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Delinquency and Opportunity

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... Social norms are two-sided. A prescription implies the existence of a prohibition, and vice versa. To advocate honesty is to demarcate and condemn a set of actions which are dishonest. In other words, norms that define legitimate practices also implicitly define illegitimate practices. One purpose of norms, in fact, is to delineate the boundary between legitimate and illegitimate practices. In setting this boundary in segregating and classifying various types of behavior, they make us aware not only of behavior that is regarded as right and proper but also of behavior that is said to be wrong and improper. Thus the criminal who engages in theft or fraud does not invent a new way of life; the possibility of employing alternative means is acknowledged, tacitly at least, by the norms of the culture.

This tendency for proscribed alternatives to be implicit in every prescription, and vice versa, although widely recognized, is nevertheless a reef upon which many a theory of delinquency has foundered. Much of the criminological literature assumes, for example, that one may explain a criminal act simply by accounting for the individual's readiness to employ illegal alternatives of which his culture, through its norms, has already made him generally aware. Such explanations are quite unsatisfactory, however, for they ignore a host of questions regarding the relative availability of illegal alternatives to various potential criminals. The aspiration to be a physician is hardly enough to explain the fact of becoming a physician; there is much that transpires between the aspiration and the achievement. This is no less true of the person who wants to be a successful criminal. Having decided that he "can't make it legitimately," he cannot simply choose among an array of illegitimate means, all equally available to him. As we have noted earlier, it is assumed in the theory of anomie that access to conventional means is differentially distributed, that some individuals, because of their social class, enjoy certain advantages that are denied to those elsewhere in the class structure. For example, there are variations in the degree to which members of various classes are fully exposed to and thus acquire the values, knowledge, and skills that facilitate upward mobility. It should not be startling, therefore, to suggest that there are socially structured variations in the availability of illegitimate means as well. In connection with delinquent subcultures, we shall be concerned principally with differentials in access to illegitimate means

within the lower class.

Many sociologists have alluded to differentials in access to illegitimate means without explicitly incorporating this variable into a theory of deviant behavior. This is particularly true of scholars in the "Chicago tradition" of criminology. Two closely related theoretical perspectives emerged from this school. The theory of "cultural transmission," advanced by Clifford R. Shaw and Henry D. McKay, focuses on the development in some urban neighborhoods of a criminal tradition that persists from one generation to another despite constant changes in population.¹ In the theory of "differential association," Edwin H. Sutherland described the processes by which criminal values are taken over by the individual.² He asserted that criminal behavior is learned, and that it is learned in interaction with others who have already incorporated criminal values. Thus the first theory stresses the value systems of different areas; the second, the systems of social relationships that facilitate or impede the acquisition of these values.

Scholars in the Chicago tradition, who emphasized the processes involved in learning to be criminal, were actually pointing to differentials in the availability of illegal means—although they did not explicitly recognize this variable in their analysis. This can perhaps best be seen by examining Sutherland's classic work, *Professional Thief* "An inclination to steal," according to Sutherland, "is not a sufficient explanation of the genesis of the professional thief."³ The "self-made" thief, lacking knowledge of the ways of securing immunity from prosecution and similar techniques of defense, "would quickly land in prison; . . . 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." For one thing, "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." 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 thief. . . ." Thus motivation and pressures toward deviance do not fully account for deviant behavior any more than motivation and pressures toward conformity account for conforming behavior. The individual must have access to a learning environment and, once having been trained, must be allowed to perform his role. Roles, whether conforming or deviant in content, are not necessarily freely available; access to them depends upon a variety of factors, such as one's socioeconomic position, age, sex, ethnic affiliation, personality characteristics, and the like. The potential thief, like the potential physician, finds that access to his goal is governed by many criteria other than merit and motivation.

