



Illegitimate Means, Anomie, and Deviant Behavior

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retical model, specification of outcomes of the model is an essential step. The order in which the elements of a theory is developed is irrelevant to the content of the theoretical model.

We conclude that Merton's typology can

"As the *typology* of responses to anomie is intended to make clear, there are distinct kinds of behavior which, in contrast to their manifest appearance of conformity to institutionalized expectations, can be shown upon further sociological analysis to represent departures from these expectations." (p. 182)

be extended, as shown, to catch up additional real categories of deviant behavior. Our extension of the typology, like the original, is grounded in implicit social psychological rather than sociological "laws of interaction." These typologies are part-theories. Theoretical models of deviant behavior which explain why and how such behavior occurs remain to be constructed. Perhaps these typologies, as component parts, will be useful in that effort.

ILLEGITIMATE MEANS, ANOMIE, AND DEViant BEHAVIOR

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The theory of anomie has undergone two major phases of development, as exemplified by the work of Durkheim and Merton. In this paper a third phase is outlined. As currently stated, the theory focusses on pressures toward deviant behavior arising from discrepancies between cultural goals and approved modes of access to them. It focusses, in short, upon variations in the availability of legitimate means. One may also inquire, however, about variations in access to success-goals by illegitimate means. The latter emphasis may be detected in the work of Shaw, McKay, Sutherland, and others in the "cultural transmission" and "differential association" tradition. By taking into account differentials in access to success-goals both by legitimate and by illegitimate means, the theory of anomie may be extended to include seemingly unrelated theories of deviant behavior now contained in the traditional literature of criminology.

THIS paper¹ represents an attempt to consolidate two major sociological traditions of thought about the problem of deviant behavior. The first, exemplified by the work of Emile Durkheim and Robert K. Merton, may be called the anomie tradition.² The second, illustrated principally by the studies of Clifford R. Shaw, Henry D. McKay, and Edwin H. Sutherland, may be called the "cultural transmission" and "differential association" tradition.³ Despite

some reciprocal borrowing of ideas, these intellectual traditions developed more or less independently. By seeking to consolidate them, a more adequate theory of deviant behavior may be constructed.

DIFFERENTIALS IN AVAILABILITY OF LEGITIMATE MEANS: THE THEORY OF ANOMIE

The theory of anomie has undergone two major phases of development. Durkheim first used the concept to explain deviant

¹ This paper is based on research conducted in a penal setting. For a more detailed statement see Richard A. Cloward, *Social Control and Anomie: A Study of a Prison Community* (to be published by The Free Press).

² See especially Emile Durkheim, *Suicide*, translated by J. A. Spaulding and George Simpson, Glencoe, Ill.: Free Press, 1951; and Robert K. Merton, *Social Theory and Social Structure*, Glencoe, Ill.: Free Press, 1957, Chapters 4 and 5.

³ See especially the following: Clifford R. Shaw, *The Jack-Roller*, Chicago: The University of Chicago Press, 1930; Clifford R. Shaw, *The Natural*

History of a Delinquent Career, Chicago: The University of Chicago Press, 1931; Clifford R. Shaw et al., *Delinquency Areas*, Chicago: The University of Chicago Press, 1940; Clifford R. Shaw and Henry D. McKay, *Juvenile Delinquency and Urban Areas*, Chicago: The University of Chicago Press, 1942; Edwin H. Sutherland, editor, *The Professional Thief*, Chicago: The University of Chicago Press, 1937; Edwin H. Sutherland, *Principles of Criminology*, 4th edition, Philadelphia: Lippincott, 1947; Edwin H. Sutherland, *White Collar Crime*, New York: Dryden, 1949.

behavior. He focussed on the way in which various social conditions lead to "overweening ambition," and how, in turn, unlimited aspirations ultimately produce a breakdown in regulatory norms. Robert K. Merton has systematized and extended the theory, directing attention to patterns of disjunction between culturally prescribed goals and socially organized access to them by *legitimate* means. In this paper, a third phase is outlined. An additional variable is incorporated in the developing scheme of anomie, namely, the concept of *differentials in access to success-goals by illegitimate means*.⁴

Phase I: Unlimited Aspirations and the Breakdown of Regulatory Norms. In Durkheim's work, a basic distinction is made between "physical needs" and "moral needs." The importance of this distinction was heightened for Durkheim because he viewed physical needs as being regulated automatically by features of man's organic structure. Nothing in the organic structure, however, is capable of regulating social desires; as Durkheim put it, man's "capacity for feeling is in itself an insatiable and bottomless abyss."⁵ If man is to function without "friction," "the passions must first be limited. . . . But since the individual has no way of limiting them, this must be done by some force exterior to him." Durkheim viewed the collective order as the external regulating force which defined and ordered the goals to which men should orient their behavior. If the collective order is disrupted or disturbed, however, men's aspirations may then rise, exceeding all possibilities of fulfillment. Under these conditions, "de-regulation or anomy" ensues: "At the very moment when traditional rules have lost their author-

ity, the richer prize offered these appetites stimulates them and makes them more exigent and impatient of control. The state of de-regulation or anomy is thus further heightened by passions being less disciplined precisely when they need more disciplining." Finally, pressures toward deviant behavior were said to develop when man's aspirations no longer matched the possibilities of fulfillment.

