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REVIEW ARTICLE

Introduction: governing deviance in Japan

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Abstract
The special issue "Governing Deviance in Japan" brings scholarship on governance into dialog with sociological approaches to deviance in order to explore how normative boundaries are constructed, contested, and rendered consequential. We conceptualize governance as the multi-actor process in which conduct is steered through varying combinations of formal regulation, administrative discretion, societal cooperation, and informal control. Deviance, in turn, is understood relationally, encompassing both negative deviance, defined as violation of established norms, and positive deviance, through which actors challenge existing normative orders and potentially contribute to their transformation. The five contributions examine youth deviance, sexual violence, smoking regulation, anti-racist counter-protest, and ideological deviation in subnational politics. Together, they demonstrate that deviance is not merely governed but partly constituted through governance, while norm-challenging actors can themselves reshape governance arrangements. We identify selective responsiveness as a central feature of this relationship: different forms of norm departure are recognized, classified, tolerated, regulated, or marginalized in markedly different ways. The special issue thus proposes "governing deviance" as an analytical bridge between governance and deviance scholarship and shows how examining moments of norm transgression can illuminate broader processes of political, societal, and institutional change in Japan.

Keywords: deviance; governance; Japan; norm transgression; normative orders; positive deviance; selective responsiveness

Introduction

This special issue, "Governing Deviance in Japan," examines how political and societal actors respond to behavior, practices, claims, and ideas that depart from established normative expectations and how these responses themselves contribute to determining what counts as deviant. Its origins lie in the international conference "Deviance and Norms in Times of Change in Japan," held at the University of Zurich in November 2022, out of which two special issues developed.

The companion collection, "Gradual Institutional Change in Contemporary Japan: Single-life and Immigration," examines how bottom-up actors reinterpret established arrangements and, through incremental forms of agency and positive deviance, contribute to institutional change (Chiavacci and Vogt 2026). It describes positively deviant actors as those who disregard, selectively comply with, stretch, or reinterpret existing rules and normative expectations, thereby generating incremental pressure for institutional change. Yet it also emphasizes that these actors tend to operate from structurally weaker positions and often influence institutions primarily through interpretation, implementation, and social framing rather than through direct rule change (Chiavacci and Vogt 2026).

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The present special issue turns this perspective around. Rather than beginning primarily with actors who reinterpret institutions, it asks what institutions and other governance actors do when conduct, claims, and ideas depart from prevailing norms. How are such departures recognized and classified? Which actors possess the authority to define them? Through what combinations of law, discretion, persuasion, social pressure, media framing, and political competition are they governed? What happens when norm challengers attempt to change not merely policy, but the normative boundaries through which governance itself works? The contributions illuminate the other side of this relationship. They show how established governance arrangements respond to such challenges and, more fundamentally, how the categories of "normality" and "deviance" through which they respond are themselves produced. The argument developed here therefore complements that of the companion collection: Institutional continuity should not only be distinguished from institutional stagnation; it should also not be mistaken for normative consensus. Continuity may be actively reproduced through the differential recognition and governance of deviance. This perspective brings into dialog governance and deviance scholarship, that is, two bodies of scholarship that share important concerns but typically begin from different analytical questions.

Governance, deviance, and normative change

Governance scholarship asks how societies are steered and how authority is exercised across increasingly complex configurations of state and non-state actors (Peters *et al.* 2022). Contemporary definitions do not restrict gover*nance* to the hierarchical authority of formal govern*ment*. Governance may operate through legislation and hierarchical control, but also through incentives, voluntary standards, expertise, delegation, collaborative problem-solving, and the production of norms and values. The shift from government to governance therefore directs attention to the multiple forms through which authority is exercised and to changing boundaries among public, private, and voluntary actors, that is, to the emergence of what Rhodes (2012) calls "network governance." In this understanding, governance is not the disappearance of the state. Rather, the state increasingly governs with and through other actors, frequently using indirect forms of steering.

