Strain Theories

In adapting Durkheim's theory to American society, Shaw and McKay retained Durkheim's argument about rapid social change but shifted the focus from societies to neighborhoods. Robert K. Merton also adapted Durkheim's theory to American society, but he shifted the focus away from rapid social change. Instead, he argued that there were certain relatively stable social conditions that were associated with the higher overall crime rates in American society, as well as with the higher rates of crime in the lower social classes. Merton used the term "social structural strain" to describe those social conditions, so that the theories that followed Merton's lead have come to be known as "strain theories."

ROBERT K. MERTON AND ANOMIE IN AMERICAN SOCIETY

Durkheim had analyzed anomie as a breakdown in the ability of society to regulate the natural appetites of individuals. Merton, in an article first published in 1938,[1] argued out that many of the appetites of individuals are not "natural," but rather originate in the "culture" of American society. At the same time, the "social structure" of American society limits the ability of certain groups to satisfy those appetites. The result is "a definite pressure on certain persons in the society to engage in nonconformist rather than conformist conduct."[2]

1. Robert K. Merton, *Social Theory and Social Structure*, The Free Press, Glencoe, Ill., 1968, p. 186. The most recent presentation and discussion of this theory is found in Merton, "Opportunity Structure: The Emergence, Diffusion, and Differentiation as Sociological Concept, 1930s–1950s," in Freda Adler and William Laufer, eds., *Advances in Criminological Theory: The Legacy of Anomie Theory*, vol. 6, Transaction Press, New Brunswick, N.J., 1995, pp. 3–78. For a discussion of the relationship between Durkheim's and Merton's theories, see Thomas J. Bernard, "Merton vs. Hirschi: Who Is Faithful to Durkheim's Heritage?" in Adler and Laufer, op. cit., pp. 81–90.

2. For definitions of structure and culture in Merton's theory, see Merton, "Opportunity Structure," op. cit., pp. 6–7.

Merton began by pointing out that the culture of any society defines certain goals it deems "worth striving for."[3] There are many such goals in every society, and they vary from culture to culture. Perhaps the most prominent culture goal in American society, however, is to acquire wealth. This might be regarded merely as a "natural aspiration," as Durkheim maintained. But American culture encourages this goal far beyond any intrinsic rewards the goals itself might have. Accumulated wealth is generally equated with personal value and worth and is associated with a high degree of prestige and social status. Those without money may be degraded even if they have personal characteristics that other cultures may value, such as age or spiritual discipline.

In addition, whereas Durkheim said that culture functioned to limit these aspirations in individuals (although at certain times it did not do this well), Merton argued that American culture specifically encourages all individuals to seek the greatest amount of wealth. American culture is based on an egalitarian ideology that asserts that all people have an equal chance to achieve wealth. Although all individuals are not expected to achieve this goal, all are expected to try. Those who do not may be unfavorably characterized as "lazy" or "unambitious."[4]

Cultures also specify the approved norms, or institutionalized means, all individuals are expected to follow in pursuing the culture goals. These means are based on values in the culture, and generally will rule out many of the technically most efficient methods of achieving the goal. For example, in American culture the institutionalized means that should be used to achieve wealth can generally be identified as "middle-class values" or "the Protestant work ethic." They include hard work, honesty, education, and deferred gratification. The use of force and fraud, which may be more efficient methods of gaining wealth, is forbidden.[5]

Merton argued that because all persons cannot be expected to achieve the goals of the culture, it is very important that the culture place a strong emphasis on the institutionalized means and the necessity of following them for their own value.[6] These means must provide some intrinsic satisfactions for all persons who participate in the culture. This is similar to the situation in athletics, in which the sport itself must provide enjoyment, even if the person does not win. The phrase "It's not whether you win, it's how you play the game" expresses the notion that

3. Merton, *Social Theory and Social Structure*, op. cit., p. 187.

4. Ibid., p. 193.

5. Ibid., p. 187.

6. Ibid., p. 188.

the primary satisfaction comes from following the institutionalized means (rules) rather than achieving the goal (winning).

In athletics, however, the goal of winning may be unduly emphasized, so that there is a corresponding deemphasis on the rewards provided by the sport itself. In this situation ("It's not how you play the game, it's whether you win") the institutionalized means are placed under a severe strain. Merton argues that this is the situation in American culture regarding the goal of achieving wealth.[7] The goal has been emphasized to the point that the institutionalized means are little reward in themselves. The person who adheres to these methods—that is, hard work, education, honesty, deferred gratification—receives little social reward for it unless he or she also achieves at least a moderate degree of wealth as a result. But the person who achieves wealth, even if it is not by the approved means, still receives the social rewards of prestige and social status. This situation places a severe strain on the institutionalized means, particularly for those persons who cannot achieve wealth through their use.

This strain falls on a wide variety of people in the society, but it tends to be more concentrated among persons in the lower class. In that group the ability to achieve wealth is limited not only by the talents and efforts of the individual, but by the social structure itself. Only the most talented and the most hard-working individuals from this class can ever expect to achieve wealth through the use of the institutionalized means. For the majority of persons this possibility is simply not realistic, and therefore the strain can be most severe. By the same token, the strain is least apparent among those in the upper classes, in which, using the same institutionalized means, a person of moderate talents can achieve a degree of wealth with only moderate efforts.

For certain groups, then, a severe strain on the cultural values arises because (1) the culture places a disproportionate emphasis on the achievement of the goal of accumulated wealth and maintains that this goal is applicable to all persons, and (2) the social structure effectively limits the possibilities of individuals within these groups to achieve this goal through the use of institutionalized means. This contradiction between the culture and the social structure of society is what Merton defines as anomie.[8]

Merton therefore used a *cultural argument* to explain the high rate of crime in American society as a whole, and a *structural argument* to

TABLE 11-1   Merton's Typology of Modes of Individual Adaptation[*]

Modes of Adaptation	Culture Goals	Institutional Means
I. Conformity	+	+
II. Innovation	+	−
III. Ritualism	−	+
IV. Retreatism	−	−
V. Rebellion	±	±

[*]Key: + signifies "acceptance," − signifies "rejection," and ± signifies "rejection of prevailing values and substitution of new values."

explained the concentration of crime in the lower classes.[9] The high level of crime in American society was explained in terms of "cultural imbalance"—the imbalance between the strong cultural forces that valued the goal of monetary success and the much weaker cultural forces that valued the institutional means of hard work, honesty, and education. However, Merton described American culture as relatively uniform throughout the class structure, so that everyone is similarly pressured to achieve wealth and everyone has a relatively weak allegiance to the institutionalized means. Thus "cultural imbalance" does not explain why the lower classes in America have higher crime rates than the upper classes. Merton therefore used social structure, not culture, to explain why lower-class people in America have higher crime rates than upper-class people. That explanation focused on the distribution of legitimate opportunities in the social structure—that is the ability to achieve wealth through institutionalized means. Merton argued that those opportunities were relatively concentrated in the higher classes and relatively absent in the lower classes. The distribution of criminal behavior is said to be a sort of mirror image of the distribution of legitimate opportunities, being relatively concentrated in the lower classes and relatively absent in the upper classes.

There are various ways in which an individual can respond to this problem of anomie, depending on his attitude toward the culture goals and the institutionalized means. Merton describes these options as conformity, innovation, ritualism, retreatism, and rebellion (Table 11-1).[10]

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7. Ibid., p. 190.

8. Ibid., p. 216.

9. These cultural and structural arguments are presented in propositional form in Thomas J. Bernard, "Testing Structural Strain Theories," *Journal of Research in Crime and Delinquency* 24(4): 264–70 (1987).

10. Reprinted with permission of The Free Press, a Division of Simon & Schuster, from *Social Theory and Social Structure*, Revised and Enlarged Edition by Robert K. Merton. Copyright © 1967, 1968, by Robert K. Merton.

To the extent that a society is stable, most persons in it will choose conformity, which entails acceptance of both the culture goals and the institutionalized means. These persons strive to achieve wealth through the approved methods of middle-class values and will continue to do so whether or not they succeed.

Most crime that exists in society, however, will probably take the form of innovation. Persons who innovate retain their allegiance to the culture goal of acquiring wealth (since this is so heavily emphasized), but they find that they cannot succeed at this through the institutionalized means. Therefore they figure out new methods by which wealth can be acquired. Businessmen may devise different forms of white-collar crime entailing fraud and misrepresentation, or they may cheat on their income tax. Workers may systematically steal from their place of employment. Poor people may develop illegal operations, such as gambling, prostitution, or drug dealing, or they may burglarize and rob. In each of these cases the individual has retained his commitment to the culture goal, but is pursuing it through unapproved means.

This situation is very similar to that described by the classical thinkers, who maintained that since humans were hedonistic, they would always choose the most technically efficient methods of achieving their goals, unless limited by punishments, imposed by society.[11] Although the classical thinkers thought this was the normal condition of people, Merton argued that it was the condition only when the cultural goals were overemphasized to the point that the norms broke down.

A third possible adaptation involves rejecting the possibility of ever achieving wealth, but retaining allegiance to the norms of hard work, honesty, etc. This is the adaptation of those persons who wish to "play it safe." They will not be disappointed by failure to achieve their goals, since they have abandoned them. At the same time they will never find themselves in any trouble since they abide by all the cultural norms. This is the perspective of "the frightened employee, the zealously conformist bureaucrat in the teller's cage"[12] and tends to be found most frequently among persons in the lower middle class. These persons have achieved a minimum level of success through the institutionalized means, but have no real hope of achieving anything more. The fear of losing even this minimum level locks them into their adaptation.

The fourth adaptation—retreatism—involves simply dropping out of the whole game. Dropouts neither pursue the cultural goals nor act according to the institutionalized means. Those who choose this adapta-

tion include "psychotics, autists, pariahs, outcasts, vagrants, vagabonds, tramps, chronic drunkards and drug addicts."[13] Merton points out that this adaptation does not necessarily arise from a lack of commitment to the culture. It can also occur when there is a strong commitment to both the goals and the means, but no real possibility of achieving success.

There results a twofold conflict: the interiorized moral obligation for adopting institutional means conflicts with pressures to resort to illicit means (which may attain the goal) and the individual is shut off from means which are both legitimate and effective. The competitive order is maintained, but the frustrated and handicapped individual who cannot cope with this order drops out.

Rebellion is the last of the possible adaptations to the problem of anomie. Here the person responds to his frustrations by replacing the values of the society with new ones. These new values may be political, in which the goals are, for example, the achievement of a socialist society, and the approved means might involve violent revolution. On the other hand these values might be spiritual, in which the goals entail the achievement of certain states of consciousness, and the means involve fasting and meditation. Or the values might be in one of any number of other areas. The basic point is that this person ceases to function as a member of the existing society and begins to live within an alternate culture.

These adaptations do not describe personality types. Rather they describe an individual's choice of behaviors in response to the strain of anomie. Some individuals may consistently choose one adaptation, such as low-level bureaucrats who respond to their situation through ritualism. But the same bureaucrats may occasionally innovate by stealing small amounts from their employers, or they may occasionally retreat through the use of alcohol. Other persons develop patterns of behavior involving the use of several adaptations simultaneously. For example, a professional criminal (innovation) may also consistently use narcotics (retreatism) while at the same time promoting a militant, revolutionary philosophy (rebellion). These behaviors might not be seen as consistent with each other unless it is understood they are all responses to the anomic situation the individual faces.

These same adaptations may be seen in other situations in which there is a discrepancy between the emphasis placed on the goals and the means to achieve them. In athletics, if the goal of winning is overem-

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11. Merton, op. cit., p. 211.
12. Ibid., p. 204.

13. Ibid., p. 207.

phasized, those who cannot win within the institutionalized means (rules) may be strongly motivated to cheat (innovate), they may merely continue playing without hope of winning (ritualism), they may quit playing altogether (retreatism), or they may attempt to get a different game going (rebellion). Students are often faced with a strong overemphasis of the goal of achieving high grades, and may resort to similar adaptations. Deviant behavior among scientists has been analyzed in terms of an overemphasis on the goal of originality in scientific research.[14] Those who cannot achieve this goal may resort to various adaptive behaviors such as "reporting only the data which support an hypothesis, making false charges of plagiarism, making self-assertive claims, being secretive lest one be forestalled, occasionally stealing ideas, and in rare cases, even fabricating data."[15]

Finally, Merton makes the point that "the foregoing theory of anomie is designed to account for some, not all, forms of deviant behavior customarily described as criminal or delinquent."[16] The intention of the theory is to focus attention on one specific problem, "the acute pressure created by the discrepancy between culturally induced goals and socially structured opportunities," and does not attempt to explain all the diverse behaviors that at one time or another are prohibited by the criminal law.

A number of theorists have attempted to extend and refine Merton's theories. The most significant of these attempts was by Richard Cloward, writing in 1959.[17] Whereas Merton focuses on the fact that lower-class people had limited access to legal means of achieving success goals, Cloward pointed out that these same people often had very broad access to illegal means that existed in their neighborhoods. The local pawn shop, which would fence stolen goods; the junkyard, which would take that hot car off your hands; the numbers racket; and the drug and prostitution rings all provided illegal opportunities to achieve the success goals of society. Cloward also pointed out that the mere presence of an opportunity is not enough unless you have been introduced to the ways of taking advantage of it.[18] This "learning structure" had been described

by Shaw and McKay in their studies of delinquency areas and by Sutherland in his theory that crime is normal, learned behavior; and Cloward regarded his formulation as a consolidation of these three approaches. Merton agreed with Cloward's theory, regarding it as a substantial extension of his own theory.[19]

STRAIN AS THE EXPLANATION OF GANG DELINQUENCY

Merton's reformulation of anomie theory focused on the special strains under which certain segments of the population are placed, and used those strains to explain criminality. This type of argument has also been used in two major theories to explain urban, lower-class, male gang delinquency, one by Albert Cohen and the other by Richard Cloward and Lloyd Ohlin.

In his work with juveniles, Cohen found that most delinquent behavior occurred in gangs rather than individually, and that most of it was "non-utilitarian, malicious, and negativistic."[20] This type of delinquency, in contrast to most adult crime, seemed to serve no useful purpose. Juvenile gangs stole things they did not want or need, vandalized and maliciously destroyed property, and participated in gang wars and unprovoked assaults. Purposeless crimes could not be explained by Merton's theory, which argued that crimes had the purpose of acquiring money, although by illegitimate means. Cohen believed that these actions were methods of gaining status among the delinquent's peers, but then he had to ask why these behaviors were "a claim to status in one group and a degrading blot in another."[21] He concluded that gangs have a separate culture from the dominant culture, with a different set of values for measuring status. The question that Cohen then addressed was why and how this separate culture had evolved.

Merton described people as seeking the cultural goal of success. In a similar way Cohen saw youths as seeking the goal of status among their peers. He utilized the classic distinction between achieved status, which is earned in competition with one's own age and sex group, and ascribed status, which is acquired by virtue of one's family, such as when one's father is an important person. Competition for achieved status normally takes place within the school. Cohen saw the school as a solidly middle-

14. Robert K. Merton, "Priorities in Scientific Discovery: A Chapter in the Sociology of Science," *American Sociological Review* 22: 635–59 (Dec. 1957). See also Harriet Zuckerman, "Deviant Behavior and Social Control in Science," in Edward Sagarin, ed., *Deviance and Social Change*, Sage, Beverly Hills, Calif., 1977, pp. 87–138.

15. Clinard, op. cit., p. 23.

16. Merton, *Social Theory and Social Structure*, p. 195.

17. Richard A. Cloward, "Illegitimate Means, Anomie, and Deviant Behavior," *American Sociological Review* 24: 164–76 (April 1959).

18. Ibid., p. 168.

19. Robert K. Merton, "Social Conformity, Deviation and Opportunity Structures: A Comment on the Contributions of Dubin and Cloward," *American Sociological Review* 24: 188 (April 1959).

20. Albert K. Cohen, *Delinquent Boys: The Culture of the Gang*, The Free Press, New York, 1955. For an analysis of the theory and a statement of its major arguments in propositional form, see Bernard, "Testing Structural Strain Theories," op. cit. Merton discusses and analyzes the theory in "Opportunity Structure," op. cit., pp. 33–44.

21. Ibid., p. 27.

class institution, permeated by the values of its middle-class teachers and administrators. Status in school was judged on the basis of such values as ambition, responsibility, achievement (especially in the areas of academic work and athletics), deferred gratification, rationality, courtesy, ability to control physical aggression, constructive use of time, and respect for property.[22]

A youth who has no ascribed status by virtue of his family, and who typically loses in the competition for achieved status, is placed under a severe strain. He can continue to conform to middle-class values, but he must then be content with a low-status position among his peers. Or he can rebel against middle-class values and set up a new value structure according to which he can increase his status and self-worth. Youths who rebel in such a way tend to come together to form a group in order to validate their choices and reinforce their new values. The delinquent gang is such a group. It is a spontaneous development in which a number of youths, each of whom faces a similar problem (low status), together create a common solution to that problem.

Lack of status may affect youths in different social classes, but, like Merton's anomie, it disproportionately affects youths from the lower class. These youths generally have no ascribed status from their families, since their parents normally have low-status occupations. At the same time they are at a disadvantage in competing for achieved status in schools. Lower-class children often have internalized values different from those of middle-class children prior to entering the school. When measured against these values, they perform poorly and must either adjust to these new values or reject them. Thus members of delinquent gangs will generally be lower-class children. And because the gang is primarily rebelling against middle-class values, it takes on the "negativistic" character noticed by Cohen.

Merton's and Cohen's theories differ in several respects. Merton emphasized the utilitarian nature of crime, focusing on innovation as a response to the social structural pressures, whereas Cohen sought to explain the nonutilitarian character of much delinquency. Cohen's theory is similar to the "rebellion" adaptation proposed by Merton, but it differs in that the particular form the rebellion takes is determined by a reaction against middle-class values. In Merton's theory rebellion may take any one of a number of different forms. Finally, Cohen saw the choice of rebellion as linked to the choices of other members of the group, whereas Merton portrayed the choice of an adaptation as an individual response.

22. Ibid., pp. 88–91.

TABLE 11–2   Cloward and Ohlin's Classification of Lower-Class Youth

Categories of Lower-Class Youth	Orientation of Lower-Class Youth	
	Toward Membership in Middle Class	Toward Improvement in Economic Position
Type I	+	+
Type II	+	−
Type III	−	+
Type IV	−	−

Cloward and Ohlin sought to resolve the conflicts between the theories of Merton and Cohen, and also to integrate with these two theories the ideas of the Chicago Ecologists and of Edwin Sutherland.[23] Whereas Merton had argued that lower-class youths strive for monetary success and Cohen that they strive for status, Cloward and Ohlin argued that these were separate strivings which could operate independently of each other. They proposed four categories of lower-class youths, as shown in Table 11–2.[24] Youths who seek an increase in status are seen as striving for membership in the middle class, while other youths seek an improvement in their economic position without seeking to change their class association.

Cohen claimed that most delinquency is committed by boys of Type I and Type II, who are striving to increase their status. Cloward and Ohlin agreed that when pressures toward delinquency arose among these boys, they were likely to be of the type described by Cohen, that is, reactions against the middle-class values in which the boy believes, but with which he is unable to conform due to social structural pressures. But they argue that these boys do not constitute the major group of delinquents, since their values generally are consistent with those of middle-class authorities. Instead, the most serious delinquents are of Type III. These youths are oriented toward conspicuous consumption, "fast cars, fancy clothes, and swell dames," goals that are phrased solely in economic terms and not in terms of middle-class lifestyles. These youths experience the greatest conflict with middle-class values, since they "are looked down upon both for what they do *not* want (i.e., the

23. Richard A. Cloward and Lloyd E. Ohlin, *Delinquency and Opportunity: A Theory of Delinquent Gangs*, The Free Press, New York, 1960. For an analysis of the theory and a statement of its major arguments in propositional form, see Bernard, "Testing Structural Strain Theories," op. cit. Merton discusses and analyzes the theory in "Opportunity Structure," op. cit., pp. 44–71.

24. Reprinted with permission of The Free Press, a Division of Simon & Schuster, from *Delinquency and Opportunity* by Richard A. Cloward and Lloyd Ohlin. © 1960 by The Free Press; copyright renewed 1988 by Richard A. Cloward and Lloyd E. Ohlin.

middle-class style of life) and for what they *do* want (i.e., 'crass materialism').”[25] These are the youths, Cloward and Ohlin claim, who have been repeatedly described in the literature of juvenile delinquency. Finally, Cloward and Ohlin argue that Type IV youths, although they may incur criticism from middle-class authorities for their “lack of ambition,” generally stay out of trouble because they tend to avoid middle-class institutions and people as much as possible.

Cloward and Ohlin then refer to the earlier extension of Merton's theory by Cloward to explain the particular form of delinquency that these Type III youths will commit. It is assumed that there are no legitimate opportunities for these youths to improve their economic position. If illegitimate opportunities are presented, as described by Cloward, then these youths will tend to form “criminal” gangs, in which the emphasis is on production of income. If, however, neither legitimate nor illegitimate opportunities are available, then the youths' frustration and discontent will be heightened. In addition, lack of opportunities is often a symptom of a lack of social organization (whether legitimate or illegitimate) in the community, which means there will be fewer controls on the youths' behavior. In this circumstance the youths will tend to form a violent, or “conflict,” gang to express their anger. This is the source of the “non-utilitarian, malicious, and negativistic” activity described by Cohen. Finally, Cloward and Ohlin describe a “retreatist subculture” similar to Merton's “retreatist” adaptation and similarly populated with “double failures.” Youths in this subculture were unable to achieve the economic improvement they sought, whether because of lack of opportunity or because of internal prohibitions against the use of illegitimate means. They also fail in the resort to conflict and violence. This group turns to alcohol or to drugs, and drops out.

POLICY IMPLICATIONS
During the 1960s, strain theories came to dominate criminology, and eventually had a great impact on federal policy toward crime and delinquency.[26] After Robert Kennedy, who was then attorney general of the United States, read Cloward and Ohlin's book, he asked Lloyd Ohlin to help develop a new federal policy on juvenile delinquency. The result was the passage of the Juvenile Delinquency Prevention and Control Act of 1961, which was based on a comprehensive action program developed by Cloward and Ohlin in connection with their book. The program included improving education, creating work opportunities, organizing lower-class communities, and providing services to individuals, gangs, and families. The program was later expanded to include all lower-class people and became the basis of Lyndon Johnson's War on Poverty. Although billions of dollars were spent on these programs, the only clear result seems to have been the massive political resistance that was generated against this attempt to extend opportunities to people without them. The programs, having failed to achieve their goals, were eventually dismantled by Richard Nixon.

Since no genuine extension of opportunities ever took place, this failure might be attributed to the opposition the programs encountered. Rose has offered an alternative interpretation of the failure of these programs.[27] The War on Poverty was based on strain theories, which argue that crime and poverty have their origins in social structural arrangements. Therefore, these theories imply that the solution to the problems of crime and poverty require social structural change. As originally conceived, the War on Poverty was designed to change social structural arrangements, not to change individual people. However, most of these programs were taken over by the bureaucracies of poverty-serving agencies, who immediately acted to protect and enhance their own bureaucratic interests. As a consequence, when the poverty programs were actually implemented, virtually all of them were designed to change poor people, and very few were designed to change social structural arrangements. Rose maintains that the War on Poverty failed because its original purpose was subverted as it was transformed to serve the interests of the established poverty-serving bureaucracies. Thus, he entitles his book *The Betrayal of the Poor.*

THE DECLINE AND RESURGENCE OF STRAIN THEORIES
After the failure of strain-based federal policies of the 1960s, strain theories were subjected to a great deal of scrutiny and to a very large number of criticisms. Some of the criticisms were theoretical, focusing on the adequacy of their terms and concepts, while other criticisms were empirical, focusing on whether the theories are supported by research.

25. Cloward and Ohlin, op. cit, p. 97.

26. For a brief review of the attempt to implement Cloward and Ohlin's ideas in federal policy, see LaMar T. Empey, *American Delinquency*, rev. ed., Dorsey, Homewood, Ill., 1982, pp. 240–45. For more extended accounts, see Peter Maris and Martin Rein, *Dilemmas of Social Reform*, 2nd ed., Aldine, Chicago, 1973; James F. Short, Jr., “The Natural History of an Applied Theory: Differential Opportunity and Mobilization for Youth,” in N. J. Demerath, ed., *Social Policy and Sociology*, Academic Press, New York, 1975, pp. 193–210; Joseph J. Helfgot, *Professional Reforming: Mobilization for Youth and the Failure of Social Science*, Heath, Lexington, Mass., 1981; and Stephen M. Rose, *The Betrayal of the Poor: The Transformation of Community Action*, Schenkmann, Cambridge, Mass., 1972.

27. Rose, op. cit.

The most extensive criticisms were made by Kornhauser in an influential book published in 1978.[28] She described the central element of "strain" theories as the assertion that stress or frustration causes crime and delinquency. The source of this stress or frustration was said to be the "gap" between what criminals and delinquents want (aspirations) and what they expect to get (expectations). She then argued that strain in this sense is evenly spread throughout society and is not greater among the poor. This is because, no matter how rich people are, they always want more than they can get[29]:

Compare a millionaire with a strong need to make his second million fast to a struggling clerk with a strong need to find a few thousand dollars for a down payment on a house. Whose need is greater? Who is more strained?

She also attacked the cultural arguments in strain theories. For example, she rejected Merton's argument that American culture values the goal of economic success more than the institutionalized means of honesty and hard work.[30] On the one hand, she interpreted the desire for economic success as a natural desire not requiring cultural supports. On the other hand, she argued that culture itself should be defined in terms of a design for a moral order that is passed as a valued heritage from generation to generation. Defined this way, economic success cannot be a component of any culture. Thus, in her view, American culture does not *value* monetary success. Rather, it values hard work and honesty, but those values are extremely weak and are overwhelmed by the natural desires for economic success. Finally, she reviewed a large number of studies that generally were interpreted as supporting strain theories and concluded instead that they largely contradicted them. For example, she reviewed empirical research on the aspirations and expectations of delinquents and argued that it showed that delinquency is associated with both low expectations and low aspirations.[31] She maintained that such youths would not be "strained" since there is no gap between what they want and what they expect to get. These criticisms were widely accepted in criminology, resulting is a general decline of interest in strain theories.