Durkheim therefore turned to the question of *when* the regulatory functions of the collective order break down. Several such states were identified, including sudden depression, sudden prosperity, and rapid technological change. His object was to show how, under these conditions, men are led to aspire to goals extremely difficult if not impossible to attain. As Durkheim saw it, sudden depression results in deviant behavior because "something like a declassification occurs which suddenly casts certain individuals into a lower state than their previous one. Then they must reduce their requirements, restrain their needs, learn greater self-control. . . . But society cannot adjust them instantaneously to this new life and teach them to practice the increased self-repression to which they are unaccustomed. So they are not adjusted to the condition forced on them, and its very prospect is intolerable; hence the suffering which detaches them from a reduced existence even before they have made trial of it." Prosperity, according to Durkheim, could have much the same effect as depression, particularly if upward changes in economic conditions are abrupt. The very abruptness of these changes presumably heightens aspirations beyond possibility of fulfillment, and this too puts a strain on the regulatory apparatus of the society.

According to Durkheim, "the sphere of trade and industry . . . is actually in a chronic state [of anomie]." Rapid technological developments and the existence of vast, unexploited markets excite the imagination with the seemingly limitless possibilities for the accumulation of wealth. As Durkheim said of the producer of goods, "now that he may assume to have almost the entire world as his customer, how could passions accept their former confinement in the face of such limitless prospects"? Continuing,

⁴ "Illegitimate means" are those proscribed by the mores. The concept therefore includes "illegal means" as a special case but is not coterminous with illegal behavior, which refers only to the violation of legal norms. In several parts of this paper, I refer to particular forms of deviant behavior which entail violation of the law and there use the more restricted term, "illegal means." But the more general concept of illegitimate means is needed to cover the wider gamut of deviant behavior and to relate the theories under review here to the evolving theory of "legitimacy" in sociology.

⁵ All of the excerpts in this section are from Durkheim, *op. cit.*, pp. 247-257.

Durkheim states that "such is the source of excitement predominating in this part of society. . . . Here the state of crisis and anomie [are] constant and, so to speak, normal. From top to bottom of the ladder, greed is aroused without knowing where to find ultimate foothold. Nothing can calm it, since its goal is far beyond all it can attain."

In developing the theory, Durkheim characterized goals in the industrial society, and specified the way in which unlimited aspirations are induced. He spoke of "dispositions . . . so inbred that society has grown to accept them and is accustomed to think them normal," and he portrayed these "inbred dispositions": "It is everlastingly repeated that it is man's nature to be eternally dissatisfied, constantly to advance, without relief or rest, toward an indefinite goal. The longing for infinity is daily represented as a mark of moral distinction. . . ." And it was precisely these pressures to strive for "infinite" or "receding" goals, in Durkheim's view, that generate a breakdown in regulatory norms, for "when there is no other aim but to outstrip constantly the point arrived at, how painful to be thrown back!"

Phase II: Disjunction Between Cultural Goals and Socially Structured Opportunity. Durkheim's description of the emergence of "overweening ambition" and the subsequent breakdown of regulatory norms constitutes one of the links between his work and the later development of the theory by Robert K. Merton. In his classic essay, "Social Structure and Anomie," Merton suggests that goals and norms may vary independently of each other, and that this sometimes leads to malintegrated states. In his view, two polar types of disjunction may occur: "There may develop a very heavy, at times a virtually exclusive, stress upon the value of particular goals, involving comparatively little concern with the institutionally prescribed means of striving toward these goals. . . . This constitutes one type of malintegrated culture."⁶ On the other hand, "A second polar type is found where activities originally conceived as instrumental are transmuted into self-contained practices, lacking further

objectives. . . . Sheer conformity becomes a central value." Merton notes that "between these extreme types are societies which maintain a rough balance between emphases upon cultural goals and institutionalized practices, and these constitute the integrated and relatively stable, though changing societies."

Having identified patterns of disjunction between goals and norms, Merton is enabled to define anomie more precisely: "Anomie [may be] conceived as a breakdown in the cultural structure, occurring particularly when there is an acute disjunction between cultural norms and goals and the socially structured capacities of members of the group to act in accord with them."

Of the two kinds of malintegrated societies, Merton is primarily interested in the one in which "there is an exceptionally strong emphasis upon specific goals without a corresponding emphasis upon institutional procedures." He states that attenuation between goals and norms, leading to anomie or "normlessness," comes about because men in such societies internalize an emphasis on common success-goals under conditions of varying access to them. The essence of this hypothesis is captured in the following excerpt: "It is only when a system of cultural values extols, virtually above all else, certain *common* success-goals for the population at large while the social structure rigorously restricts or completely closes access to approved modes of reaching these goals *for a considerable part of the same population*, that deviant behavior ensues on a large scale." The focus, in short, is on the way in which the social structure puts a strain upon the cultural structure. Here one may point to diverse structural differentials in access to culturally approved goals by legitimate means, for example, differentials of age, sex, ethnic status, and social class. Pressures for anomie or normlessness vary from one social position to another, depending on the nature of these differentials.

In summary, Merton extends the theory of anomie in two principal ways. He explicitly identifies types of anomic or malintegrated societies by focussing upon the relationship between cultural goals and norms. And, by directing attention to patterned differentials in the access to success-goals by legitimate means, he shows how the social structure

⁶ For this excerpt and those which follow immediately, see Merton, *op. cit.*, pp. 131-194.

exerts a strain upon the cultural structure, leading in turn to anomie or normlessness.

Phase III: The Concept of Illegitimate Means. Once processes generating differentials in pressures are identified, there is then the question of how these pressures are resolved, or how men respond to them. In this connection, Merton enumerates five basic categories of behavior or role adaptations which are likely to emerge: conformity, innovation, ritualism, retreatism, and rebellion. These adaptations differ depending on the individual's acceptance or rejection of cultural goals, and depending on his adherence to or violation of institutional norms. Furthermore, Merton sees the distribution of these adaptations principally as the consequence of two variables: the relative extent of pressure, and values, particularly "internalized prohibitions," governing the use of various illegitimate means.