For the purposes of this special issue, it is important to move beyond the established question of *who* governs and explore in more depth *how* conduct is governed. Peters *et al.* (2022) distinguish analytically between control and collaboration. At one pole lie hierarchical commands, legal prohibitions, sanctions, and other forms of authoritative direction; at the other lie negotiation, cooperation, voluntary compliance, knowledge-sharing, and mutual adjustment. In practice, most governance arrangements are hybrids combining elements of both (Arrington and Vogt 2026). Governing deviance may accordingly involve criminal prohibition, administrative discretion, negotiated compliance, self-regulation, public persuasion, reputational sanctions, or any combination of these, as Arrington and Vogt (2026) showcase for the field of public health policies in Japan.

This broader understanding of governance intersects closely with the sociology of deviance. Labeling and societal-reaction approaches challenged the proposition that deviance is an intrinsic quality of particular acts or persons. Rather, deviance is relational: rules are established, conduct is interpreted in relation to those rules, and social reactions confer consequences upon particular classifications. Becker (1963) and Erikson (1966) made this insight foundational, while Akers (1968) formulated the broader analytical problem as one involving both behavior and social definition. Explaining deviance, in this perspective, requires attention not only to why people engage in particular conduct but also to how societies establish the rules, norms, and laws whose violation constitutes deviance and how societal actors respond to actual or presumed violations through available labels and sanctions.

This definitional and societal-reaction side of deviance offers a connecting point to governance. Anderson's (2017) social-constructionist formulation distinguishes three related dimensions of the deviance process: rule-making, rule-breaking, and rule-enforcing. Rule-makers seek to define particular conduct as unacceptable; rule-breakers depart from the expectations thus established; and rule-

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enforcers identify, process, sanction, or seek to correct violations. Governance scholarship adds an important dimension to this model by asking how these functions are distributed among multiple and interdependent actors. Rule-making may originate with legislators, but it may equally be initiated by activists or experts. Rule-breakers may contest classifications, adapt strategically, or seek to redefine the rule itself. Rule enforcement may occur not only through police and courts but also through administrative guidance, media framing, organizational discipline, or informal social pressure.

The interpretive turn in governance research narrows the distance between the two fields still further. Rhodes (2012) argues that patterns of governance must be understood through actors' beliefs, practices, traditions, narratives, and interpretations of political dilemmas. In this perspective, actors of governance interpret what constitutes a failure, what kind of problem they face, and what forms of response are appropriate. Competing interpretations may themselves become sources of governance change. This resonates with social-constructionist approaches to deviance. In both traditions, social problems do not become governable independently of processes through which actors give them meaning.

The intersection of governance and deviance scholarship therefore concerns more than the addition of "non-state actors" to social-control analysis. Deviance scholarship provides concepts for understanding how normative boundaries are constructed, contested, and institutionally processed. Governance scholarship provides concepts for understanding how authority to perform these tasks is distributed and through which instruments conduct is steered. *Governing deviance* occurs where these processes intersect.

Positive and negative deviance

Before turning to the Japanese case and the contributions assembled here, we specify our use of deviance by distinguishing between negative and positive deviance. Negative deviance refers to behavior perceived as violating an established norm and consequently as requiring restraint, sanction, correction, or prevention. Positive deviance, by contrast, refers to potentially transformative norm transgression that challenges an existing normative order by advancing alternative practices or claims and may thereby contribute to social or institutional change.