In 1984, Bernard attacked the validity of Kornhauser's criticisms of strain theories.[32] He argued that strain is not evenly spread throughout society but rather is concentrated in the lower class. He also argued that strain theories should be interpreted primarily as structural rather than cultural theories.[33] To illustrate his argument, Bernard cited Liebow's study of a group of African-American men who regularly met on a particular corner in a blighted area of inner-city Washington, D.C.[34] Liebow argued that the values these men held were not cultural in that they were not passed from generation to generation as a valued heritage. Rather, each man experienced the same failures in jobs, marriages, and life in general; each man generated "public fictions" to defend himself against those failures (e.g., "I got divorced because I was too much of a man for any one woman"); and each man supported the others in maintaining those fictions. It is those public fictions that have been interpreted by sociologists as "lower-class culture." Liebow concluded: "What appears as a dynamic, self-sustaining cultural process is, in part at least, a relatively simple piece of social machinery which turns out, in a rather mechanical fashion, independently produced look-alikes."[35] Bernard argued the strain theories of Merton, Cohen, and Cloward and Ohlin should also be viewed as describing "a relatively simple piece of social mechinery" in which individuals confront socially structured situations that they do not necessarily understand and cannot control. These individuals end up thinking and acting in similar ways, even though each is "independently produced."

Finally, Bernard argued that the studies Kornhauser cited as falsifying strain theories either said nothing about them or actually supported them.[36] For example, Kornhauser cited research showing that delinquents did not have a greater gap between their aspirations and their expectations than nondelinquents. Bernard pointed out that these studies asked youths about aspirations and expectations related to obtaining more education and high status jobs. But Cloward and Ohlin had specifically argued that delinquents do not have such aspirations and instead wanted "fast cars, fancy clothes, and swell dames." Later research by Farnsworth and Leiber found that, when measured in strictly monetary

28. Ruth Rosner Kornhauser, *Social Sources of Delinquency*, University of Chicago Press, Chicago, 1978, pp. 139–80. Some of the basic conceptions were found in an earlier work by Travis Hirschi, *Causes of Delinquency*, University of California Press, Berkeley, 1969, pp. 4–8. However, Hirschi cites a 1963 paper by Kornhauser as the source of those ideas.

29. Kornhauser, op. cit., p. 47.

30. Ibid., pp. 162–65.

31. Kornhauser, op. cit., pp. 167–80.

32. Thomas J. Bernard, "Control Criticisms of Strain Theories: An Assessment of Theoretical and Empirical Adequacy," *Journal of Research in Crime and Delinquency* 21(4): 353–72 (Nov. 1984). See also the discussion of Kornhauser on pp. 199–201 of the third edition of this text.

33. Bernard, "Control Criticisms," op. cit., pp. 357–59.

Kornhauser (op. cit.) had favorably cited this study in her critique of strain theories.

34. Elliot Liebow, *Tally's Corner*, Little, Brown, Boston, 1967.

35. Ibid., p. 223.

36. Bernard, "Control Criticisms," op. cit., pp. 359–66.

terms, the gap between aspirations and expectations was associated with delinquency.[37]

Also in 1984, Cullen published a theoretical book that reinterpreted the major strain theories of Merton, Cohen, and Cloward and Ohlin.[38] Cullen argued that Merton actually proposed two different theories— one at the individual level and the other at the societal level. At the individual level, Cullen agreed with Kornhauser that, according to Merton's theory, people in situations of social structural strain would feel frustrated and those feelings would motivate them to act in deviant ways.[39] But Cullen argued that "a variety of social circumstances structure when participation in a form of deviance will be possible." These include societal-level conditions, such as technological advances and historical transformations, that determine the illegitimate opportunities that are available generally at a given time and place; specific illegitimate opportunities that become available to specific people at specific times and places (e.g., the Columbian drug cartel); social psychological factors such as values, norms, and cultural stereotypes in the person's cultural environment; and whether particular kinds of "deviant" actions are defined as criminal at a given time and place (e.g., drug use).[40] Cullen described these as "structuring" variables since they channel the motivated person (i.e., one who is pressured or stressed or strained or frustrated) either toward or away from crime in response to that motivation. These social circumstances, which have nothing to do with stress or frustration, are the central explanatory variables in so-called "strain" theories.[40] Thus, Cullen rejected the word "strain" as characteristic of these theories and substituted the word "structuring."[41]

At the aggregate level, Cullen argued that Merton proposed a separate theory in which criminals are not described as stressed or frustrated at all[42]:

Merton did not maintain that an unregulated individual has to experience any special stress or pressure to become deviant. . . In the place of (the "strained" deviant), Merton substituted a thoroughly classical view of the deviant, argu-

ing that the deregulated or anomic actor is free to choose any course of conduct. The only guide to the person's activity is the rational calculation of the costs and benefits of the various means available. Deviant behavior now occurs when illegitimate means are the 'technically most effective procedure' that can be employed to secure a desired end. As Merton has noted, this attenuation of institutional controls creates a "situation erroneously held by the utilitarian philosophers to be typical of society, a situation in which the calculations of personal advantage and fear of punishment are the only regulating agencies."

This "anomie theory" operates at the societal level, linking social structural characteristics to rates and distributions of deviant behavior.

STRAIN IN INDIVIDUALS AND IN SOCIETIES: NEGATIVE EMOTIONS AND INSTITUTIONAL ANOMIE

Cullen's interpretation makes it clear that the term "strain" can be used in two completely different ways. First, it can refer to characteristics of a society: a situation in which the social structure fails to provide legitimate means to achieve what the culture values. Second, it can refer to feelings and emotions that an individual experiences: feelings of stress or frustration or anxiety or depression or anger. The line of argument connecting these two meanings is that people in situations of "social structural strain" (i.e., people who cannot achieve culturally valued goals through legitimate means provided by the social structure) may feel "strained" (i.e., may feel stressed, frustrated, anxious, depressed, and angry), and feelings then are the actual cause of the higher crime rates associated with those people. There is disagreement about whether the original strain theories of Merton, Cohen, and Cloward and Ohlin included this line of argument or not.[43] But regardless of whether they did, new "strain" theories using both types have appeared recently.

At the individual level, Agnew has proposed a "general strain theory" that focuses on negative relationships with others.[44] He argued that these negative relationships generate negative emotions in the person, and the negative emotions then cause crime. This is a general theory of

37. Margaret Farnsworth and Michael J. Lieber, "Strain Theory Revisited: Economic Goals, Educational Means, and Delinquency," *American Sociological Review* 54: 263–74 (April 1989).

38. Francis T. Cullen, *Rethinking Crime and Deviance Theory: The Emergence of a Structuring Tradition*, Rowman and Allanheld, Totowa, N.J., 1983.

39. Ibid., pp. 36–37.

40. Ibid., pp. 162–66.

41. Francis T. Cullen, "Were Cloward and Ohlin Strain Theorists?" *Journal of Research in Crime and Delinquency* 25(3): 214–41 (1988).

42. Cullen, 1984, pp. 80–82.

43. See the interchange between Bernard and Agnew in *Journal of Research in Crime and Delinquency* 24(4): 262–90 (Nov. 1987). Agnew argued that each of the traditional strain theories necessarily contained this individual-level argument. In contrast, Bernard argued that these theories did not make any individual-level argument in which frustration in individuals causes those individuals to commit crime. Related to this disagreement, Merton's most recent statement ("Opportunity Structures, op. cit., p. 9) includes a statement that "the basic point" of theories in the anomie tradition "centers on *rates* of structurally generated and constrained behavior, not on the behavior of this or that individual." See also ibid., p. 27.

44. Robert Agnew, "Foundation for a General Strain Theory of Crime and Delinquency," *Criminology* 30: 47–87 (1992).

crime, but Agnew used it specifically to explain why adolescents engage in delinquency and drug use.

Negative relationships include relationships in which other people prevent a person from achieving a valued goal, take away something valued that the person already has, or impose on the person something that is "noxious" and unwanted. According to Agnew, previous strain theories have focused on relationships in which people were prevented from reaching their valued goals, such as monetary success and status. Agnew, however, focuses on relationships in which the person is presented with a "noxious" situation and is unable to escape from it—i.e., "relationships in which others do not treat the individual as he or she would like to be treated. . ." These can include a wide variety of relationships, but for adolescents they often are associated with living at home and being in school. Unlike adults, adolescents cannot legally leave these relationships if they experience them as "noxious"—if they do, they can be arrested for truancy or running away. These relationships then generate a variety of negative emotions, such as disappointment, depression, fear, and anger. It is these negative emotions that Agnew defines as "strain."

Delinquency and drug use are both ways of coping with and managing the "strain" of these negative emotions. Delinquency may be a way that the adolescents have of achieving their valued goals, of retrieving what is being taken away from them, or of removing themselves from the negative relationship. Alternately, delinquency may be a means for retaliating against those who are the source of the negative relationships. Finally, drug use may be a means of managing the negative emotions directly, rather than addressing the negative relationships themselves. Thus, Agnew explains delinquency and drug use as coping responses to interpersonal problems.

Several tests of Agnew's basic argument have produced largely supportive results, finding that negative relationships and stressful life events were associated with a wide variety of delinquent behaviors.[45] In addition, one study found that delinquent behavior is more successful than nondelinquent behavior as a technique for managing the negative emotions associated with negative relationships.[46] That is, given the same level of negative relationships, youths who engage in delinquency experience "modest relief" from the negative emotions compared to youths who obey the law.

At the societal level, Messner and Rosenfeld have presented an "institutional anomie" theory that is similar to Merton's.[47] They explain the high levels of crime in American society by pointing to "the American dream," which they describe as "a broad cultural ethos that entails a commitment to the goal of material success, to be pursued by everyone in society, under conditions of open, individual competition."[48] Like Merton, they argue that this cultural ethos generates intense cultural pressures for monetary success. At the same time, the American Dream does not strongly prohibit people from using more efficient illegal means to achieve monetary success.[49]

Messner and Rosenfeld diverge from and extend Merton's theory in two ways. First, they argue that redistributing legitimate opportunities may actually increase, rather than decrease, the pressures toward criminal behavior unless the culture, with its emphasis on the goal of monetary success at the expense of following the institutional means, also changes.[50] Expanding opportunities may change who wins and who loses in the competition for monetary success, but there will still be losers. People who lose this competition have no one to blame but themselves and their own inadequacies. This may put even more pressure on them to commit crime (i.e., achieve monetary success through illegitimate means) than if they could blame an unfair "system."

A second divergence from Merton's theory involves Messner and Rosenfeld's explanation of the overemphasis on monetary success in American culture. They point to the overwhelming influence of economic institutions in American society, and argue that other institutions, such as families, schools, and even politics, tend to be subservient to the economy[51]:

45. Robert Agnew and Helene Raskin White, "An Empirical Test of General Strain Theory," *Criminology* 30: 475–99 (1992); and Raymond Paternoster and Paul Mazerolle, "General Strain Theory and Delinquency: A Replication and Extension," *Journal of Research in Crime and Delinquency* 31: 235–63 (1994). See also two earlier articles by Agnew, "A Revised Strain Theory of Delinquency," *Social Forces* 64: 151–67 (1985); and "A Longitudinal Test of the Revised Strain Theory," *Journal of Quantitative Criminology* 5: 373–87 (1989).

46. Timothy Brezina, "Adapting to Strain: An Examination of Delinquent Coping Responses," *Criminology* 34(1): 39–60 (Feb. 1996).

47. Steven F. Messner and Richard Rosenfeld, *Crime and the American Dream*, Wadsworth, Belmont, Calif., 1994. The term "institutional anomie" is taken from Mitchell B. Chamlin and John K. Cochran, "Assessing Messner and Rosenfeld's Institutional Anomie Theory," *Criminology* 33(3): 411–29 (Aug. 1995), which found partial support for the theory. See also the comment by Gary Jensen and reply by Chamlin and Cochran in *Criminology* 34(1): 129–34 (Feb. 1996).

48. Ibid., p. 6. Merton ("Opportunity Structures," op. cit., p. 7) states that the 1938 version of his theory "centers on the interaction between aspirations for upward mobility being normatively defined as legitimate for all—'the American Dream'—*and* on structural differentials in the probability of actually realizing those aspirations. . . ."

49. Messner and Rosenfeld, op. cit., p. 85.

50. Ibid., pp. 99–101.

51. Ibid., pp. 85–86.

The reason that prosocial cultural messages tend to be overwhelmed by the anomic tendencies of the American Dream is because of the dominance of the economy in the institutional balance of power. A primary task for noneconomic institutions such as the family and schools is to inculcate beliefs, values, and commitments other than those of the marketplace. But as these noneconomic institutions are relatively devalued and forced to accommodate to economic considerations, as they are penetrated by economic standards, they are less able to fulfill their distinctive socialization functions successfully.

They therefore propose a number of policies to strengthen these institutions in their relations to the economy, and to weaken the impact of the economy on them.[52] First, Messner and Rosenfeld argue that families in American society are heavily driven by economic concerns, to the extent that the family as a social institution is relatively unable to influence the behavior of its members. Families can be strengthened in their relation to the economy by implementing policies such as family leave, job sharing for husbands and wives, flexible work schedules, and employer-provided child care.[52] These policies provide parents with some freedom from the demands of the economy, and parents then are able to spend more time and energy on family concerns. Schools have become subservient to the economy. Good jobs usually require high school or college degrees, so many students stay in school because they want a good job in the future, and not because they want an education. As teachers respond to this demand from students, the entire educational enterprise tends to become driven by the job market. If job success were less tied to number of years in school, then students who were not really interested in acquiring an education could drop out of school and go to work, and schools then could actually focus on education as a goal. Political institutions also have tended to be subservient to the economy, and Messner and Rosenfeld recommend that other elements of political life be emphasized. For example, the creation of a national service corps would engage young people in the life of the community in ways that emphasize collective goals other than material success. The economy itself could also be modified so as to reduce somewhat its control of individuals. Messner and Rosenfeld point to the mixed economies of Western Europe and Japan, which ensure that a level of material well-being is not totally dependent on economic performance. Finally, at the cultural level, goals other than material success must be given greater prominence in our society, especially activities such as parenting, teaching, and serving the community. In general, Messner and Rosenfeld suggest an increased emphasis on mutual support and collective obligations in American society, and a decreased emphasis on individual rights, interests, and privileges.

CONCLUSION

Strain theories argue that certain social structural arrangements are associated with higher crime rates. That is, they focus on changing the "relatively simple piece of social machinery" that is producing criminals and delinquents in American society, rather than changing the criminals and delinquents after they have been produced.

The failure of the War on Poverty illustrates that the policy implications of strain theories may be difficult to achieve in the real world. The problem is that patterns of self-interest always develop around existing social structural arrangements.[53] People who benefit from those arrangements protect their self-interests by resisting social change. Messner and Rosenfeld's policy recommendations may be more politically appealing than the policies associated with the War on Poverty because they emphasize strengthening families and schools. To some extent, these policies may appeal to both liberals and conservatives.[54] On the other hand, the thrust of their recommendations is to reduce the overwhelming influence of the economy in American society. The rhetoric in recent elections suggests that economic concerns almost totally dominate the political process, and that government policies are overwhelmingly directed toward promoting economic growth. It does not seem likely that, in the near future, the American people would be willing to compromise economic growth in order to promote "the general welfare."

There is no question that the problems described by strain theories are complex. It is not merely a matter of talented individuals confronted with inferior schools and discriminatory hiring practices. Rather, a good deal of research indicates that many delinquents and criminals are untalented individuals who cannot compete effectively in complex industrial societies.[55] When viewed in the light of that research, strain theories can be interpreted as suggesting that untalented people want many of the same things as talented people but find they cannot obtain these

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52. Ibid., pp. 102–11.

53. Talcott Parsons, *Politics and Social Structure*, The Free Press, New York, 1969, p. 95.

54. Messner and Rosenfeld, op. cit., pp. 101–2.

55. See, for example, Richard J. Herrnstein and Charles Murray, *The Bell Curve*, The Free Press, New York, 1994, for a general argument that America is spinning toward a society radically divided between the talented and the untalented, with the talented totally in control of the economy and the untalented having very high rates of crime. Like Messner and Rosenfeld, Herrnstein and Murray recommend that the dominance of the economy in American society be reduced to prevent a catastrophe.

things through legitimate means. Some of them therefore attempt to obtain those things through criminal activity. From this perspective, strain theories would seem to pose some disturbing questions for public policy. Do untalented people have the same rights as talented people to want material goods, the respect of their peers, and power and control over their own lives? Would society be well-advised to provide untalented as well as talented people with legitimate opportunities to obtain these things? Or is the economy so dominant in American society that we cannot even consider such questions?

Learning Theories

This chapter focuses on the role of normal learning in the generation of criminal behavior. It includes theories about ideas and behaviors that can be learned and that support and encourage law violation. It also includes theories about the processes by which the learning of these ideas and behaviors takes place. Finally, it includes theories about cultures and subcultures that contain ideas supportive of criminal behavior within particular groups.[1]

Learning and cultures played important roles in the strain theories described in the last chapter. Merton, and later Messner and Rosenfeld, linked crime to ideas in the dominant American culture. Cohen described how a separate negativistic subculture arose among gang boys who deliberately inverted the values of the dominant American culture. Cloward pointed out that the mere presence of an opportunity, whether legitimate or illegitimate, was meaningless unless the person also had learned how to take advantage of it. These strain theories, however, focus on the social structural conditions that give rise to the learning of these ideas and behaviors in the first place.[2]

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1. In the past, these theories were described as "cultural deviance" theories. This term was based on the argument that the cultures themselves could be deviant, and that individuals who conform to such deviant cultures will therefore commit crimes. This term and the interpretation associated with it originated in Ruth Rosner Kornhauser ("Theoretical Issues in the Sociological Study of Juvenile Delinquency," unpublished manuscript, Center for the Study of Law and Society, Berkeley, Calif., 1963; *Social Sources of Delinquency*, University of Chicago Press, Chicago, 1978). The use of this term and the interpretation of the theories associated with it have been extensively criticized. See Ross L. Matsueda,"The Current State of Differential Association Theory," *Crime & Delinquency* 34(3): 277–306 (July 1988); and Thomas J. Bernard and Jeffrey B. Snipes, "Theoretical Integration in Criminology," in Michael Tonry, ed., *Crime and Justice: An Annual Review of Research*, University of Chicago Press, Chicago, 1996, pp. 327–30. For a recent discussion of this issue, see Ronald L. Akers, "Is Differential Association/Social Learning Cultural Deviance Theory," and the response by Travis Hirschi, "Theory Without Ideas: Reply to Akers," in *Criminology* 34(2): 229–56 (May 1996).

2. In particular, see the discussion of Liebow's theory in Chapter 11, p. 171.

In contrast, the learning theories described in this chapter focus on the content of what is learned and the processes by which that learning takes place. Some of these learning theories briefly point to the structural conditions that give rise to the learning in the first place, while others describe those structural conditions more extensively. But in each case, the theories focus on the learning itself rather than on the underlying structural conditions. In that sense, "strain" and "learning" theories are complementary with each other, but they have different emphases.[3]

BASIC PSYCHOLOGICAL APPROACHES TO LEARNING

Learning refers to habits and knowledge that develop as a result of the experiences of the individual in entering and adjusting to the environment.[4] These are to be distinguished from unlearned or instinctual behavior, which in some sense is present in the individual at birth and determined by biology.

One of the oldest formulations about the nature of learning is that we learn by association.[5] Aristotle (384–322 B.C.) argued that all knowledge is acquired through experience and that none is inborn or instinctive. Basic sensory experiences become associated with each other in the mind because they occur in certain relationships to each other as we interact with the object. Aristotle formulated four laws of association that described those relationships: the law of similarity; the law of contrast; the law of succession in time; and the law of coexistence in space. The most complex ideas, according to Aristotle, are all built out of these simple associations between sensory experiences.

Associationism has been the dominant learning theory through the centuries to the present time. It was elaborated by such philosophers as Hobbes, Locke, and Hume, and was the basis for the first experiments on human memory, carried out by Ebbinhaus,[6] as well as for the first experiments on animal learning, carried out by Thorndike.[7] The *behaviorist* revolution substituted observable stimuli and responses for the mental images and ideas of earlier times, but retained the basic idea that learning is accomplished through association. At the present time a major controversy among learning theorists is between such behavioral theorists and the *cognitive* theorists, who retain the original Aristotelian notion that learning takes place because of the association of ideas and factual knowledge.[8] Where behaviorists argue that we acquire habits through the association of stimuli with responses, cognitive theorists argue that we acquire factual knowledge through the association of memories, ideas, or expectations. Behaviorists argue that learning occurs primarily through trial and error, while cognitive theorists describe learning as taking place through insight into problem solving. Despite these and other controversies between behavioral and cognitive learning theories, both can be traced back to Aristotle's original ideas about association as the basis of learning.

There are three basic ways that individuals learn through association. The simplest way is *classical* conditioning, as originally described by Pavlov. Some stimuli will reliably produce a given response without any prior training of the organism. For example, a dog will consistently salivate when presented with meat. Pavlov consistently presented meat to dogs along with some other stimulus that did not by itself produce the salivation—for example, the sound of a bell. He found that after a few pairings the sound of the bell itself was sufficient to produce salivation in the dog. What Pavlov demonstrated was that behaviors could be learned by association: If the sound of a bell is associated consistently with the presentation of the meat, then the dog learns to salivate at the sound of the bell alone.

In classical conditioning the organism is passive and learns what to expect from the environment. In *operant* conditioning the organism is

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3. See the description of structure and process in Ronald Akers, *Deviant Behavior: A Social Learning Approach*, Wadsworth, Belmont, Calif., 1985, p. 66. Bernard and Snipes (op. cit., pp. 332–35) extend Akers's argument.

4. Basic information about learning theories may be found in Gordon H. Bower and Ernest R. Hilgard, *Theories of Learning*, Prentice Hall, Englewood Cliffs, N.J., 1981; Stewart H. Hulse, Howard Egeth, and James Deese, *The Psychology of Learning*, 5th ed., McGraw-Hill, New York, 1980; Robert C. Bolles, *Learning Theory*, 2nd ed., Holt, Rinehart, and Winston, New York, 1979; Winifred F. Hill, *Learning: A Survey of Psychological Interpretations*, 3rd ed., Crowell, New York, 1977. These theories are briefly reviewed in Gwynn Nettler, *Explaining Crime*, 3rd ed., McGraw-Hill, New York, 1984, pp. 296–300.

5. For a detailed account of the development of associationism, see J. R. Anderson and Gordon H. Bower, *Human Associative Memory*, Winston and Sons, Washington, D.C., 1973. Concise accounts can be found in Hulse, Egeth, and Deese, op. cit., pp. 2–4, and Bower and Hilgard, op. cit., pp. 2–4. The major alternative to associationism began with Plato (427?–347 B.C.), who emphasized the rational aspects of human learning. See Bower and Hilgard, op. cit., pp. 4–8; and Hulse, Egeth, and Deese, op. cit., pp. 4–8. Where Aristotle broke complex learning down to its simplest components, Plato argued that the whole was greater than the sum of its parts. He emphasized the inborn capacity of the human mind to organize raw sense data, and his ideas appear in modern times in the form of Gestalt psychology. This school has gained support recently from research on "species-specific" behaviors. See Keller Breeland and Marian Breeland, "The Misbehavior of Organisms," *American Psychologist* 16: 681–84 (1961); M. E. P. Seligman, "On the Generality of the Laws of Learning," *Psychological Review* 77: 406–18 (1970); J. Garcia and R. Koelling, "Relation of Cue to Consequence in Avoidance Learning," *Psychonomic Science* 4: 123–24 (1966). However, this view has not been applied to crime, so it is not presented here.

6. H. Ebinghaus, *Memory*, Teachers College, New York, 1913; reprinted by Dover, New York, 1964.

7. E. L. Thorndike, "Animal Intelligence," *Psychological Review Monograph Supplement* 2(8): (1898).

8. Bower and Hilgard, op. cit., pp. 15–17.

active and learns how to get what it wants from the environment. Operant conditioning is associated with B. F. Skinner and is now probably the dominant learning theory in psychology. Operant conditioning uses rewards and punishments to reinforce certain behaviors. For example, rats may be taught to press a lever by rewarding that behavior with a food pellet or by punishing with an electric shock its failure to push the lever. The rat learns to operate on its environment by associating rewards and punishments with its own behaviors. Thus operant conditioning is another way of learning by association.

While both classical and operant conditioning are associated with the behaviorist school of learning theory, a third theory describing how people learn by association attempts to combine both operant conditioning and elements from cognitive psychology. Called *social learning* theory, it emphasizes the point that behavior may be reinforced not only through actual rewards and punishments, but also through expectations that are learned by watching what happens to other people. Bandura, for example, argues that "virtually all learning phenomena resulting from direct experiences can occur on a vicarious basis through observation of other persons' behavior and its consequences for them."[9] While classical and operant conditioning are both tested extensively with animal experiments, social learning theory is more focused on human learning, since it directs attention to higher mental processes.

TARDE'S LAWS OF IMITATION

An early criminologist who presented a theory of crime as normal learned behavior was Gabriel Tarde (1843–1904).[10] Tarde rejected Lombroso's theory that crime was caused by biological abnormality, arguing that criminals were primarily normal people who, by accident of birth, were brought up in an atmosphere in which they learned crime as a way of life. He phrased his theory in terms of "laws of imitation," which were similar to Aristotle's laws of learning except that they focused on associations among individuals rather than associations among sensations within one individual. Like Aristotle's original theory, Tarde's theory was essentially a cognitive theory in which the individual was said to learn ideas through the association with other ideas, and behavior was said to follow from those ideas.

Tarde's first law was that people imitate one another in proportion to how much close contact they have with one another. Thus imitation is most frequent, and changes most rapidly, in cities. Tarde described this as "fashion." In rural areas, in contrast, imitation is less frequent and changes only slowly. Tarde defined that as "custom." Tarde argued that crime begins as a fashion and later becomes a custom, much like any other social phenomenon.

The second law of imitation was that the inferior usually imitates the superior. Trade traced the history of crimes such as vagabondage, drunkenness, and murder, and found that they began as crimes committed by royalty, and later were imitated by all social classes. Similarly, he argued that many crimes originated in large cities, and were then imitated by those in rural areas.

The third law of imitation was that the newer fashions displace the older ones. Tarde argued, for example, that murder by knifings had decreased while murder by shooting increased.

Tarde's theory was important at the time for its role in opposing Lombroso's theories. It retains some importance for us at the present time, since it was the first attempt to describe criminal behavior in terms of normal learning rather than in terms of biological or psychological defects. From this point of view, the major problem with the theory is that it was based on such a simplistic model of learning. This was the state of learning theory at the time that Tarde wrote. A later theory with some elements of the same basic idea—criminal behavior is the result of normal learning—was presented by Sutherland. Although the model of learning on which the theory was based is also relatively simple, Sutherland's theory continues to have a profound impact on criminology.