What we are asserting is that access to illegitimate roles is not freely available to all, as is commonly assumed. Only those neighborhoods in which crime flourishes as a stable, indigenous institution are fertile criminal learning environments for the young. Because these environments afford integration of different age-levels of offender, selected young people are exposed to "differential association" through which tutelage is provided and criminal values and skills are acquired. To be prepared for the role may not, however, ensure that the individual will ever discharge it. One important limitation is that more youngsters are recruited into these patterns of

differential associations than the adult criminal structure can possibly absorb. Since there is a surplus of contenders for these elite positions, criteria and mechanisms of selection must be evolved. Hence a certain proportion of those who aspire may not be permitted to engage in the behavior for which they have prepared themselves.

Thus we conclude that access to illegitimate roles, no less than access to legitimate roles, is limited by both social and psychological factors. We shall here be concerned primarily with socially structured differentials in illegitimate opportunities. Such differentials, we contend, have much to do with the type of delinquent subculture that develops.

Learning and Performance Structures

Our use of the term "opportunities," legitimate or illegitimate, implies access to both learning and performance structures. That is, the individual must have access to appropriate environments for the acquisition of the values and skills associated with the performance of a particular role, and he must be supported in the performance of the role once he has learned it.

Tannenbaum, several decades ago, vividly expressed the point that criminal role performance, no less than conventional role performance, presupposes a patterned set of relationships through which the requisite values and skills are transmitted by established practitioners to aspiring youth:

It takes a long time to make a good criminal, many years of specialized training and much preparation. But training is something that is given to people. People learn in a community where the materials and the knowledge are to be had. A craft needs an atmosphere saturated with purpose and promise. The community provides the attitudes, the point of view, the philosophy of life, the example, the motive, the contacts, the friendships, the incentives. No child brings those into the world. He finds them here and available for use and elaboration. The community gives the criminal his materials and habits, just as it gives the doctor, the lawyer, the teacher, and the candlestick-maker theirs.⁴

Sutherland systematized this general point of view, asserting that opportunity consists, at least in part, of learning structures. Thus "criminal behavior is learned" and, furthermore, it is learned "in interaction with other persons in a process of communication." However, he conceded that the differential-association theory does not constitute a full explanation of criminal behavior. In a paper circulated in 1944, he noted that "criminal behavior is partially a function of opportunities to commit *i.e.*, to perform specific classes of crime, such as embezzlement, bank burglary, or illicit heterosexual intercourse." Therefore, "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."⁵

To Sutherland, then, illegitimate opportunity included conditions favorable to the performance of a criminal role as well as conditions favorable to the learning of such a role (differential associations). These conditions, we suggest, depend upon certain features of the social structure of the community in which delinquency arises.

Differential Opportunity: A Hypothesis

We believe that each individual occupies a position in both legitimate and illegitimate opportunity structures. This is a new way of defining the situation. The theory of anomie views the individual primarily in terms of the legitimate opportunity structure. It poses questions regarding differentials in access to legitimate routes to success-goals; at the same time it assumes either that illegitimate avenues to success-goals are freely available or that differentials in their availability are of little significance. This tendency may be seen in the following statement by Merton:

Several researches have shown that specialized *areas* of vice and crime constitute a "normal" response to a situation where the cultural emphasis upon pecuniary success has been absorbed, but where there is little access to conventional and legitimate means for becoming successful. The occupational opportunities of people in these areas are largely confined to manual labor and the lesser white-collar jobs. Given the American stigmatization of manual labor *which has been found to hold rather uniformly for all social classes*, and the absence of realistic opportunities for advancement beyond this level, the result is a marked tendency toward deviant behavior. The status of unskilled labor and the consequent low income cannot readily compete *in terms of established standards of worth* with the promises of power and high income from organized vice, rackets and crime. . . . [Such a situation] leads toward the gradual attenuation of legitimate, but by and large ineffectual, strivings and the increasing use of illegitimate, but more or less effective, expedients.⁶

The cultural-transmission and differential-association tradition, on the other hand, assumes that access to illegitimate means is variable, but it does not recognize the significance of comparable differentials in access to legitimate means. Sutherland's "ninth proposition" in the theory of differential association states:

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.⁷

In this statement, Sutherland appears to assume that people have equal and free access to legitimate means regardless of their social position. At the very least, he does not treat access to legitimate means as variable. It is, of course, perfectly true that "striving for social status," "the money motive," and other socially approved drives do not fully account for either deviant or conforming behavior. But if goal-oriented behavior occurs under conditions in which there are socially structured obstacles to the satisfaction of these drives by legitimate means, the resulting pressures, we contend, might lead to deviance.

