

explanation of a crime rate must be consistent with the explanation of the criminal behavior of the person, since the crime rate is a summary statement of the number of persons in the group who commit crimes and the frequency with which they commit crimes.

Sutherland 1973

Development of the Theory

I SHALL present a personal account of the hypothesis that criminal behavior is caused by differential association. This is to be a biography of the hypothesis and a report on its present status or its rise and decline. It is a story of confusion, inconsistencies, delayed recognition of implicit meanings, and of much borrowing from and stimulation by colleagues and students. The hypothesis has changed rapidly and frequently, for which I am doubly thankful, first because the hypothesis at any rate is not dead, and second because I have been able to retract many ideas about it before they were published.

My organized work in criminology began in 1921, when E. C. Hayes, head of the Department of Sociology in the University of Illinois, asked me to write a text on criminology for the Lippincott series. My principal interest up to that time had been in labor problems. Hayes's request turned my career in the direction of criminology. I had taken a course in criminology in 1906 under Charles Richmond Henderson, in which we used as a text his *Dependents, Defectives, and Delinquents*, first edition, 1893, second, 1901. I had taught a course in criminology each year from 1913 to 1921. Fortunately the only texts, Parmelee and Wines, were inadequate, and I was compelled to

Address given by Professor Sutherland as retiring president of the Ohio Valley Sociological Society at the annual dinner of the Society, April, 1942.

make some investigations of the literature rather than depend entirely on the texts.

My principal theoretical interest in criminology at that time was the controversy between heredity and environment. The inherited factor had shifted somewhat from morphology, which Lombroso had emphasized, to feeble-mindedness, which Goddard was emphasizing, and inherited psychopathies were beginning to claim more attention.

Preliminary to writing a manuscript, I attempted to review all of the literature on criminology and especially the research studies. I organized the results topically—economic factors, political factors, physiological factors, etc.—rather than abstractly or logically. I made no effort to generalize, and consequently I had a congeries of discrete and co-ordinate factors, unrelated to each other, which may be called the multiple-factor theory. I was not aware that the relations among these factors constituted a problem, except as to the relative importance of the several factors. I took pride in my broadmindedness in including all kinds of factors and in not being an extremist like the geographic determinists, the economic determinists, the biological determinists, or the mental-tester determinists.

My other principal interest at that time was opposition to the view of Hayes and others that sociology is a synthetic science, organizing and interpreting the findings of other sciences. In contrast I insisted that sociology is a specialized science with special problems. I did not realize that this conception of general sociology was inconsistent with my synthetic view of criminal behavior; I was not even vaguely aware that the two positions were inconsistent.

I made some effort from the first to apply sociological concepts to criminal behavior, especially Thomas's attitude-value and four wishes, but also imitation, isolation, culture-conflict (implicitly rather than explicitly), and a little later Park's and Burgess' four processes. I was especially interested in the four wishes as a substitute for instincts, which were biological and inherited. And I made explicit use of the concept of isolation, partly because of the dramatic quality of the literature regard-

ing feral men and partly because I worked somewhat intensively on that concept when Burgess asked me to write a paper on "The Isolated Family" for the Illinois conference of social work. For the most part these sociological concepts were used in restricted areas and became additional factors rather than generalizations from other factors. I made no effort to extend these sociological concepts to explain all criminal behavior.

More significant for the development of a theory were certain questions which I raised in class discussions. One of these questions was, Negroes, young-adult males, and city dwellers all have relatively high crime rates: What do these three groups have in common that places them in this position? Another question was, Even if feeble-minded persons have a high crime rate, why do they commit crimes? It is not feeble-mindedness as such, for some feeble-minded persons do not commit crimes. Later I raised another question which became even more important in my search for generalizations. Crime rates have a high correlation with poverty if considered by areas of a city but a low correlation if considered chronologically in relation to the business cycle; this obviously means that poverty as such is not an important cause of crime. How are the varying associations between crime and poverty explained? Largely in connection with the relation between crime and poverty, I began about 1928 to make investigations of white-collar crimes.

Almost all the ideas in the 1939 edition of my criminology are present in the 1924 edition, but they are implicit rather than explicit, appear in connection with criticisms of other theories rather than as organized constructive statements.

The second edition of my criminology in 1934 shows some progress toward a point of view and a general hypothesis. I was surprised in 1935 when Henry McKay referred to my theory of criminal behavior, and I asked him what my theory was. He referred me to pages 51-52 of my book. I looked this up and read

The hypotheses of this book are as follows: First, any person can be trained to adopt and follow any pattern of behavior which he

is able to execute. Second, failure to follow a prescribed pattern of behavior is due to the inconsistencies and lack of harmony in the influences which direct the individual. Third, the conflict of cultures is therefore the fundamental principle in the explanation of crime.

I assure you that I was surprised to learn that I had stated a general hypothesis regarding criminal behavior. I undoubtedly owed much to Wirth's 1931 paper. My thinking was compartmentalized rather than integrated. I wrote one section of the book and forgot it when working on another section. I feel that I am not unique in this respect and that culture is generally compartmentalized rather than integrated in the person and the society. In spite of the statement about hypotheses, if anyone had caught me in my usual frame of mind and asked me what my theory of criminal behavior was, I would have answered, "The multiple-factor theory," and in that theory I would have left the multiple factors co-ordinate and unrelated to each other. I was not aware that I was approaching generalizations of an abstract nature.