SUTHERLAND'S DIFFERENTIAL ASSOCIATION THEORY

Edwin H. Sutherland (1883–1950) was born in a small town in Nebraska and received his bachelors degree from Grand Island College there.[11] He taught for several years at a small Baptist college in South Dakota before leaving to obtain his PhD from the University of Chicago. Sutherland's interests were primarily focused on problems of unemployment, and that was the subject of his dissertation. Following his graduation he taught for six years at a small college in Missouri, and then went to the University of Illinois, where his department chair suggested that he write a book on criminology. The result was the first edition of *Criminology*, published in 1924.

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9. Albert Bandura, *Principles of Behavior Modification*, Holt, Rinehart, and Winston, New York, 1969, p. 118.

10. The following account is taken from Margaret S. Wilson Vine, "Gabriel Tarde," in Hermann Mannheim, ed., *Pioneers in Criminology*, 2nd ed., Patterson Smith, Montclair, N.J., 1972, pp. 292–304. See also Don Martindale, *The Nature and Types of Sociological Theory*, Houghton Mifflin, Boston, 1960, pp. 305–9; and Jack H. Curtis, "Gabriel Tarde," in Clement S. Mihanovich, ed., *Social Theorists*, Bruce, Milwaukee, 1953, pp. 142–57.

11. See George B. Vold, "Edwin Hardin Sutherland: Sociological Criminologist," *American Sociological Review* 16(1): 3–9 (Feb. 1951).

Sutherland's theory of criminal behavior emerged gradually in several editions of this book, as he formulated his thinking on the subject and systematized his presentation of that thinking.[12] He was influenced in this endeavor by a report on criminology written by Jerome Michael and Mortimer J. Adler, which appeared in 1933 and severely criticized the state of criminological theory and research.[13] Sutherland was extremely annoyed by the report, and responded to it by attempting to create a general theory that could organize the many diverse facts known about criminal behavior into some logical arrangement. The first brief statement of that general theory appeared in the second edition of *Criminology*, published in 1934. In the third edition of the book, published in 1939, Sutherland made a more systematic and formal presentation of his theory, and further expanded and clarified it in the fourth edition, appearing in 1947. The theory has remained unchanged since that edition, and consists of the following nine points[14]:

1. Criminal behavior is learned. . . .

2. Criminal behavior is learned in interaction with other persons in a process of communication. . . .

3. The principal part of the learning of criminal behavior occurs within intimate personal groups. . . .

4. When criminal behavior is learned, the learning includes: (a) techniques of committing the crime, which are sometimes very complicated, sometimes very simple; (b) the specific direction of the motives, drives, rationalizations, and attitudes. . . .

5. The specific directions of the motives and drives is learned from definitions of the legal codes as favorable or unfavorable. In some societies an individual is surrounded by persons who invariably define the legal codes as rules to be observed, while in others he is surrounded by persons whose definitions are favorable to the violation of the legal codes. . . .

6. A person becomes delinquent because of an excess of definitions favorable to violation of law over definitions unfavorable to violation of law. This is the principle of differential association. . . .

7. Differential associations may vary in frequency, duration, priority, and in-

tensity. This means that associations with criminal behavior and also associations with anticriminal behavior vary in those respects. . . .

8. The process of learning criminal behavior by association with criminal and anticriminal patterns involves all of the mechanisms that are involved in any other learning. . . .

9. While criminal behavior is an expression of general needs and values, it is not explained by those general needs and values, since noncriminal behavior is an expression of the same needs and values. Thieves generally steal in order to secure money, but likewise honest laborers work in order to secure money. The attempts by many scholars to explain criminal behavior by general drives and values, such as the happiness principle, striving for social status, the money motive, or frustration, have been, and must continue to be, futile, since they explain lawful behavior as completely as they explain criminal behavior. They are similar to respiration, which is necessary for any behavior, but which does not differentiate criminal from noncriminal behavior.

Sutherland's theory has two basic elements. The *content* of what is learned includes specific techniques for committing crimes; appropriate motives, drives, rationalizations, and attitudes; and more general "definitions favorable to law violation." All these are cognitive elements; that is, they are all ideas rather than behaviors. In addition, the *process* by which the learning takes place involves associations with other people in intimate personal groups. Both elements of Sutherland's theory are derived from "symbolic interactionism," a theory developed by George Herbert Mead (1863–1931), who was on the faculty at the University of Chicago while Sutherland was getting his doctorate there.[15]

Sutherland's description of the content of what is learned was derived from Mead's argument that "human beings act toward things on the basis of the meanings that the things have for them."[16] In Mead's theory a cognitive factor—"meanings"—determines behavior. Mead then argued that people construct relatively permanent "definitions" of their situation out of the meanings they derive from particular experiences.[17] That is, they generalize the meanings they have derived from particular situations, and form a relatively set way of looking at things. It is because of these different "definitions" that different people in similar sit-

12. For an account of the development of the theory, see Ross Matsueda, op. cit., pp. 278–84.

13. Jerome Michael and Mortimer J. Adler, *Crime, Law, and Social Science*, Harcourt, Brace, New York, 1933. Sutherland's reaction to this report is discussed in the "Introduction" (by Gilbert Geis) to a reprint edition published by Patterson Smith, Montclair, N.J., 1971. See also Donald R. Cressey, "Fifty Years of Criminology," *Pacific Sociological Review* 22: 457–80 (1979).

14. Edwin H. Sutherland *Criminology*, 4th ed., Lippincott, Philadelphia, 1947, pp. 6–7. The most recent edition is Edwin H. Sutherland, Donald R. Cressey, and David F. Luckenbill, *Principles of Criminology*, 11th ed., General Hall, Dix Hills, N.Y., 1992, where the theory appears on pp. 88–90.

15. For a review of Mead's thought, see Herbert Blumer, *Symbolic Interactionism*, Prentice Hall, Englewood Cliffs, N.J., 1969. The theory is briefly reviewed in George B. Vold, *Theoretical Criminology*, 2nd ed., prepared by Thomas J. Bernard, Oxford University Press, New York, 1979, pp. 255–58.

16. Blumer, op. cit., pp. 2–3.

17. Cf. W. I. Thomas, *The Unadjusted Girl*, Little, Brown, Boston, 1923, pp. 41–53. For a more recent discussion, see Peter McHugh, *Defining the Situation*, Bobbs-Merrill, Indianapolis, 1968.

uations may act in very different ways. To cite an old example, two brothers may grow up in identical terrible situations but one may become a drug lord while the other becomes a priest. Drawing on this theory, Sutherland argued that the key factor determining whether people violate the law is the meaning they give to the social conditions they experience, rather than the conditions themselves. Ultimately, whether a person obeys or violates the law depends on how they *define* their situation.

Sutherland's description of the process by which definitions are learned was also derived from Mead's theory. Mead had argued that "the meaning of such things is derived from, or arises out of, the social interaction one has with one's fellows."[18] Following Mead's theory, Sutherland argued that the meaning of criminal acts, whether murder or shoplifting, marijuana smoking or income tax evasion, prostitution or embezzlement, arises primarily from the meanings given those acts by other people with whom the individual associates in intimate personal groups. In an attempt to explain why some associations were more important than others for the learning of these definitions, Sutherland also argued that those associations vary in "frequency, duration, priority, and intensity."

Sutherland also discussed the general social conditions underlying the differential association process. In the 1939 version of his theory Sutherland described those general social conditions in terms of *culture conflict*, where that term meant that different groups in a society have different ideas about appropriate ways to behave.[19] *Social disorganization* was then introduced to describe the presence of culture conflict in a society, the term taken from general sociological theories, including the Chicago School of Human Ecology.[20]

In the 1949 and final version of his theory Sutherland rejected the term *social disorganization* and replaced it with the term *differential social organization*. Social disorganization implies that there is an absence of organization. In contrast with that implication, Sutherland argued that there are numerous divergent associations organized around different interests and for different purposes. Under this condition of divergent, differential social organizations, it is inevitable that some of these groups will subscribe to and support criminal patterns of behavior, others will be essentially neutral, and still others will be definitely anticriminal and self-consciously law-abiding.[21]

Because of some confusion about the term *culture conflict*, Sutherland's coauthor, Donald R. Cressey, substituted the term *normative conflict* after Sutherland's death. Norms are socially accepted rules about how people are supposed to act in specific situations and circumstances.[22] Normative conflict, then, refers to the situation in which different social groups (i.e., differential social organization) hold different views about appropriate ways to behave in specific situations and circumstances. In making this substitution, Cressey stated that he was clarifying, not changing, the meaning of Sutherland's argument.

Sutherland's theory, then, states that in a situation of differential social organization and normative conflict, differences in behavior, including criminal behaviors, arise because of differential associations. That is really only another way of saying that a person who associates with Methodists is likely to become a Methodist, a person who associates with Republicans is likely to become a Republican, and a person who associates with criminals is likely to become a criminal.

RESEARCH TESTING SUTHERLAND'S THEORY

In Sutherland's theory, crime and delinquency are caused by associating with other people who transmit "definitions" that favor violations of the law. Research testing this theory has tended to focus on the explanation of juvenile delinquency rather than on the explanation of adult criminality. In general, this is because delinquency is largely a group phenomenon in that juveniles are likely to commit crime and delinquency in the company of other juveniles.[23]

While this fact is consistent with Sutherland's theory, it does not in itself demonstrate that delinquency is *caused by* the transmission of "definitions" through associating with other delinquents. It may be, as Sheldon and Eleanor Glueck said, that "birds of a feather flock together"[24]— that is, delinquents may select as friends other youths whose values and behaviors are similar to their own. If that is the case, then delinquency "causes" delinquent friends, but delinquent friends do not cause delinquency. Related to this is the obvious fact that not everyone who associates with criminals and delinquents adopts or follows the criminal pattern. What, then, is the difference in the quality of the associations that

18. Blumer, op. cit.

19. Sutherland, *Criminology*, 1939 ed., p. 7.

20. Ibid., p. 8.

21. Ibid.

22. Donald R. Cressey, "Culture Conflict, Differential Association, and Normative Conflict," in Marvin E. Wolfgang, ed., *Crime and Culture*, John Wiley, New York, 1968, pp. 43–54.

23. In general, see Albert J. Reiss, Jr., "Co-offender Influences on Criminal Careers," in Alfred Blumstein, Jacqueline Cohen, Jeffrey Roth, and Christy Visher, eds., *Criminal Careers and "Career Criminals,"* vol. 2, National Academy Press, Washington, D.C., 1986, pp. 145–52.

24. Sheldon Glueck and Eleanor T. Glueck, *Unraveling Juvenile Delinquency*, Commonwealth Fund, New York, 1950, p. 164.

in one instance lead to acceptance of "definitions favorable to law violation" but in another leads only to an acquaintance with but not acceptance of them. Sutherland suggested that the "frequency, duration, priority, and intensity" of associations determined how much impact they had on a person, and he supported this argument with case histories and with self-appraisal statements by various individuals who had followed a criminal pattern.[25] Finally, Sheldon Glueck also questioned whether Sutherland's theory was inherently untestable, asking, "Has anyone actually counted the number of definitions favourable to violation of law and definitions unfavourable to violation of law, and demonstrated that in the predelinquency experience of the vast majority of delinquents and criminals, the former exceed the latter?"[26] In 1960, Sutherland's coauthor Donald Cressey agreed that, at the broadest level, differential association theory is untestable.[27]

In 1988, however, Matsueda asserted that differential association theory can be tested and that a considerable amount of research supports it.[28] First, he argued that a variety of studies have found that juveniles who report having more delinquent friends also report committing more delinquent acts, and that these studies provide general support for the theory. Second, Matsueda stated that a number of studies have focused on the content of definitions favorable to law violation and showed that these definitions are associated with increased tendencies to engage in criminal and delinquent behavior. Matsueda says that these definitions are not "oppositional values that repudiate the legitimacy of the law and make crimes morally correct."[29] Rather, they are disagreements with the larger culture about the specific situations in which the laws should apply. For example, Matsueda describes the legal defenses to crime, such as self-defense and insanity, as "prototypical definitions favorable to crime," but states that these are included in the law rather than excluded from it.[30] Third, Matsueda argues that recent advances in statistical techniques have found support for the complex causal structure

in Sutherland's theory, especially involving the ratio of definitions favorable and unfavorable to violating the law.[31]

A great deal of modern theory and research in criminology can be traced to Sutherland's original formulation. Cultural and subcultural theories are based on Sutherland's arguments about normative conflict and focus on the *content* of what is learned. These theories retain the cognitive orientation of Sutherland's original theory and examine the role of ideas in causing criminal behaviors. Other theories, however, focus on the learning *process* that Sutherland described rather than on the content of the ideas that were said to be learned. These theories tend to be associated with the more modern theories of learning, although at least some of them retain Sutherland's emphasis on differential association. These two branches of modern theory and research are presented in the next two sections.

THE CONTENT OF LEARNING: CULTURAL AND SUBCULTURAL THEORIES

In Sutherland's theory the actual causes of criminal behavior are *ideas*—the definitions favorable to law violation. Cultural and subcultural theories also focus on the role of ideas in causing criminal behaviors. These theories, like Sutherland's, may explore the sources of those ideas in general social conditions, but they are characterized by the argument that it is the ideas themselves, rather than the social conditions, that directly cause criminal behavior.[32]

Walter B. Miller presented one such cultural theory, focusing on the explanation of gang delinquency.[33] He argued that the lower class has a separate, identifiable culture distinct from the culture of the middle

25. See, for example, Edwin H. Sutherland, *White Collar Crime*, Dryden, New York, 1949, pp. 222–56.

26. Sheldon Glueck, "Theory and Fact in Criminology: A Criticism of Differential Association," *British Journal of Delinquency* 7: 92–109 (Oct. 1956).

27. Donald Cressey, "Epidemiology and Individual Conduct," *Pacific Sociological Review* 3: 47–58, (1960).

28. Matsueda, "The Current State of Differential Association Theory," op. cit., pp. 284–87. See also James D. Orcutt, "Differential Association and Marijuana Use," *Criminology* 25(2): 341–58 (May 1987).

29. Matsueda, op. cit., p. 296.

30. Ibid., p. 301, fn. 11; see also fn. 6.

31. The studies he cites here are Orcutt, op. cit.; Matsueda, "Testing Control Theory and Differential Association," *American Sociological Review* 47: 489–504 (1982); Matsueda and Karen Heimer, "Race, Family Structure, and Delinquency," *American Sociological Review* 52: 826–40 (1988); Elton F. Jackson, Charles R. Tittle, and Mary Jean Burke, "Offense-Specific Models of the Differential Association Process," *Social Problems* 33: 335–56 (1986); and Charles R. Tittle, Mary Jean Burke, and Elton F. Jackson, "Modeling Sutherland's Theory of Differential Association," *Social Forces* 65: 405–32 (1986). More recently, Mark Warr ("Age, Peers, and Delinquency," *Criminology* 31[1]: 17–40 [Feb. 1993]) argued that differential associations can explain the relation between age and crime. In particular, he found support for Sutherland's concept of duration, but argued that it was the recency rather than the priority of delinquent friends that had an impact on delinquent behavior.

32. In contrast, the strain theories of Cohen and of Cloward and Ohlin both use the term *subculture*, but both locate the primary causes of criminal behavior directly in social conditions. There are common thinking patterns that arise among delinquents, but the thinking patterns are not the cause of the criminal behavior. In strain theories, both the thinking patterns and the criminal behaviors are caused by the same social structural forces. See Chapter 11.

33. Walter B. Miller, "Lower Class Culture as a Generating Milieu of Gang Delinquency," *Journal of Social Issues* 14(3): 5–19 (1958).

class, and that this culture has a tradition at least as old as that of the middle class. Where the middle class has "values" such as achievement, the lower class has "focal concerns" that include *trouble* (getting into and staying out of trouble are dominant concerns of lower-class people); *toughness* (masculinity, endurance, strength, etc., are all highly valued); *smartness* (skill at outsmarting the other guy; "street sense" rather than high IQ); *excitement* (the constant search for thrills, as opposed to just "hanging around"); *fate* (the view that most things that happen to people are beyond their control, and nothing can be done about them); and *autonomy* (resentment of authority and rules). Miller described this lower-class culture as a "generating milieu" for gang delinquency because it interacts with several social conditions typically found in poor areas. Lower-class families are frequently headed by females, so that male children do not have a masculine role model in the family. These boys may then acquire an exaggerated sense of masculinity. In addition, crowded conditions in lower-class homes means that the boys tend to hang out on the street, where they form gangs. The delinquent nature of much gang activity is then a rather obvious consequence of the way the boys think, that is, of the lower-class culture and its focal concerns.

A general theory of criminal violence was presented by Wolfgang and Ferracuti, called the "subculture of violence."[34] This theory relied to some extent on Wolfgang's earlier study of homicide in Philadelphia.[35] Wolfgang had found that a significant number of the homicides that occurred among lower-class people seemed to result from very trivial events that took on great importance because of mutually held expectations about how people would behave. Wolfgang interpreted these events in theoretical terms taken from Sutherland's theory[36]:

The significance of a jostle, a slightly derogatory remark, or the appearance of a weapon in the hands of an adversary are stimuli differentially perceived and interpreted by Negroes and whites, males and females. Social expectations of response in particular types of social interaction result in differential "definitions of the situation." A male is usually expected to defend the name or honor of his mother, the virtue of womanhood . . . and to accept no derogation about his race (even from a member of his own race), his age, or his masculinity. Quick resort to physical combat as a measure of daring, courage, or defense of status appears to be a cultural expression, especially for lower socio-economic class males of both races. When such a culture norm response is elicited from

an individual engaged in social interplay with others who harbor the same response mechanism, physical assaults, altercations, and violent domestic quarrels that result in homicide are likely to be common.

Wolfgang and Ferracuti generalized the findings of this and a number of other studies on criminal violence into an overall theory that was designed to explain one type of homicide, the passion crimes that were neither planned intentional killings nor manifestations of extreme mental illness.[37] They described underlying conflicts of values between the dominant culture and this subculture of violence. For example, people in the subculture of violence tend to value honor more highly than people in the dominant culture. On the other hand they tend to value human life less highly. There are also normative conflicts between the subculture of violence and the dominant culture. Those refer to "rules" about what behaviors are expected in response to the trivial jostles or remarks that were the cause of so many homicides. Those norms are backed up with social rewards and punishments: People who do not follow the norms are criticized or ridiculed by other people in the subculture, and those who follow them are admired and respected. These norms take on a certain life of their own, independent of whether they are approved by the individuals who follow them, since the failure to follow the norms may result in the person becoming a victim of the violence. Thus each individual may respond to a situation violently because he or she expects the other individual to respond violently, even if neither person approves of the violence. In this sense the subculture of violence is similar to a wartime situation in which "it is either him or me."[38]

Wolfgang and Ferracuti, like Sutherland, argued that the immediate causes of these passion homicides are ideas—values, norms, and expectations of behavior. Like Sutherland, they agreed that these ideas had originated in general social conditions, and suggested that theories such as those by Cohen, Cloward and Ohlin, or Miller might explain the origin of the subculture. They themselves, however, refused to speculate on how the subculture of violence had arisen.[39] That question was not vital to their theory, since the cause of the violent behaviors was

34. Marvin E. Wolfgang and Franco Ferracuti, *The Subculture of Violence*, Sage, Beverly Hills, Calif., 1981.

35. Marvin E. Wolfgang, *Patterns in Criminal Homicide*, University of Pennsylvania Press, Philadelphia, 1958.

36. Ibid., pp. 188–89.

37. Wolfgang and Ferracuti, op. cit., p. 141. The theory itself is presented in seven points on pp. 158–61, and is summarized on pp. 314–16. A similar theoretical approach, focusing on cultural differences in disputatiousness (the tendency to define negative interactions as grievances and to demand reparations for them) and aggressiveness (the tendency to pursue a grievance and to use force to settle the dispute), is presented in David F. Luckenbill and Daniel P. Doyle, "Structural Position and Violence: Developing a Cultural Explanation," *Criminology* 27(3): 419–36 (Aug. 1989).

38. Ibid., p. 156.

39. Ibid., p. 163.

said to be the ideas themselves rather than the social conditions that had generated those ideas in the past. Essentially they argued that the subculture had arisen in the past for specific historical reasons, but that it was transmitted from generation to generation as a set of ideas after those original social conditions had disappeared. Thus their policy recommendations did not require dealing with general social conditions, but only required doing something to break up the patterns of ideas that constituted the subculture of violence. For example, one of their major policy recommendations was to disperse the subculture by scattering low-income housing projects throughout the city rather than concentrating them in inner-city areas.[40] Once the subculture was dispersed, individuals would gradually be assimilated into the dominant culture and the violent behaviors would cease to occur.

The subculture of violence thesis has generated a large amount of additional theory and research, especially with respect to explaining higher levels of violent crime in the American South and among blacks. A number of theorists have argued that there is a Southern subculture of violence that has its historical roots in the exaggerated sense of "honor" among Southern gentlemen, the institutionalized violence associated with maintaining a part of the population in slavery, the defeat at the hands of Northerners in the Civil War, the subsequent economic exploitation of Southern states by the North, and so on.[41] As with Wolfgang and Ferracuti's theory, these studies argue that the subculture of violence arose in the South for a variety of historical reasons, but that it continues now because the ideas are passed from generation to generation, although the conditions that originally gave rise to the ideas no longer exist.[42]

Lynn A. Curtis presented a subcultural theory of violence among American blacks that is essentially an adaptation of Wolfgang and Ferracuti's theory.[43] According to Curtis, "the central impulse mechanism" underlying the subculture of violence is an exaggerated view of "manliness."[44] This is combined with a "brittle defensiveness" that leads to heated standoffs in situations that others would find trivial. Some individuals have good verbal skills and may handle these confrontations without resort to physical force. Others, however, lack verbal skills, and physical violence becomes their only option. This results in a high number of murders and assaults among friends and in families.[45] The same exaggerated view of manliness leads to frequent and almost routine sexual demands on women. Men who have good verbal skills will use words to manipulate women to obtain sex. Others may simply resort to physical force, resulting in a high incidence of rapes.[46]

Curtis's adaptation of Wolfgang and Ferracuti's theory made an important change in the basic theoretical orientation in that he tied the subculture of violence more closely to the general social conditions that generate it. The historical conditions that had a role in forming the black subculture of violence include all the factors involved in forming the Southern subculture of violence, since most blacks in northern cities originally migrated from the South. But Curtis also argued that current social conditions are involved. He included the use of repressive violence by police in black ghettoes and the general absence of legitimate opportunities. Curtis described culture as a key intervening variable between these current social conditions and the behaviors of each individual.[47] Each individual independently experiences these social conditions, and to a certain extent his or her behavior is a direct response to the social conditions. But each individual also learns ideas and interpretations of these conditions from others who face similar conditions, and to a certain extent his or her behavior is a response to those ideas and interpretations.

Thus, Curtis's theory is partly a cultural theory like Wolfgang and Ferracuti's, describing the direct causal impact of ideas on behaviors, and is partly a structural theory like the strain theories presented in the last chapter, describing the direct causal impact of general social conditions on behaviors. Curtis's policy recommendations reflected this double causation. Unlike Wolfgang and Ferracuti, Curtis argued that

40. Ibid., p. 299.

41. See, for example, S. Hackney, "Southern Violence," in Hugh D. Graham and Ted Robert Gurr, eds., *The History of Violence in America*, Bantam, New York, 1969, pp. 505–27; and R. D. Gastil, "Homicide and a Regional Subculture of Violence," *American Sociological Review* 36: 412–27 (June 1971).

42. Recent research on race, region, and homicide rates has focused this argument considerably. Overall homicide rates are higher in the South than in other regions of the country, but the West has the highest homicide rates for both whites and blacks. See Patrick W. O'Carroll and James A. Mercy, "Regional Variation in Homicide Rates: Why Is the *West* So Violent," *Violence and Victims* 4: 17–25 (1989); and Gregory S. Kowalski and Thomas A. Petee, "Sunbelt Effects on Homicide Rates," *Sociology and Social Research* 75: 73–79 (1991). This is because blacks have higher homicide rates than whites, and the South has a higher proportion of blacks in the population. But Southern blacks themselves are not more violent than blacks elsewhere in the country. In fact, black homicide rates are lower in the South than in any other region of the country. Thus, there is no "southern subculture of violence" among the black population there. On the other hand, there may be such a subculture among the whites there. Whites in Western states have higher homicide rates than whites in the South, but this is largely due to the high homicide rates for Hispanic whites. Homicide rates for non-Hispanic whites are highest in the South. Thus, if there is a southern subculture of violence, it affects non-Hispanic whites only. See Candice Nelsen, Jay Corzine, and Lin Huff-Corzine, "The Violent West Re-Examined," *Criminology* 32(1): 149–61 (Feb. 1994).

43. Lynn A. Curtis, *Violence, Race, and Culture*, Heath, Lexington, Mass., 1975.

44. Ibid., p. 37.

45. Ibid., pp. 49–67.

46. Ibid., pp. 69–86.

47. Ibid., pp. 17–19.

the general social conditions that are responsible for producing the sub-culture of violence must be addressed, in addition to attempts to modify the subculture of violence itself.[48]

Bernard focused even more directly on the structural conditions generating cultural beliefs in his theory of angry aggression.[49] Like Wolfgang and Ferracuti's theory, his theory attempted to explain extremely violent responses, especially homicides, to trivial conflicts and insults. Bernard's theory was based on biological and psychological research about physiological arousal, which is the body's "fight or flight" response to being threatened.[50] He argued that a large and well-established body of research indicates that people who are chronically aroused will tend to interpret a wider variety of events as threatening and to respond to those events more aggressively than other people. In other words, chronically aroused people tend to see threats everywhere and respond to threats more aggressively than other people.

Bernard then argued that poverty, urban environments, and discrimination are structural conditions that all result in chronic arousal in the people who experience them. Poor African Americans who live in inner-city areas experience all three of these conditions, so these people would interpret a wide variety of events as threatening, and would respond to those events with considerable aggression. In addition, these inner-city areas are socially isolated from the rest of society. In that situation, people would tend to see threats from and respond aggressively to other people in the immediate environment, even if those other people have done nothing threatening. This creates a highly dangerous environment, which further increases everyone's arousal and thus increases everyone's tendency to see threats everywhere and to respond with aggression. Social isolation also means that these chronically aroused and highly aggressive people interact mainly with each other. In such a situation, these patterns of thinking (seeing threats everywhere, responding with extreme violence) tend to become subcultural, in the sense that they separate from the structural conditions that originally gave rise to them and are passed from person to person in interpersonal communications. The result is what Bernard calls "the subculture of angry aggression."

