

Sexual Deviance and its prevalence in North America

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In sociology, deviance or deviant behaviour refers to activities or conduct that violates societal norms and conventions, as well as contextual and cultural standards. From minor violations such as belching loudly in public to major disruptions such as murder, deviant behaviour is unacceptable either by a particular group or the society at large. For deviance to be categorized as a crime, it not only disrupts a social norm but also breaks the law (Sumner, 1955).

The classification of deviant acts can be based on the degree to which these are perceived as harmful, the severity of the norm being violated, and the extent of the response towards it. In this regard, conflict crimes such as smoking marijuana may be illegal, but it is not true for all groups of society, whereas social deviations such as abusing the help-staff may not be illegal but are generally regarded as serious. Similarly, social diversions such as face piercings or tight clothing violate the norms of society in a distasteful manner. It is the consensus crimes, however, that receive an almost unanimous public agreement in regards to being the gravest acts of deviance, and these include acts such as murder or an assault of a sexual nature – both of which are inexcusable and liable to severe penalties (Hagen, 1994). This paper aims to explore the key elements of sexual deviance and its prevalence in North America. The paper further establishes the links between sexual deviance and sociological theories, along with the perspectives of constructionists and positivists.

Sexual Deviance – Definition & Key Elements

[Defining the term sexual deviance](#) and all that it encompasses has historically been a complicated task. This complexity arises due to the many controversies attached to its definition (Bartels & Gannon, 2011). The ambiguity associated with the term has hampered the study of its correlates and aetiology and ultimately delayed the improvement of its preventive measures and intervention programs (Watts, Nagel, Latzman, & Lilienfeld, 2019). Sexually deviant behaviour may vary, and what is considered divergent in one time period or culture may not be so in another. Generally, deviance of a sexual nature is attributed to an unusual source of sexual excitement and may constitute a deviant activity or an anomalous target. Therefore, the concept of sexual deviance applies to individuals seeking erotic gratification through sources that are non-conforming, odd, or disagreeable for either the majority masses or the influential people of the society (Tewksbury, 2015).

Similar to the case of most other forms of deviance, the labelling of an act as sexual non-conformance varies according to personal beliefs, morals, and background. Despite this variance, most people have very firm views about it and associate it with stigma. Tewksbury defines sexual deviance as a behaviour of sexual aspect which violates the established norms of society and surpasses the set

limits of conduct within a specific culture. To regard a behaviour as sexually deviant, there are certain criteria that it must fulfil. The first aspect to consider is the degree of consent from the individuals involved. Secondly, the specificity of the objects and the nature of persons is taken into account. The third criterion reflects upon the actual act performed as well as the body parts involved. Lastly, the setting or the location where the behaviour takes place is also an important factor to attribute it as divergent. As a general rule, any sexual act that is not mutually consented to by all those involved is termed as deviant (2015).

The “American Psychiatric Association (APA)” identifies eight conditions that characterize abnormal desire. These include the exhibitionistic disorder in which the perpetrator exposes genitals to an unsuspecting person. The frotteuristic disorder is characterized by rubbing or touching another without consent, and the voyeuristic disorder pertains to the offender observing an unsuspecting person while they are engaged in private activities such as changing clothes. Another condition is the fetishistic disorder which involves the use of inanimate objects to seek gratification, and the pedophilic disorder, in which the offender prefers the prepubescent children for pleasure. Sexual sadism, transvestic fetishism, and sexual masochism disorders are also paraphilic conditions identified by the DSM - V and highlight the deviant sexual behavior that seeks pleasure through pain, suffering, and clothing, respectively (American Psychiatric Association, 2013). It is imperative to note that sexual desire is basic among all living beings, and everyone experiences certain interests in this regard. However, an interest in the above-mentioned domains can be used as a point of reference for identifying divergent interests and a disposition to act upon them (Williams, Cooper, Howell, Yuille, & Paulhus, 2009).

Tewksbury posits that exhibiting a divergent erotic desire is not inherently wrong. Rather, its merit is determined by two factors. Firstly, it is important to note the frequency of people who engage in such behaviour within the society; only if this conduct is limited to a small number of people can it be termed as deviant. This is because any behaviour that is common among the majority masses is normative and cannot be labelled as non-conformance. The second factor is the reaction and response from the society members. This means that once the masses display their distaste for a particular sexual activity and react by the stigmatization of the people involved, it can be considered deviant (2015).

The Constructionist Perspective

The view that sexual desire is somehow constructed by society is central to the ideas presented by social constructionism, which attributes behaviours and experiences to be constructed within the cultural setting. Opposing the biological perspectives which attribute behaviour to predisposed biological structures, constructionists view it as a product of culture (Giles, 2006). The constructionist perspective is based on the following three assumptions:

- The relativists’ view of deviance postulates that sexual offences are not attributed to intrinsic

factors. Rather it is based on the mindset of the people within a society. Therefore, an act is only deviant if a group of people within the society think so.