I had been affected, however, by several incidents which turned my attention toward abstract generalizations, and these occurred about the time I was preparing the manuscript for the 1934 edition, or perhaps a little later. Michael and Adler had published their critical appraisal of criminological research. My first reaction, lasting for a couple of years, was emotional antagonism. But I wish now to admit that it had a very important influence on me and turned my attention toward abstract generalizations. Second, Dean Ruml of the University of Chicago called together several persons interested in criminology and asked us, "What do you know about criminal behavior?" The best I could say was that we had certain facts about the incidence of high crime rates and that we had proved that certain propositions were false. I could state no verified positive generalizations. This turned me somewhat more toward a search for such propositions. Third, in a doctoral examination of a candidate, whose name I do not remember,

Louis Wirth asked, "What is the closest approach you know to a general theory of criminal behavior?" After the stumbling often characteristic of such occasions, the candidate answered "cultural conflict," which was the right answer, since Wirth had published an article to that effect. Fourth, I supervised the work of Ching-Yueh Yen on a dissertation on crime in China which had the thesis that crime is due to cultural conflict. That work and, perhaps even more, Burgess's sharp criticisms during the examination, helped to clarify my position. Fifth, Sellin and I were appointed members of a committee of the Social Science Research Council to organize a report on a nuclear problem in criminology. We selected culture conflict as the problem and spent considerable time organizing the data and problems of criminal behavior around that concept. Although Sellin is almost entirely responsible for the report, it had an additional influence on me.

In the third edition of my criminology in 1939 I stated the hypothesis of differential association and placed it in the first chapter. I did this under the insistent prodding of Henry McKay, Hans Riemer, and Harvey Locke. I was reluctant to make the hypothesis explicit and prominent even after I realized that I had stated it, for I knew that every criminological theory which had lifted its head had been cracked down by everyone except its author. In spite of the danger I accepted the advice, probably because of the following influences.

First, I had worked for several years with a professional thief and had been greatly impressed by his statement that a person cannot become a professional thief merely by wanting to be one; he must be trained in personal association with those who are already professional thieves. There I seemed to see in magnified form the process that occurs in all crime. Second, Lindsmith had come to Indiana University, and I became acquainted with his conception of methodology as developed in his study of drug addiction. According to this conception, an hypothesis should fit every case in the defined universe, and the procedure to use is: State the hypothesis and try it out on one case; if it does not fit the facts, modify the hypothesis or else redefine

the universe to which it applies, and try it on another case, and so on for case after case. This methodology consists in searching for negative cases, one negative case disproving the hypothesis. Although this involves several cases, it is not concerned with averages, standard deviations, or coefficients of correlation. This conception of methodology assisted me greatly in formulating problems and in testing hypotheses. I had long felt dissatisfied with work which consisted in finding a high correlation, say .72, and then regarding that problem as solved and passing to another problem. A third event was that some of us organized a non-credit seminar which met monthly in Indianapolis for two years and was attended by members of the professional staff of the penal institutions and by Lindsmith, Sweetser, and me. We were concerned principally with neighborhood influences on delinquency. One evening as we drove home from Indianapolis Sweetser asked, "Why doesn't the explanation of juvenile delinquency in a slum area apply in principle to murders in the South?" That question was the specific occasion for the formulation of the statement of differential association. The statement was mimeographed, distributed to the Indianapolis seminar and to some of my classes, criticized, re-formulated, and then included in the first chapter of the 1939 edition of my criminology. I made little effort in the text to organize the factual data regarding causes of crime around this hypothesis. This would have delayed publication for another year, and I was unwilling to disturb the somewhat standardized organization of the book in order to make the materials consistent with an hypothesis which might quickly be murdered or commit suicide.

It was my conception that a general theory should take account of all the factual information regarding crime causation. It does this either by organizing the multiple factors in relation to each other or by abstracting from them certain common elements. It does not, or should not, neglect or eliminate any factors that are included in the multiple factor theory.

The statement of that hypothesis of differential association as the explanation of the criminal behavior of a person marked

the turning point in my thinking; previously I had used abstract processes as co-ordinate with concrete conditions, or had used them in certain compartments of my thinking but not in others. I had sufficient acquaintance with reports of research in criminology to know that hundreds of concrete conditions have something to do with criminal behavior, are associated with it in some way or other. But every one of them had a relatively small degree of association. Some Negroes commit crimes, some do not; some people who reside in delinquency areas commit crimes, some do not. Any concrete condition is sometimes associated with criminal behavior and sometimes not. Perhaps there is nothing that is so frequently associated with criminal behavior as being a male. But it is obvious that maleness does not explain criminal behavior. I reached the general conclusion that a concrete condition cannot be a cause of crime, and that the only way to get a causal explanation of criminal behavior is by abstracting from the varying concrete conditions things that are universally associated with crime.

With the general point of view which I had acquired as a sociologist and used particularly in relation to criminal behavior, it seemed to me that learning, interaction, and communication were the processes around which a theory of criminal behavior should be developed. The theory of differential association was an attempt to explain criminal behavior in that manner.

The hypothesis of differential association seemed to me to be consistent with the principal gross findings in criminology. It explained why the Moloccan children became progressively delinquent with the length of residence in the deteriorated area of Los Angeles, why the city crime rate is higher than the rural crime rate, why males are more delinquent than females, why the crime rate remains consistently high in deteriorated areas of cities, why the juvenile delinquency rate in a foreign nativity is high while the group lives in a deteriorated area and drops when that group moves out of that area, why second-generation Italians do not have the high murder rate that their fathers had, why Japanese children in a deteriorated area of

Causal

X

Seattle had a low delinquency rate even though in poverty, why crimes do not increase greatly in a period of depression. All of the general statistical facts seem to fit this hypothesis.

