

Encyclopedia of Criminological Theory

Sherman, Lawrence W.: Defiance Theory

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Book Title: Encyclopedia of Criminological Theory

Chapter Title: "Sherman, Lawrence W.: Defiance Theory"

Pub. Date: 2010

Access Date: September 12, 2014

Publishing Company: SAGE Publications, Inc.

City: Thousand Oaks

Print ISBN: 9781412959186

Online ISBN: 9781412959193

DOI: <http://dx.doi.org/10.4135/9781412959193.n230>

Print pages: 839-843

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<http://dx.doi.org/10.4135/9781412959193.n230>

Criminological theory and criminal justice policy have long focused on the relationship between sanctions and criminal behavior. Deterrence and labeling are two major theoretical traditions that [p. 839 ↓] emphasize sanctions as a key explanatory factor, providing contradictory predictions of the impact of those sanctions on behavior. Deterrence theorists predict that sanctions, especially those which are swift, certain, and proportionally severe, will deter or reduce further criminal behavior. Additionally, criminal justice policy is often predicated on the assumption that sanctions deter offenders. Labeling theory, on the other hand, predicts that sanctions will stigmatize the offender, producing increased offending (i.e., secondary deviance) in the future. The empirical evidence supporting either deterrence or labeling has been mixed. Recognizing this diversity in the effects of sanctions, Lawrence W. Sherman has argued that the apparent pattern of sanction effects observed in existing research exhibits two themes. First, the impact of sanctions appears to depend on perceptions of fairness, in that sanctions viewed as unfair are more likely to increase offending. Second, sanctions appear to increase crime among out-groups while deterring crime among in-groups. Suggesting that existing theory is incapable of accounting for these patterns, Sherman proposed *defiance theory* to explain the conditions under which sanctions will increase criminal activity versus deterring offending.

Defiance Theory

The starting point in Sherman's defiance theory is the differential effects of sanctions. Research suggests that, in varying instances, sanctions may either deter or increase future offending. In an effort to explain the conditions under which sanctions increase criminal behavior, Sherman developed the concept of defiance, which is defined as “the net increase in the prevalence, incidence, or seriousness of future offending against a sanctioning community caused by a proud, shameless reaction to the administration of a criminal sanction” (p. 459).

Defiance may take several forms. Similar to deterrence, defiance may be either specific (i.e., the reaction of an individual to his or her own punishment) or general (i.e., the reaction of a group to the punishment of a group member). Additionally, individuals may exhibit either direct defiance, reacting against the sanctioning agent, or indirect

defiance, reacting against another individual who vicariously represents the sanctioning agent. Sherman provides examples of the different types of defiance. For example, an individual who assaults a police officer during an arrest is exhibiting specific, direct defiance. An individual who assaults his or her spouse following a domestic violence arrest is exhibiting specific, indirect defiance. General, direct defiance is illustrated by the South African ambush killings of police officers, who were viewed as the tools of oppression during the apartheid era, a perception that has lingered. The 1992 Los Angeles riots following the acquittal of the four police officers who beat Rodney King during a traffic stop provide an example of general, indirect defiance.

Conditions for Defiance

Sherman argues that defiance is likely to occur when the sanctioned individual views his or her punishment as unfair or illegitimate, is poorly bonded, and denies the shame of the punishment. In contrast, sanctions are expected to produce deterrence when the sanctioned individual is well bonded, views the sanction as legitimate, and accepts the shame he or she feels, remaining proud of his or her connection to the community, recognizing the harm that his or her actions have caused, and attempting to repair that bond. Sanctions are irrelevant to future offending when these factors are evenly balanced. For example, when a well-bonded offender denies the shame associated with the unfair sanction, the expected outcome will likely be irrelevance, not deterrence. In this instance, the perceived unfairness of the sanction and the failure to accept the shame that accompanies the sanction will nullify any deterrent effect produced by the strong social bond. With this discussion, Sherman is able to theoretically account for the mixed effects of sanctions.

Defiance theory focuses on explaining the defiant reaction to a sanction. Specifically, there are four necessary conditions for defiance to occur: (1) the sanction must be defined by the offender as unfair, (2) the offender must be poorly bonded to society, (3) the sanction must be viewed by the offender as stigmatizing, and (4) the offender must refuse to acknowledge the shame produced by the sanction. In proposing his theory and identifying these four conditions, Sherman has borrowed from John Braithwaite's theory of reintegrative shaming, Tom Tyler's concept of procedural justice, and Thomas

Scheff and Suzanne Retzinger's discussion of the role of shame and rage in destructive conflicts.