The concept of differential opportunity structures permits us to unite the theory of anomie, which recognizes the concept of differentials in access to legitimate means, and the "Chicago tradition," in which the concept of differentials in access to illegitimate means is implicit. We can now look at the individual, not simply in relation to one or the other system of means, but in relation to both legitimate and illegitimate systems. This approach permits us to ask, for example, how the relative availability

of illegitimate opportunities affects the resolution of adjustment problems leading to deviant behavior. We believe that the way in which these problems are resolved may depend upon the kind of support for one or another type of illegitimate activity that is given at different points in the social structure. If, in a given social location, illegal or criminal means are not readily available, then we should not expect a criminal subculture to develop among adolescents. By the same logic, we should expect the manipulation of violence to become a primary avenue to higher status only in areas where the means of violence are not denied to the young. To give a third example, drug addiction and participation in subcultures organized around the consumption of drugs presuppose that persons can secure access to drugs and knowledge about how to use them. In some parts of the social structure, this would be very difficult; in others, very easy. In short, there are marked differences from one part of the social structure to another in the types of illegitimate adaptation that are available to persons in search of solutions to problems of adjustment arising from the restricted availability of legitimate means.⁸ In this sense, then, we can think of individuals as being located in two opportunity structures—one legitimate, the other illegitimate. Given limited access to success-goals by legitimate means, the nature of the delinquent response that may result will vary according to the availability of various illegitimate means. . . .⁹

Notes

1. See esp. C. R. Shaw, *The Jack-Roller* (Chicago: University of Chicago Press, 1930); Shaw, *The Natural History of a Delinquent Career* (Chicago: University of Chicago Press, 1931); Shaw et al., *Delinquency Areas* (Chicago: University of Chicago Press, 1940); and Shaw and H. D. McKay, *Juvenile Delinquency and Urban Areas* (Chicago: University of Chicago Press, 1942).
2. E. H. Sutherland, ed., *The Professional Thief* (Chicago: University of Chicago Press, 1937); and Sutherland, *Principles of Criminology*, 4th Ed. (Philadelphia: Lippincott, 1947).
3. AU quotations on *this page* are from *The Professional Thief*, pp. 2 1 1 - 13. Emphasis added.
4. Frank Tannenbaum, "The Professional Criminal," *The Century* Vol. 110 (May-Oct. 1925), p. 577.
5. See A. K. Cohen, Alfred Lindesmith, and Karl Schuessler, eds., *The Sutherland Papers* (Bloomington, IN: Indiana University Press, 1956), pp. 31-35.
6. R. K. Merton, *Social Theory and Social Structure*, Rev. and Enl. Ed. (Glencoe, IL: Free Press, 1957), pp. 145-46.
7. *Principles of Criminology*, op. cit., pp. 7-8.
8. For an example of restrictions on access to illegitimate roles, note the impact of racial definitions in the following case: "I was greeted by two prisoners who were to be my cell buddies. Ernest was a first offender, charged with being a "hold-up" man. Bill, the other buddy, was an old offender, going through the machinery of becoming a habitual criminal, in and out of jail. . . . The first thing they asked me was, 'What are you in for?' I said, 'Jack-rolling.' The hardened one (Bill) looked at me with a superior air and said, 'A hoodlum eh? An ordinary sneak thief. Not willing to leave jack-rolling to the niggers, eh? That's all they're good for. Kid, jack-rolling's not a white man's job.' I could see that he was disgusted with me, and I was too scared to say anything" (Shaw, *The Jack-Roller*, op. cit., p. 101).
9. For a discussion of the way in which the availability of illegitimate means influences the adaptations of inmates to prison life, see R. A. Cloward, "Social Control in the Prison," *Theoretical Studies of the Social Organization of the Prison*, Bulletin No. 15 (New York: Social Science Research Council, March 1960), pp. 20-48.