- The subjectivistic assumption attributes sexual offence as a subjective experience, and the perpetrator is viewed to be “conscious, feeling, thinking, and reflective.”
- The third assumption of voluntarism views divergence as a voluntary act and an act of human choice. This view emphasizes the fact that humans have free will and they can make conscious choices that determine their conduct.

The Positivist Perspective

Positivists view deviance of any form to be outside of an individual’s control and attribute it to external factors. The positivist perspective is based on the following three assumptions:

- The first assumption, i.e., absolutism, attributes divergent behaviours to be real and postulates that sex offenders possess certain qualities that distinguish them from conforming individuals.
- The objectivism assumption identifies deviant behaviour as something observable. Since it is an evident object, the divergence of any form, including sexual offences, can be studied like other objects analyzed by natural scientists.
- The deterministic assumption of positivists highlights deviance as a result of factors that an individual is unable to control, thereby negating the notion that humans have free will to act. This assumption takes away all blame from the sexual offender and attributes it to forces beyond control (Pearson, 2021).

Sexual Offence – Criminal Behavior

Sexually deviant behaviour is not only studied as a major mental health [concern but is also related to issues of criminal justice](#) and has remained an area of interest for clinicians, researchers, and law enforcement personnel. However, due to the secrecy and immorality associated with this conduct and the taboo attached to its discussion, the real extent of its prevalence cannot be gauged and, by far, remains unknown (Paulauskas, 2013).

Sexual offences are universal and occur in every society. Often this deviant behavior takes the form of sexual violence, thereby causing extreme and irreversible damage to the victim in terms of psychological and physical health. The impact of sexual offence among victims can range from physical injury to depression and from loss of status in society due to perceived disgrace to suicide. Sexual offence varies in terms of situations and societal settings and can take the form of sexual assault without penetration, paedophilia including statutory rape, sexual abuse of people with physical or mental disability, non-consensual rape, sodomy, adultery, and fornication. The most common forms of sexual offences are rape, child molestation, voyeurism, and exhibitionism. (Chattora, 2006).

Prevalence of Sexually Criminal Behavior

The actual frequency of sex crimes cannot be established due to the low levels of reporting. Not only are sex crimes mostly undeclared, but the majority of cases also have no witnesses except the perpetrator and the victim. Cook, Gidycz, Koss, & Murphy explain this by stating that “Among highly personal and sensitive behaviours and experiences, including other forms of interpersonal violence, rape and other forms of sexual violence are probably the most difficult experiences to measure. They are rarely observed and occur in private places” (2011, p. 203). Despite concerns about data accuracy, the available statistics can be used to develop a trend. The data inclination can be used to analyze the pervasiveness of these crimes.

Data on sex offenders

The abduction and murder case of Jacob Wetterling in 1989 escalated nationwide searches and manhunts, ultimately leading to the formation of “national and state sex offenders’ registries” recording the data of sex offenders around the United States. In May 2021, all states, including the District of Columbia, recorded more than 780,000 names on the 51 sex crime registries. The data shows an increase of around 32,000 people since 2019, when the number of persons recorded was more than 750,000. The highest number of sex offenders is listed in the state of Texas, i.e., approximately 100,000, with California second on the list with around 83,000 offenders and New York on third with about 42,000 registered sex offenders. When considering the number of sex offenders per 100,000 of the population, the state of Oregon has the highest number, with Montana being the second. The data further reveals that as of May 2021, the 10 states with the greatest number of offenders are in the West of the United States, while 3 of the top 10 states lie in the Midwest (Safe Home, 2021).

Data on Sexual Assault

The rate of sexual assault, especially rape, is exceedingly common in Alaska as compared to other states. The numbers vary by a huge margin. In 2019, in the United States, the rape frequency was recorded at around 43 per 100,000 people, whereas in comparison, the rate in Alaska was three times more (Safe Home, 2021). The rate of rape incidents per hundred thousand citizens in different counties shows that rate for the United States of America is 27.30, for Mexico, it is 13.20, whereas for Canada the rate is 1.70 (World Population Review, 2021).

The “World Population Review” data reveals that 97% of rapists in the U.S. will be freed while only 9% are indicted and 3% are imprisoned for a day (2021). There has been some increase in self-reporting of rape incidents, with the rate increasing from 1.4 victims/1000 people in 2017 to 2.7 victims/1000 people in 2018. An estimated 734,630 people were assaulted in the U.S. in 2018, as evidenced by the available data. Out of all incidents of sexual assault, in 70% of rape cases, the perpetrator is someone

known to the victim, and the likelihood of women aged 16-19 years is four times more, and female students attending college who are 18-24 years of age are three times more at risk of experiencing sexual assault. Also, people with a mental or physical disability, as well as transgenders, are twice more at risk of being sexually assaulted or raped (TBS Report, 2020).