It is a familiar sociological idea that values serve to order the choices of deviant (as well as conforming) adaptations which develop under conditions of stress. Comparative studies of ethnic groups, for example, have shown that some tend to engage in distinctive forms of deviance; thus Jews exhibit low rates of alcoholism and alcoholic psychoses.⁷ Various investigators have suggested that the emphasis on rationality, fear of expressing aggression, and other alleged components of the "Jewish" value system constrain modes of deviance which involve "loss of control" over behavior.⁸ In contrast, the Irish show a much higher rate of alcoholic deviance because, it has been argued, their cultural emphasis on masculinity encourages

the excessive use of alcohol under conditions of strain.⁹

Merton suggests that differing rates of ritualistic and innovating behavior in the middle and lower classes result from differential emphases in socialization. The "rule-oriented" accent in middle-class socialization presumably disposes persons to handle stress by engaging in ritualistic rather than innovating behavior. The lower-class person, contrastingly, having internalized less stringent norms, can violate conventions with less guilt and anxiety.¹⁰ Values, in other words, exercise a canalizing influence, limiting the choice of deviant adaptations for persons variously distributed throughout the social system.

Apart from both socially patterned pressures, which give rise to deviance, and from values, which determine choices of adaptations, a further variable should be taken into account: namely, *differentials in availability of illegitimate means*. For example, the notion that innovating behavior may result from unfulfilled aspirations and imperfect socialization with respect to conventional norms implies that illegitimate means are freely available—as if the individual, having decided that "you can't make it legitimately," then simply turns to illegitimate means which are readily at hand whatever his position in the social structure. However, these means may not be available. As noted above, the anomie theory assumes that conventional means are differentially distributed, that some individuals, because of their social position, enjoy certain advantages which are denied to others. Note, for example, variations in the degree to which members of various classes are fully exposed to and thus acquire the values, education, and skills which facilitate upward mobility. It should not be startling, therefore, to find similar variations in the availability of illegitimate means.

Several sociologists have alluded to such variations without explicitly incorporating this variable in a theory of deviant behavior. Sutherland, for example, writes that "an inclination to steal is not a sufficient explanation of the genesis of the professional

⁷ See, e.g., Seldon D. Bacon, "Social Settings Conducive to Alcoholism—A Sociological Approach to a Medical Problem," *Journal of the American Medical Association*, 16 (May, 1957), pp. 177-181; Robert F. Bales, "Cultural Differences in Rates of Alcoholism," *Quarterly Journal of Studies on Alcohol*, 16 (March, 1946), pp. 480-499; Jerome H. Skolnick, "A Study of the Relation of Ethnic Background to Arrests for Inebriety," *Quarterly Journal of Studies on Alcohol*, 15 (December, 1954), pp. 451-474.

⁸ See Isidor T. Thorner, "Ascetic Protestantism and Alcoholism," *Psychiatry*, 16 (May, 1953), pp. 167-176; and Nathan Glazer, "Why Jews Stay Sober," *Commentary*, 13 (February, 1952), pp. 181-186.

⁹ See Bales, *op. cit.*

¹⁰ Merton, *op. cit.*, p. 151.

thief."¹¹ Moreover, "the person must be appreciated by the professional thieves. He must be appraised as having an adequate equipment of wits, front, talking-ability, honesty, reliability, nerve and determination." In short, "a person can be a professional thief only if he is recognized and received as such by other professional thieves." But recognition is not freely accorded: "Selection and tutelage are the two necessary elements in the process of acquiring recognition as a professional thief. . . . A person cannot acquire recognition as a professional thief until he has had tutelage in professional theft, and *tutelage is given only to a few persons selected from the total population.*" Furthermore, the aspirant is judged by high standards of performance, for only "a very small percentage of those who start on this process ever reach the stage of professional theft." The burden of these remarks—dealing with the processes of selection, induction, and assumption of full status in the criminal group—is that motivations or pressures toward deviance do not fully account for deviant behavior. The "self-made" thief—lacking knowledge of the ways of securing immunity from prosecution and similar techniques of defense—"would quickly land in prison." Sutherland is in effect pointing to differentials in access to the role of professional thief. Although the criteria of selection are not altogether clear from his analysis, definite evaluative standards do appear to exist; depending on their content, certain categories of individuals would be placed at a disadvantage and others would be favored.

The availability of illegitimate means, then, is controlled by various criteria in the same manner that has long been ascribed to conventional means. Both systems of opportunity are (1) limited, rather than infinitely available, and (2) differentially available depending on the location of persons in the social structure.

When we employ the term "means," whether legitimate or illegitimate, at least two things are implied: first, that there are appropriate learning environments for the acquisition of the values and skills associ-

ated with the performance of a particular role; and second, that the individual has opportunities to discharge the role once he has been prepared. The term subsumes, therefore, both *learning structures* and *opportunity structures*.

A case in point is recruitment and preparation for careers in the rackets. There are fertile criminal learning environments for the young in neighborhoods where the rackets flourish as stable, indigenous institutions. Because these environments afford integration of offenders of different ages, the young are exposed to "differential associations" which facilitate the acquisition of criminal values and skills. Yet preparation for the role may not insure that the individual will ever discharge it. For one thing, more youngsters may be recruited into these patterns of differential association than can possibly be absorbed, following their "training," by the adult criminal structure. There may be a surplus of contenders for these elite positions, leading in turn to the necessity for criteria and mechanisms of selection. Hence a certain proportion of those who aspire may not be permitted to engage in the behavior for which they have been prepared.