I wish now to pass to the second part of this history and describe some of the problems which have arisen in regard to the hypothesis, some of the research work that has been done, and the present state of my belief in the hypothesis.

① One of the first questions concerned the relations among the concepts of differential association, social disorganization, and culture conflict. The published statement is very far from clear. The view that emerged from discussions is: First, culture relating to criminal law is not uniform or homogeneous in any modern society. This lack of homogeneity is illustrated in extreme form in the criminal tribes of India. Two cultures are in sharp conflict there. One is the tribal culture which prescribes certain types of assault on persons outside the tribe, in some cases with religious compulsions. The other is the legal culture as stated by the Indian and provincial governments and made applicable to the criminal tribes. Two conflicting codes of behavior impinge upon these tribes. When members of the tribe commit crimes, they act in accordance with one code and in opposition to the other. According to my theory, the same principle or process exists in all criminal behavior, although the conflict may not be widely organized or sharply defined as in the Indian tribes. Culture conflict in this sense is the basic principle in the explanation of crime. This culture conflict was interpreted as relating specifically to law and crime; and as not including conflicts in relation to religion, politics, standard of living, or other things. At an earlier date I had used the concept of culture conflict in this broader sense on the assumption that any kind of culture conflict caused crime. Principally because of criticisms by Mary Bess (Owen) Cameron I restricted the concept to the area of law and crime. This may be called the principle of specificity in culture conflict. The second concept, differential association, is a statement of culture conflict from the point of view of the person who commits the crime. The two kinds of culture impinge on him or he has associations with

the two kinds of cultures, and this is differential association. 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. This concept was designed to answer the question, Why does not criminal behavior, once initiated, increase indefinitely until everyone participates in it? The answer was: Several criminals perfect an organization and with organization their crimes increase in frequency and seriousness; in the course of time this arouses a narrower or a broader group which organizes itself against crime, and this tends to reduce crimes. The crime rate at a particular time is a resultant of these opposed organizations. Differential group organization, therefore, should explain the crime rate, while differential association should explain the criminal behavior of a person. The two explanations must be consistent with each other.

A second question was related to the distinction between systematic and adventitious crimes. This distinction had been made for practical rather than logical reasons, in order to postpone consideration of the very trivial criminal acts. I soon learned that different persons made very different definitions of the distinction. A psychiatrist in the Indiana State Prison accepted the theory as it related to systematic criminal behavior but asserted that not more than two of the two thousand prisoners there were systematic criminals. My idea had been that practically all of the prisoners were systematic criminals. However, when some of our graduate students were attempting to test the validity of the hypothesis by case studies of prisoners, they found that the most difficult part of the work was to determine objectively whether a prisoner was a criminal systematically or adventitiously. Since the distinction had been made for practical purposes and did not seem to have practical utility,

I abandoned it and stated the hypothesis as applying to every crime, regardless of its systematic quality. Some of my friends, especially Lindesmith, have insisted that I shall need to re-adopt this distinction or something much like it.

3 A third question had to do with the significance of "differential." I was asked, Why not say criminal behavior is due to association? The answer was that some persons who have many intimate contacts with criminals refrain from crime and that this is probably due to the counteracting influence of associations with anti-criminal behavior. Actual participation in criminal behavior is a resultant of two kinds of associations, criminal and anti-criminal, or the associations directed toward crime and the associations directed against crime. This eliminates a large portion of our experiences which are neutral so far as crime is concerned. The elimination of non-criminal culture was required by the principle of the specificity of culture conflict. I concluded that these non-criminal experiences were significant in restricted ways: (a) They may occupy time and thereby prevent frequent and intimate associations with criminal or anti-criminal patterns. (b) They may develop lawful techniques which may be utilized later in criminal or anti-criminal behavior in a different context. (c) They may determine the prestige of certain kinds of persons, e.g., the athletic person, and this may in a different context make the criminality of a person of that type more attractive. (d) They may provide training for legal behavior, which is later made illegal by a change in laws. The general conclusion was that training is transferred from the non-criminal area to the criminal or anti-criminal area so far as there are common elements.

4 A fourth question was, Is differential association merely a restatement of Tarde's theory that crime is due to imitation? My answer was that differential association takes into account not only imitation but all other processes of learning. For instance, seduction into illegal sexual behavior or other illegal behavior is not imitation.

5 A fifth question was, What specific things are learned in this association? Techniques of criminal behavior may be learned,

but since many techniques of criminal behavior are also techniques of non-criminal behavior, other things must be acquired. The most important of the other elements is the evaluation of the behavior. Evaluation, which may be called rationalization, is concerned with motivation in a restricted sense. Another element is the definition of the situation in which criminal behavior is appropriate. The professional thief learns to define the situation in which criminal behavior is appropriate, but for him the situations are extensive and objects of theft somewhat substitutable. For many other offenders the situations and objects are not substitutable. Thus, a man kills his wife's lover in accordance with a code acquired from his associations; he would not be satisfied by killing some other person.