The second concept requires qualification, as it tends to be "marginalized in deviance literature" (Heckert and Heckert 2002, 449). Spreitzer and Sonenshein (2004, 832), working in organizational scholarship, define positive deviance as "*intentional behaviors that depart from the norms of a referent group in honorable ways*" (italics in original). Heckert and Heckert (2002, 451) point out that "overconformity" with behavioral norms can also constitute positive deviance as long as it is "positively evaluated."[1] The important contribution of these seminal works on positive deviance is to break with the nearly exclusive association of deviance with harmful or disvalued conduct and to emphasize that norm departure may also be constructive. Particularly useful for our purposes is the emphasis on referent groups: norms are the expectations of specific social collectivities, and different referent groups may therefore evaluate the same behavior very differently. We adopt this relational insight while departing from the stronger claim that positive deviance can always be identified by the objectively "*honorable*" (Spreitzer and Sonenshein 2004, 832, italics in original) character of the behavior. Building on its relational nature, we emphasize that the concept is dynamic, fluid, and sometimes contested, as the cases examined here demonstrate: what constitutes a positive departure – and for whom – is frequently a matter of dispute. Counter-protesters may regard confrontation with hate demonstrators as a necessary challenge to racism, while police or political opponents interpret the same behavior through the lens of public disorder. Smoking may be regarded as an ordinary personal choice within

[1]Overconformity that is negatively evaluated by Heckert and Heckert (2002, 451) is called "rate-busting"; positively evaluated non-conformity in their model is "deviance admiration." Heckert and Heckert (2002, 459) thereby develop a refined two-by-two model of conformity and evaluation.

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one normative setting and as socially harmful conduct within another. Ideological positions may be legitimate alternatives while simultaneously "deviating" from an electoral mainstream.

Positive and negative deviance should consequently be regarded not as immutable properties of conduct but as positions within struggles over normative authority. Positive deviance describes the orientation of actors toward challenging and potentially transforming an established normative order; it does not imply that the challenge will succeed or that all relevant audiences will evaluate it positively. This is crucial because positive deviance may produce institutional change, remain marginal, provoke backlash, or cause challengers themselves to become targets of social control. This insight also sharpens the relationship to the companion special issue. There, positive deviance primarily illuminates how actors reinterpret and stretch existing arrangements and can thereby contribute to gradual institutional change (Chiavacci and Vogt 2026). Here, we ask *how norm challenges are received and processed by the broader configurations of actors involved in governance.*

Governing deviance in Japan

Japan provides a particularly revealing setting for studying this dynamic. A substantial literature on postwar governance has emphasized the importance of regulatory modes located between formal legal coercion and voluntary social conformity (Kagan 2000; Kramer *et al.* 2026). Rather than relying exclusively on detailed and judicially enforceable rules, governance has often operated through administrative discretion, guidance, negotiation, organizational coordination, self-regulation, and expectations of cooperation (Arrington 2025). Moving beyond a binary opposition between formal and informal governance allows for a deeper understanding of how different mixes of instruments are assembled around different forms of deviance. The classic case of environmental regulation illustrates the point. Japanese pollution-control officials historically often preferred instruction, persuasion, pressure, and negotiated future compliance to immediate formal sanction; the need to resort to legal enforcement could itself be interpreted as a failure of regulation (Avenell 2017; Kagan 2000). Such practices demonstrate that informality does not mean the absence of control. On the contrary, it may generate considerable compliance while leaving substantial discretion to administrators. At the same time, Kagan (2000) emphasizes the vulnerabilities of cooperative and nonlegalistic regulatory styles. Their flexibility may produce effective compliance in some contexts but prove less capable where governing requires changing entrenched attitudes or challenging powerful insiders. Informal regulation may also create problems of opacity, capture, and weak accountability.

Recent Japan-focused scholarship has extended these debates in two particularly relevant directions. First, work on state–society and multilevel relations has moved beyond a simple opposition between hierarchical top-down state control and autonomous bottom-up civil society. Chiavacci *et al.* (2020) conceptualize civil society–state relations in post-high-growth East Asia through the paired dynamics of entanglement and contention, showing how increasing normative diversity reshapes the channels through which societal claims enter governance (see also Chiavacci and Obinger 2018; Gerteis 2010; Löschke 2025; Slater and Steinhoff 2025). Vogt's (2025, 503) study on "'doing local governance' within one's daily (also non-political) actions" in an Okinawan hamlet likewise uses a multilevel perspective to show how national policies, local implementation, and community institutions interact with citizens' daily practices (see also: Hijino 2017; Hijino and Vogt 2021). Such work strengthens a relational understanding of Japanese governance in which authority and problem-solving are distributed across levels and sectors.