This illustration is similar in every respect, save for the route followed, to the case of those who seek careers in the sphere of legitimate business. Here, again, is the initial problem of securing access to appropriate learning environments, such as colleges and post-graduate school of business. Having acquired the values and skills needed for a business career, graduates then face the problem of whether or not they can successfully discharge the roles for which they have been prepared. Formal training itself is not sufficient for occupational success, for many forces intervene to determine who shall succeed and fail in the competitive world of business and industry—as throughout the entire conventional occupational structure.

This distinction between learning structures and opportunity structures was suggested some years ago by Sutherland. In 1944, he circulated an unpublished paper which briefly discusses the proposition that "criminal behavior is partially a function of opportunities to commit specific classes of crimes, such as embezzlement, bank burglary,

¹¹ For this excerpt and those which follow immediately, see Sutherland, *The Professional Thief*, pp. 211–213.

or illicit heterosexual intercourse.”¹² He did not, however, take up the problem of differentials in opportunity as a concept to be systematically incorporated in a theory of deviant behavior. Instead, he held that “opportunity” is a necessary but not sufficient explanation of the commission of criminal acts, “since some persons who have opportunities to embezzle, become intoxicated, engage in illicit heterosexual intercourse or to commit other crimes do not do so.” He also noted that the differential association theory did not constitute a full explanation of criminal activity, for, notwithstanding differential association, “it is axiomatic that persons who commit a specific crime must have the opportunity to commit that crime.” He therefore concluded that “while opportunity may be partially a function of association with criminal patterns and of the specialized techniques thus acquired, *it is not determined entirely in that manner*, and consequently differential association is not the sufficient cause of criminal behavior.” (emphasis not in original)

In Sutherland’s statements, two meanings are attributed to the term “opportunity.” As suggested above, it may be useful to separate these for analytical purposes. In the first sense, Sutherland appears to be saying that opportunity consists in part of learning structures. The principal components of his theory of differential association are that “criminal behavior is learned,” and, furthermore, that “criminal behavior is learned in interaction with other persons in a process of communication.” But he also uses the term to describe situations conducive to carrying out criminal roles. Thus, for Sutherland, the commission of a criminal act would seem to depend upon the existence of two conditions: differential associations favoring the acquisition of criminal values and skills, and conditions encouraging participation in criminal activity.

This distinction heightens the importance of identifying and questioning the common assumption that illegitimate means are freely available. We can now ask (1) whether there

are socially structured differentials in access to illegitimate learning environments, and (2) whether there are differentials limiting the fulfillment of illegitimate roles. If differentials exist and can be identified, we may then inquire about their consequences for the behavior of persons in different parts of the social structure. Before pursuing this question, however, we turn to a fuller discussion of the theoretical tradition established by Shaw, McKay, and Sutherland.

DIFFERENTIALS IN AVAILABILITY OF ILLEGITIMATE MEANS: THE SUBCULTURE TRADITION

The concept of differentials in availability of illegitimate means is implicit in one of the major streams of American criminological theory. In this tradition, attention is focussed on the processes by which persons are recruited into criminal learning environments and ultimately inducted into criminal roles. The problems here are to account for the acquisition of criminal roles and to describe the social organization of criminal activities. When the theoretical propositions contained in this tradition are reanalyzed, it becomes clear that one underlying conception is that of variations in access to success-goals by illegitimate means. Furthermore, this implicit concept may be shown to be one of the bases upon which the tradition was constructed.

In their studies of the ecology of deviant behavior in the urban environment, Shaw and McKay found that delinquency and crime tended to be confined to delimited areas and, furthermore, that such behavior persisted despite demographic changes in these areas. Hence they came to speak of “criminal tradition,” of the “cultural transmission” of criminal values.¹³ As a result of their observations of slum life, they concluded that *particular importance must be assigned to the integration of different age-levels of offenders*. Thus:

Stealing in the neighborhood was a common practice among the children and approved by the parents. Whenever the boys got together they talked about robbing and made more plans for stealing. I hardly knew any boys who

¹² For this excerpt and those which follow immediately, see Albert Cohen, Alfred Lindesmith and Karl Schuessler, editors, *The Sutherland Papers*, Bloomington: Indiana University Press, 1956, pp. 31–35.

¹³ See especially *Delinquency Areas*, Chapter 16.

did not go robbing. The little fellows went in for petty stealing, breaking into freight cars, and stealing junk. The older guys did big jobs like stick-up, burglary, and stealing autos. The little fellows admired the "big shots" and longed for the day when they could get into the big racket. Fellows who had "done time" were the big shots and looked up to and gave the little fellow tips on how to get by and pull off big jobs.¹⁴

In other words, access to criminal roles depends upon stable associations with others from whom the necessary values and skills may be learned. Shaw and McKay were describing deviant learning structures—that is, alternative routes by which people seek access to the goals which society holds to be worthwhile. They might also have pointed out that, in areas where such learning structures are unavailable, it is probably difficult for many individuals to secure access to stable criminal careers, even though motivated to do so.¹⁵

The concept of illegitimate means and the socially structured conditions of access to them were not explicitly recognized in the work of Shaw and McKay because, probably, they were disposed to view slum areas as "disorganized." Although they consistently referred to illegitimate activities as being organized, they nevertheless often depicted high-rate delinquency areas as disorganized because the values transmitted were criminal rather than conventional. Hence their work includes statements which we now perceive to be internally inconsistent, such as the following:

This community situation [in which Sidney was reared] was not only disorganized and thus ineffective as a unit of control, but it was characterized by a high rate of juvenile delinquency and adult crime, not to mention

the widespread political corruption which had long existed in the area. Various forms of stealing and many organized delinquent and criminal gangs were prevalent in the area. These groups exercised a powerful influence and tended to create a community spirit which not only tolerated but actually fostered delinquent and criminal practices.¹⁶

Sutherland was among the first to perceive that the concept of social disorganization tended to obscure the stable patterns of interaction among carriers of criminal values. Like Shaw and McKay, he had been influenced by the observation that lower-class areas were organized in terms of both conventional and criminal values, but he was also impressed that these alternative value systems were supported by patterned systems of social relations. He expressly recognized that crime, far from being a random, unorganized activity, was typically an intricate and stable system of human arrangements. He therefore rejected the concept of "social disorganization" and substituted the concept of "differential group organization."