48. Ibid., pp. 119–23.

49. Thomas J. Bernard, "Angry Aggression among the Truly Disadvantaged," *Criminology* 28(1): 73–96 (Feb. 1990). See also Bernard, "The Intent to Harm," pp. 23–41 in Anna Victoria Wilson, ed., *Homicide: The Victim/Offender Connection*, Anderson, Cincinnati, 1993.

50. See the discussion of the "flight or fight" response in the section on the autonomic nervous system in Chapter 6, p. 81.

Matsueda and his colleagues argued that all subcultural theories should include an account of the structural conditions that give rise to them[51]:

The salience of values, whether subcultural or cultural, is an important link between social structure and individual behavior. . . . Any theory of subcultures that ignores social structure is incomplete and will fail to predict when individuals who have been exposed to the values of the subculture will act on those values. . . Subcultures, then, are intimately tied to structural opportunities. Because structural opportunities affect crime partly through affecting subcultures, any structural explanation of crime that ignores subcultures is incomplete.

THE LEARNING PROCESS: SOCIAL LEARNING THEORY

While cultural and subcultural theories are derived from Sutherland's arguments about the content of what is learned, other theory and research has focused on his description of the learning process. Several authors have maintained Sutherland's view that criminal behavior is normally learned behavior, but have updated the conception of what is involved in "normal learning" to include arguments found in more modern learning theories.[52] In particular, these more recent theories drop Sutherland's argument that the principal part of normal learning takes place in intimate personal groups, although they may retain that as one important source of learning. These theories argue that learning can also take place through direct interactions with the environment, independent of associations with other people, through the principles of operant conditioning. In addition to changing the description of the learning process, the more recent theories also change the description of the content of what is learned. Specifically, these theories switch from Sutherland's original cognitive orientation that only ideas are learned, and adopt the more recent theoretical orientation that behaviors themselves can be directly learned through both operant conditioning and social learning.

The most important such reformulation is by Ronald Akers, in what he describes as "differential reinforcement" or "social learning" theory. In an original article with Burgess, Akers rewrote the principles of dif-

51. Ross L. Matsueda, Rosemary Gartner, Irving Piliavin, and Michael Polakowski, "The Prestige of Criminal and Conventional Occupations," *American Sociological Review* 57: 752–70 (Dec. 1992). This is not inconsistent with Sutherland's theory, since he gave a brief account of such structural conditions himself. See Sutherland, *Criminology*, 4th ed., op. cit., pp. 69–75.

52. See Daniel Glaser, "Criminality Theories and Behavioral Images," *American Journal of Sociology* 61: 433–44 (March 1956); and C. R. Jeffery, "Criminal Behavior and Learning Theory," *Journal of Criminal Law, Criminology and Police Science* 56: 294–300 (Sept. 1965).

ferential association into the language of operant conditioning.[53] This reformulation held that "criminal behavior is learned both in nonsocial situations that are reinforcing or discriminative and through that social interaction in which the behavior of other persons is reinforcing or discriminative for criminal behavior."[54] The addition of "nonsocial situations" constitutes a recognition that the environment itself can reinforce criminality, aside from the person's "social interactions" with other individuals. But Burgess and Akers maintain, with Sutherland, that "the principal part of the learning of criminal behavior occurs in those groups which comprise the individual's major source of reinforcement."[55]

Akers later revised and updated this theory, and expanded the principles of operant conditioning to include modeling, or social learning, theory,[56] which argues that a great deal of learning among humans takes place by observing the consequences that behaviors have for other people. Akers's formulation of social learning theory focused on four major concepts.[57] The most important source of social learning, according to Akers, is *differential association*. This refers to the patterns of interactions with others who are the source of definitions that are either favorable or unfavorable to violating the law. Akers retained Sutherland's argument that differential associations vary according to priority, duration, frequency, and intensity, but argued that it includes both the direct transmission of the definitions through interpersonal communication, and the indirect transmission through identification with more distant reference groups. The *definitions* themselves, according to Akers, reflect the meanings one attaches to one's own behavior. "General" definitions reflect overall religious, moral, or ethical beliefs, while "specific" definitions reflect the meanings that one applies to a particular behavior (e.g., smoking marijuana, burglarizing a house, killing the witnesses to an armed robbery). *Differential reinforcement* refers to the actual or anticipated consequences of a given behavior. People do things that they think will result in rewards or will avoid punishments in the future and they don't do things that they think will result in punishments. These rewards and punishments can be social (approval or disapproval by other people) or nonsocial (e.g., getting high or getting sick

53. Robert L. Burgess and Ronald L. Akers, "A Differential Association—Reinforcement Theory of Criminal Behavior," *Social Problems* 14: 128–47 (fall 1968).

54. Ibid., p. 146.

55. Ibid., p. 140.

56. Ronald L. Akers, *Deviant Behavior: A Social Learning Approach*, 3rd ed., Wadsworth, Belmont, Calif., 1985, pp. 39–70.

57. Ronald L. Akers, *Criminological Theories*, Roxbury, Los Angeles, 1994, pp. 94–107. This includes a brief and excellent summary of the theory.

on drugs). Finally, *imitation* involves observing what others do. Whether or not a behavior will be imitated depends on the characteristics of the person being observed, the behavior the person engages in, and the observed consequences of that behavior.

Akers also proposed a specific sequence of events by which the learning of criminal behavior is said to take place.[58] The sequence originates with the differential association of the individual with other individuals who have favorable definitions of criminal behavior, who model criminal behaviors for the person to imitate, and who provide social reinforcements for those behaviors. Thus, the initial participation of the individual in criminal behavior is explained primarily by differential association, definitions, imitation, and social reinforcements. After the person has begun to commit criminal behaviors, differential reinforcements determine whether the behaviors are continued or not. These includes both social and nonsocial reinforcements in the form of the rewards and punishments directly experienced by the individual as a consequence of participating in the criminal behavior, and also the rewards and punishments the person experiences vicariously, by observing the consequences that criminal behavior has for others.

Akers maintains that the social learning process explains the link between social structural conditions and individual behaviors.[59] For example, economic inequality, the modernization process, social disorganization, and social structural strain have all been linked to criminal behavior in Chapters 8, 9, 10, and 11 above. Akers argues that structural conditions such as these affect crime by affecting a person's differential associations, definitions, models, and reinforcements.

Finally, Akers reviews a large volume of research to argue that "almost all research on social learning theory has found strong relationships in the theoretically expected direction. . . . When social learning theory is tested against other theories using the same data collected from the same samples, it is usually found to account for more variance in the dependent variables than the theories with which it is being compared."[60] In particular, he argues that research supports the "typical" sequence in which social learning operates, in which criminal behaviors are acquired through differential associations, definitions, imitation, and social reinforcements, and then are maintained through social and nonsocial reinforcements.

58. Ronald L. Akers, Marvin D. Krohn, Lonn Lanza-Kaduce, and Marcia Radosevich, "Social Learning and Deviant Behavior," *American Sociological Review* 44: 636–55 (1979).

59. Ronald L. Akers, "Linking Sociology and Its Specialties," *Social Forces* 71: 1–16 (1992); Akers, *Criminological Theories*, op. cit., pp. 101–2.

60. Akers, *Criminological Theories*, ibid., pp. 102–7.

IMPLICATIONS

Sutherland's theory has had a massive impact on criminology. At the time it was written criminology was dominated by physicians and psychiatrists who searched for the causes of criminal behavior in biological and psychological abnormalities. Sutherland's theory, more than any other, was responsible for the decline of that view and the rise of the view that crime is the result of environmental influences acting on biologically and psychologically normal individuals.

To assess this school of thought it is necessary to distinguish between Sutherland's theory itself and the more modern learning theories that have followed it. To a considerable extent Sutherland's theory was based on an outdated theory of learning. His argument that learning consists entirely in ideas ("definitions") and that the principal part of learning occurs in differential associations in intimate personal groups must be assessed in terms of general research on the nature of human learning. The field of learning theory has its own controversies and to some extent Sutherland's theory, as a cognitive theory, must do its own battle with other cognitive theories and with the more popular behavioral theories. There is no reason to think that Sutherland's theory will emerge triumphant from that battle. Quite to the contrary, there are many reasons to believe that, as a learning theory, Sutherland's theory has virtually no importance whatsoever. Sutherland, after all, was not a learning theorist and was not particularly familiar with the major theory and research on human learning that was going on at the time.[61]

Sutherland's legacy to criminology is not his specific learning theory but his argument that criminal behavior is normal learned behavior. The task Sutherland focused on, and the task still facing criminologists today, is to explore the implications of that argument for criminology. In the first edition of this book Vold argued that the logical implication of Sutherland's theory is that crime must be viewed in the context of political and social conflict[62]:

If criminal behavior, by and large, is the normal behavior of normally responding individuals in situations defined as undesirable, illegal, and therefore criminal, then the basic problem is one of social and political organization and the established values or definitions of what may, and what may not, be per-

mitted. Crime, in this sense, is political behavior and the criminal becomes a member of a "minority group" without sufficient public support to dominate and control the police power of the state.

Sutherland seemed to draw a similar implication from his theory. After making the first systematic presentation of the theory in 1939, he turned his attention to white-collar crime and retained that focus until his death.[63] Sutherland argued that white-collar crimes are normal learned behaviors and that there are no essential differences between those behaviors and the behaviors of lower-class criminals when viewed from the perspective of causation. The differences in official crime rates between the upper and lower classes arise because upper-class people have sufficient political power to control the enactment and enforcement of criminal laws. When their normal learned behaviors are socially harmful, these behaviors either are not defined as wrongs at all or are defined as civil wrongs. But when the normal learned behaviors of lower-class people are socially harmful, these behaviors are defined and processed as crimes. Thus, lower-class people end up with high official crime rates, while upper-class people end up with low official crime rates. Further discussion of this implication will be presented in Chapter 15 on conflict criminology.

CONCLUSIONS

Sutherland described criminal behavior as normal learned behavior and went on to make specific assertions about the nature of normal learning. He asserted that normal learning primarily involves the learning of ideas and beliefs in the process of associating with other people. Behaviors, including criminal behaviors, follow from and are a product of those ideas and beliefs.

The adequacy of Sutherland's assertions can only be assessed in the context of general theories and research about human learning. In general, it seems reasonable to conclude that ideas and beliefs learned in association with other people do have a direct causal impact on criminal behaviors. However, criminal behaviors may also be associated with other types of normal learning. More recent learning theories of criminal behavior, such as Akers's social learning theory, retain Sutherland's view that criminal behavior is normal learned behavior but more adequately incorporate modern learning principles in the description of the normal learning process.

61. For conflicting reactions to this assertion in an earlier edition of the present book, see Orcutt, op. cit., and Warr, op. cit. It is interesting that at the time Sutherland wrote the final version of differential association theory, he was located at Indiana University, where in a nearby building B. F. Skinner was conducting the experiments that would revolutionize learning theory.

62. George B. Vold, *Theoretical Criminology*, Oxford University Press, New York, 1958, p. 202; see also the 2nd ed. prepared by Thomas J. Bernard, 1979, pp. 247–48. For a similar argument, see Matsueda, op. cit., pp. 298–99.

63. Edwin H. Sutherland, "White Collar Criminality," *American Sociological Review* 5: 1–12 (Feb. 1940); "Is 'White Collar Crime' Crime?" *American Sociological Review* 10: 132–39 (April 1945); and *White Collar Crime*.

To assert that criminal behavior is directly caused by beliefs does not deny that there are structural sources for beliefs—that is one of the most fundamental propositions in sociology. The question is whether those beliefs attain some life of their own as causes of behavior in general and as causes of criminal behavior in particular. The most reasonable position at the present time seems to be that adopted by Curtis and by Matsueda and his colleagues: that culture functions as a crucial intervening variable between social structure and individual behavior.[64] That is, ideas and beliefs—including "definitions" of behavior, expectations about how to behave in particular situations, social approval or valuation of certain behaviors, and social responses that back up those expected and approved behaviors with rewards and punishments—have a direct causal impact on behavior, independent of their social structural sources.

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64. Curtis, op. cit., pp. 17–19; Matsueda, Gartner, Piliavin, and Polakowski, op. cit., pp. 767–68. For the argument that beliefs have no direct causal impact on criminal behavior, see Kornhauser, *Social Sources of Delinquency*, op. cit., pp. 207–10.

CHAPTER 13

Control Theories

Many theories of criminal behavior assume that people naturally obey the law if left to their own devices, and argue that there are special forces—either biological, psychological, or social—that drive people to commit crime. Control theories take the opposite approach. They assume that all people naturally would commit crimes if left to their own devices. The key question, then, is why most people do *not* commit crimes. Control theories answer that question by focusing on special "controlling" forces that restrain the person from committing crimes. These forces break down in certain situations, resulting in crime and other "uncontrolled" behaviors. Thus individuals are said to commit crime because of the weakness of forces restraining them from doing so, not because of the strength of forces driving them to do so.

The control perspective is a broad point of view found in many different theories in biology, psychology, and sociology.[1] This chapter examines a number of recent sociological theories that take the control perspective and are described as control theories. These theories are especially important as explanations of delinquency, since most of the research supporting them has been done with juvenile populations. Control theories, however, may also be used to explain adult criminality.

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1. For example, Eysenck's biological theory of autonomic nervous system functioning (described in Chapter 6) takes the control perspective, since it describes the conditions under which punishment either inhibits or fails to inhibit the natural drives toward criminal behavior. Aichhorn's psychological theory (described in Chapter 7) argued that most delinquency resulted from unrepressed id forces that were freed because of an inadequate superego. This theory explains the differences in behavior in terms of differences in the controlling forces found in the superego, not differences in the driving forces found in the id. Finally, Durkheim's sociological theory of anomie (see Chapter 9) described the breakdown of social restraints on behaviors that are motivated by unlimited human needs. This theory falls into the control perspective because it describes the driving forces behind criminal behaviors (unlimited human needs) as the same at all times and places, and explains differences in the amount of crime on the basis of differences in the restraining forces (societal restraints).

EARLY CONTROL THEORIES: REISS TO NYE

In 1951 Albert J. Reiss published an article in which he examined a number of factors related to the control perspective to see if they might be used to predict probation revocation among juvenile offenders.[2] Reiss reviewed the official court records of 1,110 white male juvenile probationers between the ages of 11 and 17. He found that probation revocation was more likely when the juvenile was psychiatrically diagnosed as having weak ego or superego controls and when the psychiatrist recommended either intensive psychotherapy in the community or treatment in a closed institution. Reiss argued that such diagnoses and recommendations were based on an assessment of the juvenile's "personal controls"—that is, the ability to refrain from meeting needs in ways that conflicted with the norms and rules of the community. In addition, he found that probation revocation was more likely when juveniles did not regularly attend school, and when they were described as behavior problems by school authorities. Reiss argued that these were a measure of the acceptance or submission of the juvenile to "social controls"—i.e., the control of socially approved institutions.[3]

Reiss's theory influenced later control theories, but his findings in support of that theory were quite weak. A variety of factors related to family and community controls over the juvenile did not predict probation revocation. The strongest associations were found between probation revocation and the diagnoses and recommendations of the psychiatrists. Reiss argued that the failure of personal controls explained both phenomena, thus accepting at face value the theoretical framework of the psychiatrists. But such an explanation is tautological unless it is supported by some additional evidence about the strength or weakness of personal controls.[4] The association of probation revocation with truancy and school problems was much weaker and can be explained from other perspectives besides control theory.

In 1957 Jackson Toby introduced the concept of "stakes in conformity"—i.e., how much a person has to lose when he or she breaks the law.[5] He argued that all youths are tempted to break the law, but

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2. Albert J. Reiss, "Delinquency as the Failure of Personal and Social Controls," *American Sociological Review* 16: 196–207 (April 1951).

3. Ibid., p. 206.

4. Cf. Travis Hirschi, *Causes of Delinquency*, University of California Press, Berkeley, 1969, pp. 11 and 198, n. 4.

5. Jackson Toby, "Social Disorganization and Stake in Conformity: Complementary Factors in the Predatory Behavior of Hoodlums," *Journal of Criminal Law, Criminology and Police Science* 48: 12–17 (May–June 1957). A similar concept was presented in a later article by Scott Briar and Irving Piliavin, "Delinquency, Situational Inducements, and Commitment to Conformity," *Social Problems*, summer 1965, pp. 35–45.

some youth risk much more than others when they give in to those temptations. Youths who do well in school not only risk being punished for breaking the law, but they also jeopardize their future careers. Thus they have high "stakes in conformity." In contrast, youths who do poorly in school risk only being punished for their offense, since their future prospects are already dim. Thus they have less to lose when they break the law—i.e., lower "stakes in conformity." Toby also argued that peer support for deviance can develop in communities that have a large number of youths with low stakes in conformity, so that the community develops even higher crime rates than would be expected by considering the stakes in conformity of the individual youths. Conversely, youths in suburbs who have low stakes in conformity normally obtain no support from their peers for delinquency. Thus these youths may be unhappy, but usually do not become delinquent.

Toby focused on how well the youth did in school, but he stated: "In all fairness, it should be remembered that the basis for school adjustment is laid in the home and the community."[6] The following year, F. Ivan Nye published a study that focused on the family as the single most important source of social control for adolescents.[7] He argued that most delinquent behavior was the result of insufficient social control, and that delinquent behavior "caused" by positive factors was relatively rare.[8] *Social control* was used as a broad term that included direct controls imposed by means of restrictions and punishments, internal control exercised through conscience, indirect control related to affectional identification with parents and other noncriminal persons, and the availability of legitimate means to satisfy needs.[9] With respect to the final type of social control, Nye argued that "if all the needs of the individual could be met adequately and without delay, without violating laws, there would be no point in such violation, and a minimum of internal, indirect, and direct control would suffice to secure conformity."

Nye surveyed 780 boys and girls in grades 9 through 12 in three towns in the state of Washington to test the theory. Included in the survey were a wide variety of questions on family life, as well as seven items intended to measure delinquency. Those seven items were: skipped school without a legitimate excuse; defied parents' authority to their face; took things worth less than $2; bought or drank beer, wine, or liquor (including at home); purposely damaged or destroyed public or

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6. Ibid., p. 14.

7. F. Ivan Nye, *Family Relationships and Delinquent Behavior*, John Wiley, New York, 1958.

8. Ibid., p. 4.

9. Ibid., p. 5–8.

private property; and had sexual relations with a person of the opposite sex.[10] On the basis of how often they said they had committed these acts since the beginning of grade school, about one fourth of the youths were placed in a "most delinquent" group, and the remainder in a "least delinquent" group.[11]

Nye found that youths in the "most delinquent" group were more likely to be given either complete freedom or no freedom at all, to have larger sums of money available, to be rejecting of their parents and to disapprove of their parents' appearance, to describe their parents as being seldom cheerful and often moody, nervous, irritable, difficult to please, dishonest, and who "took things out" on the youth when things went wrong. Youths whose mothers worked outside the home and who were rejected by their parents were slightly more likely to fall in the "most delinquent" group. In contrast, youths in the "least delinquent" group were significantly more likely to come from families that attended church regularly, did not move often, and were from rural areas. They were likely to be the oldest or only child, from a small family, to have a favorable attitude toward their parents' disciplinary techniques and toward recreation with their parents, to agree with their parents on the importance of a variety of values, to be satisfied with the allocation of money by their parents, and to get information and advice concerning dating and religion from their parents. In all, Nye tested 313 relationships between youths and their parents. He found that 139 of those were consistent with his control theory, 167 were not significant, and only seven were inconsistent with it.[12]

Nye's contribution to the development of control theory was quite significant because of the theory he proposed and because he undertook a broad empirical test of the theory. His findings in support of the theory are impressive, but one can question the extent to which they apply to groups that are normally referred to as delinquents. Nye's sample did not include any youths from large cities, and included only negligible numbers of nonwhite youths or youth with foreign-born parents. Toby pointed out that "the group which Professor Nye calls 'most delinquent' would be considered nondelinquents by many criminologists."[13] Also, because the questionnaire was administered in high schools, the sample would not include any youths age 15 or younger who were more

10. Ibid., pp. 13–14.

11. See ibid., pp. 15–19, and Nye and James F. Short, Jr., "Scaling Delinquent Behavior," *American Sociological Review* 22: 26–31 (June 1957).

12. Nye, *Family Relationships*, p. 155.

13. Jackson Toby, "Review of *Family Relationships and Delinquent Behavior* by F. Ivan Nye," *American Sociological Review* 24: 282–83 (Feb. 1959).

than one year behind in school (they would still be in grade school), or any youths age 16 or over who had legally dropped out of school. Only two behaviors on the questionnaire constituted criminal offenses: taking things worth less than $2 and purposely damaging or destroying public or private property. Thus the results of Nye's study might be interpreted as describing the effect of family relationships on minor delinquent activities among basically nondelinquent youths.

Toby also pointed out that Nye's research apparently assumes that the same causal processes would be involved with more serious delinquents, but that other researchers might very well disagree with the assumption. Finally, Toby noted that a response bias among the youths answering the questionnaire could account for many of Nye's findings. Youths who were more willing to report their delinquent activities may also have been more willing to describe the less desirable aspects of their family life. Other youths may have both underreported their delinquent activities and described their family life in more positive terms. Thus the study would show that better family relationships are associated with fewer delinquent activities. Toby concluded that Nye's results should be interpreted with great caution.

MATZA'S *DELINQUENCY AND DRIFT*

While the early control theories presented above have been soundly criticized, they provided the basic concepts and framework for the modern control theories of David Matza and Travis Hirschi. Those control theories present a strong challenge to the more common view that juvenile delinquency is caused by special biological, psychological, or social factors.

In *Delinquency and Drift* Matza stated that traditional theories of delinquency emphasize constraint and differentiation: Delinquents are said to be different from nondelinquents in some fundamental way, and that difference constrains them to commit their delinquencies.[14] In some theories the differences are said to be biological or psychological, and the constraint takes the form of compulsion. In other theories the differences are said to be social and the constraint takes the form of commitment to delinquent values. Matza maintained that these theories predicted and explained too much delinquency. Most of the time delinquents are engaged in routine, law-abiding behaviors just like everyone else, but if you believe the picture painted in these theories, delinquents should be committing delinquencies all the time. In addition, these theories cannot account for the fact that most delinquents

14. David Matza, *Delinquency and Drift*, John Wiley, New York, 1964, pp. 1–27.

"age out" of delinquency and settle down to law-abiding lives when they reach late adolescence or early adulthood. The factors that supposedly explained the delinquency are still present (for example, lack of legitimate opportunities), but the delinquency itself disappears.[15]

Matza proposed an alternate image for delinquents that emphasizes freedom and similarity rather than constraint and differentiation. That image was *drift*.[16] Drift is said to occur in areas of the social structure in which control has been loosened, freeing the delinquent to respond to whatever conventional or criminal forces happen to come along. The positive causes of delinquency, then, "may be accidental or unpredictable from the point of view of any theoretical frame of reference, and deflection from the delinquent path may be similarly accidental or unpredictable."[17] Within the context of such an image a theory of delinquency would not attempt to describe its positive causes, but rather would describe "the conditions that make delinquent drift possible and probable," that is, the conditions under which social control is loosened. Matza did not deny that there were "committed" and "compulsive" delinquents, as described by the traditional theories. However, he argued that the vast majority of delinquents were "drifters" who were neither.

Matza's criticism of traditional theories of delinquency focused on the sociological argument that their behaviors are generated by commitment to delinquent values. Matza argued that delinquents portray themselves this way because they are unwilling to appear "chicken."[18] But private interviews reveal that delinquents do not value delinquent behavior itself. Rather, they describe the behavior as morally wrong but argue that there are extenuating circumstances, so that their own delinquent actions are "guiltless."[19] The delinquent's portrayal of these circumstances is similar to, but much broader than, the extenuating circumstances defined in the law relating to intent, accident, self-defense, and insanity. Thus the delinquent does not reject conventional moral values, but "neutralizes" them in a wide variety of circumstances so that he is able to commit delinquent actions and still consider himself guiltless. This *sense of irresponsibility* is reinforced by the ideology of the juvenile court, which declares that juveniles are not responsible for their actions.

The sense of irresponsibility is the immediate condition that makes delinquent drift possible, but the delinquent is prepared to accept the sense of irresponsibility by a pervasive *sense of injustice*.[20] Just as the sense of irresponsibility is derived from a broad interpretation of conventional legal standards for extenuating circumstances, so the sense of injustice is derived from a broad interpretation of conventional legal standards for justice. For example, by conventional legal standards of justice it is necessary to prove beyond a reasonable doubt that a given individual has committed a given criminal act. The delinquent uses excessively legalistic standards to argue that "they didn't prove it." Thus he may passionately argue that he was unjustly treated even though he admits that he committed the act.

Once the moral bind of the law has been loosened by the sense of irresponsibility and the sense of injustice, the juvenile is in a state of drift and is then free to choose among a variety of actions, some delinquent, some lawful. At this point Matza suggests that there are some "positive" causes of delinquency in the sense that there are reasons why the juvenile chooses delinquent, as opposed to lawful, behaviors.[21] The juvenile feels that he exercises no control over the circumstances of his life and the destiny awaiting him. In such a mood he moves to make something happen, to experience himself as a cause of events. This mood of desperation provides the motivation to commit new acts of delinquency. Once those actions have been committed, he is motivated to continue committing them because he has learned the moral rationalizations necessary to consider himself guiltless, and because he has learned the technical means to carry out the offenses.

HIRSCHI'S SOCIAL CONTROL THEORY

The theorist who is most closely identified with control theory is Travis Hirschi. In his 1969 book entitled *Causes of Delinquency*, Hirschi argued that it is not necessary to explain the motivation for delinquency, since "we are all animals and thus all naturally capable of committing criminal acts."[22] He then proposed a comprehensive control theory that individuals who were tightly bonded to social groups such as the family, the school, and peers would be less likely to commit delinquent acts.[23] The most important element of the social bond is *attachment*—

15. For a discussion of age and crime, see Chapter 17, pp. 286, 288–89.

16. Matza, op. cit., pp. 27–30.

17. Ibid., p. 29.

18. Ibid., pp. 33–59.

19. Ibid., pp. 59–98.

20. Ibid., pp. 101–77. See also Marvin Krohn and John Stratton, "A Sense of Injustice?" *Criminology* 17(4): 495–504 (Feb. 1980).