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Perceptions of Fairness

According to Sherman, one key theme in understanding whether a sanction produces defiance or deterrence is the perceived fairness or legitimacy of the sanction or sanctioning agent. Unfairness may be related to disrespect by the sanctioning agent or a perception that the punishment is arbitrary or discriminatory. Whether the unfairness of a punishment is substantive or perceptual, unfair or unjust sanctions may not have their intended deterrent effect. According to Tyler's procedural justice perspective, sanctions that are perceived as unfair reduce the legitimacy of law enforcement or the criminal justice system, which reduces the likelihood of compliance. If an individual perceives a punishment as unjust, he or she may begin to question the law itself and feel justified in disregarding it. Scheff and Retzinger contend that societal disapproval, when expressed disrespectfully or to a person with weak social bonds, may evoke anger. Reintegrative shaming theory likewise argues that sanctions that stigmatize and label the offender may weaken existing social bonds and produce increased offending. Thus, perceptions of the fairness of a sanction and the experience of being stigmatized by a sanction may interact with an individual's social bonds to produce defiance.

Social Bonding

Procedural justice argues that when the legitimacy of formal sanctions breaks down, social sanctions are expected to take their place. Thus, social bonding also plays a large role in defiance theory. In particular, Sherman relies on some elements of reintegrative shaming theory to explain the connection between unfair or stigmatizing sanctions and social bonds. For Braithwaite, individuals who have strong social bonds (i.e., interdependency) may be more likely to experience reintegrative sanctions, which are rejecting of the act but avoid applying a label to the individual. Thus, reintegrative sanctions are likely to be viewed as fair and to produce deterrence. Disintegrative

sanctions, however, are rejecting of both the act and actor, stigmatizing the sanctioned individual. These sanctions are more likely to be viewed as unfair and disrespectful. Sherman likewise recognizes the potential criminogenic effect of stigmatizing sanctions, especially among individuals with weak social bonds. He argues that individuals with strong social bonds will not react defiantly to a punishment perceived as unfair so as not to jeopardize those bonds. On the other hand, individuals with weak social bonds are more likely to deny the shame of being sanctioned and respond with indignation and anger. This angry, prideful reaction sets the stage for defiance and increased offending.

Experiencing Shame

An individual's reaction to the shame of a sanction is the final link in the explanation of defiance. Sherman highlights the role of shame, pointing both to reintegrative shaming theory and to Scheff and Retzinger's work on the master emotions of shame and pride. Both Braithwaite and Scheff and Retzinger argue that individual reactions to the shame of a sanction will vary depending on an individual's level of social bonding. Similarly, labeling theory suggests that secondary deviance (i.e., defiance for Sherman) occurs as a reaction to the experience of being sanctioned, in that individuals may perceive their punishment as an attack and may act defiantly as a defense to society's disapproval.

Scheff and Retzinger criticize early versions of labeling theory for failing to take emotions, especially shame, into account. For these authors, societal disapproval is described as a threat to the sanctioned individual's social bonds. If the individual accepts the shame that he or she feels and recognizes the harm he or she has caused, the individual may seek to avoid that behavior in the future (i.e., deterrence). Braithwaite's theory of reintegrative shaming presents a similar argument. On the other hand, if the person refuses to acknowledge or rejects that shame, he or she may respond with self-righteous anger. Scheff and Retzinger describe a shame/rage spiral, in which rage is a protective measure against shame, a way of rejecting the shame, and a defense against a perceived attack. Thus, this shame/rage spiral occurs when a person's bond is threatened, the shame is not acknowledged, and behavior is interpreted as an attack. This produces violence, hatred, and resentment which may lead to defiance. For Sherman, shame, or the refusal to acknowledge shame, is the primary causal mechanism in explaining defiance.

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Empirical Evidence for Defiance Theory

Sherman concludes his theoretical formulation by noting that “until recently, the science of sanction effects has been short on facts and even shorter on theory. Now, it seems, the available theory has gotten ahead of the facts” (p. 468). Despite the promise of defiance in explaining variation in sanction effects, there have been no complete tests of the theory since its development. Most of the evidence that can be marshaled in support of the theory is derived from studies not originally designed to examine its propositions.