Second, sociolegal research has highlighted the importance of discretion and changing regulatory styles. Johnson (2001) demonstrates how prosecutorial discretion structures criminal justice outcomes, while Arrington (2025) identifies activists and lawyers as bottom-up drivers of more formal, detailed, and enforceable forms of legalistic governance. Read together with scholarship on informal regulation, these contributions complicate any simple transition from "soft" to "hard" governance: discretion, negotiated compliance, legal formalization, and societal mobilization coexist and can reinforce or counteract one another (Arrington and Vogt 2026).

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These strands are directly relevant to the present collection. Across youth policing, sexual violence, tobacco control, anti-racist protest, and subnational electoral competition, the articles examine how actors define problems, select governing instruments, and make some normative departures more governable than others. They thus extend Japan-focused governance research from questions of regulatory style and actor constellations toward the processes through which the objects of governance themselves are classified and contested. Seen from this perspective, the articles do not reveal a singular Japanese style of governing deviance but a pattern of selective responsiveness. By selective responsiveness, we mean variation in the degree and mode by which governance actors recognize, prioritize, and act upon different norm departures. Governance may be highly interventionist toward some departures from norms while remaining strikingly passive toward others. Formal rules may coexist with weak implementation; informal arrangements may produce effective control. Non-state actors may redefine what should be governed or become objects of governance themselves. This variation also echoes a familiar governance problem: substantial formal capacity does not eliminate implementation gaps or unintended consequences (Rhodes 2012). The five articles can therefore be read as different configurations of recognition and response.

Constructing, recognizing, and regulating deviance

In his study "Engines of deviance: newspapers, traffic cops, and youth rebellion in 1970s Japan," Gerteis (2026) demonstrates that governance does not simply act upon an already constituted category of deviance. The article reconstructs the process through which *bōsōzoku* – motorcycle-riding youth – became an object of governance. Between 1972 and 1979, news organizations, police bureaucracies, research institutions, and legislators progressively transformed scattered practices into a unified phenomenon. What emerged was a "recognition infrastructure" (Gerteis 2026, 15) through which a journalistic trope became a legally actionable population. The sequence is crucial. Press coverage standardized a recognizable interpretive template; police classification made behavior countable; administrative forms stabilized categories across jurisdictions; research supplied additional legitimacy; and legal reform eventually authorized pre-emptive intervention. Governing did not follow classification – it participated in producing it. The case illustrates the relevance of official statistics. They depend on prior definitions, reporting practices, and institutional priorities. Anderson (2017) notes that official statistics capture only cases that reach agencies, rely on prevailing definitions of deviance, and reflect the structures and priorities of the organizations producing them. Gerteis shows this process historically: classification enables counting, and the resulting numbers subsequently appear as evidence for the reality and seriousness of the classification. At the same time, the intense response to *bōsōzoku* cannot be explained only through traffic safety. Gerteis locates the anxieties surrounding motorcycle youth within the normative order of postwar "enterprise society" (2026, 2). Predominantly working-class young men publicly performed forms of masculine solidarity and belonging outside the corporate structures that organized norm-following adulthood. In this sense, the deviance being governed was simultaneously behavioral and social: It challenged established expectations about legitimate incorporation into postwar society.