21. Matza, op. cit., pp. 181–91. Compare with Hirschi, *Causes of Delinquency*, pp. 33–34.

22. Hirschi, op. cit., p. 31.

23. Ibid., pp. 16–34.

i.e., affection for and sensitivity to others. Attachment is said to be the basic element necessary for the internalization of values and norms, and thus is related to Reiss's conception of personal controls and Nye's conceptions of internal and indirect controls. A second element is *commitment*, the rational investment one has in conventional society and the risk one takes when engaging in deviant behavior. Commitment is similar to what Toby described as a "stake in conformity." The third element is *involvement* in conventional activities. This variable is based on the common sense observation that "idle hands are the devil's workshop," and that being busy restricts opportunities for delinquent activities. The final element of the social bond is *belief*. Matza had argued that delinquents had conventional moral beliefs, but neutralized them with excuses so that they could commit delinquent acts without feeling guilty. Hirschi, in contrast, argued that "there is variation in the extent to which people believe they should obey the rules of society, and, furthermore, that the less a person believes he should obey the rules, the more likely he is to violate them."[24] Thus Matza's theory had emphasized that delinquents are tied to the conventional moral order and must free themselves from it to commit delinquent acts, while Hirschi's theory assumes that they are free from the conventional order to begin with.

Like Nye, Hirschi tested his theory with a self-report survey. The sample consisted of about 4,000 junior and senior high school youths from a county in the San Francisco Bay area. The questionnaire contained a variety of items related to family, school, and peer relations, as well as six items that served as an index of delinquency.[25] Three of those six items referred to stealing (things worth less than $2, things worth between $2 and $50, and things worth more than $50), while the other three asked whether the youth had ever "taken a car for a ride without the owner's permission," "banged up something that did not belong to you on purpose," and "beaten up on anyone or hurt anyone on purpose" (not counting fights with a brother or sister). Youths were given one point for each of the six offenses they reported committing in the last year, regardless of how often they reported committing it.[26] Hirschi also used school records and official police records as data for the study.

Hirschi was particularly concerned to test the adequacy of his theory against theories that argued the motivation for delinquency was to be found in social strain (such as Merton's, Cohen's, or Cloward and

24. Ibid., p. 26.
25. Ibid., p. 54.
26. Ibid., p. 62. This was defined as the "recency" index, and was used throughout the study.

Ohlin's) and theories that explained delinquency in terms of cultural or group influence (such as Sutherland's or Miller's).[27] Each of these three types of theories explains many well-known facts about delinquency such as that delinquents do poorly in school, but each proposes a different chain of causation. Much of Hirschi's book is devoted to testing the different chains of causation found in the three types of theories.

Hirschi reported that, in general, there was no relationship between reported delinquent acts and social class, except that children from the poorest families were slightly more likely to be delinquent.[28] In addition, he found only minimal racial differences in self-reported delinquency, although their official arrest rates were substantially different.[29] Hirschi concluded that these findings were most difficult to reconcile with strain theories, since those were explicitly class-based theories.[30]

Hirschi then analyzed the effects of attachment to parents, schools, and peers on reported delinquent acts. He found that, regardless of race or class, and regardless of the delinquency of their friends, boys who were more closely attached to their parents were less likely to report committing delinquent acts than those who were less closely attached.[31] That finding is consistent with control theory but inconsistent with cultural theories, where attachment to deviant friends or deviant parents would theoretically be associated with increased reporting of delinquency. Hirschi also found that youths who reported more delinquent acts were more likely to have poor verbal scores on the Differential Aptitude Test, to get poor grades in school, to care little about teachers' opinions, to dislike school, and to reject school authority. He argued that these findings are consistent with control theory, since such boys would be free from the controlling forces of schools. However, he argued that they were inconsistent with strain theories such as Cohen's, since the most "strained" youths would be those who did poorly but who continued to care about success in the school. Youths who did poorly and did not care about school success would not be "strained."[32] He

27. Strain theories are reviewed in Chapter 11 of this book, while what Hirschi called "cultural deviance" theories are reviewed in Chapter 12. One of the arguments made in Chapter 12 is that the description of these theories as cultural deviance theories is inaccurate. This argument implies that Hirschi's test is invalid.

28. Hirschi, op. cit., pp. 66–75.

29. Ibid., pp. 75–81.

30. Ibid., pp. 226–27.

31. Ibid., pp. 97, 99.

32. Hirschi admits that his formulation may not adequately test strain because of Cohen's idea of reaction formation: Boys may care about school success, but if they are unable to succeed, they may then deny that they care at all. However, Hirschi argues that such an argument is virtually impossible to falsify; ibid., pp. 124–26.

also found that boys who reported more delinquent acts were less attached to their peers than were boys who reported fewer delinquent acts. Again Hirschi argued that this finding is consistent with control theory, since attachment to peers would be conducive to delinquency only if those peers valued delinquent behavior. However, it is inconsistent with cultural theories, where the assumption is made that the motivation for delinquency is passed through intimate, personal relationships. Hirschi found that association with delinquent companions could increase delinquent behavior, but only when social controls had been weakened. Youths with large stakes in conformity are unlikely to have delinquent friends, and when they do have such friends, they are unlikely to commit delinquent acts themselves. For youths with low stakes in conformity, however, the greater the exposure to "criminal influences," the more delinquent activities the youth reported.[33]

Having examined the effect of attachment on reported delinquent acts, Hirschi examined the effects of the other three elements of his theory. He found that the educational and occupational aspirations of delinquents are lower than nondelinquents, as are the educational and occupational expectations. This finding is consistent with control theory, since youths with low aspirations and low expectations have little commitment to conformity—that is, they risk little by committing delinquent acts. In contrast, the findings are inconsistent with strain theories since, according to those theories, youths with high aspirations but low expectations should be the most strained and therefore the most delinquent. Hirschi found that "the higher the aspiration, the lower the rate of delinquency, regardless of the student's expectations."[34] Hirschi also found that youths who worked, dated, spent time watching TV, reading books, or playing games were more likely to report delinquencies.[35] That finding was the opposite of what was expected from his theory, since these behaviors represent involvement in conventional activities. Hirschi did find, however, that boys who spent less time on homework, reported being bored, spent more time talking to friends, and riding around in cars were more likely to report delinquent acts. These can be considered measures of the lack of involvement in conventional activities. Finally, Hirschi found a strong correlation between reported delinquent activities and agreement with the statement "It is alright to get around the law if you can get away with it."[36] He took this

33. Ibid., pp. 159–61.
34. Ibid., p. 183.
35. Ibid., p. 190.
36. Ibid., pp. 202–3.

to be a measure of the extent to which boys believe they should obey the law. He also found support for the neutralizing beliefs that Matza had described as freeing the delinquent from the moral bind of the law, although he argued that "the assumption that delinquent acts come before the justifying beliefs is the more plausible causal ordering with respect to many of the techniques of neutralization."[37] Finally, Hirschi found no support for a separate lower-class culture as described by Miller. Hirschi found instead that these beliefs are held by academically incompetent youths, whether lower or middle class, and that academically competent youths, whether lower or middle class, held what are often called "middle-class values." Thus he concluded that lower-class values are not cultural in that they are not transmitted as a valued heritage. Rather, they "are available to all members of American society more or less equally; they are accepted or rejected to the extent they are consistent or inconsistent with one's realistic position in that society."[38] Thus Hirschi believes that "the class of the father may be unimportant, but the class of the child most decidedly is not.[39]

ASSESSING SOCIAL CONTROL THEORIES
Social control theories, especially Hirschi's, have generated a large number of empirical studies, many of which have supported the theory.[40] But many of these tests have focused on relatively trivial offenses committed by essentially nondelinquent youths. Both Hirschi's study and Nye's study, as reported above, are of this type. Hirschi admits that some theorists may hold that "delinquents are so obviously underrepresented among those completing the questionnaires that the results need not be taken seriously."[41] However, he argues that including serious delinquents would have made the final relationships even stronger. Such an argument is valid only if the same causal processes are at work for se-

37. Ibid., p. 208.
38. Ibid., p. 230.
39. Ibid., p. 82.
40. For a general review of studies, see Kimberly L. Kempf, "The Empirical Status of Hirschi's Control Theory," pp. 143–85 in Freda Adler and William S. Laufer, eds., *New Directions in Criminological Theory: Advances in Criminological Theory*, vol. 4, Transaction Press, New Brunswick, N.J., 1993. However, two more recent longitudinal studies by Robert Agnew have suggested that the effects of control variables may have been overestimated in cross-sectional studies. See "Delinquency: A Longitudinal Test," *Criminology* 23(1): 47–59 (1985); and "A Longitudinal Test of Social Control Theory and Delinquency," *Journal of Research in Crime and Delinquency* 28(2): 126–56 (1991).
41. Hirschi, op. cit., p. 41. See Thomas J. Bernard, "Control Criticisms of Strain Theories," *Journal of Research in Crime and Delinquency* 21(4): 353–72 (Nov. 1984), for an argument that there were few serious delinquents in Hirschi's sample to begin with, and that he lost most of his data on them due to nonresponse.

riously delinquent youths as for basically nondelinquent but "wild" youths. If different processes are at work, then the inclusion of serious delinquents would weaken Hirschi's results. This is the same criticism that Toby raised about Nye's earlier study, and it is consistent with Matza's argument that serious delinquents may not be "drifters," but instead may be committed or compulsive.

A remark in Hirschi's book illustrates the problem. Hirschi found that increased involvement in conventional activities was related to more delinquency, which is the opposite of what his theory predicted[42]:

Something is wrong with our theory. The difficulty, it seems, is that the definition of delinquency used here is not the definition that makes the involvement hypothesis virtually tautological. When Cohen, for example, says the delinquent gang "makes enormous demands upon the boy's time," he is of course not saying that delinquency as here defined takes an enormous amount of the boy's time. In fact, as defined, delinquency requires very little time: *the most delinquent boys in the sample may not have devoted more than a few hours in the course of a year to the acts that define them as delinquent.*

Control theory may adequately explain delinquency in boys who spend only a few hours per year engaged in it, but whether it explains delinquency among the boys that Cohen was talking about is another question entirely.

This problem is related to the control theory assumption that criminal and delinquent behaviors are "naturally motivated," and that there are no outside pressures generating them. It is relatively easy and appealing to think of the trivial offenses in Hirschi's and Nye's studies as being naturally motivated, requiring no other explanation than that they are "fun." But that image is less appealing when one considers the aggressive and violent nature of much serious gang delinquency and adult criminality.

Social control theories ultimately attribute such serious criminality to our innately aggressive and violent animal heritage. But the question of whether humans are inherently peaceful or inherently aggressive has been the subject of debate for over 2,000 years by philosophers, theologians, psychologists, sociologists, anthropologists, and now criminologists.[43] The debate is by no means resolved at the present time, and

42. Hirschi, op. cit., p. 190 (emphasis added). Hirschi (ibid., p. 46) defines delinquency as follows: "Delinquency is defined by acts, the detection of which is thought to result in punishment of the person committing them by agents of the larger society." Under that definition, virtually all youths may be classified as delinquents. Toby ("Review," op. cit.) raised a similar problem with Nye's definition of delinquency.

43. See Thomas J. Bernard, *The Consensus-Conflict Debate: Form and Content in Social Theories*, Columbia University Press, New York, 1983.

to that extent it is not possible to evaluate fully the control theory explanation of crime.

Despite this ongoing debate, there appears to be a growing agreement on a narrower issue that concerns the type of violence and aggression that is defined as serious crime. Even those who hold the view that aggression is an innate human characteristic now also argue that serious criminal behavior represents a degeneration of the aggressive instincts caused by biological or social pathologies.[44] If this view ultimately prevails, then social control theory could only be applied to less serious forms of delinquency and crime.

FROM SOCIAL CONTROL TO SELF-CONTROL: GOTTFREDSON AND HIRSCHI'S GENERAL THEORY OF CRIME

In 1990, Michael Gottfredson and Travis Hirschi published *A General Theory of Crime*,[45] claiming that all types of crime can be explained by "low self-control" coupled with availability of opportunities. "Self-control" is conceived as internal to the individual, whereas "social control," on which Hirschi focused in his 1969 theory, is largely external to the individual. In the new theory, "social controls" are relevant to explaining criminal behavior only to the extent that they influence self-control, which is instilled in individuals by around age 8 and remains relatively constant after that.

Gottfredson and Hirschi first make some assertions about "the characteristics of ordinary crimes": They are said to be acts that involve simple and immediate gratification of desires but few long-term benefits, are exciting and risky but require little skill or planning, and generally produce few benefits for the offender while causing pain and suffering for the victim.[46] Second, they describe the characteristics of people who would commit these kinds of actions: they "will tend to be impulsive, insensitive, physical (as opposed to mental), risk-taking, short-sighted, and nonverbal."[47] These characteristics not only lead them to engage in a variety of "ordinary crimes," but also result in other similarities in behavior—e.g., these people will tend to smoke and drink heavily and to be involved in many accidents.[48] Third, Gottfredson and Hirschi argue

44. Luigi Valzelli, *Psychobiology of Aggression and Violence*, Raven Press, New York, 1981, ch. 4. This view would be consistent with the finding, as discussed in Chapter 11, that research on serious delinquency provides considerable support for the basic contentions of strain theories.

45. Michael Gottfredson and Travis Hirschi, *A General Theory of Crime*, Stanford University Press, Stanford, Calif., 1990.

46. Ibid., pp. 15–44; 89–91.

47. Ibid., pp. 90–91.

48. Ibid., p. 94.

gue[49]: "Since these traits can be identified prior to the age of responsibility for crime, since there is considerable tendency for these traits to come together in the same people, and since the traits tend to persist through life, it seems reasonable to consider them as comprising a stable construct useful in the explanation of crime." They call this stable construct "low self-control." Fourth, Gottfredson and Hirschi argue that ineffective child rearing is the most important contributor to low self-control.[50] Adequate child rearing, which results in high self-control in the child, occurs when the child's behavior is monitored and any deviant behavior is immediately recognized and punished. Essentially, external controls on the child's behavior eventually are internalized by the child in a process described as "socialization." An additional source of socialization, especially important for those who do not receive adequate socialization through their families, is the school.

Gottfredson and Hirschi go on to argue that low self-control explains many of the known relationships between delinquency and other factors. For example, they argue that the relationship between delinquent peers and delinquency is explained by the fact that low self-control juveniles are likely to seek out others with low-self control as a peer group.[51] On the relationship between delinquency and poor school performance, they argue that individuals who lack self-control do not perform well in school and therefore tend to leave or avoid it.[52] Finally, those with low self-control will have difficulties keeping jobs, which explain any relationship between unemployment and criminal behavior.[53]

Gottfredson and Hirschi argue that self-control is relatively constant in the individual after the age of about 8, but they recognize that there may be a great deal of change in the rates at which individuals commit crime.[54] These variations cannot, within their theory, be explained by changes in the person's self-control, since self-control stays constant throughout the person's life. So Gottfredson and Hirschi argue that variations in crime are explained by variation in opportunities for different types of criminal and noncriminal behaviors. For example, in a community with few opportunities for property crime, low self-control people will engage in little property crime but will engage in other sorts of low self-control behavior.

49. Ibid.

50. Ibid., p. 97.

51. Ibid., pp. 157–58.

52. Ibid., pp. 162–63.

53. Ibid., p. 165.

54. The major variation found in individuals is the age-crime curve. For a discussion of Gottfredson and Hirschi's position on this issue, see Chapter 17, pp. 286, 288–89.

One problem area for this theory is found in organized criminal behavior, since it could be argued that organized criminals do not lack self-control. Gottfredson and Hirschi therefore devote a chapter to debunking this argument. In their view, "organized crime" is not really organized, and any apparent organization is short-lived and consists of unstable temporary alliances.[55] Furthermore, they claim that the reason for the failure of many cooperative attempts at criminality is that the individuals involved lack self-control. They discount the importance of organized drug dealing by arguing that for every successful organized effort, there are hundreds of failed efforts.

A General Theory of Crime has generated some heated discussion among criminologists, and has been subjected to several empirical tests. Probably the most sweeping criticism is by Akers, who argues that the theory is tautological.[56] According to Akers, the only way to determine whether people have "low self-control" is to see whether they engage in "low self-control" behaviors, including criminal behavior. If they engage in those behaviors, then the behaviors themselves are said to be explained by the person's "low self-control." Akers argued that, until low self-control is operationalized in terms other than these actions, the theory will remain tautological.[57]

Hirschi and Gottfredson respond[58]:

In our view, the charge of tautology is in fact a compliment; an assertion that we followed the path of logic in producing an internally consistent result. . . . We started with a conception of crime, and from it attempted to *derive* a conception of the offender. . . . What makes our theory *peculiarly* vulnerable to complaints about tautology is that we explicitly show the logical connections between our conception of the actor and the act, whereas many theorists leave this task to those interpreting or testing their theory. . . . In a comparative framework, the charge of tautology suggests that a theory that is nontautological is preferable. But what would such a theory look like? It would advance definitions of crime and of criminals that are independent of one another. . . .

55. Gottfredson and Hirochi, op. cit., p. 213.

56. Ronald Akers, "Self-Control as a General Theory of Crime," *Journal of Quantitative Criminology* 7(2): (1991).

57. This is tautological because other concepts could replace "low self-control" without changing the argument itself. For example, one could argue that these behaviors are "subcultural" instead of "low self-control." Evidence for the existence of the subculture would be found in the behavior of the people who were supposedly in it, but then the behaviors themselves would be explained by the subculture. Control theorists have made this exact criticism against so-called "cultural" theories in criminology, including Akers's theory. See Chapter 12.

58. Hirschi and Gottfredson, "Commentary: Testing the General Theory of Crime," *Journal of Research in Crime and Delinquency* 30(1): 52–53 (1993).

Hirschi and Gottfredson go on to say that Akers misunderstands the concept of low self-control: "We see self-control as the barrier that stands between the actor and the obvious momentary benefits crime provides."[59]

The scope of Hirschi and Gottfredson's theory has also been challenged, particularly their statement that the theory is meant to explain all crimes. Several scholars have questioned whether low self-control can explain white collar crime, for example, although Gottfredson and Hirschi argue it can.[60] Because many wonder whether low self-control by itself can explain such wide variations in different types of crimes, criminologists naturally are interested in how differential opportunity structures may interact with low self-control to produce variations in crime rates. But as Barlow notes, the opportunity part of Gottfredson and Hirschi's theory is insufficiently developed, and does not answer such questions.[61]

There have been several tests of Gottfredson and Hirschi's general theory to date.[62] All have examined linkages between low self-control and criminal acts or analogous behaviors. The studies have used somewhat different ways of measuring low self-control, but typically attempt to operationalize characteristics such as impulsivity, risk seeking, physical activities, self-centeredness, and temper. The behaviors explained by low self-control have included cutting classes, drinking, smoking, gambling, various forms of delinquency and adult criminal behavior, and drunk driving. All these studies have found at least some support for Gottfredson and Hirschi's theory, and some have found fairly strong

59. Ibid., p. 53.

60. See Darrell Steffensmeier, "On the Causes of White-Collar Crime: An Assessment of Hirschi and Gottfredson's Claims," *Criminology* 27(2): 345–57 (1989). Although this article was published before Hirschi and Gottfredson's book, it was based on earlier articles that laid the foundation for the book.

61. Hugh Barlow, "Explaining Crimes and Analogous Acts, or the Unrestrained Will Grab at Pleasure Whenever They Can," *Journal of Criminal Law and Criminology*" 82(1): 229–42 (1991).

62. B. J Arneklev, H. G. Grasmick, C. R. Tittle, and R. J. Bursik, Jr., "Low Self-Control and Imprudent Behavior," *Journal of Quantitative Criminology* 9(3): 225–47 (1993); D. Brownfield and A. M. Sorenson, "Self-Control and Juvenile Delinquency: Theoretical Issues and an Empirical Assessment of Selected Elements of a General Theory of Crime," *Deviant Behavior: An Interdisciplinary Journal* 14: 243–64 (1993); Grasmick, Tittle, Bursik, Jr., and Arneklev, "Testing the Core Empirical Implications of Gottfredson and Hirschi's General Theory of Crime," *Journal of Research in Crime and Delinquency* 30(1): 5–29 (1993); C. Keane, P. S. Maxim, and J. J. Teevan, "Drinking and Driving, Self-Control, and Gender: Testing a General Theory of Crime," *Journal of Research in Crime and Delinquency* 30(1): 30–46 (1993); M. Polakowski, "Linking Self- and Social Control with Deviance: Illuminating the Structure Underlying a General Theory of Crime and Its Relation to Deviant Activity," *Journal of Quantitative Criminology* 10(1): 41–78 (1994); P. B. Wood, B. Pfefferbaum, and Arneklev, "Risk-Taking and Self-Control: Social Psychological Correlates of Delinquency," *Journal of Crime and Justice* 16(1): 111–30 (1993); J. Gibbs and D. Giever, "Self-Control and Its Manifestations among University Students: An Empirical Test of Gottfredson and Hirschi's General Theory," *Justice Quarterly* 12(2): 232–55 (1995).

support. However, there have been few attempts to control for alternate explanations from other theories.

None of these tests has examined the link between child-rearing and low self-control as a stable construct in the individual. Perhaps the theory's most controversial component is its argument that self-control is essentially stable by the age of 8 or so, having been determined by child-rearing practices. Until this argument is tested, a general assessment of the theory cannot be made.[63]

The primary advantage of Gottfredson and Hirschi's theory is also its chief point of vulnerability: its simplicity. The idea that a single simple concept can explain the entire range of criminal behavior is quite appealing, and many criminologists are enthused about this possibility. But other criminologists argue that criminal behavior is far too complex to be explained by a single theory, particularly a simple one.

CONCLUSIONS

Social control theories appeal to criminologists for several reasons. First, they provide criminologists with very testable theories. Many other criminological theories, in contrast, are much more difficult to test in that their concepts and variables (like "an excess of definitions favorable to law violation") are very difficult to operationalize. Second, social control theories have been linked from the outset with a new research technique, the self-report survey. That research technique has consistently produced results that support the basic contentions of the theories. The combination of a testable theory with a research technique that produces supportive results is very attractive, to say the least.

A number of criminologists have concluded that social control theories in general, and Hirschi's social control theory in particular, is supported by empirical research.[64] That conclusion, however, does not seem warranted either by general research on human behavior or by specifically criminological research focusing on the explanation of criminal and delinquent behavior. A more restricted but better-supported assessment is that social control theories are generally supported by one type of data—self-report surveys—and that they provide a good explanation of one type of crime, the less serious forms of juvenile delinquency. However, they are not as yet supported by

63. For the view that change does matter, see John H. Laub and Robert J. Sampson, "Turning Points in the Life Course: Why Change Matters to the Study of Crime," *Criminology* 31(3): 301–25 (Aug. 1993). See the discussion of their theory in Chapter 17, pp. 296–98.

64. E. g., William R. Arnold and Terrance M. Brungardt, *Juvenile Misconduct and Delinquency*, Houghton Mifflin, Boston, 1983; Ruth Rosner Kornhauser, *Social Sources of Delinquency*, University of Chicago Press, Chicago, 1978.

studies that focus directly on more serious delinquency or on adult criminality.

Hirschi's new theory, coauthored with Gottfredson, is much broader in its scope, claiming to explain all types of crime, but it has not been as extensively tested because it is so recent. As this testing takes place, we should learn more about the capacity of the control perspective to explain a broader range of criminal and deviant behavior.

The Meaning of Crime

Symbolic interactionism was briefly discussed in Chapter 12 of this book, since it forms the basis of Sutherland's differential association theory.[1] Its key argument is that human actions are best understood in terms of the *meaning* that those actions have for the actors, rather than in terms of preexisting biological, psychological, or social conditions. These meanings are to some extent created by the individual, but primarily they are derived from intimate personal interactions with other people. That is, people first construct meanings in relation to situations they find themselves in, and then they act toward those situations in ways that make sense within the context of their meanings.

Using a general focus on meaning as the key to understanding actions, criminologists in the symbolic interactionist tradition make theoretical arguments in four general areas related to criminology: (1) the effect that defining an individual as a criminal has on that individual's behavior; (2) the meaning of crime to criminals; (3) the processes by which general categories of behavior are defined as crimes in the criminal law and specific people and events are defined as criminal by criminal justice agencies; and (4) the meaning of crime in the context of state power. In each case, the focus is on the meaning that people attribute to crime and criminals, and actions are understood as a product of those meanings.

THE MEANING OF CRIME TO THE SELF: LABELING THEORY
One of the most important "meanings" within symbolic interaction theory is the meaning that people give to themselves—i.e., their self-

1. This theory was more extensively summarized in the second edition of this book. See George B. Vold, *Theoretical Criminology*, 2nd ed., prepared by Thomas J. Bernard, Oxford University Press, New York, 1979, pp. 255–58.

image. People may define themselves as handsome, cowardly, kindly, faithful, smart, worthless, or all of the above. They then act toward themselves according to the meanings they have for themselves. Each person's self-image is constructed primarily through interactions with other people. That is what Mead called "the self as a social construct"[2] and what Cooley called "the looking glass self."[3] Cohen describes this point of view well[4]:

We may lay claims to being a certain sort of person, but this claim must make sense in terms of the culture of those we are dealing with, and we must make these claims stick. To lay a claim is to say, in effect: "I am such-and-such a sort of person; I invite you to deal with me on this basis; you may expect certain things of me." To make the claim stick, we must validate it by meeting the cultural criteria of the role. We know we have done this when others, by their responses, indicate acceptance of us as valid specimens of the role. In so doing, we also confirm our conception of ourselves.

One might expect that people who commit criminal behaviors would think of themselves as criminals—that is, have a criminal self-image. In fact, many of them do not. Yochelson and Samenow found that even the most hardened, consistent offenders were unwilling to admit that they were criminals, although they could easily recognize criminality in others.[5] Cameron pointed out that nonprofessional shoplifters often deny that their actions constitute theft, and tend to rationalize their behavior as "merely naughty or bad" or as "reprehensible but not really criminal."[6] Cressey's analysis of embezzlement is quite similar.[7] Embezzlers are people who hold positions of trust and normally conceive of themselves as upstanding citizens. Therefore they must define their actions as "only borrowing the money" before they can proceed. Matza

2. For discussion of Mead's view, see Bernard N. Meltzer, "Mead Social Psychology," in Jerome G. Manis and Bernard N. Meltzer, eds., *Symbolic Interaction*, Allyn and Bacon, Boston, 1967, pp. 9–13. For an application of Mead's theory to the explanation of juvenile delinquency, see Ross L. Matsueda, "Reflected Appraisals, Parental Labeling, and Delinquency: Specifying a Symbolic Interactionist Theory," *American Journal of Sociology* 97: 1577–611, 1992; and Karen Heimer and Ross L. Matsueda, "Role-Taking, Role Commitment, and Delinquency: A Theory of Differential Social Control," *American Sociological Review* 59: 365–90 (June 1994).

3. Charles H. Cooley, *Human Nature and the Social Order*, Charles Scribner's Sons, New York, 1902, pp. 183–85, 196–99, reprinted in Manis and Meltzer, op. cit., pp. 217–19.