The third concept, social disorganization, was borrowed from Shaw and McKay. I had used it but had not been satisfied with it because the organization of the delinquent group, which is often very complex, is social disorganization only from an ethical or some other particularistic point of view. At the suggestion of Albert K. Cohen, this concept has been changed to differential group organization, with organization for criminal activities on one side and organization against criminal activities on the other.¹⁷

Having freed observation of the urban slum from conventional evaluations, Sutherland was able to focus more clearly on the way in which its social structure constitutes a "learning environment" for the acquisition of deviant values and skills. In the development of the theory of "differential association" and "differential group organization," he came close to stating explicitly the concept of differentials in access to illegitimate means. But Sutherland was essentially interested in learning processes, and thus he did not ask how such access varies in different parts of the social structure, nor did he inquire about

¹⁴ Shaw, *The Jack-Roller*, p. 54.

¹⁵ We are referring here, and throughout the paper, to stable criminal roles to which persons may orient themselves on a career basis, as in the case of racketeers, professional thieves, and the like. The point is that access to stable roles depends in the first instance upon the availability of learning structures. As Frank Tannenbaum says, "it must be insisted on that unless there were older criminals in the neighborhood who provided a moral judgement in favor of the delinquent and to whom the delinquents could look for commendation, the careers of the younger ones could not develop at all." *Crime and the Community*, New York: Ginn, 1938, p. 60.

¹⁶ Shaw, *The Natural History of a Delinquent Career*, p. 229.

¹⁷ Cohen, Lindesmith and Schuessler, *op. cit.*, p.21.

the consequences for behavior of variations in the accessibility of these means.¹⁸

William F. Whyte, in his classic study of an urban slum, advanced the empirical description of the structure and organization of illegitimate means a step beyond that of Sutherland. Like Sutherland, Whyte rejected the earlier view of the slum as disorganized:

It is customary for the sociologist to study the slum district in terms of "social disorganization" and to neglect to see that an area such as Cornerville has a complex and well-established organization of its own. . . . I found that in every group there was a hierarchical structure of social relations binding the individuals to one another and that the groups were also related hierarchically to one another. Where the group was formally organized into a political club, this was immediately apparent, but for informal groups it was no less true.¹⁹

Whyte's contribution to our understanding of the organization of illegitimate means in the slum consists primarily in showing that

¹⁸ It is interesting to note that the concept of differentials in access to *legitimate* means did not attain explicit recognition in Sutherland's work, nor in the work of many others in the "subculture" tradition. This attests to the independent development of the two traditions being discussed. Thus the ninth proposition in the differential association theory is stated as follows:

(9) *Though criminal behavior is an expression of general needs and values, it is not explained by those general needs and values since non-criminal 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.

Of course, it is perfectly true that "striving for status," the "money motive" and similar modes of socially approved goal-oriented behavior do not as such account for both deviant and conformist behavior. But if goal-oriented behavior occurs under conditions of socially structured obstacles to fulfillment by legitimate means, the resulting pressures might then lead to deviance. In other words, Sutherland appears to assume that the distribution of access to success-goals by legitimate means is uniform rather than variable, irrespective of location in the social structure. See his *Principles of Criminology*, 4th edition, pp. 7-8.

¹⁹ William F. Whyte, *Street Corner Society*, (original edition, 1943). Chicago: The University of Chicago Press, 1955, p. viii.

individuals who participate in stable illicit enterprise do not constitute a separate or isolated segment of the community. Rather, these persons are closely integrated with the occupants of conventional roles. In describing the relationship between racketeers and politicians, for example, he notes that "the rackets and political organizations extend from the bottom to the top of Cornerville society, mesh with one another, and integrate a large part of the life of the district. They provide a general framework for the understanding of the actions of both 'little guys' and 'big shots.'" ²⁰ Whyte's view of the slum differs somewhat from that conveyed by the term "differential group organization." He does not emphasize the idea that the slum is composed of two different systems, conventional and deviant, but rather the way in which the occupants of these various roles are integrated in a single, stable structure which organizes and patterns the life of the community.

The description of the organization of illegitimate means in slums is further developed by Solomon Kobrin in his article, "The Conflict of Values in Delinquency Areas." ²¹ Kobrin suggests that urban slum areas vary in the degree to which the carriers of deviant and conventional values are integrated with one another. Hence he points the way to the development of a "typology of delinquency areas based on variations in the relationship between these two systems," depicting the "polar types" on such a continuum. The first type resembles the integrated areas described in preceding paragraphs. Here, claims Kobrin, there is not merely structural integration between carriers of the two value systems, but reciprocal participation by each in the value system of the other. Thus:

Leaders of [illegal] enterprises frequently maintain membership in such conventional institutions of their local communities as churches, fraternal and mutual benefit societies and political parties. . . . Within this framework the influence of each of the two value systems is reciprocal, the leaders of illegal enterprise participating in the primary orientation of the conventional elements in

²⁰ *Ibid.*, p. xviii.