David T. Johnson's (2024) "Is rape a crime in Japan?" presents an almost inverted case. Rape is formally designated as serious criminal conduct, yet Johnson demonstrates that formal criminalization does not guarantee that institutions consistently confer the practical status of criminal deviance upon it. His analysis traces extensive attrition through the criminal justice process and shows that definitions differ across societies, statistical indicators vary, and the incidence of underreported offences is particularly high. The gap between formal rule and institutional response is therefore itself part of what must be explained. Johnson returns explicitly to Erikson's insight that deviance is conferred through social reaction. His conclusion is stark: The property of criminal deviance is often not conferred on rape in Japan because social and legal norms shape the behavior of victims, police, prosecutors, and judges. Through "downstreaming" (Johnson 2024, 11) each institutional actor anticipates how the next will assess a case, allowing skepticism to become self-reinforcing. The contrast with Gerteis is analytically

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powerful. In one case, governance actors progressively create an elaborate infrastructure for recognizing and acting upon conduct (Gerteis 2026). In the other, law already supplies a clear category, yet successive institutional processes weaken its practical significance (Johnson 2024). Non-response must therefore be understood not simply as the absence of governance. Decisions not to report, record, prosecute, or convict distribute recognition, protection, and vulnerability. Johnson (2024) also illustrates the limits of legal reform without corresponding change in implementation. Although rape law has been revised substantially, Johnson stresses that police, prosecutors, and courts must render the new definition meaningful through enforcement and interpretation and that entrenched gender norms continue to matter.

"Regulating smoking in Japan: from manners to rules" by Celeste L. Arrington (2024) traces a third trajectory: Behavior once broadly accepted becomes progressively denormalized and formally regulated. Her article is explicitly about the intersection of norms and governance. Recent tobacco-control reforms mark a movement beyond tolerance, etiquette, soft law, and administrative guidance toward more detailed rules and enforcement mechanisms. Yet, this is not simply a story of a state becoming more legalistic. Civil society actors helped produce the shift. Through litigation, local initiatives, issue framing, and information production, tobacco-control advocates contributed to changing how smoking was perceived and to making it appear increasingly in need of regulation. Arrington therefore provides an exemplary case of rule-making from below. Positive deviance directed against an established normative settlement can ultimately contribute to redefining negative deviance itself. Yesterday's challengers become participants in governance; yesterday's ordinary conduct becomes today's regulated behavior. At the same time, the relationship remains recursive. Rules do not merely express changing social norms. They also send signals about appropriate behavior and can deepen denormalization. Arrington's article thus demonstrates that governance and deviance co-produce one another over time. Taken together, Gerteis, Johnson, and Arrington show three fundamentally different processes: making conduct deviant, failing to recognize formally prohibited conduct as deviant, and transforming formerly "normal" behavior into regulatable deviance.

Positive deviance and the governance of norm challengers

Ayaka Löschke's (2026) "Counter-protesters against hate speech in Japan: negative framing by police, media, and activists" brings the ambiguity of positive deviance into view. Anti-racist counter-protesters emerged in response to escalating far-right hate demonstrations and contributed through confrontational but largely nonviolent tactics to reducing their effectiveness. Yet Löschke shows how counter-protesters themselves became negatively framed through three mutually reinforcing layers: policing, news coverage, and activist discourse. Arrests for minor offenses, reliance on police accounts, sensationalized coverage, and delegitimizing narratives combined to privilege a "law and order" frame over one centered on anti-discrimination and protest rights. The article therefore shows that progressive norm transgression can become negative deviance in the eyes of other referent groups. The analytical question is not simply whether counter-protesters violate rules but which violation governance actors identify as most consequential: hate speech or the disruption generated by those opposing it. The Japanese policing context is important. Löschke notes the long-standing use of broad discretion, surveillance, and arrest for minor offenses in political policing and the historical stigmatization of activists as deviant. This again demonstrates that governance through discretion should not be equated with weak control. Löschke also expands the governance perspective beyond formal institutions. Police classifications can feed into media narratives; media coverage can become resources for political and activist opponents; and online discourse can migrate into institutional media. Governing deviance consequently emerges from a network of actors rather than a single authoritative center. This case offers perhaps the clearest empirical reason for treating positive and negative deviance relationally. The same conduct can be progressive transgression from one perspective and threatening disorder from another. Governance determines which of these competing interpretations acquires institutional force.