6 A sixth question was, Do non-criminals sometimes invent simple crimes? In other words, is criminal behavior possible without criminal associations? We have learned in social psychology that at least a slight element of invention is present in practically all behavior. The situation is a little different here, for both the legal code and the criminal pattern must be learned or acquired. But the question cannot be answered except by research studies. Some of our graduate students have made case studies of 125 adult prisoners and have found only one case in which associations with other criminals had not preceded their own crimes; although no measurement of the modalities of association were made, their associations with criminal patterns appeared to be much more frequent and intimate than those customary for people such as university students and faculty members. In the one exception, a student had been short-changed by a storekeeper, almost certainly by mistake. The student called attention to it, but later used the same method as a student prank and then as the basis of a criminal career, with little association with other criminals. Another research project on this question of the invention of criminal behavior was to inquire of students regarding the circumstances of the first theft they could remember. Approximately three fourths of the students reported that their first thefts were subsequent to and presumably the result of association with others who

had stolen previously. The other fourth described their first thefts as: "I saw something, I wanted it, I took it, although I knew it was wrong." My own first recollected theft is of that nature. But I am sure that in my own case I had stolen many things before the first one that I now recollect and that memories are not a reliable source of information as to the first theft. They will need to be studied at the time they occur. Two families have agreed to make reports to me regarding the first thefts of their children when the children reach the age when thefts may occur. I hope some of you will collect similar cases. The invention of criminal behavior may occur also in certain extreme cases of kleptomania or other compulsive crimes or of psychotic crimes. I shall deal with this at a later point.

A seventh question was, How did crime begin in the first place? How did it get into the culture? It can't be diffused until it originates, and differential association does not explain its origin. My explanation was that behavior of a certain kind goes on before the law prohibits it, and that pre-legal behavior constitutes the pattern for subsequent violation of the law. The new crimes defined by our defense and war legislation are of this nature, and I think that all other crimes are.

An eighth question was, What are the variables, modalities, or exponents of association with criminal patterns or with anti-criminal patterns? The 1939 edition refers to two such variables, frequency and consistency. Consistency is the same as "differential" association and therefore is not a variable, which leaves nothing except frequency. At least two other variables should be included, namely, intimacy and the prestige of the source of the pattern; to some extent the latter duplicates the first, and such duplication is the principal difficulty in adding to the number of variables. I have been asked, How do you explain the relatively low crime rate of prison guards and policemen who come into contact with criminals with great frequency? In the first place, I am not sure that they have a low crime rate, and second, they may not have frequent contacts with criminal patterns even though they have contact with criminals, for a prisoner seldom displays his criminal behavior

to a prison guard. But waiving those points, we may say that policemen and prison guards seldom have intimate contact with criminals, and that criminals have little prestige with these agents of justice. A policeman or a prison guard has his most frequent, intimate, and prestigious associations with others in the same occupation and with members of the police machine; and when he participates in criminal behavior, it is most frequently in graft, which he learns from these associates. No attempt has been made to measure these exponents of association, and this certainly must be done if the hypothesis is to be used extensively, or progressively.

9 The ninth, last, and most difficult question was, What is the relation of personal traits to these culture patterns in the genesis of criminal behavior? This, to some extent, is the question of the invention of criminal behavior. I believe it is the most important and crucial question in criminological theory. When I prepared the first edition of the statement of differential association and submitted it for criticisms, I believed that the person's susceptibility to the criminal pattern was a factor. Under criticism this was dropped, on the ground that his susceptibility was largely, if not wholly, a product of his previous associations with criminal and anti-criminal patterns, and another proposition was substituted: Personal traits have a causal relation to criminal behavior only as they affect the person's associations. This proposition has been questioned more frequently and more vigorously than any other part of the theory. In view of the extent of the disagreement I must be wrong. In fact I am fairly convinced that the hypothesis must be radically changed at this point. My difficulty is that I do not know what to change it to. I am convinced that the basic principle is sound and that modification is preferable to abandonment.

The modification most frequently suggested is "Emphasize personal traits." Professor Reckless suggests that criminal behavior is due to contacts with criminal patterns plus reactive tendencies of persons. This can't be done, because the two are not in the same frame of reference. One is a genetic process, the other a static factor. The result is that the two overlap, the

reactive tendencies being to a considerable extent the result of previous contacts.

I have worked with the idea that certain personal traits might be segregated to avoid this overlapping, particularly the so-called psychogenic traits which are regarded as developing independently of associations with criminal and anti-criminal patterns. The difficulty I have found with this is that there is no satisfactory definition of the psychogenic traits and no way of differentiating them from the sociogenic traits. One criterion often suggested is origin in early childhood, but language originates in early childhood and is not regarded as a psychogenic trait. Another criterion suggested is pervasiveness in other behavior; e.g., bashfulness is acquired in early childhood and appears in very much of the behavior of the person. This is equally true of the English language. Probably the method of learning is the most important differentiating characteristic of psychogenic and sociogenic traits, but that is the thing we wish to explain, and we can't use it at the same time as a criterion and an explanation. Even if the distinction were clear-cut, the question of how a psychogenic trait enters into criminal behavior would remain. It is possible that the bashful person might commit crimes bashfully, but the bashfulness would have nothing to do with the selection of the criminal behavior. The important question is whether a psychogenic trait is significant in the selection of criminal versus non-criminal patterns presented to him with equal frequency, intimacy, and prestige. If two patterns, one criminal and one non-criminal, are presented to a bashful person with equal frequency, etc., and if one pattern involves responsibility for manipulating other people and intimate contacts and the other does not, the bashful person would doubtless select the latter. In this manner bashfulness would have something to do with the genesis of the criminal behavior of a person.