The data presented by “The Rainn Organization” identifies that every 68 seconds, an American becomes a victim of a sexual offence. The data highlights that amongst all juvenile sexual assault victims, 82% are females, while amongst adults, 90% are females. Whereas 3% of all American men have experienced rape either attempted or completed in their lifetime, making 1 out of every 10 victims of rape being males. Similarly, 21% of “transgender, gender-queer and nonconforming (TGQN)” students enrolled in colleges have experienced sexual assault as compared to 18% of non-TGQN females and 4% of non-TGQN males (2021).

Although there is some data available regarding the frequency of sexual offences carried out, there are still a bulk of cases that either go unreported or the victim faces uncertainty about the details of the incident, thereby being unable to establish if a particular advance can be characterized as a sexual offence and whether it should be reported. The available data is made available for public access and helplines are established to cater immediately to potential as well as actual victims. The advancement of news sources and immediate access to social media networks, along with awareness campaigns such as the “Me Too Movement”, – all are playing an essential role in educating the masses about sexual assault and encouraging more people to come forward and identify the perpetrators.

While reporting the assault is one part of the equation, the approach adopted by authorities to handle it is the other. Jon Krakauer sheds light on a series of sexual offences carried out at the University of Montana and the role of the Department of Justice. The author identified the reasons for campus rape being prevalent in the U.S. and the reluctance faced by the victims to report it. In the case of acquaintance rape, the victims have often faced more suspicion than the perpetrator, especially if the victim has been drinking preceding the assault experience. Also, the claims of the victim are often dismissed particularly if the accused perpetrator is a popular member of the campus sports team. Even going to trial puts the woman’s entire personal life at stake, and ultimately, it is the victim who has to suffer from feelings of shame, fear, self-doubt, stigmatization, and emotional palsy (Krakauer, 2016).

Sexual Deviance and Sociological Theories

For a long time, sociologists have strived to study non-conforming social behaviours and attempted to explain them by presenting different theories. The macro-level theories of divergent sexual conduct study the broad characteristics of society and societal groups to explain non-conformance, along with its pervasiveness and consequences. These include the economic status, the cultural setting, and the social integration of communities. The micro-level theories take into account the individual

characteristics of the culprit and the context in which the behaviour occurs and meso-level theories study the behaviour in relation to groups and institutions. The three main views on deviance can be presented through the functionalist theories, conflict theories, and symbolic interactionism. Many theories are grouped under these three major views.

Functionalism – Emile Durkheim

Functionalism posits that deviance is a central part of society, and it not only maintains stability but also helps us establish societal norms by explaining non-conforming behaviours. The functionalist perspective of Emile Durkheim presents the ideas about deviance and considers society as a complete whole. Using the analogy of the human body, Durkheim maintained that to function optimally and to attain good health, all organs, i.e., the institutions of the society, must work synergistically. Although exceeding levels of deviance are considered dysfunctional, to a certain extent, deviant behaviour is inevitable and important for the normal functioning of a society. In any society, a value consensus exists regarding all acceptable behaviours, including sexual conduct. This consensus not only guides general behaviour but also flourishes social solidarity due to a shared dislike of divergent actions. He further explains that deviance is a driving force for social change. There is no place for change in a society where everyone follows the established norms. This change can either result in decreasing and preventing deviant conduct or in the acceptability of deviance as normal behaviour, as is in the case of changing perceptions towards homosexuality (Pope, 1975).

Other Theoretical Approaches

Feministic Perspectives

Belonging to the conflict theories, over the last two decades, there has been an uprise in the feministic perspectives on deviance and criminal justice. Most of this relates to deviance in the form of rape, sexual assault, marital violence, and other such crimes. As a macro-level theory, the feminist perspectives focus on social aggregates rather than individuals and look into the structure of deviance. It seeks to influence the attitudes of people and officials toward sexual crimes. The most important feature of this perspective is to educate the masses about gender-based inequality to reform the outdated views about the relationship between the opposite sexes. There is also a focus on the legal processing, criminal justice system, and its methods of approaching crimes against women (Renzetti, 2013)

Labeling – A microlevel reaction theory

According to Becker, “deviance is not a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to the offender. The deviant is one to

whom the label has successfully been applied; deviant behaviour is the behaviour of people, so the label" Moreover, to label a behaviour as deviant either it has to be stigmatized by the society or by those in power such as the politicians, law enforcement officers, judges, and medical professionals. The labelling theory applies not only in the case of sexual offences but also to drug addiction, prostitution, alcoholism, and many more (1963).

Conclusion

Crimes of a sexual nature are highly prevalent in every society. It is an increasingly important area of concern as although there are many interventions and rehabilitation programs in place for the victims; there are not many preventative measures available. The available theories explain the causal factors as well as the impact of sexual assault on those who have experienced it. However, these theories do not outline a way to prevent this behavior. Since it is the perpetrators who are responsible for the crime and not the victims, prevention programs will empower the sufferers and play an important part in its reduction. Even if major steps cannot be taken immediately, relatively simple interventions such as educating the masses by talking about what entails a sexual offence, reducing the taboo around such topics, and giving confidence to the victims by not placing the blame on them can go a long way.

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