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Ken Victor Leonard Hijino's (2024) paper on "Mainstream and deviating ideologies in Japanese gubernatorial elections" moves the analysis into a different arena. Here, deviance is ideological rather than primarily behavioral: Drawing on campaign discourse, Hijino identifies "mainstream," "old left," "neo-liberal," and "fringe" clusters as well as regionalist and new-left populist alternatives in particular elections. The article is important precisely because it demonstrates that governing deviation does not need to involve coercive control. Political institutions can accommodate ideological alternatives while nevertheless structuring their prospects for becoming consequential. Hijino treats ideology broadly as a worldview providing interpretations of collective problems and guidance for addressing them. Deviation, or more specifically candidate's diverging use of language and terms and the emphasis they give to key concepts of campaigns, is therefore relational to an established political mainstream rather than an intrinsic property of a particular ideology. This gives Hijino's contribution an important place in the collection. The governance of deviance includes not only prohibition, punishment, or stigma but also incorporation, competition, and marginalization. Alternative positions may be permitted and publicly articulated yet fail to redefine the dominant political center. The comparison with Arrington (2024) is instructive. Tobacco-control advocates successfully contributed to moving the normative mainstream. The ideological challengers Hijino (2024) identifies have, at least so far, been much less successful in doing so. Positive deviance is therefore a potential mechanism of normative transformation, not a guarantee of it.

Summary and outlook: selective responsiveness in governing deviance

Taken together, the five contributions show what is gained by bringing governance and deviance into closer dialog. Deviance scholarship foregrounds how normative boundaries are made and contested. Governance scholarship explains how those definitions acquire force through particular actors, instruments, and institutional practices. Governing deviance therefore refers to the multi-actor processes through which departures from normative expectations are interpreted, classified, regulated, tolerated, marginalized, or incorporated – and to the ways in which those subjected to, or challenging, such classifications can, in turn, reshape governance.

The cases point especially to selective responsiveness. Deviance is not merely governed but partly constituted through governance: Media categories, administrative classifications, statistics, law, policing, expertise, and political discourse help determine which departures become visible and actionable. Yet responsiveness varies markedly. *Bōsōzoku* became the object of a dense infrastructure of anticipatory control (Gerteis 2026), while rape repeatedly falls out of the criminal justice process despite formal criminalization (Johnson 2024). Counter-protesters face significant police and media scrutiny (Löschke 2026); smoking has moved incrementally from manners toward rules (Arrington 2024); and ideological deviations can be accommodated electorally while remaining politically peripheral (Hijino 2024). Such variation cautions against characterizing Japanese governance as either uniformly interventionist or institutionally passive.

Positive deviance highlights the reciprocal side of this process. Norm challengers may redefine an accepted practice, expose a failure of implementation, or seek to move the political mainstream. Their success, however, is contingent. Tobacco-control advocates contributed substantially to denormalizing smoking; actors contesting sexual violence have helped generate legal and discursive change; counter-protesters themselves become targets of negative framing; and deviating political positions often remain marginal. Positive deviance thus identifies potential changes to norms rather than successful institutional change. Frequently, moreover, positive deviants seek to redefine an existing practice as negative deviance, making the boundary itself an object of political struggle.

The two special issues originating from the Zurich conference illuminate opposite sides of the same process. The companion collection asks how bottom-up actors reinterpret institutions and generate gradual change (Chiavacci and Vogt 2026). The present collection asks how governance responds when practices, claims, and ideas depart from prevailing expectations. Moments of deviance are useful stress tests for governance: They expose implicit norms, reveal implementation gaps and asymmetries of

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authority, and show how normality is continually reproduced or revised. Deviance challenges governance, while governance produces and transforms deviance.

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