The same may be said regarding sociogenic traits. This question of sociogenic traits is the same question raised previously regarding the specificity of culture conflict: Does one culture element cut across another? Are culture elements segregated

from each other, or are they completely integrated with each other? There is no question that the non-criminal neutral culture elements may enter into criminal behavior in particular cases through influences on prestige. I recently read a case history of a boy in an institution for juvenile delinquents. The boy was practically a model boy until he reached the age of eight. Shortly before that the father had been converted to a Holy Roller church, had moved from a rural area to Terre Haute, and was operating a restaurant there and taking the family to church two or three times a week for many hours a day. The family lived in a district in which few other families were members of the Holy Roller church. This boy was ridiculed by the other boys in school; they called him preacher and reverend because he went to church so much. By the boy's own account he developed because of this an antagonism against the parents, and as a part of that antagonism began to steal. There seems to be no doubt, at any rate, that the prestige of the source of a pattern may be affected by cultural elements outside the field of the criminal code, and in that respect at least the principle of specificity of culture conflict breaks down. This applies equally to the sociogenic traits of a person.

I wish to suggest that this relation between personal traits and culture patterns is the most important problem in regard to criminal behavior. In order to answer the question, we might re-work some of the old research studies and undertake some new studies.

Healy and Bronner report a much greater frequency of emotional disturbances in delinquents than in their non-delinquent siblings and imply that emotional disturbance is the cause of delinquency. I have several criticisms of their methodology, which I shall not mention, and wish to point out only that they do not present organized evidence that emotional disturbance is a cause rather than an effect of the delinquent behavior. Waiving those questions, I cannot see that emotional disturbance is the cause of delinquency since some non-delinquents were emotionally disturbed and some delinquents were not emotionally disturbed. I believe it would be possible, if the

original data were available and were found to be reliable, to show that delinquency in these cases originated in this manner: Emotional disturbances, originating from frustration at home, drive boys away from home for companionship and recreation. Such cases are in the lower economic group, and the juvenile delinquency rate is high in such neighborhoods. Consequently there is a probability that they will come into contact with boys who are delinquent with greater frequency and intimacy than they would if they were not frustrated at home and that they will on that account become delinquent. The boys who became delinquent were more active, gregarious, and athletic than the boys who did not become delinquent; the others were content with their homes, their schools, and their libraries and had less contact with delinquency. It is possible that emotional disturbance was significant in the genesis of delinquent behavior only as it resulted in increasing the frequency and intimacy of associations with delinquent patterns or the prestige of those patterns, or in isolating the individual from the patterns of anti-criminal behavior. Whether this would provide a clear-cut distinction between the delinquents and the non-delinquents I do not know, but I suspect that it would make a more complete distinction than is made by emotional disturbance as such.

Terman and Miles have suggested that femininity is the cause of passive male homosexuality. They found by tests that passive male homosexuals have higher scores for femininity than did a random sample of the male population. The scores were based on present activities and interests and also on childhood recreations and other earlier interests. The authors concluded that passive male homosexuality was a part of a general feminine pattern that characterized most of the behavior of these persons and that therefore the personal trait was the explanation. These tests, however, were given to passive male homosexuals who had been practically commercial prostitutes for an average period of ten years. Consequently their answers to the test questions may have been greatly affected by their experiences after homosexual behavior began and very little by their prior ex-

periences. Even if we assume that the scores reflected their earlier personal traits accurately, it is probable that the feminine traits attracted active male homosexuals and that they were subjected to the pattern of homosexuality with greater frequency and intimacy, and more persuasive salesmanship than are males with ordinary masculine traits. It is probable that their passive male homosexuality originated from their associations and that the personal trait was significant only in determining their associations. Finally, even if femininity explains passive male homosexuality, masculinity obviously does not explain active male homosexuality.

Thus some questions about the relations between personal traits and cultural patterns in the genesis of criminal behavior may be answered tentatively by repeating former research studies. I have suggested that extreme cases should be selected for new research by sociologists. These extreme cases have been studied heretofore almost exclusively by psychiatrists who were interested only incidentally in the person's associations, and who also were interested only incidentally in the criminality of the behavior. I have suggested that sociologists study kleptomania, pyromania, the criminal behavior which is interpreted by psychoanalysts as symbolic incest, the psychotic criminal, the black sheep, and crimes committed under the influence of alcohol by persons who do not behave in similar manner under other conditions.

If these studies are made, they may result in a conclusion that criminal behavior is homogeneous in its genesis, or that there are types of criminal behavior, each with a distinct genetic process. I am confident, however, that the explanations either of the homogeneous process or the heterogeneous processes, whichever may be supported by the evidence, will be concerned primarily with the relations between personal traits and differential association.

And so, this is my account of how my theory of differential association has been produced by my own differential associations.

criminal behavior unless inhibited by associations with anti-criminal patterns. According to this hypothesis, whether a person enters or does not enter the closed system of criminal behavior is determined entirely by the ratio between associations with criminal patterns and associations with anti-criminal patterns, with their varying modalities of frequency, intensity, prestige of the source of the pattern, and other modalities. Variations in other social conditions and in personal characteristics were regarded as factors in the causation of criminal behavior only as they affected differential association with criminal and anti-criminal patterns.

While some questions have been raised regarding the necessity of association with criminal patterns, these questions are largely verbal and can be answered with approximate finality. The crucial questions and criticisms have been directed at the sufficiency of differential association as a cause of criminal behavior. Certain of the factors in the causation of crime which are extraneous to differential association will be considered in this analysis, which results in the conclusion that differential association is not a sufficient cause of criminal behavior. In the methodology which is used, with the explanation postulated as universal, the only thing needed to disprove an hypothesis is a single exception.