Some research supports the notion that perceptions of unfairness, either to the law being imposed or to the sanction itself, are likely to lead to more criminal offending (i.e., defiance). Sherman highlights research suggesting that previously sanctioned individuals are less likely to be deterred. It may be that, because few people are formally sanctioned for offending, those who do receive a punishment perceive their treatment as comparatively unfair and respond defiantly by engaging in further delinquency. Additional research examining police-citizen encounters indirectly tests some of the propositions articulated by defiance theory. These studies primarily focus on the offender's (or citizen's) perceptions of fair treatment by police officers in their encounters. Raymond Paternoster, Robert Brame, Ronet Bachman, and Sherman examined the effect of arrest on the likelihood of engaging in subsequent domestic assaults and found that the offender's perceptions of fair treatment by police were important determinants of future offending. Other studies of police-citizen interactions support the premise that individuals who feel that they are unfairly treated by police are more likely to be resistant. In other words, the perceived legitimacy of a police officer's action is an important predictor of citizen compliance or resistance. When the police are perceived to be respectful to citizens, compliance is more likely. Confrontational and physical actions on the part of police, on the other hand, are more likely to produce resistance, possibly because the actions are interpreted as unfair and stigmatizing. This body of research supports Sherman's argument that defiance is more likely to occur when sanctions are perceived as unfair. While these results are suggestive, they do not address the key to defiance theory, which is an individual's perception of the sanction.

A more recent study examined the perceptual nature of defiance theory and the impact of those perceptions on future offending more closely and has provided the most complete test of the theory to date. Leana Bouffard and Nicole Leeper Piquero found that individuals who perceived a sanction as unfair and were poorly bonded had higher rates of offending in the future. While much existing research demonstrates that perceptions of unfairness and social bonding have a strong connection to offending, the role of shame in producing defiance remained unclear in this study. Other research, however, has supported the role of shame in offending. Unfortunately, the existing research generally provides only piecemeal support for defiance theory. Studies specifically designed to link the theory's propositions together are necessary.

Future Directions for Defiance Theory

Other researchers have highlighted the links between Sherman's defiance theory and other explanatory mechanisms. For example, within psychology, the personality construct of grandiosity (i.e., exaggerated perceptions of self-worth) may inform the path to defiance, in that grandiose or self-centered individuals may be more likely to reject the sanctioning agent and the shame associated with being sanctioned, resulting in a defiant response. In criminology, research also suggests that individuals with low levels of self-control are more likely to perceive sanctions as unfair and to respond with anger. Though not specifically addressed by Sherman or necessarily intended, one advantage of defiance theory is that in linking concepts, like emotion and social bonding, it offers an integrative perspective that accounts for either defiance or deterrence.

From the life-course and criminal career perspective, defiance may also be seen as an explanation of continuity in and desistance from offending. The theory can explain desistance by arguing that if an individual defines a sanction as unfair and stigmatizing but has strong social bonds, that person may accept the shame that he or she feels or be unwilling to jeopardize his or her bonds through a defiant reaction. According to Sherman, these individuals will be deterred from future offending (i.e., they will desist). This theory also provides an explanation for continuity, which is the defiant response of a poorly [p. 842 ↓] bonded offender who defines his or her sanction as unfair and stigmatizing and refuses to acknowledge the shame he or she feels. These individuals may continue or escalate their offending, becoming involved in secondary deviance.

Thus, exploring defiance theory from a longitudinal, life-course perspective is another promising avenue for research.

Conclusion

It is difficult to truly assess the value of Sherman's defiance theory with the paucity of studies that directly test its propositions. Rather, the existing research provides suggestive evidence supporting some elements of the theory, particularly perceptions of fairness and social bonding. What remains is to explicitly design studies that link these elements together as proposed by the theory and to explore the connections between this and other theories. At this point, the theory is relevant to understanding the importance of the interplay between perceptions of fairness, social bonding, and the experience of shame, but future research is necessary to fully explore these relationships.

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<http://dx.doi.org/10.4135/9781412959193.n230>

See also

- [Becker, Howard S.: Labeling and Deviant Careers](#)
- [Braithwaite, John: Reintegrative Shaming Theory](#)
- [Gibbs, Jack P.: Deterrence Theory](#)
- [Hirschi, Travis: Social Control Theory](#)
- [Lemert, Edwin M.: Primary and Secondary Deviance](#)
- [Perceptual Deterrence](#)
- [Tyler, Tom R.: Sanctions and Procedural Justice Theory](#)

References and Further Readings

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