4. Albert K. Cohen, *Deviance and Control*, Prentice-Hall, Englewood Cliffs, N.J., 1966, p. 98.

5. Samuel Yochelson and Stanton E. Samenow, *The Criminal Personality*, vol. I, Jason Aronson, New York, 1976, p. 19.

6. Mary Cameron Owen, *The Booster and the Snitch*, The Free Press, New York, 1964, pp. 159, 161, 168.

7. Donald R. Cressey, *Other People's Money: A Study of the Social Psychology of Embezzlement*, The Free Press, Glencoe, Ill., 1953.

and Sykes argue that most juvenile delinquents do not have an overt commitment to delinquent values and do not conceive of themselves as criminals.[8] Their own delinquent behavior contradicts their self-image, and therefore they often justify the behavior by arguing that it is "not really criminal." Five "techniques of neutralization" may be used in this way: denial of responsibility ("It wasn't my fault"); denial of injury ("They can afford it"); denial of victims ("They had it coming"); condemn the condemners ("Everyone is crooked anyway"); and appeal to higher loyalties ("I did it for the gang"). Police who use illegal violence justify it in terms of the need to accomplish their jobs.[9] Illegal activities by government agencies may be justified in terms of "national security." Antiwar activists who committed illegal acts stated that the "real criminals" were the ones who were running the war. And, in general, Chambliss and Seidman state: "It is a truism that every person arrested for crime perceives himself as innocent, for there are always circumstances which to him seem to place his action outside the appropriate definition of the crime."[10]

These examples illustrate the fact that criminal behaviors are frequently committed by persons who do not conceive of themselves as criminals. To maintain a noncriminal self-image, these persons "define the situation" so that they can maintain that their actions are not really crimes. They are then free to continue committing criminal behaviors without changing their self-image.

The maintenance of a noncriminal self-image is very important to most people. Pressure to accept a criminal self-image depends in part on the number of others who define the person as a criminal, and the process of informing others is frequently used as a technique of social control. For example, consider the case of a person who has a noncriminal self-image, but who is caught shoplifting and is brought to the store office. Store officials communicate to the person that "you *are* a shoplifter." This is threatening to the person precisely because the self is constructed in the process of interacting with others, including the store officials. The officials can increase the power of the threat by increasing the number of persons who know about the new identity. The ultimate threat to the identity, however, involves the process of arrest and conviction in which the person is officially declared to be a crimi-

8. Gresham M. Sykes and David Matza, "Techniques of Neutralization: A Theory of Delinquency," *American Sociological Review* 22: 667–70 (Dec. 1957).

9. William A. Westley, "Violence and the Police," *American Journal of Sociology* 59: 34–41 (July 1953).

10. William J. Chambliss and Robert B. Seidman, *Law, Order and Power*, Addison-Wesley, Reading, Mass., 1971, p. 71.

nal in the view of the society at large. From this point of view a criminal trial can be interpreted as a "status degradation ceremony" in which the public identity of the person is lowered on the social scale. Garfinkel maintains that literally every society has such ceremonies as a method of social control, and that the structure of these ceremonies is essentially similar although the societies differ dramatically.[11]

Criminal behavior that occurs in the context of a noncriminal self-image may originate in any number of biological, psychological, or social factors in the person's life. Lemert calls such a person a "primary deviant."[12] But criminal behavior generates a negative social reaction in other people, which attacks the person's noncriminal self-image. If the person is unwilling or unable to stop the criminal behavior, then at some point it may be necessary to reorganize the self-image to incorporate the criminal behavior—that is, to take on a criminal self-image. This may be done as a defense against the attacks of the social reaction, since those who already think of themselves as criminals or as juvenile delinquents are less threatened when other people define them that way. Lemert calls such a person a "secondary deviant."[13] The redefinition of self opens the door to full participation in the criminal life and allows the person to make a commitment to a criminal career. At this point, Lemert argues, criminal behavior is no longer generated by the various biological, psychological, and social factors in the person's life, but is generated directly by the person's criminal self-image.

Criminal justice agencies, as the institutionalized means of social reaction, may play a role in the process by which a person comes to accept a criminal self-image. These agencies "label" people as criminals in formal status degradation ceremonies, as well as in informal interactions. Once applied, Becker has argued, the criminal label overrides other labels, so that other people think of the person primarily as a criminal.[14] Such a person may then be forced into criminal roles because of

11. Harold Garfinkel, "Conditions of Successful Degradation Ceremonies," *American Journal of Sociology* 61(5): 420–24 (March 1965).

12. Edwin M. Lemert, *Human Deviance, Social Problems, and Social Control*, Prentice Hall, Englewood Cliffs, N.J., 1967, pp. 17, 40.

13. Lemert, op. cit., pp. 40–64; also Lemert, *Social Pathology*, McGraw-Hill, New York, 1951, pp. 75–76.

14. Howard S. Becker, *Outsiders—Studies in the Sociology of Deviance*, Free Press of Glencoe, New York, 1963, pp. 32–33. See also Kai T. Erikson, "Notes on the Sociology of Deviance," *Social Problems* 9: 311 (spring 1962). An example would be Ray's argument that a cured heroin addict relapses in part because other people continue to treat him as an addict. See Marsh B. Ray, "The Cycle of Abstinence and Relapse among Heroin Addicts," *Social Problems* 9: 132–40 (fall 1961).

public stereotypes about criminals.[15] For example, on release from prison a person may be unable to obtain legitimate employment due to the criminal conviction and may then return to crime to survive. Finally, those who have been labeled criminal may associate primarily with other people who have been similarly labeled, either because they are all institutionalized together or because other people refuse to associate with them.[16] Membership in an exclusively criminal group can increase the likelihood that individuals will resort to a criminal self-image rather than attempt to retain a noncriminal self-image.

This discussion represents one of the basic arguments of the so-called labeling approach to crime: that the formal and informal processes of social control can have the effect of increasing criminal behavior because the labeling process increases the likelihood that the person will develop a criminal self-image. Several criticisms of the labeling approach should be mentioned. First, labeling theorists sometimes have overemphasized the importance the official labeling process can have. As Akers has remarked[17]:

One sometimes gets the impression from reading this literature that people go about minding their own business, and then—"wham"—bad society comes along and slaps them with a stigmatized label. Forced into the role of deviant the individual has little choice but to be deviant.

Second, labeling theory generally portrays the deviant as resisting the deviant label, and accepting it only when it can no longer be avoided. Although this may be true in some cases, in others it would appear that the deviant identity is actively sought and that the person may form a deviant identity without ever having been officially or unofficially labeled. For example, youths who join a delinquent gang may form a deviant identity centered on their gang activities. Although official labeling may make it harder to change that identity in the future, it would not have pushed the youth into the identity in the first place, and there is no particular reason to believe that failure to label the youth would lead him to seek a law-abiding identity instead.

Third, it is generally recognized that for the typical, law-abiding member of society who has a noncriminal self-image, the labeling or stig-

15. Becker, op. cit., pp. 34–35.

16. Ibid., pp. 37–39.

17. Ronald L. Akers, "Problems in the Sociology of Deviance: Social Definitions and Behavior," *Social Forces* 46: 455–65 (1967).

matizing function of the criminal court is the primary technique of
social control and is much more important than the actual imposition
of punishments.[18] The average citizen is deterred from committing
most crimes because he or she fears the conviction itself rather than
the punishment associated with it. This is why courts are frequently
able to suspend sentence or impose such minor punishments as small
fines or unsupervised probation with no loss of effectiveness. Only
in cases in which conviction does not hold a stigma—for example,
traffic offense cases—do the courts rely heavily on the actual imposi-
tion of punishments in the social control of the average citizen. Re-
ducing the stigmatizing or labeling effects of the criminal court could
possibly lead to an increase in the incidence of criminal behaviors
and to an increase in the imposition of other, harsher punishments
for those behaviors. Thus the basic question is not whether the label-
ing function creates crime, but whether it creates more crime than it
eliminates. Although this is a very complicated question to analyze, it
seems probable that labeling does not create more crime than it elim-
inates.[19]

More recently, Matsueda offered a labeling theory of delinquency
that focused on the labels applied to juveniles by their parents, rather
than by criminal justice agents.[20] He found that delinquency is signifi-
cantly affected by juveniles' perception that other people think of them
as "rule-violators," and that this perception itself is significantly affected
by the actual label that parents place on the youth. In a later study,
Heimer and Matsueda found that delinquency results largely from the
juvenile assuming the role of delinquent, rather than from being labeled
a rule-violator by parents.[21] One of the most important factors in tak-
ing on this role is the youth's perception that others see him or her as
a rule violator, and other factors associated with delinquency tend to
operate through the role-taking[22]:

Youths who are from older, nonblack, urban residents, and from nonintact
homes commit more initial delinquent acts than others, which increases the
chances that their parents will see them as rule-violators. In turn, labeling by
parents increases the likelihood that these youths will affiliate with delinquent

18. Franklin E. Zimring and Gordon J. Hawkins, *Deterrence*, University of Chicago Press, Chicago,
1973, pp. 190–94.
19. Charles R. Tittle, "Labelling and Crime: An Empirical Evaluation," in Walter R. Gove, ed.,
The Labelling of Deviance—Evaluating a Perspective, John Wiley, New York, 1975, pp. 181–203.
20. Matsueda, op. cit.
21. Heimer and Matsueda, op. cit.
22. Ibid., pp. 381–82.

peers and see themselves as rule-violators from the standpoint of others, which
ultimately increases the likelihood of future delinquent behavior.

Heimer and Matsueda also found that black youths commit fewer ini-
tial delinquent acts than nonblack youth but that, controlling for prior
delinquency, black youths are more likely to be labeled as "rule viola-
tors" by their parents. This then leads to increased views of the self as
a rule-violator and increased associations with delinquent peers, both of
which increase the likelihood of delinquency in the future. Thus, with
black youths, Heimer and Matsueda found some support for the tradi-
tional labeling argument that criminal labels are applied to youths who
are not especially delinquent, and then those labels generate higher lev-
els of delinquency in the future.

THE MEANING OF CRIME TO THE CRIMINAL: KATZ'S *SEDUCTIONS OF CRIME*

A very different theory based on symbolic interactionism is by Jack Katz
in his book *Seductions of Crime*.[23] Katz argues that criminologists have
traditionally explained crime in terms of "background" variables such as
race, class, gender, urban location, and so on. But he argues that it is
far more important to understand the "foreground" variable of what it
feels like to commit a crime when you are committing it. Over and over,
Katz asks: What are people trying to do when they commit a crime?[24]
That is, Katz focuses on the meaning that crime has for the criminal.

Katz looks at a wide variety of sources, including biographies and au-
tobiographies of criminals, journalistic accounts, and participant obser-
vation studies, and tries to read into these accounts the real explanation
that the criminal has for the criminal behavior. He then applies this
technique to five types of crimes: passion murders, adolescent property
crime, gang violence, persistent robbery, and cold-blooded murder. In
each case, he finds that the criminal is engaged in a "project"—i.e., is
trying to accomplish something by committing the crime. That project
is primarily moral—i.e., involves right and wrong, justice and injustice.
It therefore involves emotions that have strong moral components: hu-
miliation, righteousness, arrogance, ridicule, cynicism, defilement, and
vengeance. In each case, the criminal action itself is fundamentally an
attempt to transcend a moral challenge faced by the criminal in the im-
mediate situation.

23. Jack Katz, *Seductions of Crime: Moral and Sensual Attractions in Doing Evil*, Basic, New York,
1988.
24. Ibid., p. 9.

The moral challenge faced by the passion killer, Katz finds, is "to escape a situation that is otherwise inexorably humiliating."[25] Rather than accept this humiliation, the killer engages in "righteous slaughter," which the killer interprets as participating in some higher form of good. Adolescents who engage in shoplifting and petty vandalism engage in a melodrama in which "getting away with it" demonstrates personal competence in the face of persistent feelings of incompetence. Adolescents who engage in urban gang violence generally come from poor families who have recently arrived from rural areas, and who therefore are humbled by the rational environment of the city and are deferential to the people who inhabit it. In response to this moral challenge, these adolescents are deliberately irrational in their own actions and arrogantly dominating in relation to other people. They thereby create a "territory" for themselves in the city, both in geographic and in moral terms. Those who persistently engage in robbery must become "hardmen" who take total control of the immediate situation by being willing to back their intentions violently and remorsely.[26] Robbery therefore transcends the total lack of control these robbers experience in the rest of their lives— i.e., they experience their lives as completely out of control or as controlled by the "system." Finally, cold-blooded killers have a pervasive sense of having been defiled by conventional members of society, who for years have treated them as pariahs and outcasts. In their minds, these killers finally exact vengeance for this defilement by "senselessly" killing some of those conventional members of society.

In each case, then, engaging in crime involves transcending a moral challenge and achieving a moral dominance. This moral transcendence produces a "thrill" that is experienced during the actual commission of the crime as sensual, seductive, magic, creative, even compelling. Beyond these "moral and sensual attractions in doing evil," Katz argues that there really are no general explanations for crime and deviance. But Tittle suggests that there may be some further similarities among the different types of crime described by Katz: "All appear to involve efforts to escape control exercised by others or dictated by circumstances, and they all seem to express efforts to impose control back over proximate people and circumstances."[27] According to Tittle, then, Katz's descriptions also suggest that a fundamental meaning of crime for the criminal is to escape the control of others and to impose control on others.

25. Ibid.

26. Ibid., p. 218.

27. Charles R. Tittle, *Control Balance: Toward a General Theory of Deviance*, Westview, Boulder, Col., 1995, p. 279. See also John Braithwaite, "Control Balance and the Sociology of Deviance," forthcoming in *Theoretical Criminology*.

THE MEANING OF CRIME TO THE LARGER SOCIETY: DEVIANCE AND SOCIAL REACTION

Legally speaking, societies "create" crime by passing laws.[28] For example, if criminal laws are passed concerning political contributions or truth in advertising or pollution control, then whole classes of crimes exist where none existed before. If laws against marijuana smoking or homosexuality or public drunkenness are repealed, then whole classes of crimes simply disappear. In every society there are people who kill their spouses if they find them having an affair. Some societies define this as murder, others find it regrettable but understandable, and still others consider it honorable behavior. Thus, whether a particular act is defined and processed as criminal depends on the meaning that act is given by agents of the larger society.

Social reaction theorists view the process of defining actions as crimes as part of the more general process in society of defining and suppressing deviance. Societies define deviance by declaring (either formally or informally) certain human behaviors to be "bad," and then by attempting to minimize or eliminate these behaviors. Because the specific behaviors chosen for this process vary widely from time to time and from place to place, social reaction theorists maintain that the process of defining and suppressing deviance is itself important to social solidarity, independent of the particular behaviors involved.[29] The process works by simplifying the problems of good and evil for the average member of society.[30] Defining the deviants as evil and inferior implies that the remaining members of society are good and superior, thus strengthening their commitment to each other. Combating the evil of deviance consolidates individuals into a tightly knit group and makes it possible for them to use the most ignoble methods to control deviance without questioning these methods. Thus the average member of society is not faced with difficult moral choices, which might undermine a commitment to the path society has taken.

28. See Clayton A. Hartjen, *Crime and Criminalization*, Praeger, New York, 1974, pp. 1–39, for a discussion of this view.

29. This point was originally made by Durkheim in his discussion of "crime as normal." See ch. 9, pp. 126–29. See also Erikson, op. cit.; Erikson, "On the Sociology of Deviance," in *Wayward Puritans*, John Wiley, New York, 1966, pp. 3–19; Nachman Ben-Yehuda, *Deviance and Moral Boundaries: Witchcraft, the Occult, Science Fiction, Deviant Sciences and Scientists*, University of Chicago Press, Chicago, 1985; and Erich Goode and Nachman Ben-Yehuda, *Moral Panics: The Social Construction of Deviance*, Blackwell, Oxford, U.K., 1994. For similar approaches applied to specific types of crimes, see Gary LaFree, *Rape and Criminal Justice: The Social Construction of Sexual Assault*, Wadsworth, Belmont, Calif., 1989; and J. Philip Jenkins, *The Social Construction of Serial Murder*.

30. This description is taken from the description of the benefits of anti-Semitism in J.-P. Sartre, *Anti-Semite and Jew*, Schocken, New York, 1965, as described by Thomas S. Szasz, *The Manufacture of Madness*, Harper & Row, New York, 1970, pp. 270–72.

The behavior of the individual is the normal criterion used to select those who will be defined as deviants in a society, but the process works in exactly the same way when other criteria are used. "Heretical" beliefs have been used as a criterion for selecting deviants in a number of societies, including the early Puritan colonies on Massachusetts Bay.[31] Hitler defined deviance on the basis of race and attempted a "final solution" by exterminating the Jews. Sometimes deviant behaviors are imagined and attributed to particular individuals. For example, in Renaissance Europe approximately one-half million persons were executed as witches,[32] and in the great purge under Stalin, millions of loyal Soviet citizens were declared traitors or saboteurs and were executed or shipped to Siberia.[33] Szasz argues that these all represent various manifestations of a deep-seated need for people to ritually expel evil from their communities, and that in primitive communities this took the form of the ritual destruction of a scapegoat.[34]

Campaigns to define and suppress deviance are always launched in the name of benefiting the whole society, but they are often promoted and supported primarily by those who benefit directly. For example, Chambliss's analysis of the law of vagrancy indicates that it was originally created in England shortly after the Black Death had wiped out approximately 50 percent of the population.[35] The result was a serious labor shortage and a great increase in wages. The vagrancy statute made it a crime to give alms to any person who was unemployed while being of sound mind and body, and required that any such person serve any landowner who needed him at the wage level paid before the Black Death. Up to this time beggars had been common and tolerated in England, and there is little doubt that they were defined as criminals to provide a source of cheap labor for landowners.

Sometimes the benefits of a campaign against deviance are primarily the acquisition of political or bureaucratic power. An example can be found in the campaign to define narcotics users as criminals.[36] In the nineteenth century narcotics were widely available in the form of patent

31. Erikson, *Wayward Puritans*, op. cit.

32. Elliott P. Currie, "Crimes Without Criminals: Witchcraft and Its Control in Renaissance Europe," *Law and Society Review* 3(1): 7–32 (Aug. 1968).

33. Walter D. Connor, "The Manufacture of Deviance: The Case of the Soviet Purge, 1936–1938," *American Sociological Review* 37: 403–13 (Aug. 1972).

34. Szasz, *The Manufacture of Madness*, op. cit., pp. 260–75.

35. William J. Chambliss, "A Sociological Analysis of the Law of Vagrancy," *Social Problems* 12(1): 66–77 (fall 1964).

36. Donald T. Dickson, "Bureaucracy and Mortality: An Organizational Perspective on a Moral Crusade," *Social Problems* 16(2): 143–56 (fall 1968). For other examples, see Isadore Silver, ed., *The Crime Control Establishment*, Prentice Hall, Englewood Cliffs, N.J., 1974.

medicines, and addiction was viewed more or less as alcoholism is today—addicts were tolerated and pitied, but not considered criminals. In an attempt to control narcotics distribution, Congress passed the Harrison Narcotics Act in 1914, which required that official records be kept on all sales and distribution of narcotics, and that a nominal tax of one cent per ounce be paid. There is no indication in the law of any legislative intent to restrict or deny addicts access to legal drugs, and the law was passed with little publicity. A narcotics bureau was set up in the Internal Revenue Division of the Treasury Department to enforce the registration procedures and collect the tax. From this tiny beginning the narcotics control bureaucracy promoted its own growth and expansion by launching an extensive public relations campaign against narcotics use and by sponsoring a series of court cases that resulted in the reinterpretation of the Harrison Act so that all narcotics use was declared illegal. As a result of these efforts "The Narcotics Division succeeded in creating a very large criminal class for itself to police . . . instead of the very small one Congress has intended."[37]

Sometimes the benefits of a campaign against deviance are not so much economic as symbolic. Gusfield has analyzed the temperance movement and the resulting enactment of Prohibition as a "symbolic crusade" to reassert the traditional values of rural, middle-class Protestants over the increasing influence of urban, lower-class Catholics in national life.[38] This law created a huge class of criminals by forbidding the manufacture, sale, or transportation of alcoholic beverages, and resulted in the establishment of organized crime syndicates to meet the demand for illegal alcohol. The volume of crime created by this act was so great that it ultimately had to be repealed. Campaigns for and against homosexual rights also can be viewed as symbolic crusades.[39] Opponents of gay rights are asserting traditional moral and religious values regarding sexual behavior. They want homosexuals to be officially recognized as deviants, and want the right to discriminate against them in specific situations, such as when hiring teachers for high schools. Proponents of gay rights are asserting such values as tolerance, liberality, and respect for the rights of minority groups, and are fighting to have discrimination against homosexuals declared illegal. Thus they want official recognition that those who practice such discrimination are deviants, and that homosexuals are not. For homosexuals, the success of their campaign

37. Rufus King, "The Narcotics Bureau and the Harrison Act: Jailing the Healers and the Sick," *Yale Law Journal* 62: 736–49 (1953), p. 738, quoted in Dickson, op. cit., p. 151.

38. Joseph Gusfield, *Symbolic Crusade*, University of Illinois Press, Urbana, 1963.

39. See "Battle Over Gay Rights," *Newsweek*, June 6, 1977.

would also lead to practical economic benefits in such areas as housing and employment.

Since campaigns against deviance usually result in the redistribution of benefits from some groups (the deviants) to others (the promoters and supporters of the campaigns), it seems likely that the social solidarity produced depends at least partially on the solidification of power relationships between groups in the society. This is most apparent when two competing groups are attempting to define each other as deviants, as is the case with the "battle for gay rights." One group will succeed in defining the other as deviant only if it is able to generate sufficient power to overcome the support the other group has. This group then obtains the support of the official social control agencies, which normally has the effect of solidifying their power base and institutionalizing their dominance over the other group. In most campaigns against deviance, the role of power is not as apparent because deviants are normally isolated, disorganized, and almost powerless. For example, merchants have traditionally been a powerful group in society, and laws have reflected the maxim "Let the buyer beware." If consumers had been a powerful group instead (and they are now becoming one), the saying might have been "Let the seller beware." Neither approach is inherently more just than the other. The effect of laws has traditionally been to define those who steal from the merchant as dishonest, and to define those from whom the merchant steals as stupid. There is a negative social reaction to both behaviors, but whether this reaction becomes translated into law depends on the relative power of the opposing groups.

Liazos points out that deviance theorists frequently state that those who define others as deviants must be more powerful than the deviants themselves.[40]

But this insight is not developed. In none of the 16 [textbooks in the field of deviance] is there an extensive discussion of how power operates in the designation of deviance. Instead of a study of power, of its concrete uses in modern, corporate America, we are offered rather fascinating explorations into the

40. Alexander Liazos, "The Poverty of the Sociology of Deviance: Nuts, Sluts and 'Preverts,' " *Social Problems* 20(1): 103–20 (summer 1972), especially p. 115. Since Liazos made this comment, several books have been published in the area of deviance that focus on power relations. See Pat Lauderdale, ed., *A Political Analysis of Deviance*, University of Minnesota Press, Minneapolis, 1980; and Edwin M. Schur, *The Politics of Deviance: Stigma Contests and the Uses of Power*, Prentice Hall, Englewood Cliffs, N.J., 1980. See also Ruth-Ellen Grimes and Austin Turk, "Labeling in Context: Conflict, Power and Self-Definition," in Marvin D. Krohn and Ronald L. Akers, eds., *Crime, Law, and Sanctions*, Sage, Beverly Hills, Calif., 1978, pp. 39–58; and the readings in H. Laurence Ross, ed., *Law and Deviance*, Sage, Beverly Hills, Calif., 1981.

identities and subcultures of "deviants," and misplaced emphasis on the middle-level agents of social control.

STATE POWER AND THE MEANING OF CRIME: CONTROL-OLOGY

The theories of deviance and social reaction described in the last section began with explaining deviance itself, but increasingly focused on explaining the social reaction to the deviance and the power of the reacting groups to make the deviant definitions stick. One group of theorists took this trend all the way to its logical end point, so that they no longer attempted to explain deviance at all and focused all their attention on the groups who defined other people as deviant. They evolved the view that criminal justice agencies are part of a much broader range of social control mechanisms, including welfare, mental health, education, and the mass media, all of which are used by the state for the purposes of controlling "problem" populations. In 1979, Ditton introduced the term "control-ology" to refer to this group of theories.[41]

The foundation of this group of theories was built by Michel Foucault, a French philosopher.[42] In his work *Madness and Civilization*,[43] Foucault argued that seemingly more humane mental institutions had replaced the apparently more coercive prisons in modern societies as the central instrument of state control. This movement was packaged and sold by the state as a more humane, enlightened, reasonable responses to deviance, but Foucault argued it was actually a way to expand the scope of state control and the subtlety with which that control could be operated.

In his later book *Discipline and Punish*,[44] Foucault expanded his argument by focusing on the earlier development of prisons in the 1700s. Foucault argued that prisons arose at that time to replace a vast system of torture and execution, in which state power was manifested primarily through public spectacles in which havoc was wreaked on the body of the condemned person. That system of torture and execution did not include extensive safeguards, such as we have today, to ensure that these punishments were not carried out on innocent people. The fundamental idea, according to Foucault, was not specifically to punish or deter

41. Jason Ditton, *Controlology: Beyond the New Criminology*, Macmillan, London, 1979.

42. These comments are based on Erich Goode, *Deviant Behavior* 4th ed., Prentice Hall, Englewood Cliffs, N.J., 1994, pp. 132–38.

43. Michel Foucault, *Madness and Civilization: A History of Insanity in the Age of Reason*, Mentor, New York, 1967.

44. Michel Foucault, *Discipline and Punish*, Vintage, New York, 1979.

criminals, but to manifest state power. If it turned out that the person was innocent, it only demonstrated that state power was absolute and that no one was safe from it.

But for a variety of reasons, in the 1700s, this type of exhibition of state power began to cause problems. In particular, instead of making the crowds docile and afraid, these public spectacles became the occasion for riots against the arbitrary injustice of the state. Therefore, the state transformed the way it exerted its control over the people. Instead of public spectacles, the infliction of punishments was moved behind high walls, hidden from public view. Instead of being directed at the body of the offender through physical torture and execution, state control was redefined as "rehabilitation" and directed at the souls and minds of offenders.

This constituted a shift in the direction of the looking. Under the old system of torture and execution, the state put on a spectacle with the body of the accused, at which the crowd looked. The crowd then went away with a knowledge of the massive, overwhelming power of the state. Under the new system of imprisonment, the state prevented the crowd from seeing anything with its high walls. At the same time, the state looked into the soul of the prisoner, discovered the evil and sickness that was lurking there, and rooted it out.