OPPORTUNITY

One factor in criminal behavior which is at least partially extraneous to differential association is opportunity. Criminal behavior is partially a function of opportunities to commit specific classes of crimes, such as embezzlement, bank burglary, or illicit heterosexual intercourse. Opportunities to commit crimes of these classes are partially a function of physical factors and of cultures which are neutral as to crime. Consequently criminal behavior is not caused entirely by association with criminal and anti-criminal patterns, and differential association is not a sufficient cause of criminal behavior.

This argument will be elaborated and illustrated. First, crimi-

Critique of the Theory

THE THEORY of differential association as the explanation of criminal behavior postulated criminal behavior as a closed system. Differential association was regarded as both the necessary and the sufficient cause of a person's entrance into the closed system of criminal behavior. Association with criminal patterns was defined as the necessary cause because it was felt that no person could enter the system of criminal behavior unless he had associated with criminal patterns. This was regarded as analogous to learning the English language: a person acquires the English language only by associating with it; he does not invent it, and he does not acquire it by associating with Republican politics or Presbyterian theology except as those cultural systems involve the English language. Also, differential association was regarded as the sufficient cause, in the sense that all persons who associate with criminal patterns participate in

This previously unpublished paper, written in 1944, was intended only for circulation among Sutherland's associates. The manuscript was entitled "The Swan Song of Differential Association," but the title is not to be taken as a reflection of disillusionment on Sutherland's part. The paper is Sutherland's own effort to make the strongest case for the critics of the theory. That he continued to be in the main—but not altogether—unconvinced is evidenced by the statement in the *Principles* (1947), which set forth the theory with the same vigor as the 1939 edition, although the exposition was substantially modified in some respects.

nal behavior is partially a function of opportunity. Persons in prisons seldom commit illicit heterosexual intercourse because they are physically segregated from persons of the opposite sex and thus have little opportunity to commit this crime. Convictions of public intoxication in Germany during World War I decreased almost to zero because intoxicating beverages were not manufactured and were not available for consumption, and the Germans consequently had no opportunity to become intoxicated. Negroes are seldom convicted of embezzlement because they are seldom in positions of financial trust, in which alone embezzlement is possible. It is true, of course, that certain crimes, such as petty theft, may be committed by practically anyone in modern society and that opportunity is practically always present. The only thing necessary for the present purpose, however, is to indicate that criminal behavior is sometimes limited by lack of opportunity. It is axiomatic that persons who commit a specific crime must have the opportunity to commit that crime. On the other hand, opportunity is not a sufficient cause of crime, since some persons who have opportunities to embezzle, become intoxicated, engage in illicit heterosexual intercourse or to commit other crimes do not do so. Consequently opportunity does not differentiate all persons who commit a particular crime from all persons who do not commit that crime.¹

Second, the opportunity to commit a specific crime is partially a function of physical factors and of the non-criminal culture. The illustrations presented previously show that physical barriers, including physical space, interfere with crimes of certain types and also that occupational and general social positions are generally determined by cultural elements which are

¹ The complexity of the problem is increased, but the conclusion is not altered by introducing the concepts of attempts or conspiracies to commit a particular crime. It is difficult to conceive of a situation in which a person may not attempt or conspire with others to commit a specific crime. While the opportunities to attempt or conspire to commit a particular crime are much less limited than the opportunities to perform the primary tasks of a successfully consummated crime, the fact remains that variations in opportunities are associated with variations in crimes committed.

neutral so far as crime is concerned. For instance, the opportunity for a Negro to obtain a position of financial trust is limited by race prejudice, and consequently the low rate of embezzlement among Negroes is explained by race prejudice. 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.

INTENSITY OF NEED

Another criticism of differential association as a sufficient cause of crime is that criminal behavior varies with the intensity of a particular need independently of variations in differential association with criminal and anti-criminal patterns. This criticism is illustrated by the following types of evidence. Thefts are most frequent in the lower socioeconomic class, which is in greater poverty than the upper socioeconomic class. The members of the Donner party, caught in the snow in the mountains during their trip to the Pacific Coast in the forties, with their food supply exhausted, generally resorted to cannibalism. Fathers who engage in incest with their daughters are concentrated in the age group between forty and sixty and in families in which the mothers have died, are sick, or are for other reasons not available for legitimate sex relations. Prisoners who are segregated from the other sex and unable to engage in legitimate heterosexual relations frequently resort to homosexual relations.

This evidence is not derived from careful studies of situations in which differential association is held constant, and it can to some extent be harmonized with the theory of differential association. While thefts, as conventionally treated, are concentrated in the lower socioeconomic class, which is in the greatest poverty, more subtle forms of illegal appropriation of property flourish, perhaps with equal frequency, in the upper socioeconomic or white-collar class. Also, thefts do not increase

appreciably in periods of depression, when poverty increases, presumably because a depression does not appreciably modify the associations of persons; this indicates that when associations are held constant, increased poverty does not result in increased thefts. Fathers whose wives are dead or sick often spend an increased portion of their time in low resorts where they may have more contact with various forms of illicit sex behavior, and this may include contact with the pattern of incest.