²¹ *American Sociological Review*, 16 (October, 1951), pp. 657-658, which includes the excerpts which follow immediately.

the population, and the latter, through their participation in a local power structure sustained in large part by illicit activity, participating perforce in the alternate, criminal value system.

Kobrin also notes that in some urban slums there is a tendency for the relationships between carriers of deviant and conventional values to break down. Such areas constitute the second polar type. Because of disorganizing forces such as "drastic change in the class, ethnic, or racial characteristics of its population," Kobrin suggests that "the bearers of the conventional culture and its value system are without the customary institutional machinery and therefore in effect partially demobilized with reference to the diffusion of their value system." At the same time, the criminal "value system remains implicit" since this type of area is "characterized principally by the absence of systematic and organized adult activity in violation of the law, despite the fact that many adults in these areas commit violations." Since both value systems remain implicit, the possibilities for effective integration are precluded.

The importance of these observations may be seen if we ask how accessibility of illegal means varies with the relative integration of conventional and criminal values from one type of area to another. In this connection, Kobrin points out that the "integrated" area apparently constitutes a "training ground" for the acquisition of criminal values and skills.

The stable position of illicit enterprise in the adult society of the community is reflected in the character of delinquent conduct on the part of children. While delinquency in all high rate areas is intrinsically disorderly in that it is unrelated to official programs for the education of the young, in the [integrated community] boys may more or less realistically recognize the potentialities for personal progress in local society through access to delinquency. In a general way, therefore, delinquent activity in these areas constitutes a training ground for the acquisition of skill in the use of violence, concealment of offense, evasion of detection and arrest, and the purchase of immunity from punishment. Those who come to excel in these respects are frequently noted and valued by adult leaders in the rackets who are confronted, as are the leaders of all income-producing enterprises, with problems of the recruitment of competent personnel.

With respect to the contrasting or "unintegrated area," Kobrin makes no mention of the extent to which learning structures and opportunities for criminal careers are available. Yet his portrayal of such areas as lacking in the articulation of either conventional or criminal values suggests that the appropriate learning structures—principally the integration of offenders of different age levels—are not available. Furthermore, his depiction of adult violative activity as "unorganized" suggests that the illegal opportunity structure is severely limited. Even if youngsters were able to secure adequate preparation for criminal roles, the problem would appear to be that the social structure of such neighborhoods provides few opportunities for stable, criminal careers. For Kobrin's analysis—as well as those of Whyte and others before him—leads to the conclusion that illegal opportunity structures tend to emerge in lower-class areas only when stable patterns of accommodation and integration arise between the carriers of conventional and deviant values. Where these values remain unorganized and implicit, or where their carriers are in open conflict, opportunities for stable criminal role performance are more or less limited.²²

Other factors may be cited which affect access to criminal roles. For example, there is a good deal of anecdotal evidence which reveals that access to the upper echelons of organized racketeering is controlled, at least in part, by ethnicity. Some ethnic groups are found disproportionately in the upper

²² The excellent work by Albert K. Cohen has been omitted from this discussion because it is dealt with in a second article, "Types of Delinquent Subcultures," prepared jointly with Lloyd E. Ohlin (mimeographed, December, 1958, New York School of Social Work, Columbia University). It may be noted that although Cohen does not explicitly affirm continuity with either the Durkheim-Merton or the Shaw-McKay-Sutherland traditions, we believe that he clearly belongs in the former. He does not deal with what appears to be the essence of the Shaw-McKay-Sutherland tradition, namely, the crucial social functions performed by the integration of offenders of differing age-levels and the integration of adult carriers of criminal and conventional values. Rather, he is concerned primarily with the way in which discrepancies between status aspirations and possibilities for achievement generate pressures for delinquent behavior. The latter notion is a central feature in the anomie tradition.

ranks and others disproportionately in the lower. From an historical perspective, as Bell has shown, this realm has been successively dominated by Irish, East-European Jews, and more recently, by Italians.²³ Various other ethnic groups have been virtually excluded or at least relegated to lower-echelon positions. Despite the fact that many rackets (especially "policy") have flourished in predominantly Negro neighborhoods, there have been but one or two Negroes who have been known to rise to the top in syndicated crime. As in the conventional world, Negroes are relegated to the more menial tasks. Moreover, access to elite positions in the rackets may be governed in part by kinship criteria, for various accounts of the blood relations among top racketeers indicate that nepotism is the general rule.²⁴ It has also been noted that kinship criteria sometimes govern access to stable criminal roles, as in the case of the pickpocket.²⁵ And there are, of course, deep-rooted sex differentials in access to illegal means. Although women are often employed in criminal vocations—for example, thievery, confidence games, and extortion—and must be employed in others—such as prostitution—nevertheless females are excluded from many criminal activities.²⁶

Of the various criteria governing access to illegitimate means, class differentials may be among the most important. The differentials noted in the preceding paragraph—age, sex, ethnicity, kinship, and the like—all pertain to criminal activity historically associated with the lower class. Most middle- or upper-class persons—even when interested in following "lower-class" criminal careers—would no doubt have difficulty in fulfilling this

ambition because of inappropriate preparation. The prerequisite attitudes and skills are more easily acquired if the individual is a member of the lower class; most middle- and upper-class persons could not easily unlearn their own class culture in order to learn a new one. By the same token, access to many "white collar" criminal roles is closed to lower-class persons. Some occupations afford abundant opportunities to engage in illegitimate activity; others offer virtually none. The businessman, for example, not only has at his disposal the means to do so, but, as some studies have shown, he is under persistent pressure to employ illegitimate means, if only to maintain a competitive advantage in the market place. But for those in many other occupations, white collar modes of criminal activity are simply not an alternative.²⁷

SOME IMPLICATIONS OF A CONSOLIDATED APPROACH TO DEVIANT BEHAVIOR

It is now possible to consolidate the two sociological traditions described above. Our analysis makes it clear that these traditions are oriented to different aspects of the same problem: differentials in access to opportunity. One tradition focusses on legitimate opportunity, the other on illegitimate. By incorporating the concept of differentials in access to *illegitimate* means, the theory of anomie may be extended to include seemingly unrelated studies and theories of deviant behavior which form a part of the literature of American criminology. In this final section, we try to show how a consolidated approach might advance the understanding of both rates and types of deviant conduct.

