the rationale and the social conduct which are approved in an order. For an order to have legitimacy for an individual means that the rationale and social conduct approved in the order are viewed by the individual as binding on him and his action or as constituting a desirable model for him to imitate.

Two orders can be compatible or incompatible in relation both to their rationales and approved behavior. In the case of two orders with conflicting rationales and coinciding approved behaviors, adherence to one order will not be visibly deviant in regard to the other order unless the deviant rationale is openly professed or advocated. Nonetheless, for the purposes of this model this case will be considered deviant behavior when the order adhered to is one incompatible with the dominant order in a society. Two orders can also have coinciding rationales and conflicting approved behaviors, both coinciding rationales and approved behavior. In the last case only will the two orders be viewed as being compatible and not subject to causing conflict if confronting the same individual.

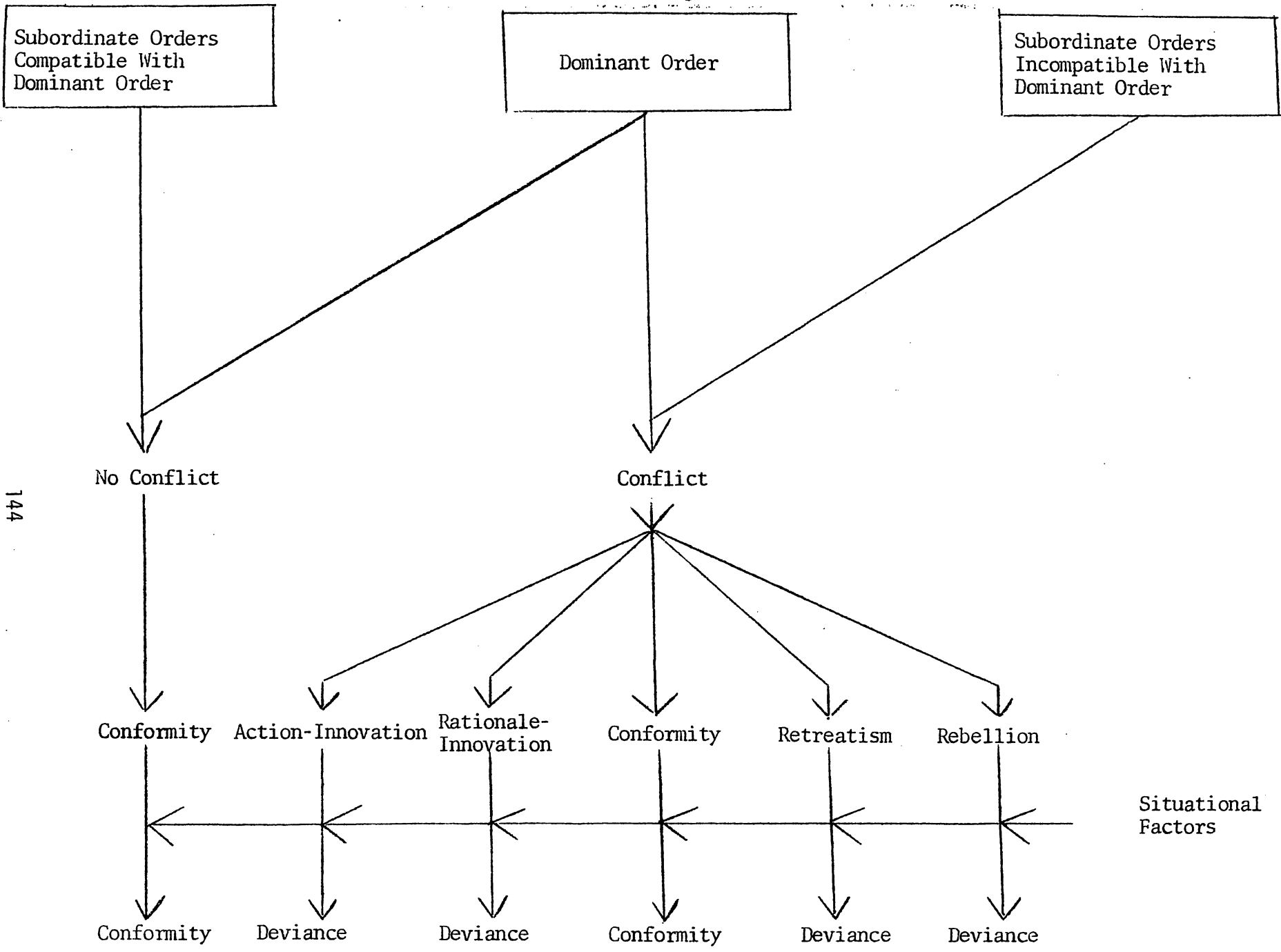
The rationale of an order is the consistent point of view which the order takes toward the problems of social life. Democracy or communism could be viewed as possible rationales. Or either could be coupled with racism, in which case the combination is the rationale. A rationale will usually imply some of the social behaviors which would be consistent with it. But it is

also possible that two different rationales may lead to exactly the same social behaviors. Further, it is not necessary that one rationale must in every case lead to only one set of approved social behaviors, since it is not necessary that each rationale will, by implication, specify all social behaviors that can be viewed as consistent with it. For example, democracy as a rationale can occur in combination with both representative and popular types of political governments. The determining factor, as far as deviant behavior is concerned, is not the content of conflicting orders but merely the area of conflict, either rationale, behavior or both.

