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Sanctions

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Sanctions are society's reactions to deviant behavior. The term is often associated with law, and especially with criminal law and international relations. Anthropologists have also adopted the term for the social sciences. For modern sociology, the concept of sanctions has become a central element of social norms theory, which serves to explain social integration.

Behavioral Patterns

The Classification of Patterns

Many terms exist for a variety of behavior patterns that scholars have not clearly defined: usage, habit, custom, folkway, moral, convention, fashion, standard, rule, or law. In sociology, the notion of social norms is a prominent concept. A social norm is a behavioral pattern that becomes obligatory for the members of a group because sanctions protect it. Patterns of behavior without sanctions, alternatively, are just habit or routine. Only sanctions make behavioral patterns obligatory.

Regulation without Sanctions

Ordinarily, there are plenty of social patterns without a special control mechanism, usually known as usage, habit, or routine. Nevertheless, these patterns have a high degree of compliance because they are expedient or otherwise minimize the necessity to make a choice. In developed societies, patterns without sanctions occur in less important fields of social life. However, in premodern stateless societies, basic patterns of behavior exist that lack the character of binding social norms.

Sanctions for Social Norms

In all societies, social pressures bring about conformity in behavior. People who do not dress according to fashion appropriate for their age risk social ridicule. These kinds of

social pressure are highly diffuse. It makes sense to draw a line where social pressure becomes specific enough to take on the character of a sanction. Sanctions involve negative consequences, not automatic, by which a social group or some of its members demonstrate that deviant behavior is not acceptable.

Theodor Geiger (1891–1952) elaborated on the difference between customary behavior and binding rules and on the conceptual relationship among sanctions, social norm effectiveness, and validity. People can apply sanctions after a social norm's infringement, and its meaning then is clarified prospectively. According to Geiger, a social norm's validity is related to the continuing expectation of sanctions in case of deviant behavior. Legal rules, particularly those in criminal law, serve as the main example of social norms in this narrow sense. Legal norms are only a subset of the much broader realm of social norms in sociology.

Types of Sanctions

Intentional and Rule-Based Sanctions

From a sociological perspective, sanctions range from verbal reactions such as scolding, warning, and lecturing to corporal punishment, from a mere declaration of the norm-violating behavior to the infliction of economic loss, forfeiture of privileges, or imprisonment, from reduced cooperation to ostracism or even the death penalty. Procedure itself may sometimes serve as a sanction, as Malcolm Feeley has described. However, mere gossip and internal disapproval are not sanctions. Rather, the deviant must become aware of a sanction, which is intentional in character. Individual revenge is insufficient. Sanctions consist of regular reactions against wrongdoers and are an integral part of the rule itself.

Positive and Negative Sanctions

Sanctions normally are negative. They inflict disadvantage or deprivation of privilege. Positive sanctions, [p. 1340 ↓] that is, rewards for compliance with social norms, are

the exception, such as a payment to someone who finds another's lost property. The asymmetry of positive and negative sanctions is not restricted to law. Compliance with rules generally does not evoke explicit approval of the social group, except in educational settings, where teachers typically reward norm-abiding behavior.

Positive sanctions that can serve as rewards need not be economic. Social esteem, praise, honors, and medals can be effective, as well. Yet, these immaterial rewards are of limited use because they depreciate quickly if dispensed too generously. Negative sanctions, by contrast, are available more readily. They cost little and sometimes help the dispenser to gain. Today, social wealth has grown to such an extent that rewards are frequently available. In addition, negative sanctions are not always without cost. Morality, for example, may prohibit cheap corporal punishment. Modern incarceration has become very expensive. On the other hand, more wealth opens new opportunities for negative sanctions, especially the denial of normally expected benefits, such as unemployment compensation or the forfeiture of a privilege like a driving license.

The scarcity of positive sanctions causes a problem for the law because psychology has demonstrated that for learning, rewards are more effective than punishment. Positive sanctions also avoid the negative spiral often elicited by punishment when the recipient perceives it as aggression and answers with violence.

Repressive and Restitutive Sanctions

Émile Durkheim (1858–1917) introduced repressive and restitutive law as elements in his theory of legal evolution. This division is also useful for the analysis of sanctions. Legal theorists often think of ordinary money damages awards as simple restitution and do not consider them sanctions or punishment. Only if damages increase over the victim's actual loss (as with punitive damages) does their character as a sanction become clear. This coincides with the view of many injured people, who believe mere restitution is a kind of penalty for them. Economists back this understanding by preferring a strong preventive effect for law.

The Organization of Sanctions

Behavioral Norms and Sanctioning Norms

The breach of a social norm often hurts someone. More than anyone else, the victim is motivated to sanction the deviant. However, this kind of reciprocal sanctioning is always dangerous because the deviant could try to resist. In this situation, the norm's stability depends on the superior power on the victim's side. When third parties intervene, they can enforce the norm by sanctions against equals, which becomes even more important against people who are more powerful than the victims. Where the reaction to an offense is self-help, the socially organized web of social relationships does not emerge to confer stability to this norm of vengeance.

In small, undifferentiated groups, the entire body can impose sanctions. Occasionally, even large groups can react collectively, for instance, by a boycott. Yet normally, larger, more differentiated groups establish special people who are responsible for monitoring the observance of group norms and, in case of violation, applying sanctions. Third parties such as mediators, ombudspersons, umpires, or judges can be *sanctioning subjects*.