²³ Daniel Bell, "Crime as an American Way of Life," *The Antioch Review* (Summer, 1953), pp. 131-154.

²⁴ For a discussion of kinship relationships among top racketeers, see Stanley Frank, "The Rap Gangsters Fear Most," *The Saturday Evening Post* (August 9, 1958), pp. 26ff. This article is based on a review of the files of the United States Immigration and Naturalization Service.

²⁵ See David W. Maurer, *Whiz Mob: A Correlation of the Technical Argot of Pickpockets with Their Behavior Pattern*, Publication of the American Dialect Society, No. 24, 1955.

²⁶ For a discussion of racial, nationality, and sex differentials governing access to a stable criminal role, see *ibid.*, Chapter 6.

²⁷ Training in conventional, specialized occupational skills is often a prerequisite for the commission of white collar crimes, since the individual must have these skills in hand before he can secure a position entailing "trust." As Cressey says, "it may be observed that persons trained to carry on the routine duties of a position of trust have at the same time been trained in whatever skills are necessary for the violation of that position, and the technical skill necessary to trust violation is simply the technical skill necessary to holding the position in the first place." (Donald R. Cressey, *Other People's Money*, Glencoe, Ill.: Free Press, 1953, pp. 81-82.) Thus skills required in certain crimes need not be learned in association with criminals; they can be acquired through conventional learning.

The discussion centers on the conditions of access to *both* systems of means, legitimate and illegitimate.

The Distribution of Criminal Behavior. One problem which has plagued the criminologist is the absence of adequate data on social differentials in criminal activity. Many have held that the highest crime rates are to be found in the lower social strata. Others have suggested that rates in the middle and upper classes may be much higher than is ordinarily thought. The question of the social distribution of crime remains problematic.

In the absence of adequate data, the theorist has sometimes attacked this problem by assessing the extent of pressures toward normative departures in various parts of the social structure. For example, Merton remarks that his "primary aim is to discover how some social structures exert a definite pressure upon certain persons in the society to engage in non-conforming rather than conforming conduct."²⁸ Having identified structural features which might be expected to generate deviance, Merton suggests the presence of a correlation between "pressures toward deviation" and "rate of deviance."

But whatever the differential rates of deviant behavior in the several social strata, and we know from many sources that the official crime statistics uniformly showing higher rates in the lower strata are far from complete or reliable, *it appears from our analysis that the greater pressures toward deviation are exerted upon the lower strata. . . .* Of those located in the lower reaches of the social structure, the culture makes incompatible demands. On the one hand they are asked to orient their behavior toward the prospect of large wealth . . . and on the other, they are largely denied effective opportunities to do so institutionally. *The consequence of this structural inconsistency is a high rate of deviant behavior.*²⁹

Because of the paucity and unreliability of existing criminal statistics, there is as yet no way of knowing whether or not Merton's hypothesis is correct. Until comparative studies of crime rates are available the hypothesized correlation cannot be tested.

From a theoretical perspective, however, questions may be raised about this correla-

tion. Would we expect, to raise the principal query, the correlation to be fixed or to vary depending on the distribution of access to illegitimate means? The three possibilities are (1) that access is distributed uniformly throughout the class structure, (2) that access varies inversely with class position, and (3) that access varies directly with class position. Specification of these possibilities permits a more precise statement of the conditions under which crime rates would be expected to vary.

If access to illegitimate means is *uniformly distributed* throughout the class structure, then the proposed correlation would probably hold—higher rates of innovating behavior would be expected in the lower class than elsewhere. Lower-class persons apparently experience greater pressures toward deviance and are less restrained by internalized prohibitions from employing illegitimate means. Assuming uniform access to such means, it would therefore be reasonable to predict higher rates of innovating behavior in the lower social strata.

If access to illegitimate means varies *inversely* with class position, then the correlation would not only hold, but might even be strengthened. For pressures toward deviance, including socialization that does not altogether discourage the use of illegitimate means, would coincide with the availability of such means.

Finally, if access varies *directly* with class position, comparative rates of illegitimate activity become difficult to forecast. The higher the class position, the less the pressure to employ illegitimate means; furthermore, internalized prohibitions are apparently more effective in higher positions. If, at the same time, opportunities to use illegitimate methods are more abundant, then these factors would be in opposition. Until the precise effects of these several variables can be more adequately measured, rates cannot be safely forecast.

The concept of differentials in availability of illegitimate means may also help to clarify questions about varying crime rates among ethnic, age, religious, and sex groups, and other social divisions. This concept, then, can be systematically employed in the effort to further our understanding of the distribution

²⁸ Merton, *op. cit.*, p. 132.

²⁹ *Ibid.*, pp. 144-145.

of illegitimate behavior in the social structure.