This sets up the operation of the "Conflict of Orders Model of Deviant Behavior" (see Diagram I). According to the model, a society contains a dominant order and an assortment of subordinate orders related to the dominant order in regard to the compatibility-incompatibility continuum. As has been discussed above, a subordinate order and the dominant order can be compared on the continuum of compatibility along two dimensions: rationale and behavior. They also can be compared in regard to scope. By definition, a subordinate order can be of wider scope than the dominant order, can be of equal scope, or can be of smaller scope. A subordinate order may cover only areas of social life not covered by the dominant order; that is, be complementary to the dominant order. A subordinate order may also cover exactly the same areas of social life as the dominant order; that is, be contiguous with the dominant order. Also, a subordinate order may cover only a part of the areas of social life covered by the dominant order; that is, be contained by the dominant order. And, finally a subordinate order may cover some areas of social life not covered by the dominant order and some or all which are covered by the dominant order; that is, be overlapping with the dominant order. Ordinarily, however, it would be expected that the dominant order in any society would be so exhaustive in its coverage of the areas of social life (it would have very wide scope by definition) that complementary and overlapping subordinate orders should be rare.

Whatever the relationship of the subordinate and dominant orders in regard to scope, the important criterion for the action of the model is the relationship of the orders in regard to compatibility on the dimensions of rationale and behavior. To the degree that a subordinate order is incompatible with the dominant order, there will be a conflict for the individual who is confronted by the claims of both orders for legitimacy. At this point there will be two courses open to the individual: he can accept either the dominant or subordinate order as having the greatest legitimacy and, thus, having the most binding force on him. If the dominant order is accepted as most legitimate, the individual will be expected to abide by the rules of the dominant order, and would be conforming insofar as he did so. If the subordinate order is accepted as being the most legitimate, the individual will be expected to abide by the rules of the subordinate order, and would be deviating insofar as he did so. The only case in which one of the above two types of result would not have to occur is the case of an individual's being confronted by only subordinate orders which are compatible with the dominant order of his society. There would be no conflict involved in such a situation, and only conformity would be expected.

Diagram I



Since orders can be incompatible along two dimensions, there is a possibility of five unique outcomes of a conflict between subordinate orders and a dominant order. First, the two orders in question can be incompatible along both dimensions and either of the two general outcomes of the conflict as outlined above can take place. In the first case, where the dominant order is accepted as a whole, the resulting disposition in the individual will be labeled "conformity." In the second case, where the subordinate order is accepted as a whole, the resulting disposition in the individual will be labeled "rebellion" and is comparable both conceptually and empirically with Merton's category of rebellion.

Second, orders can be incompatible along one of the two dimensions and compatible along the other. If the dimension of incompatibility is behavior, acceptance of the behavior dictated by the dominant order will result in the disposition of conformity; and acceptance of the behavior dictated by the subordinate order will result in the disposition of "action-innovation," again a category comparable to Merton's innovation category.

Third, orders can be incompatible along the dimension of rationale and compatible along the dimension of behavior. If the legitimacy of the rationale of the dominant order is accepted, again the disposition of conformity will result. If the legitimacy of the rationale of the subordinate order is accepted, the disposition of "rationale-innovation" will result, this category being comparable to Merton's category of ritualism.

Finally, a conflict of orders maybe incapable of solution by the individual. This case can be viewed as one in which the individual vacillates between acceptance of either order or one in which the individual simply makes no decision at all. This disposition, which will be labeled "retreatism" is comparable to Merton's category of retreatism and would seem to better characterize what he had in mind than did his own description. In any event, the example of dope addiction used by Cloward and Ohlin¹⁰ as fitting Merton's retreatism does not fit this category. Dope addiction would be placed in the category of either action-innovation or rebellion in the "Conflict of Orders Model."

Since the five dispositions which result from the working of the model are conceptually and empirically comparable to Merton's categories, the same kinds of resultant action, depending on the specific situational factors, would be assigned to each disposition as are implied by each of Merton's categories. Thus the action of a thief, gangster, or other such criminal would, in American society, be an example of action-innovation. Such criminals have accepted the rationale of the dominant order but behave according to the rules of an incompatible subordinate order. A bureaucratic functionary who is content to observe the bureaucratic regulations without competing for promotion would be an example of the rationale-innovation disposition. He has accepted the behavior dictated by the dominant order but has substituted a different rationale (e.g. security). Hippies would be an example of the rebellion disposition, having accepted the legitimacy of a subordinate order as a whole. And the case of a young man who is incapable of deciding what to do if drafted is an example of retreatism.

Table I

Dimension of Incompatibility	Order Accepted	Resulting Disposition
Both	Dominant	Conformity
Both	Subordinate	Rebellion
Behavior	Dominant	Conformity
Behavior	Subordinate	Action-Innovation
Rationale	Dominant	Conformity
Rationale	Subordinate	Rationale-Innovation
Both or Either	None	Retreatism

FOOTNOTES

1. See: Max Weber, The Theory of Social and Economic Organization, A. M. Henderson, trans., Talcott Parsons, trans. and ed., (New York: The Free Press, 1964), pp. 124-25.
2. Ibid., p. 124.
3. Ibid.
4. Ibid.
5. Ibid., p. 125.
6. Ibid.
7. See: Robert Merton, Social Theory and Social Structure, Rev. ed., (New York: The Free Press of Glencoe, 1957).
8. Ibid., p. 132.
9. Ibid., p. 133.
10. See Richard A. Cloward and Lloyd E. Ohlin, Delinquency and Opportunity: A Theory of Delinquent Gangs, (New York, The Free Press of Glencoe, 1960).