Furthermore, it is unnecessary to postulate an increase in the number of associations with criminal behavior in order to account for an increase in the crime rate. A person may learn, through association with a criminal pattern, a definition of the situation in which it is appropriate to commit a particular crime. He commits this crime, however, only when the situation defined as appropriate arises or can be located. Having learned through association with others that he should murder his wife if he catches her in an unfaithful relationship, he does so, in accordance with the learned definition, only when the situation arises. Even the general culture of the modern community includes a definition of theft as appropriate in conditions of great emergency. The statement has been frequently made by respectable persons: "If I could find no alternatives except starvation or theft, I would steal." Practically everyone in the modern community has come in contact with that definition of theft and may, without additional contact with thieves, engage in theft when he reaches that situation.

This rebuttal of the evidence that crimes vary with the intensity of needs, independently of differential association, is presumably to some extent justified. Neither the evidence for this criticism nor the evidence against it is conclusive. The conclusion may be reached, however, that the sufficiency of differential association as an explanation of crime is questionable.

CRIME AND ALTERNATE BEHAVIORS

In many situations, at least, criminal behavior is not absolutely determined but only in relation to other behaviors,

against which it may be balanced in the process of making choices. The relativity of criminal behavior in this sense may be illustrated in the following cases.

An isolated and unattractive girl was taken into an intimate friendship by another girl and was being gradually inducted into a homosexual relationship. In time the first girl became vaguely aware that the relationship was progressing beyond the conventional limits and became disturbed. She secured books on homosexuality and discovered with horror that the relationship was defined in the literature as the early stages of sex perversion. She went to the other girl with a firm determination to sever the relationship. But as she talked with the other girl and thought about it in more detail, she was confronted with two alternatives: isolation and loneliness without homosexuality, or a much desired intimate friendship that involved homosexuality. She chose the latter and became a confirmed homosexual not only because of her initial contacts with that pattern but also because she could find no other way of satisfying the need for intimacy and friendship. If she had been an attractive and gregarious girl, she would presumably, given the same contacts with the pattern of homosexuality, have severed this initial relationship without hesitation.

McCracken, the owner of a new newspaper in a California community, began a campaign of vilification of French, the owner of an established newspaper in the same community. For months McCracken used great ingenuity in ridiculing French. French went to McCracken and remonstrated, but this did no good. He consulted an attorney as to the possibility of a suit against McCracken, and also consulted the postal authorities as to the possibility of prosecuting under the postal regulations; but these efforts were futile. He considered fist-cuffs, but McCracken weighed over two hundred pounds and was over six feet tall, whereas French weighed one hundred and thirty pounds and was five feet seven. The irritations continued, and French's anger accumulated. Finally he secured a gun, killed McCracken, and then surrendered himself to the police.

French had tried several alternatives and had found them futile. Presumably, if one of the legal methods had been successful, French would not have committed the murder. The case history gives no information as to French's contact with patterns of murder, and it is possible that some of his friends may have said repeatedly, "If he treated me that way, I would kill him." Even if this is true, the murder was caused not only by association with patterns of murder but by the failure of alternate ways of behavior.

The theory of differential association postulated the ratio between criminal patterns and anti-criminal patterns as the cause of criminal behavior. No organized effort has been made to develop that formula in a quantitative form, but the possibility of quantifying it is implicit in the abstract proposition. If a scoring method were developed, it might show, for instance, that association with a particular criminal pattern, such as murder or homosexuality, had a score of five, that association with the anti-criminal pattern also had a score of five, and that the differential association quotient was unity, which would be the ideal borderline between committing a particular crime and not committing that crime. Since associations with various patterns of crimes vary, the quotient would vary from one crime to another. A quotient in excess of unity would mean that the person would engage in crime, whereas a quotient of less than unity would mean that the person would not engage in crime.

The abstracts of case histories which have been presented demonstrate that a person does not engage in or refrain from a particular crime because of his criminal associations alone but because of those associations plus tendencies toward alternate ways of satisfying whatever needs happen to be involved in a particular situation. Consequently it is improper to view criminal behavior as a closed system, and participation in criminal behavior is not to be regarded as something that is determined exclusively by association with criminal patterns.

In the general area of juvenile delinquency it is probable that the most significant difference between juveniles who engage

in delinquency and those who do not is that the latter are provided abundant opportunities of a conventional type for satisfying their recreational interests, while the former lack those opportunities or facilities. The ordinary child in the middle-class family presumably may have no more contacts with anti-delinquent patterns than the child in the slum areas, but his time is occupied more completely with activities which are neutral so far as the criminal code is concerned.

METHODOLOGIES

For the reasons that have been outlined and doubtless for additional reasons differential association as a sufficient explanation of criminal behavior is invalid. Consequently, questions arise as to the procedures that may be used in the future. Several possibilities may be considered.

First, the effort to state universal causes of criminal behavior might be abandoned and a retreat made to the "multiple-factor" approach (which should not be called a theory) to explanation. This method consists of the listing of all of the variables associated with criminal behavior, with a minimum of attention to the interrelations among these variables. For instance, needs and opportunities have been found to be associated with criminal behavior in ways which are not included in differential association. The multiple factor approach would merely add these two variables to differential association, regardless of the lack of discreteness in the factors and regardless of the fact that they overlap differential association in many respects. In many stages this approach may be the best that can be made, but it is regarded by some students as an interim condition, as a makeshift to be tolerated only until a more adequate approach can be developed. Knowledge which results from this approach has a limited utility either from the point of view of understanding or of control.