Punishing someone for violating a social norm not only carries a risk of retaliation by the sanction's target, but also brings about additional social costs. People may not think highly of others who engage in sanctioning. Without a special need for restitution or internal revenge, ordinary group members have little incentive to bear the burden of sanctioning. Sanctioning subjects need material rewards to convince them to bear this burden.

Behavioral or primary norms demand from their subjects a specified conduct. Certain special norms exist whose purpose is to sanction people and to tell them how to act if someone violates a primary norm. These sanctioning norms include a cluster of additional rules that develop to provide advice about procedure and cooperation among functionaries. Legal evolution reaches a more developed stage with the regular and orderly participation of third parties in the administration of sanctions.

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Intensifying or Waiving Sanctions

As a general principle, sanctions increase if the offender breaks the same or a similar rule repeatedly. More interesting is the opposite strategy of provisionally waiving a sanction. In ongoing relationships, when one of the parties discovers misconduct, she may not demand a sanction. This waiver serves different goals. Particularly between equals, a kind of reciprocal immunity prevents sanctioning every norm violation. In other situations, the provisional waiver of sanctions serves to build a credit that obliges the deviant to obey the norm in the future. A similar purpose influences probation in the area of criminal procedure.

Another strategy is to ignore misconduct. It is impossible to sanction every case of unlawful behavior that comes to the group's attention. However, for people to take norms seriously, they must also expect that a breach will have negative consequences. This strategy of ignorance has a preventive effect because it saves group members' resources. It also leaves deviance invisible, leading people to underestimate the extent of misconduct, particularly of crime. Latent deviant behavior has a positive function for compliance. If crime and criminals appear to be even more exceptional than they are in reality, the authority of rules and sanctioning subjects remains high.

The Functions of Sanctions

Prevention by Deterrence

Some models hold that negative sanctions deter, and positive ones motivate a rational actor. However, the connection between norm, sanction, and behavior may be dependent on many variables. Sanctions only partly account for norm-abiding behavior. Compliance with social norms embeds itself into a cultural system and is dependent on complex psychological and situational variables. People conform to the social order in

countless situations where they could do otherwise with impunity. In most situations, compliance is not directly a consequence of rational choice.

Nevertheless, the model of the rational actor who chooses between the advantages of deviant behavior versus the risks of sanctions is sound. The effect of sanctions is dependent on the perception that the subjects of a social norm have about the kind of sanction and the certainty and swiftness of its application. Empirical research indicates that actors usually overrate the risk of detection and underestimate the severity of punishment. In addition, there is a moral factor: the expectation of sanctioning increases with the moral importance of the norm violated, and even more so with the level of punishment.

Scholars believe there is a positive relationship between the severity of a sanction and its deterrence effect, but this linkage actually seems to be weak. An increase in punishment often has a small or no effect, and extraordinarily high penalties have sometimes failed as an instrument for deterrence. The most prominent example is, of course, capital punishment. However, if a norm is in accordance with the public's moral convictions, serious sanctions are sufficient to bring considerable compliance.

Sanctions as Retaliation

Most people generally consider social norms restrictive. They require people to act against their short-term self-interest. People usually shoulder the burden of abiding by social norms without much consideration. However, if others make light of normative restrictions, and thus gain advantage over their fellows who obey the norm, the psychological mechanism of reciprocity calls for compensation. Those personally offended strongly feel the need for retaliation. Sanctions enable expressive behavior by offering a legitimate opportunity for revenge.

Sanctions as Support for Normative Behavior

The basic function of sanctions is that of deterrence and prevention. Niklas Luhmann (1927–1998), however, stressed that deterrence may be secondary. His theory of social norms began with expectations that are safe from disappointment by differentiating between cognitive and normative behavior. Expectations of every kind can be disappointed. The cognitive mode of dealing with expectations is common in science as [p. 1342 ↓] well as in the marketplace. Disappointed people react by learning, that is, by recognizing that their expectation was unrealistic and that they should forget it.

However, disappointed people can stick to their expectation, that is, they can behave normatively. Normative behavior is more difficult to sustain in this case. Those who follow the norm have to fight cognitive dissonance, and their colleagues may blame them for not learning. Therefore, people who hold to their expectations, even if they have been disappointed, need support for a new interpretation of their situation. Alternatively, they must find new ways to express their normative behavior.

For instance, a person may interpret the situation in such a way that she is not in error or naive, but rather another deviant person is in error. She explains the deviant's behavior by variables that he could not command. Stories of witchcraft and other supernatural forces from historic Europe or some parts of the developing world illustrate this. Modern explanations, alternatively, rely on illness, force majeure, or social constraints or they refer to the deviant's bad intentions or guilt. The disappointed person demonstrates in expressive behavior that she is determined not to relearn but to hold on to her expectations. Sanctioning points to the perpetrator as the person who has to learn. From this viewpoint, sanctioning serves to fight cognitive dissonance, demonstrate normative behavior to observers, and influence the deviant person and others to prevent future infractions of social norms.

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See also

- [Compliance with Law](#)
- [Culture, Legal](#)
- [Custom and Law](#)
- [Death Penalty](#)
- [Durkheim, Émile](#)
- [Evolution, Social and Legal](#)
- [Geiger, Theodor](#)
- [Luhmann, Niklas](#)
- [Punishment, Psychology of](#)
- [Rational Choice and the Rational Actor](#)
- [Restorative Justice](#)
- [Socialization, Legal](#)
- [Social Norms, Emergence of](#)
- [Violence and Justice](#)

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