Garland later criticized Foucault's analysis for having a great many historical inaccuracies,[45] but the themes that Foucault identified persisted nevertheless in a broad range of works, including Garland's. Goode identified these themes as follows.[46] First, social control itself, and state control in particular, is an important topic for scientific theory and research. It is not sufficient to say, as many people do, that the state's efforts to control deviants are appropriate and functional and natural and should be viewed as a given in every society. Second, the state attempts to maintain its legitimacy by packaging its control efforts so that they appear to be reasonable, humane, and necessary. But always hidden within this "velvet glove" is an iron fist whose ultimate goal is to control troublesome populations. In particular, there are always specific groups who pursue their own economic and political agendas in the context of these social control functions, usually at the expense of other, less powerful groups. Third, the broad range of social control activities all ultimately are directed and manipulated by the state, even when some aspects of them, such as the mass media, are technically

45. David Garland, *Punishment and Welfare: A History of Penal Strategies*, Gower, Aldershott, England, 1985.

46. Goode, op. cit., pp. 134–36.

outside state jurisdiction. Fourth, these various state control mechanisms therefore have a general unity, despite their appearance of diversity. That is, ultimately all the various state control mechanisms mentioned above work in a coherent way to achieve a widespread control over the entire society.

In some ways, contrologists have more in common with the Marxist criminologists who will be discussed below in Chapter 16. On the other hand, beginning with Foucault, these theorists have focused very strongly on the meaning that criminals and deviants have for the dominant groups who exert state control over them, and the meaning of the diverse actions that these dominant groups take to control these troublesome people. This leads them to focus heavily on the thinking and words of the dominant groups—what control-ologists call the "universe of discourse."[47] And in many ways, their thinking originated in the social reaction argument that those who define others as deviant must have more power than the deviants themselves, and that they may not be doing this for the benefit of society generally but rather for the benefit of themselves personally. In that sense, these theorists more appropriately are placed in this chapter rather than in the chapter on critical criminology.

IMPLICATIONS AND CONCLUSIONS

Theories that focus on the meaning of crime seem inevitably to end up discussing the issue of power. Even Tittle's comment on Katz's work suggests that issues of power are embedded in this type of explanation, even if they are not explicitly brought out. The "control-ologists" described in the previous section most directly focus on the relative power of deviants and the groups who define them as such. On the other hand, they do so in the context of a fairly Marxist orientation that focuses strongly on the state and its subservience to economically powerful groups.

A more general approach to the role of power in the definition of crime would simply argue that the general concept of social reaction combines and confuses two separate phenomena: the official reaction of the social control agencies and the personal reaction of particular individuals and groups in society. Individuals and groups construct behavioral norms based on their own moral values and personal self-interests, and react to specific behaviors as deviant when those behaviors violate their norms. These individuals and groups then compete among themselves in an attempt to have their norms enforced by the official

47. Ibid., p. 134.

social control agencies. Their success in this competition depends directly on the degree of power they possess and are willing to use. Official policies are the result of the conflict and compromise process among these groups. To the extent that the group is successful in having its norms enforced by the social control agencies, it arrogates to itself the right to speak in the name of the entire society. But the mere fact that one group has sufficient power to define another group as deviant does not imply that there is any broad consensus on the matter (there may or may not be) and does not preclude the possibility that the other group may be able to reverse the power distribution in the future. This is the approach taken in conflict criminology, which is the subject of the next chapter.

CHAPTER 15

Conflict Criminology

Throughout the long history of thinking about human societies, social theorists have repeatedly presented two contrasting views that have very different implications for criminology.[1] In the *consensus* view, society is said to be based on a consensus of values among its members, and the state is said to be organized to protect the general public interest. To the extent that societies are composed of groups with conflicting values and interests, the organized state is said to mediate between these conflicting groups and to represent the values and interests of society at large. The contrasting *conflict* view has a history as long as that of the consensus view and is also based on the argument that societies are composed of groups with conflicting values and interests. However, the organized state is not said to represent the values and interests of the society at large. Rather, it is said to represent the values and interests of groups that have sufficient power to control the operation of the state. Thus, the basic argument of conflict criminology is that there is an inverse relation between power and official crime rates: people with less power are more likely (and people with more power are less likely) to be officially defined and processed as criminals.

SELLIN'S CULTURE CONFLICT THEORY
In 1938, Thorsten Sellin presented a criminology theory focused on the conflict of "conduct norms." Conduct norms are cultural rules that require certain types of people to act in certain ways in certain circumstances—e.g., what a man is supposed to do if he finds his wife

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1. A history of the consensus-conflict debate, going back to Plato and Aristotle, can be found in Thomas J. Bernard, *The Consensus-Conflict Debate: Form and Content in Social Theories*, Columbia University Press, New York, 1983.

in bed with another man.[2] In simple, homogeneous societies, many of these conduct norms are enacted into law and actually represent a consensus in the society. But in more complex societies, there will be overlap and contradiction between the conduct norms of different cultural groups. Sellin defined "primary cultural conflicts" as those occurring between two different cultures.[3] These conflicts could occur at border areas between two divergent cultures; or, in the case of colonization, when the laws of one culture are extended into the territory of another; or, in the case of migration, when members of one cultural group move into the territory of another."Secondary cultural conflicts" occur when a single culture evolves into several different subcultures, each having its own conduct norms.[4] In each of these cases law would not represent a consensus of the various members of the society, but would reflect the conduct norms of the dominant culture.

VOLD'S GROUP CONFLICT THEORY

Twenty years later, in the original edition of *Theoretical Criminology*, George B. Vold presented a group conflict theory focused on the conflict of interests. Vold's theory is based on a view of human nature that holds that people are fundamentally group-involved beings whose lives are both a part of and a product of their group associations. Groups are formed out of situations in which members have common interests and common needs that can best be furthered through collective action. New groups are continuously being formed as new interests arise, and existing groups weaken and disappear when they no longer have a purpose to serve. Groups become effective action units through the direction and coordination of the activities of their members. Groups come into conflict with one another as the interests and purposes they serve tend to overlap, encroach on one another, and become competitive. Conflict between groups tends to develop and intensify the loyalty of group members to their respective groups.

Implicit in this social-psychological view of human nature is a *social process* view of society as a collection of groups held together in a dynamic equilibrium of opposing group interests and efforts. There is a more or less continuous struggle to maintain, or to improve, the place of one's own group in the interaction of groups. Conflict is therefore one of the principal and essential social processes in the continuous and

2. Thorsten Sellin, *Culture Conflict and Crime*, Social Science Research Council, New York, 1938, pp. 32–33.

3. Ibid., pp. 63, 104.

4. Ibid., p. 105.

ongoing functioning of society. These social interaction processes grind their way through varying kinds of uneasy adjustment to a more or less stable equilibrium of balanced forces, called social order or social organization. The adjustment, one to another, of the many groups of varying strengths and of different interests is the essence of society as a functioning reality.

The conflict between groups seeking their own interests is especially visible in legislative politics, which is largely a matter of finding practical compromises between antagonistic groups in the community. Conflicts between opposing group interests exist in the community before there is any legislative action. As one group lines up against another, both may seek the assistance of the organized state to help them defend their rights and protect their interests. This general situation of group conflict gives rise to the familiar cry "There ought to be a law!" which is essentially the demand by one of the conflicting groups that the power of the organized state be used to support them in their conflict with the other group. Naturally, the other group, against whom the proposed law is directed, opposes its passage. Whichever group interest can marshal the greatest number of votes will determine whether or not there will be a new law to hamper and curb the interests of the opposing group.

Once the new law has been passed, those who opposed the law in the legislature understandably do not take kindly to efforts at law enforcement. They are more likely to violate the law, since it defends interests and purposes that are in conflict with their own. Those who promoted the law, in contrast, are more likely to obey it and more likely to demand that the police enforce it against violators, since the law defends interests and purposes they hold dear. In other words, those who produce legislative majorities win control of the police power of the state and decide the policies that determine who is likely to be involved in the violation of laws.

Thus the whole process of lawmaking, lawbreaking, and law enforcement directly reflects deep-seated and fundamental conflicts between group interests and the more general struggles among groups for control of the police power of the state. To that extent, criminal behavior is the behavior of *minority power groups*, in that these groups do not have sufficient power to promote and defend their interests and purposes in the legislative process.

Group conflict theory points to one of the fundamental conditions of life in organized political society, and suggests that a considerable amount of crime is intimately related to group conflict situations. For these situations the criminal behavior of the individual is best viewed

in the context of the course of action required for the group to maintain its position in the struggle with other groups. A sociology of conflict therefore is the basis for understanding and explaining this kind of criminal behavior. On the other hand, Vold argued that group conflict theory is strictly limited to those kinds of situations in which the individual criminal acts flow from the collision of groups whose members are loyally upholding the in-group position. Such a theory does not explain many kinds of impulsive and irrational criminal acts that are quite unrelated to any battle between different interest groups in organized society.

QUINNEY'S THEORY OF THE SOCIAL REALITY OF CRIME

Vold's group conflict theory influenced most of the more recent conflict theories that followed. Among those is Richard Quinney's theory of "the social reality of crime," which is expressed in six propositions[5]:

Proposition 1 (Definition of Crime): Crime is a definition of human conduct that is created by authorized agents in a politically organized society.
Proposition 2 (Formulation of Criminal Definitions): Criminal definitions describe behaviors that conflict with the interests of the segments of society that have the power to shape public policy.
Proposition 3 (Application of Criminal Definitions): Criminal definitions are applied by the segments of society that have the power to shape the enforcement and administration of criminal law.
Proposition 4 (Development of Behavior Patterns in Relation to Criminal Definitions): Behavior patterns are structured in segmentally organized society in relation to criminal definitions, and within this context persons engage in actions that have relative probabilities of being defined as criminal.
Proposition 5 (Construction of Criminal Conceptions): Conceptions of crime are constructed and diffused in the segments of society by various means of communication.
Proposition 6 (The Social Reality of Crime): The social reality of crime is constructed by the formulation and application of criminal definitions, the development of behavior patterns related to criminal definitions, and the construction of criminal conceptions.

Each of Quinney's propositions is derived from earlier work in criminology or sociology. The first proposition is based on the labeling theory view that deviance is defined by the social reaction to it. The second and third propositions are drawn from Vold's group conflict theory. There is, however, a major difference between the two theories. Vold

5. Richard Quinney, *The Social Reality of Crime*, Little, Brown, Boston, 1970, pp. 15–23.

discussed conflict between organized interest groups, whereas Quinney discussed conflict between "segments" of society. Segments are said to share the same values, norms, and ideological orientations, but they may or may not be organized in defense of those commonalities.[6] Some segments, such as business and labor, have been organized into interest groups for many years, but other segments, such as women, older people, poor people, and homosexuals, have organized themselves only recently. There are also segments of society that have only minimal organization, such as young people, and segments that have no organization at all, such as prisoners and the mentally ill. Because of this difference, Quinney used conflict theory to explain all crime instead of merely some of it.[7]

Quinney's fourth proposition relies on Sutherland's differential association theory. Different segments of society are said to have different behavior patterns and normative systems, each of which is learned in its own social and cultural setting. The probability that any individual will violate the criminal law depends, to a large extent, on how much power and influence his segment has in enacting and enforcing laws.

Quinney's two final propositions rely on contemporary sociology of knowledge, which holds that the world in which humans live is primarily subjective and socially constructed.[8] He argued that the term *crime* can be taken to refer to concrete happenings that individuals personally experience, or it can refer to conceptions of reality that are created and communicated to individuals through various forms of social interaction, including the media. Different conceptions of crime can be created and communicated as part of the political process of promoting a particular set of values and interests. For example, consumer and ecology groups may argue that the "real criminals" are corporate executives. Community organizers in inner-city neighborhoods argue that the "real criminals" are the absentee landlords and greedy store owners. But these conceptions of crime are generally disregarded because the people who hold them do not have very much power. Conceptions of crime held by people with a great deal of power, however, are widely accepted by other people in the society as their own view. This legitimizes the au-

6. Ibid., p. 38.

7. Vold had specifically excluded "impulsive, irrational acts of a criminal nature that are quite unrelated to any battle between different interest groups in organized society" (Vold, op. cit., p. 219). Quinney, on the other hand, would hold that even irrational and impulsive people represent a segment of society who have common values, norms, and ideological orientations, even if this segment is not organized into any interest group.

8. See particularly Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality*, Doubleday, Garden City, N.Y., 1966.

thority of power segments and allows them to carry out policies in the name of the common good that really promote their own interests.

TURK'S THEORY OF CRIMINALIZATION

Where Quinney focused on explaining how the social reality of crime is constructed, Austin Turk proposed a conflict analysis of how power groups achieve authority and legitimacy in society.[9] Although consensus theorists maintained that social order arose from the internalization of the norms embodied in the law, Turk argued that social order is based in a consensus-coercion balance maintained by the authorities. Authorities must prevent this balance from shifting to either "an excessively coercive, power relationship or an excessively consensual, egalitarian relationship."[10] To the extent that they are able to prevent this, people in the society will become conditioned to live with the social roles of authorities and subjects in such a way that no one will question these roles. It is this conditioning that underlies the social order in all societies, or the stability of an authority relationship.

Turk's "theory of criminalization" specified "the conditions under which cultural and social differences between authorities and subjects will probably result in conflict, the conditions under which criminalization will probably occur in the course of conflict, and the conditions under which the degree of deprivation associated with becoming a criminal will probably be greater or lesser."[11] Turk first distinguished between cultural norms and social norms. Cultural norms are associated with verbal formulations of values (e.g., the law as written), and social norms with actual behavior patterns (e.g., the law as enforced).[12] Conflict will be most likely when there is "close agreement between the cultural norm announced by authorities and their actual behavior patterns, and similarly high congruence between the way in which subjects who possess the attribute or commit the act evaluate it and their social norms."[13] As long as there is a cultural or social difference between authorities and subjects to begin with, the probability of conflict will be greatest when the subjects have a full-blown language and philosophy with which to defend their behaviors.[14]

The likelihood of conflict is also affected by the degree of organiza-

9. Austin T. Turk, *Criminality and Legal Order*, Rand McNally, Chicago, 1969.

10. Ibid., p. 42.

11. Ibid., p. 53.

12. Ibid., pp. 36–38.

13. Ibid., p. 55.

14. Ibid., p. 57.

tion and the level of sophistication of both authorities and subjects.[15] Authorities are presumed to be organized, since organization is a prerequisite for achieving and retaining power. Conflict will be more likely when subjects are organized, since group support makes an individual less willing to back down. The term *sophistication* is used by Turk to mean "knowledge of patterns in the behavior of others which is used in attempts to manipulate them." Conflict is more likely when either subjects or authorities are less sophisticated, since the more sophisticated subjects will be able to achieve their goals without precipitating a conflict with the superior powers of the state, and the less sophisticated authorities will have to rely more strongly on overt coercion to achieve their goals rather than more subtle, alternative tactics.

Given these conditions that affect the likelihood of conflict between authorities and subjects, Turk goes on to discuss the conditions under which it will be more likely that this conflict will result in the criminalization of the subjects. The primary factor, Turk argues, will be the meaning the prohibited act or attribute has for the first-line enforcers (i.e., the police), and the extent to which the higher-level enforcers (i.e., the prosecutors and judges) agree with the evaluation of the police.[16] If all levels of enforcers find the prohibited act or attribute very offensive, then it is likely that there will be high arrest rates, high conviction rates, and severe sentences. If, due to class and status differences between police and the higher-level enforcers, police find the behavior offensive but the higher-level enforcers do not, there will likely be more severe deprivation associated with arrests, but low conviction rates and less severe sentences. If police find the behavior inoffensive but higher-level enforcers find it offensive, then there will be low arrest rates but high conviction rates and severe sentences.

The second factor affecting criminalization will be the relative power of the enforcers and resisters.[17] In general, criminalization will be greatest when the enforcers have great power and the resisters are virtually powerless.

The third factor affecting criminalization rates is what Turk calls the "realism of the conflict moves," which relates to how likely an action taken by the subjects or authorities may improve the potential for their ultimate success. Turk states that unrealistic conflict moves by either party will tend to increase criminalization, which is a measure of the overt conflict between the two groups.

15. Ibid., pp. 58–61.

16. Ibid., pp. 65–67.

17. Ibid., pp. 67–70.

CHAMBLISS AND SEIDMAN'S ANALYSIS OF
THE CRIMINAL JUSTICE SYSTEM

In recent years a number of criminologists have analyzed the functioning of the criminal justice system from the perspective of conflict theory.[18] One such analysis is Chambliss and Seidman's *Law, Order, and Power*.[19] These authors note that the consensus perspective and the conflict perspective provide radically different versions of how the criminal justice system actually functions. Therefore they examined the day-to-day functioning of that system to determine which (if either) of the two models could be considered correct. Specifically, they sought to discover whether the power of the state (as embodied in the criminal justice system) is "a value-neutral framework within which conflict can be peacefully resolved," as described by consensus theory, or whether, as conflict theory would have it, "the power of the State is itself the principal prize in the perpetual conflict that is society."[20]

The criminal justice process begins with the legislative activity of law-making. Consensus theory would describe this process as "a deliberative assembly of one nation, with one interest, that of the whole, where, not local purposes, nor local prejudices, ought to guide, but the general good, resulting from the general reason of the whole."[21] The authors argue, however, that "every detailed study of the emergence of legal norms has consistently shown the immense importance of interest-group activity, *not 'the public interest,'* as the critical variable in determining the content of legislation."[22] In addition, when the law expresses moral values rather than economic interests, they will be the values of some groups rather than others. Chambliss and Seidman maintain that "the higher a group's political and economic position, the greater is the probability that its views will be reflected in the laws."[23]

Rule making in the criminal justice system also occurs in the appellate courts, where decisions establishing precedents have the effect of

18. See, for example, Stuart A. Scheingold, *The Politics of Law and Order: Street Crime and Public Policy*, Longman, New York, 1984; Stuart L. Hills, *Crime, Power, and Morality: The Criminal Law Process in the United States*, Chandler, New York, 1971; Richard Quinney, *Critique of Legal Order*, Little, Brown, Boston, 1973; Erik Olin Wright, *The Politics of Punishment*, Harper & Row, New York, 1973; Clayton A. Hartjen, *Crime and Criminalization*, Praeger, New York, 1974; Barry Krisberg, *Crime and Privilege*, Prentice Hall, Englewood Cliffs, N.J., 1975; and Harold E. Pepinsky, *Crime and Conflict*, Academic Press, New York, 1976.

19. William J. Chambliss and Robert B. Seidman, *Law, Order, and Power*, Addison-Wesley, Reading, Mass., 1971.

20. Ibid., p. 4.

21. Edmund Burke, *Works*, H. J. Bohn, London, 1893, p. 447; quoted in Chambliss and Seidman, op. cit., p. 63.

22. Chambliss and Seidman, op. cit., p. 73.

23. Ibid., pp. 473–74.

creating law. These decisions concern "trouble cases" where no law clearly applies to the case or where more than one law can be seen to apply. Appellate courts are examined closely because it is said that they "are the institution *par excellence* for which society most carefully cherishes the idea of value-neutrality."[24]

These rule-making decisions have always been justified in written opinions by referring to factors beyond the personal values of the judge. Originally judges referred to "natural law" to support their decisions, but it later became apparent that the natural law described by the judges really embodied their personal values.[25] Later justifications have usually been phrased in terms of preexisting laws and the principles embodied in those laws.[26] Dissenting opinions, however, can just as well be justified on legalistic grounds as can majority opinions, indicating that the decision is actually being based on other factors. There is now a move to justify these decisions on the basis of what is best for society,[27] but judgments about what is "best" depend on a set of values. Roscoe Pound, the originator of this school of thought, attempted to state the common values that would underlie these judicial decisions, but his formulation did not meet with widespread acceptance and has been criticized as reflecting primarily his own personal values.[28] Therefore the authors conclude that, in the last analysis, judges must rely on their personal values when they create rules in deciding "trouble cases."[29]

Chambliss and Seidman give a number of reasons why the values of appellate judges will be primarily oriented to the wealthy rather than to the poor.[30] Appellate judges are largely from the more privileged segments of society. They are usually lawyers who have been trained in law schools by the "casebook" method. This method confines the issues studied to those raised in earlier litigation, which are predominantly issues related to the wealthy. As lawyers, future judges tend to focus on cases involving the wealthy, since these are the clients who are able to pay high legal fees. Successful lawyers who become trial judges will have achieved a socially prominent position. They can be expected to socialize with the more privileged classes and become more attuned to their

24. Ibid., p. 75.

25. Ibid., pp. 125–28.

26. Ibid., pp. 128–31.

27. Ibid., pp. 131–45.

28. Ibid., pp. 141–42.

29. Ibid., p. 151.

30. Ibid., pp. 95–115.

needs. Promotion of a trial judge to the appellate level is inevitably tied in one way or another to the political process, so that those trial judges who do not deal appropriately with the politically powerful will often not be promoted.

Thus there are many subtle pressures encouraging judges to consider, carefully and thoroughly, issues related to persons of power and wealth. But there are also organizational pressures to restrict the total amount of litigation before the court to prevent overloading the docket. These pressures, together with the fact that appeals to higher court depend in part on the ability of the defendant to pay for the cost of the litigation, have the result that the majority of case law concerns issues relating only to the wealthy and powerful.

The examination of the functioning of law enforcement agencies focuses on the bureaucratic nature of those organizations and their connections to the political structure. The authors summarize their theory in the following points[31]:

1. The agencies of law-enforcement are bureaucratic organizations.

2. An organization and its members tend to substitute for the official goals and norms of the organization's ongoing policies and activities, which will maximize rewards and minimize the strains on the organization.

3. This goal-substitution is made possible by:

   a) the absence of motivation on the part of the role-occupants to resist pressures toward goal-substitution

   b) the pervasiveness of discretionary choice permitted by the substantive criminal law, and the norms defining the roles of the members of the enforcement agencies

   c) the absence of effective sanctions for the norms defining the roles in those agencies.

4. Law enforcement agencies depend for resource allocation on political organizations.

5. It will maximize rewards and minimize strains for the organization to process those who are politically weak and powerless, and to refrain from processing those who are politically powerful.

6. Therefore it may be expected that the law-enforcement agencies will process a disproportionately high number of the politically weak and powerless, while ignoring the violations of those with power.

Chambliss and Seidman conclude that both in structure and in function the law operates in the interests of existing power groups. The public

31. Ibid., p. 269.

interest is represented only to the extent that it coincides with the interests of those power groups.[32]

MCGARRELL AND CASTELLANO'S INTEGRATIVE CONFLICT MODEL

In 1991, McGarrell and Castellano proposed a three-level analysis of the criminal law formulation process.[33] Their theory is based in part on Chambliss and Seidman's theory as described above.[34]

The first level of the theory describes the "structural foundations" of crime and conflict in societies.[35] McGarrell and Castellano describe societies as "differentiated" if they are characterized by such factors as heterogeneity (i.e., having people who differ in race, ethnicity, religion, and urbanization) and inequality (both economic and political). They then argue that greater differentiation is associated with more interpersonal and intergroup conflict. This higher level of conflict in turn leads to a greater use of criminalization as a method of dealing with the conflicts. Certain cultural beliefs, such as beliefs in punitiveness, individual responsibility, and the vigilante tradition, can interact with high social differentiation to produce even greater criminalization.[36]

The second level of the theory focuses on the enforcement of criminal laws. Crime, which is produced by factors described by the first level of the theory, results in both victimization of individuals and increased media attention to crime as a social problem.[37] The increased media attention results in feelings of "vicarious victimization"—people who are not actually victims of crime may still feel victimized because they hear about the victimization other people. Both actual and vicarious victimization increases fear of crime, which in turn results in a more punitive response by the criminal justice system. The increased enforcement of laws then increases official crime rates, which can then further increase fear and vicarious victimization.

The third level of the theory addresses the enactment of criminal laws. Media attention and fear of crime make the public policy arena so unstable that "A slight dislocation, a random event, a vocal political

32. Ibid., p. 503.

33. Edmund McGarrell and Thomas Castellano, "An Integrative Conflict Model of the Criminal Law Formulation Process," *Journal of Research in Crime and Delinquency* 28(2): 174–96 (1991).

34. Besides Chambliss and Seidman's *Law, Order, and Power* (op. cit.), the theory is based on Scheingold's *The Politics of Law and Order* (op. cit.), and John F. Galliher and John Cross's *Morals Legislation Without Morality: The Case of Nevada*, Rutgers University Press, New Brunswick, N.J., 1983.

35. McGarrell and Castellano, pp. 184–85.

36. Ibid.

37. Ibid., pp. 185–87.

opportunist, or a disgruntled governmental bureaucrat, can trigger events which mobilize the political arena to consider and enact crime legislation and policy."[38] The new legislation defines even more behaviors as criminal or increases the punitive response of the system. As a result, official crime statistics, media attention, and fear of crime again increase and the cycle continues.

HAGAN'S STRUCTURAL CRIMINOLOGY

Several types of theories in criminology, including conflict theory, suggest that power is important in explanations of crime. But tests of these theories often focus only on the people who are defined as criminals, and ignore the people who have the power to define others as criminal. In 1989, John Hagan published a book which argues that crime must be explained in terms of "power relations" rather than powerlessness itself.[39] That is, Hagan focuses on the relationship between the power of those who are defined as criminals and the power of whose who define others as criminals. Hagan describes his work as "structural criminology" rather than "conflict theory," but it is consistent with conflict theory's major argument: those with less power are more likely to be defined as criminal and those with more power are less likely.

Hagan begins by linking social structure to power relations in a society:

Social structure is formed out of relations between actors... Structural relations organized along vertical, hierarchical lines of power are of greatest interest to criminologists. Perhaps this is because crime itself implies a power relationship. To perpetrate a crime is often to impose one's power on others, while to be punished for a crime is to be subjected to the power of others... Structural criminology is distinguished by its attention to power relations, and by the priority it assigns them in undertaking research on crime.[40]

Hagan then presents a number of stand-alone articles, each with different coauthors,[41] which explore power relations in three different areas: class and criminality, criminal sentencing, and the family and delinquency.

38. Ibid., p. 188.

39. John Hagan, *Structural Criminology*, Rutgers University Press, New Brunswick, N.J., 1989. The seminal piece is by Hagan and Alberto Palloni, "Toward a Structural Criminology: Method and Theory in Criminological Research," *Annual Review of Sociology* 20: 431–49 (1986).

40. Hagan, pp. 1–2.

41. Each article is coauthored by Hagan and one or more of the following: Celesta Albonetti, Duane Alwin, A. R. Gillis, John Hewitt, Alberto Palloni, Patricia Parker, Ruth Peterson, and John Simpson.