A second suggestion is that two approaches to the explanation of behavior supplement each other, one in terms of needs, wishes, values, goals, etc., which generally are oriented to the

future, the other in terms of the genesis of those needs, wishes, etc., which are oriented to the past. According to this position, the first step in explanation is to analyze the overt behavior in terms of these needs, values, and goals, and the next step to trace the genesis of these factors, perhaps in terms of association with various patterns of behavior. This position has a certain plausibility, but analysis shows that it is fundamentally unsound.

In a study of a case history, such as those presented above for illustrative purposes, it is possible to analyze the alternate behaviors under consideration in terms of values and goals, and it is also possible to trace the genesis of each of these values. The difficulty arises when one attempts to go beyond an individual case and reach generalizations regarding a class of overt behaviors, such as all murders, or all thefts, or, outside the field of criminal behavior, all divorces or all church-goings. One person may go to church for the satisfaction of needs which another person satisfies by murder. Persons steal to satisfy hunger, to provide medical care for a sick child, to go to the movies, to secure flashy clothes, to make contributions to the USO, to acquire status in a certain group, to injure certain other persons. Also, they engage in lawful employment for all of the above reasons. These evaluations consequently do not differentiate one class of behaviors from another class of behaviors. The evaluations—needs, goals, etc.—are necessary in behavior of any kind, but they do not differentiate behavior of one kind from behavior of another kind if the behaviors are defined in terms such as crime, church-going, political action. The place of these needs and values in behavior is in this respect analogous to the place of muscular processes. Behavior would not occur without muscular processes, but the muscular processes do not differentiate stealing from lawful work. The study of muscular processes, of course, is desirable for certain purposes, but since the muscular processes in criminal behavior are not unique, their study contributes nothing to the understanding of criminal behavior. Similarly the needs, values, goals, etc., in criminal behavior are not unique, and explanations cannot be made in terms of them.

If the needs or goals are taken as specific, e.g., the need to dance, rather than the need to secure exercise, the procedure is tautological. The dancing behavior of a person may be "explained" by his "need to dance," but such an "explanation" contributes nothing to the understanding of the behavior. On the other hand, the dancing behavior cannot be explained by the need to secure exercise, since the need for exercise might be expressed in swimming, walking, playing golf, or sawing wood, as well as in dancing. If the psychological dynamism is stated as a specific drive, it explains nothing; and if it is stated as a general drive, it does not differentiate between one class of behaviors and another class of behaviors. The problem of criminal behavior is precisely the problem of differentiating one class of behaviors from another class.

The frustration-aggression hypothesis is a particular case of the attempt to explain behavior by a general psychological dynamism. Frustration is essentially another name for "need," and certain theorists postulate aggression as the universal reaction to frustration. In order to make this postulation they are compelled to define aggression in a manner which makes it include submission, ordinarily regarded as the opposite of aggression. Even if the concept, as defined, be accepted, the fact of frustration does not explain why lawful methods of aggression are used on some occasions and unlawful methods of aggression on others. That is, frustration does not differentiate between lawful and unlawful behavior and is therefore not an explanation of unlawful behavior. Many psychiatrists have been prone to conclude, when they find a maladjusted person to be frustrated, that the frustration is the explanation of the maladjustment. This procedure has no more logical justification than the explanation that someone sings well "because he is a Negro" or is guilty of sharp practices "because he is a Jew."

The conclusion is that a class of behaviors, such as all crimes, or all murders, cannot be explained by needs, goals, values, etc. If the analysis of behaviors in terms of needs and values is to be valid, the problems must be formulated in terms of needs and values rather than in terms of crimes, murders, or divorces.

It is possible that if the problems are stated as value-units, generalizations may be made in terms of values, but if they are stated in other terms (e.g., crimes, murders, or divorces) generalizations cannot be made in terms of values.

Another procedure is to regard differential association as one of the very important processes in the genesis of criminal behavior. In situations like those of the criminal tribes of India, where the differential association quotient may be presumed to be far above unity, differential association is essentially the total explanation; but the hypothesis becomes increasingly uncertain in its operation as the quotient approaches unity. This might then be regarded as a statement of a law which is valid only in ideal conditions, as the law of falling bodies is valid only in a vacuum, and efforts might be made to determine and perhaps measure the various extraneous factors which enter into the genesis of criminal behavior when the ideal conditions do not prevail. Perhaps this is not different from the present stage in the explanation of tuberculosis, in which the tubercle bacilli are demonstrated to be necessary factors but not sufficient factors, and in which the other factors, which may be vaguely generalized as "susceptibility," have not been definitely formulated. Just as continued work on these factors of "susceptibility" may be expected to result in a generalization at some future time, so continued work on the factors which interfere with the operation of the hypothesis of differential association may result in a valid generalization regarding these other things. The two variables which have been discussed previously are opportunities and needs. It may be possible to describe in general the factor of opportunities as Stouffer has, regarding mobility as a law of intervening opportunities for crimes. Similarly, it may be possible to include with differential association those factors of need which have to be included to provide a valid generalization regarding crime.

If these efforts do not succeed, and it is very probable that they will not, the methodology must either remain at the multiple-factor stage of development, or else the attempt to explain criminal behavior must be abandoned and problems formulated

in terms of value units. It is perhaps suggestive that Lindesmith, who has been one of the foremost proponents of this methodology, adopts substantially the latter procedure in his study of drug addiction. In his explanations of the person who ceases the use of narcotic drugs, perhaps for many years, Lindesmith insists that this person is still an "addict" and is so regarded by himself and by other addicts. This shows that his unit, which he has attempted to explain, is a psychological or value unit rather than a unit of overt behavior.