Modes of Adaptation: The Case of Retreatism. By taking into account the conditions of access to legitimate and illegitimate means, we can further specify the circumstances under which various modes of deviant behavior arise. This may be illustrated by the case of retreatism.³⁰

As defined by Merton, retreatist adaptations include such categories of behavior as alcoholism, drug addiction, and psychotic withdrawal. These adaptations entail "escape" from the frustrations of unfulfilled aspirations by withdrawal from conventional social relationships. The processes leading to retreatism are described by Merton as follows: "[Retreatism] arises from continued failure to near the goal by legitimate measures and from an inability to use the illegitimate route because of internalized prohibitions, *this process occurring while the supreme value of the success-goal has not yet been renounced*. The conflict is resolved by abandoning *both* precipitating elements, the goals and means. The escape is complete, the conflict is eliminated and the individual is asocialized."³¹

In this view, a crucial element encouraging retreatism is internalized constraint concerning the use of illegitimate means. But this element need not be present. Merton apparently assumed that such prohibitions are essential because, in their absence, the logic of his scheme would compel him to predict that innovating behavior would result. But the assumption that the individual uninhibited in the use of illegitimate means becomes an innovator presupposes that successful innovation is only a matter of motivation. Once the concept of differentials in access to illegitimate means is introduced, however, it becomes clear that retreatism is possible even in the absence of internalized prohibitions. For we may now ask how individuals respond when they fail in the use of *both* legitimate

and illegitimate means. If illegitimate means are unavailable, if efforts at innovation fail, then retreatist adaptations may still be the consequence, and the "escape" mechanisms chosen by the defeated individual may perhaps be all the more deviant because of his "double failure."

This does not mean that retreatist adaptations cannot arise precisely as Merton suggests: namely, that the conversion from conformity to retreatism takes place in one step, without intervening adaptations. But this is only one route to retreatism. The conversion may at times entail intervening stages and intervening adaptations, particularly of an innovating type. This possibility helps to account for the fact that certain categories of individuals cited as retreatists—for example, hobos—often show extensive histories of arrests and convictions for various illegal acts. It also helps to explain retreatist adaptations among individuals who have not necessarily internalized strong restraints on the use of illegitimate means. In short, retreatist adaptations may arise with considerable frequency among those who are failures in both worlds, conventional and illegitimate alike.³²

Future research on retreatist behavior might well examine the interval between conformity and retreatism. To what extent does the individual entertain the possibility of resorting to illegitimate means, and to what extent does he actually seek to mobilize such means? If the individual turns to innovating devices, the question of whether or not he becomes a retreatist may then depend upon the relative accessibility of illegitimate means. For although the frustrated conformist seeks a solution to status discontent by adopting such methods, there is the further problem of whether or not he possesses ap-

³⁰ Retreatist behavior is but one of many types of deviant adaptations which might be re-analyzed in terms of this consolidated theoretical approach. In subsequent papers, being prepared jointly with Lloyd E. Ohlin, other cases of deviant behavior—e.g., collective disturbances in prisons and sub-cultural adaptations among juvenile delinquents—will be examined. In this connection, see footnote 22.

³¹ Merton, *op. cit.*, pp. 153–154.

³² The processes of "double failure" being specified here may be of value in re-analyzing the correlation between alcoholism and petty crime. Investigation of the careers of petty criminals who are alcoholic may reveal that after being actively oriented toward stable criminal careers they then lost out in the competitive struggle. See, e.g., Irwin Deutscher, "The Petty Offender: A Sociological Alien," *The Journal of Criminal Law, Criminology and Police Science*, 44 (January-February, 1954), pp. 592–595; Albert D. Ullman *et al.*, "Some Social Characteristics of Misdemeanants," *The Journal of Criminal Law, Criminology and Police Science*, 48 (May-June, 1957), pp. 44–53.

propriate skills and has opportunities for their use. We suggest therefore that data be gathered on preliminary responses to status discontent—and on the individual's perceptions of the efficacy of employing illegitimate means, the content of his skills, and the objective situation of illegitimate opportunity available to him.

Respecification of the processes leading to retreatism may also help to resolve difficulties entailed in ascertaining rates of retreatism in different parts of the social structure. Although Merton does not indicate explicitly where this adaptation might be expected to arise, he specifies some of the social conditions which encourage high rates of retreatism. Thus the latter is apt to mark the behavior of downwardly mobile persons, who experience a sudden breakdown in established social relations, and such individuals as the retired, who have lost major social roles.³³

The long-standing difficulties in forecasting differential rates of retreatism may perhaps be attributed to the assumption that retreatists have fully internalized values prohibiting the use of illegitimate means. That this prohibition especially characterizes socialization in the middle and upper classes probably calls for the prediction that retreatism occurs primarily in those classes—and that the hobohemias, "drug cultures," and the ranks of the alcoholics are populated primarily by individuals from the upper reaches of society. It would appear from

various accounts of hobohemia and skid row, however, that many of these persons are the products of slum life, and, furthermore, that their behavior is not necessarily controlled by values which preclude resort to illegitimate means. But once it is recognized that retreatism may arise in response to limitations on both systems of means, the difficulty of locating this adaptation is lessened, if not resolved. Thus retreatist behavior may vary with the particular process by which it is generated. The process described by Merton may be somewhat more characteristic of higher positions in the social structure where rule-oriented socialization is typical, while in the lower strata retreatism may tend more often to be the consequence of unsuccessful attempts at innovation.

SUMMARY

This paper attempts to identify and to define the concept of differential opportunity structures. It has been suggested that this concept helps to extend the developing theory of social structure and anomie. Furthermore, by linking propositions regarding the accessibility of *both* legitimate and illegitimate opportunity structures, a basis is provided for consolidating various major traditions of sociological thought on nonconformity. The concept of differential systems of opportunity and of variations in access to them, it is hoped, will suggest new possibilities for research on the relationship between social structure and deviant behavior.

³³ Merton, *op. cit.*, pp. 188–189.