Hagan argues that research rarely treats social class as a relational concept. He then constructs a measure of class that attempts to distinguish it in terms of its relation to the economic system and other people within it.[42] Hagan and Albonetti ask whether different class types are more or less likely to perceive injustice in the criminal justice system.[43] They also consider race as a potentially influencing factor, and control for a number of other variables. They find that independent of race, unemployed workers are more likely than members of the other classes to perceive injustice. They also find that race and class interact, in that African Americans in the professional-managerial category are most likely to perceive injustice. They offer the possible explanation that African Americans in this category may experience the most income discrimination, which may in turn make them more likely to sense injustice in other political arenas.[44]

Another research area explored structurally by Hagan and his colleagues is the sentencing of convicted offenders. One chapter addresses the interplay between racial status and socio-political conceptions of who the true villains are in narcotics offending.[45] Hagan and Peterson attempt to make sense of the finding that over time African Americans have received less discrimination in sentencing. One explanation is that the system has approached equality. An alternative explanation focuses on the area of drug offending. Over time, drug users have come to be defined as victims while high-level drug dealers have come to be defined as villains. Since African Americans are more likely to be users than high-level dealers, they are less likely to receive punitive sanctions.

Analysis of subsets of drug offenders (big dealers versus ordinary users), however, shows that when African Americans are sentenced as dealers, they receive stiffer penalties than whites, whereas when they are sentenced as users, they actually receive smaller sentences than their white counterparts.[46] A possible interpretation of this finding is that blacks are only systemically discriminated against when they commit threatening or villainous behavior. Analysis that fails to take into account changes in societal interpretations of drug offenses over time and power notions such as threat may well fail to uncover race effects in sentencing.

42. Hagan, pp. 125–27.

43. Perceived injustice is measured by ten attitudinal questions, such as whether police treat poor suspects differently than affluent suspects, or whether courts are influenced by political considerations.

44. Hagan, pp. 139–41.

45. Ibid., ch. 3.

46. Ibid., p. 95.

A third area of research Hagan discusses pertains to the relationship between family variables and delinquency. One structural theory proposed to explain why females have been consistently found to be less criminal than males is power-control theory.[47] This theory argues that parents control daughters more than sons, which makes it likely that boys will engage in more risky behavior than girls. Additionally, this disproportional controlling behavior will be greatest in patriarchal families, in which the father has more power than the mother. Individual delinquency rates are thus viewed as a product of two levels of distribution of power—power relations in society (the workplace) and power relations in the family. The first tests of power-control theory, focusing on forms of delinquent behavior involving calculation, have generally found support for it.[48]

Hagan's notion of a structural criminology is not (and perhaps is not intended to be) very coherently developed at this point. The series of research pieces in the work are loosely tied together, and even the notion of power relations is liberally interpreted. At times it seems that "structural criminology" means merely that research and theory should consider interactions between variables rather than simply examining direct influences of frequently examined constructs on some outcome. By and large, though, Hagan is advocating research that goes beyond a superficial analysis of criminological and criminal justice issues, by beginning with an informed view of relations between social actors and institutions (particularly relations in terms of relative power), by taking historical and social context into account, and by incorporating methodology that appropriately fits theory. Structural criminology is relevant to much more than conflict criminology, but is likely to revive interest in conflict theory and perhaps improve the course of research based on conflict perspectives.

BLACK'S BEHAVIOR OF LAW

Whereas Hagan studies power relations between social actors, Donald Black's *Behavior of Law*[49] explores several different types of relationships among social entities. Black describes law (i.e., governmental social control) as a quantitative variable, so that there can be more law at some times and places and less law at other times and places. Thus, re-

47. The original work on power-control theory is by Hagan, A. R. Gillis, and J. Simpson, "The Class Structure of Gender and Delinquency: Toward a Power-Control Theory of Common Delinquent Behavior," *American Journal of Sociology* 90: 1151–78 (1985).

48. Hagan, chps. 7–9.

49. Donald Black, *The Behavior of Law*, Academic Press, New York, 1976.

porting a crime, making an arrest, deciding to prosecute, deciding to convict, and sentencing someone to prison all represent increases in the quantity of law.

In addition, Black argues that law can vary according to its style. Although Black mostly discusses penal law, he notes that law can also be compensatory, therapeutic, or conciliatory. Penal law is enforced by a group against an offender; with compensatory law the victim demands payment; with therapeutic law the deviant entity takes action on his or her own behalf; and in conciliatory law various parties work together to resolve imbalances.[50] Black's goal is to explain variation in the quantity and style of law.[51]

Black explores five social dimensions of social life—stratification, morphology, culture, organization, and social control. Stratification is the "vertical distance between the people of a social setting" and is best measured by the difference in average wealth between each person or groups and every other person or group, or by the difference between the lowest and highest levels of wealth.[52] Morphology is the "horizontal aspect of social life, the distribution of people in relation to one another, including their division of labor, networks of interaction, intimacy, and integration."[53] Culture is the "symbolic aspect of life, including expressions of what is true, good, and beautiful. . . . Examples are science, technology, religion, magic, and folklore. . . . Culture includes aesthetic life of all sorts, the fine arts and the popular, such as poetry and painting, clothing . . . architecture, and even the culinary arts."[54] Organization is the "corporate aspect of social life, the capacity for collective action."[55] Finally, social control "is the normative aspect of social life. It defines and responds to deviant behavior, specifying what ought to be. . . . Law is social control . . . but so are etiquette, custom, ethics, bureaucracy, and the treatment of mental illness."[56]

Within each dimension Black forms hypotheses about law. In the case of stratification, Black argues that the higher a person is in on the ladder of stratification, the more the person is able to invoke law on his or her behalf. In addition, the further apart two people are in terms of stratification, the more law the higher ranked person can exercise over

50. See ibid., pp. 4–5.

51. Ibid., pp. 3–4.

52. Ibid., p. 13.

53. Ibid., p. 37.

54. Ibid., p. 61.

55. Ibid., p. 85.

56. Ibid., p. 105.

the other. For example, if a corporate executive claims to be victimized by a street bum, more law would be exercised against the bum than if the executive claims to be victimized by another corporate executive or if the bum claims to be victimized by the corporate executive.

Morphology concerns the relational distance between people, or the degree to which they participate in each other's lives. Black argues that the relationship between law and relational distance is curvilinear: "Law is inactive among intimates, increasing as the distance between people increases but decreasing as this reaches the point at which people live in entirely separate worlds."[57] Hermits rarely need or use law since they live in an entirely separate world, and married couples do not invoke law against each other unless their intimacy with each other breaks down. Law is greater, says Black, when the relational distance is somewhere between intimacy and isolation.

One of Black's hypotheses concerning culture is that law is greater in a direction toward less culture than toward more culture, and furthermore, that the amount of cultural distance linearly affects the amount of law. Using education as a measure of culture, for example, if an offender is less educated than the victim, more law will be invoked to address the victimization, and the most law of all will be used when the difference in education between the offender and the victim is greatest.[58] On the other hand, if the offender is more educated than the victim, less law will be used to address the victimization, and the least law of all will be used when the difference in education between the offender and victim is greatest.

Similarly, Black argues that law varies directly with organization. If offenders are more organized than their victims (e.g., if the offender is a corporation and the victim is an individual), less law would be used to address the victimization. In addition, the most law would be used when the organizational distance between the offenders and victims is the greatest. But if the offenders are less organized than the victims (e.g., the offender is an individual and the victim is a corporation), the reverse is true: more law would be used to address the victimization, and the most law would be used when the organizational distance between the victims and offenders is greatest. Black uses these propositions to explain relatively light sanctions directed toward white-collar offenders.

Finally, Black argues that law will be greater where other forms of social control are weaker. All in all, across the five social dimensions,

57. Ibid., p. 41.
58. Ibid., pp. 65–66.

Black forms over twenty hypotheses about how law varies in quantity and style. His evidence for each is primarily anecdotal, including anthropological examples from a variety of sources, but he does not perform any systematic test of the hypotheses.

In his preface to *The Behavior of Law*, Black states: "This book does not judge the variation of law, nor does it recommend policy of any kind. Rather, it is merely an effort to understand law as a natural phenomenon. . . ."[59] But in a later book on the subject, *Sociological Justice*,[60] Black does judge variations in the quantity and style of law as being "wrong" in some sense. He therefore recommends three types of policy reforms to reduce social variation in law: legal cooperatives, desocialization of law, and starvation of law. In the first reform, people would join subsidized legal cooperatives, reducing corporate advantages in the legal system. Each co-op would consist of a variety of people so that relations among the co-ops themselves would be relatively equal. Informal social control may come about within the co-ops, as those who cause the group expensive legal costs may be expelled. Of course, this could also work to perpetuate social variations in law, if groups are quick to expel undesirable individuals. Black's second reform would make social information about offenders unavailable to criminal justice system actors handling cases. For example, jurors would not be allowed to actually see offenders, witnesses, or victims. All testimony would be done electronically, so that evidence would be stripped of social characteristics such as dialect or education. Black's third proposal is to "starve" the law. Basically, he argues that if the law has only the barest minimum in resources, then people will be forced to rely on other mechanisms for dealing with conflicts, such as conflict resolution. While there are serious flaws with each of these proposals, the book's purpose is noble: to eliminate social factors from the behavior of law.[61]

An initial attempt to test Black's theory raised conceptual questions about the "seriousness" of an offense. Gottfredson and Hindelang found that variation in Black's social dimensions did not significantly predict variation in the quantity of law, which instead was predicted primarily by the seriousness of the offense.[62] Black responded that describing a crime as "serious" is itself influenced by the five social dimensions and that, in practice, the term "serious" means that the action receives a

59. Ibid., p. x.

60. Donald Black, *Sociological Justice*, Oxford University Press, New York, 1989.

61. See Thomas J. Bernard, "Review Essay: Donald Black's *Sociological Justice*," *The Critical Criminologist* 3(2): 7–8, 13–14 (Summer 1991).

62. Michael Gottfredson and Michael Hindelang, "A Study of the Behavior of Law and Theory and Research in the Sociology of Law," *American Sociological Review* 44: 3–18 (1979).

large quantity of law.[63] Gottfredson and Hindelang responded that if this is true, Black's theory cannot be tested unambiguously.[64] The confusion around how to deal with seriousness has hampered subsequent attempts to test Black's theory, and to date, there remains no comprehensive, accepted test.[65]

On the other hand, some recent research looks at relationships between actors, rather than looking at absolute social status without regard to relative position. For example, one study of court disposition patterns uses Hagan's structural criminology as a theoretical point of departure, and employs some of Black's propositions, in attempting to show how the relationship between victim and offender may influence criminal justice reaction to behavior. Jamieson and Blowers found a greater probability of dismissal of cases with less organized victims, especially when the suspected offenders were more organized.[66] This finding is consistent with Hagan's idea that power differentials—one being organization—may influence reaction to behavior, and with Black's proposition that law varies with organization.

Black does not mention conflict theory in any of his works on the behavior of law; nor has his work been identified as conflict theory elsewhere. Yet, some of the core propositions of his theory are consistent with conflict notions, in that they imply that more powerful social actors have more ability to use law against less powerful actors. Black's theory probably has not been conceived as a conflict theory for at least two reasons. First, Black simply states his propositions as purely sociological laws, without imputing either individual or structural motivation. Conflict theory assumes disproportionate treatment has a purpose attached to it—namely, to protect the interests of the more powerful. Second, Black's theory is much broader than conflict theory. Conflict theory generally pertains to power relations, whereas Black's theory pertains to differences across several types of social relationships, some involving power and some not.

63. Black, "Common Sense in the Sociology of Law," *American Sociological Review* 44: 18–27 (1979).

64. Gottfredson and Hindelang, *American Sociological Review* 44: 27–37 (1979).

65. But see Larry Hembroff, "Testing Black's Theory of Law," *American Journal of Sociology* 93: 322–47 (1987); and Gloria Lessan and Joseph Sheley, "Does Law Behave?," *Social Forces* 70: 655–78 (1992). For a discussion of this issue, see Thomas J. Bernard, "The Black Hole—Sources of Confusion for Criminologists in Black's Theory," *Social Pathology* 1(3): 218–27 (Fall 1995).

66. Katherine Jamieson and Anita Neuberger Blowers, "A Structural Examination of Misdemeanor Court Disposition Patterns," *Criminology* 31(2): 243–62 (1993).

A UNIFIED CONFLICT THEORY OF CRIME

In this section we attempt to bring together some of the most important concepts from the various conflict theories, creating an integrated or unified theory. The following conflict theory is derived principally from the theories of Vold, Quinney, and Chambliss and Seidman presented in this chapter.[67] Furthermore, it incorporates some of Hagan's and Black's ideas about power relations, and it is generally consistent with McGarrell and Castellano's ideas about the effects of differentiation on crime and criminal justice.

VALUES AND INTERESTS IN COMPLEX SOCIETIES

1. A person's *values* (i.e., beliefs about what is good, right, and just, or at least excusable) and *interests* (i.e., what rewards or benefits the person) are generally shaped by the conditions in which the person lives.

2. Complex, highly differentiated societies are composed of people who live under very different conditions.

3. Therefore, the more complex and differentiated the society, the more that people within the society have different and conflicting values and interests.

PATTERNS OF INDIVIDUAL ACTION

4. People tend to act in ways that are consistent with their values and interests. That is, they tend to act in ways that they think are good, right, and just, or at least excusable. They also tend to act in ways that benefit themselves personally.

5. When values and interests conflict, people tend to adjust their values to come into line with their interests. Over time, people tend to believe that the actions that benefit themselves personally are really good, right, and just, or at least excusable.

6. Because the conditions of one's life (and therefore one's values and interests) tend to be relatively stable over time, people tend to develop relatively stable patterns of action that benefit them personally and that they believe are good, right, and just, or at least excusable.

THE ENACTMENT OF CRIMINAL LAWS

7. The enactment of criminal laws is part of a conflict and compromise process in which organized groups (and, to a much less extent, private individuals) attempt to promote and defend their values and interests.

67. Earlier versions can be found in Thomas J. Bernard, "The Distinction Between Conflict and Radical Criminology," *Journal of Criminal Law and Criminology* 72(1): 362–79 (spring 1981), and pp. 286–87 of the third edition of the present book.

8. Specific criminal laws usually represent a combination of the values and interests of many different groups rather than the values and interests of one particular group. Nevertheless, the greater a group's political and economic power, the more the criminal law in general tends to represent the values and interests of that group.

9. Therefore, in general, the greater a group's political and economic power, the less likely it is that the actions consistent with the values and interests of group members will violate the criminal law, and vice versa.

THE ENFORCEMENT OF CRIMINAL LAWS

10. In general, the more political and economic power a person has, the more the person is able to obtain official intervention from law enforcement agencies when he or she is victimized by someone else.

11. In addition, the more political and economic power a person has, the more difficult it is for official law enforcement agencies to process the person when he or she victimizes someone else.

12. Therefore, in general, law enforcement agencies tend to process individuals with less, rather than more, political and economic power. Specifically, the greater the power differential between the victim and the offender, the more likely an offender will be processed if the offender is less powerful than the victim, and the less likely the offender will be processed if the offender is more powerful than the victim.

THE DISTRIBUTION OF OFFICIAL CRIME RATES

13. Because of the processes of criminal law enactment and enforcement described above, the official crime rates of individuals and groups will tend to be inversely proportional to their political and economic power, independent of any other factors that might also influence the distribution of official crime rates (e.g., social, psychological, or biological factors affecting the behavior of offenders or the behavior of criminal justice agents).

This theory presents a theoretical chain that begins with general social structural characteristics, moves through the processes by which individuals in similar social structural locations learn similar patterns of behavior, and concludes by relating those patterns of behavior to the processes of enacting and enforcing criminal laws to explain the distribution of official crime rates.[68] Because it combines and interrelates a

68. Akers (ibid., pp. 61–68) makes a similar argument about structural sources of behavior and social processes of learning those behaviors. His argument is described in Chapter 12, p. 197. We extend the theoretical chain to the distribution of official crime rates.

theory of criminal behavior with a theory of the behavior of criminal law, the above theory is described as a "unified theory of crime."

TESTING CONFLICT THEORY

Tests of conflict theory have suffered from three major problems. First, they have been far too methodologically simplistic. Second, they have not been well guided theoretically, and have been unable to distinguish between alternative explanations. Finally, they have treated all conflict theories alike, attempting to test some "lump sum" conflict theory, without paying attention to the specific propositions of different types of conflict theories. The first problem has been largely overcome, but the latter two have not.

Probably the most common way of testing conflict theory has been to attempt to link race and equity of criminal justice decisions.[69] Researchers either explicitly or implicitly assume that if conflict theory is valid, then minorities (such as African Americans) will be treated harsher by the criminal justice system, since they have relatively less power, and the majority race will attempt to maintain its power by oppressing the threatening minority races.

One frequently researched criminal justice outcome is sentencing, both in terms of the decision to incarcerate and the length of the sentence, if incarcerated. In the 1960s and early 1970s, many researchers concluded that blacks were sentenced more severely than whites. The notion that racial discrimination in sentencing was widespread was dampened in the 1970s, as a result of better social science. Hagan's review of many of the findings supporting racial discrimination noted that: (1) the studies did not control for legal factors; and (2) they did not incorporate measures of association.[70] In the first case, studies were not allowing for the possibility that black defendants may be charged with more serious crimes than whites, and may have more serious criminal records (although see our discussion of "seriousness" above). Disparities in sentencing, then, may be solely attributed to differences in legal characteristics of the case and offender. Hagan discovered that once studies began to control for such factors, the effect of race disappeared. Second, early studies reported statistically significant differences between black and white sentences, but did not report the extent of the differences. With several hundred cases in a data set, the difference be-

69. This is not to say that testing race effects is the only way conflict theory has been tested. Class and unemployment are other variables commonly examined in tests of conflict theory. Race is, however, probably the most visibly researched.

70. John Hagan, "Extra-legal Attributes and Criminal Sentencing: An Assessment of a Sociological Viewpoint," *Law and Society Review* 8: 357–83 (1974).

tween thirty days in prison (for whites) and thirty-two days (for blacks) would be statistically significant, but would not be as serious a problem of discrimination as might appear. Hagan calculated measures of the strength of racial differences, and found that in previous studies, very little disparity had been observed.

Beginning in the late 1970s, more sophisticated multivariate methodologies, controlling for many possible influences on sentencing, have reduced the prevalence of findings of racial differences. Also, some explanations alternative to blatant discrimination have been supported. For example, blacks have been shown to receive harsher sentences because they are less likely to make bail, since they are less affluent, and this reduces their ability to provide an effective defense.[71] Other researchers have found that blacks are sentenced to prison more often than whites, because they could not afford private attorneys.[72]

The advancement of research methodologies, allowing for more sophisticated examinations of multivariate relationships, still has not helped overcome a more fundamental problem with tests of conflict theory: The same finding may be interpreted in more than one way. If a direct effect of race on the decision to arrest or the length of a sentence is found, controlling for hosts of other factors, what does this mean? It could be evidence of widespread racial prejudice in society, manifested in unequal treatment of minorities by criminal justice system actors. On the other hand, it could represent systematic and institutionalized protection of those in power (whites) from the threatening group (blacks). Most research testing conflict theory haphazardly draws on the actual theoretical premises, assuming support for conflict theory when a finding such as unequal treatment of different races is discovered.

Another avenue of research testing conflict theory also suffers from an inability to distinguish between alternative explanations. Macro level threat theory attempts to show that in areas where minorities pose an increasing threat to the status quo, law enforcement is focused more exclusively on minorities, and police strength or activity is greater.[73] Research in this vein commonly tests such hypotheses as: an increase in

the relative proportion of blacks in a city will result in an increase in the number of police officers or number of arrests made. A positive association between percentage of minorities and police activity or strength is typically viewed as support for this branch of conflict theory. However, other explanations are also compatible with such a finding. For example, nonwhites may *want* more police than whites, or they may *need* more police than whites.[74] If crime occurs disproportionately in poor and minority-dominated areas, potential victims—minorities—may voice desire for greater police strength, as the minority population in their neighborhood increases. Also, minorities may face different sorts of social problems, and may need more social services. If this is true, and they are politically viable, an increase in their relative size may result in greater police attention, for reasons not relevant to conflict theory. Research to date has had a very difficult time distinguishing conflict-based interpretations from nonconflict interpretations of the same finding.[75]

Finally, few attempts are made to test well-constructed conflict theories. As shown in this chapter, not all conflict theories look the same. Most empirical research on conflict theory, however, is not careful to specify which conflict propositions from which conflict theories it is testing. Lanza-Kaduce and Greenleaf have recently attempted to show exactly how Turk's theory of norm resistance can be operationalized and tested with encounters between police and citizens.[76] They specifically demonstrate how such concepts as cultural and behavioral norm congruence, sophistication, organization, and "realism of moves" can be operationalized, such that one can predict whether conflict and criminalization will occur in police-citizen encounters. Although they save the actual empirical work for others, their effort is encouraging, in that it shows that a particular conflict theory can be tested empirically, if the researcher is careful to be true to the original theory.

POLICY IMPLICATIONS

Conflict criminology implies that greater equality in the distribution of power among groups in society should result in greater equality in the

71. Alan Lizotte, "Extra-legal Factors in Chicago's Criminal Courts: Testing the Conflict Model of Criminal Justice," *Social Problems* 25: 564–80 (1978). Some would interpret this finding as support for conflict theory, viewing the use of pricey bail as an economically based mechanism for treating "undesirables," or threatening individuals more harshly.

72. Cassia Spohn, J. Gruhl, and Susan Welch, "The Effect of Race on Sentencing: A Re-examination of an Unsettled Question," *Law and Society Review* 16: 72–88 (1981–82).

73. For a broad review of many different types of social threat theory, see Allen Liska, *Social Threat and Social Control*, SUNY Press, Albany, N.Y., 1992.

74. David Greenberg, R. C. Kessler, and Colin Loftin, "Social Inequality and Crime Control," *Journal of Criminal Law and Criminology* 76: 684–704 (1985).

75. Urban research of this nature is further complicated by the possible co-occurrence of social disorganization and conflict processes. A recent development in criminological research paying special attention to community dynamics has attempted to integrate social disorganization and conflict notions, but is still in a formative stage. See the *Law and Society Review*, special issue on "Crime, Class, and Community—An Emerging Paradigm," 27(2): (1993).

76. Lonn Lanza-Kaduce and Richard Greenleaf, "Police-Citizen Encounters: Turk on Norm Resistance," *Justice Quarterly* 11(4): 605–624 (1994).

distribution of official crime rates. Crime rates should be redistributed for two reasons. First, there should be a general reduction in the crime rates of groups that presently have high crime rates, as those groups use their newly acquired power to legally pursue and defend their values and interests. Second, there should also be a general increase in the crime rates of groups that presently have low crime rates, as those groups find their ability to pursue and defend their values and interests increasingly hindered by other groups.

Within the context of conflict theory, the specific process by which a redistribution of power can be effected is through the establishment of organized groups by which the presently unorganized aggregates of individuals would be able to pursue and defend their values and interests.[77] This implication bears a resemblance to the policy implication of control theory, since it entails bonding the previously isolated individual to a group that will interact with other groups according to mutually agreed on rules. The difference is that control theory generally implies that the individual be bonded to "conventional" groups, whereas conflict criminology implies that the individual should be bonded to other individuals who have similar values and interests and who occupy similar social structural locations. To the extent that a particular individual is considered deviant rather than conventional, the group that best represents his or her values and interests will also be considered deviant rather than conventional. The view that the best solution to social conflict lies in the representation of diverse aggregates of individuals by an equally diverse number of organized groups under conditions of relative equality is the reason why conflict theory in general is most comfortable with pluralist democracy as a form of government.[78]

The organization of interest groups out of previously unorganized aggregates of individuals is a difficult process that is frequently subject to severe abuses. Especially at their beginnings, these groups are often taken over by the most aggressive members, who make unrealistic and ultimately unproductive demands on behalf of their members, while reaping many personal benefits for themselves. This pattern can be found, for example, in the history of a number of American labor unions, and it is for reasons such as these that many wardens oppose the for-

77. Dahrendorf, op. cit., pp. 225–27.

78. Bernard, "The Distinction Between Conflict and Radical Criminology"; Bernard, *The Consensus-Conflict Debate.*

mation of prisoner unions.[79] These types of problems are especially severe when the groups of people being organized have been defined as deviant by their society. Sagarin argues that such groups generally either promote overconformity to conventional norms as a means of soliciting approval from society, or seek to change societal attitudes and instill pride in the deviant by "thumbing their noses" at society.[80] Nevertheless, Irwin argues that such groups should be allowed to form in prisons in order to reduce the level of violence associated with conflicts there,[81] and Murton argues that where such groups have been successfully organized the violence associated with prison conflicts has decreased markedly.[82] More equality has also been shown to reduce violence in youth institutions,[83] and "mediating structures" have been shown to reduce violence associated with youth crime in the community.[84]

CONCLUSION

Conflict criminology asserts that there is a general tendency for power and official crime rates to be inversely related. The more power an individual or group has, the lower its official crime rates tend to be, while the less power an individual or group has the higher its official crime rates tend to be.

In the context of that assertion, it is interesting to consider Lord Acton's famous observation that power corrupts, and absolute power corrupts absolutely. Power may corrupt, but official criminalization requires that there be some greater power that is able to define that corruption as criminal. Otherwise, no matter how corrupt the action is, it either will not be defined as a crime in the criminal law, or the person will not be processed as a criminal through the criminal justice system. Absolute power may corrupt absolutely, but people with absolute power are never officially defined as criminals.[85]

79. J. E. Baker, "Inmate Self-Government," *Journal of Criminal Law, Criminology and Police Science* 55: 39–47 (1964). Sometimes wardens oppose inmate self-government because it genuinely represents the interests of the inmates and therefore challenges the interests of the prison administration. See G. T. Tyrner-Stastny and C. Stastny, "The Changing Political Culture of a Total Institution," *Prison Journal* 57: 43–55 (1977).

80. Edward Sagarin, *Odd Man In*, Quadrangle, Chicago, 1969.

81. John Irwin, *Prisons in Turmoil*, Little, Brown, Boston, 1980.

82. Thomas O. Murton, *The Dilemma of Prison Reform*, Holt, Rinehart and Winston, New York, 1976.

83. Craig A. McEwan, *Designing Correctional Organizations for Youths*, Ballinger, Cambridge, Mass., 1978.

84. Robert L. Woodson, *A Summons to Life: Mediating Structures and the Prevention of Youth Crime*, Ballinger, Cambridge, Mass., 1981.

85. See Thomas Hobbes, *Leviathan*, E. P. Dutton, New York, 1950, ch. 18, p. 148.