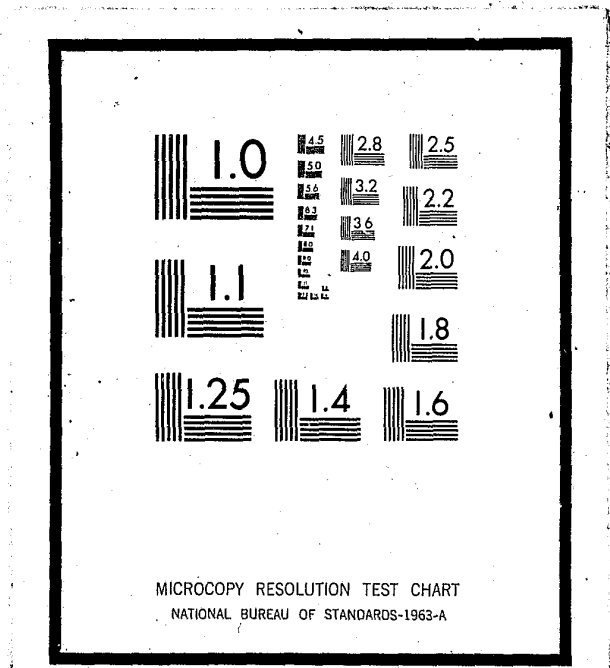


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## SANCTIONS AND SOCIAL CONTROL: A Sociological Perspective

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The Metropolitan Criminal Justice Center operates the Pilot City program in Chesapeake, Norfolk, Portsmouth, and Virginia Beach, Virginia. Established in September, 1971, the Center is a research and program planning and development component of the College of William and Mary in Williamsburg, Virginia. The Center's Pilot City program is one of eight throughout the nation funded by the Law Enforcement Assistance Administration of the U. S. Department of Justice. The basic purpose of each Pilot City program is to assist local jurisdictions in the design and establishment of various programs, often highly innovative and experimental in nature, which will contribute over a period of years to the development of a model criminal justice system. Each Pilot City team is also responsible for assuring comprehensive evaluation of such programs, for assisting the development of improved criminal justice planning ability within the host jurisdictions, and for providing technical assistance to various local agencies when requested.

The Pilot City Program has two primary responsibilities- to the host municipalities and to the improvement of the criminal justice system. In Virginia, responsibility for adult corrections, except for offenders sentenced for one year or less to local jails, rests entirely with the State Department of Welfare and Institutions. Thus, the Pilot City Program's activities in the adult corrections area consist primarily of program planning assistance to local correctional efforts and research regarding such currently important issues in Virginia as sentencing procedures and criteria (as reflected in this monograph), community corrections, and institutional programming and management.

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## SANCTIONS AND SOCIAL CONTROL:

### A Sociological Perspective

Work by Lemert (1951, 1972), Erikson (1962), Kitsuse (1962), Becker (1963), Scheff, (1964, 1966), Lofland (1969), Matza (1969), Douglas (1970, 1971), Schur (1971), Stebbins (1971), Filstead (1972), and others, has convincingly demonstrated that it is futile to approach the study of social deviance as if there were some objective characteristics of behavior that invariably lead us to view it as deviant. These students of deviance stress the need for careful analysis of the interplay between an actor, his actions, the social context within which the actions take place, and the audience which evaluates the quality of the actions as basic components of the process by means of which deviance is defined. Although weaknesses in what has come to be termed "labeling theory" have not gone unnoticed (Bordua, 1967; Akers, 1968; Schur, 1969; Gove, 1970; Gibbs, 1972; Schervish, 1973), this interactionist perspective has done much to redirect and revitalize contemporary examinations of deviant behavior.

The importance of the labeling theory underscores the need to move toward the resolution of two problems that the model has emphasized. First, societal reactions to behavior are not random occurrences; numerous factors will either inhibit or encourage reactions to a given behavior. Thus, attention must be focused on the contingencies that alter the probability that an act will be perceived and responded to as

deviant. Many such influences are of potential relevance. These certainly include, but are not limited to, the characteristics of the act itself, the social context within which the act occurs, power and status differentials between the actor and potential reactors, the previous behavior of the actor and the extent to which potential reactors are aware of such biographical events, and numerous characteristics associated with the object or individual against or with whom the actor is interacting (including the possibility that the only affected party may be the actor himself as is often the case with such "victimless" behavior as addiction and abortion).

It is equally essential that we move toward a more complete understanding of the long- and short-term consequences of labeling. Again, this is an exceedingly complex conceptual and methodological undertaking which necessarily includes examinations of the impact of labeling on the subsequent behavior and life-chances of the individual who is labeled, the consequences of labeling for those who assume the formal or informal role of reactors, and the impact of such decisions on the entire system or society within which these determinations are rendered.

The purpose of this paper is to direct attention toward the second of these issues by examining several conceptual problems that continue to create difficulties for research into the impact of sanctions on the behavior of those who have been

sanctioned, particularly the impact of formal legal sanctions.<sup>1</sup> We have chosen this fairly restrictive topic because proponents of the labeling model have frequently found themselves in the position of arguing that agencies of social control may promote further deviance rather than conformity by virtue of the unintentional negative consequences of the labeling process (cf. Lemert, 1972). The logic of such an argument is certainly not without foundation. When an individual is formally labeled a criminal or a delinquent, the ascription of this status may have profound implications for the manner in which the labeled individual will be responded to following the ascription of the label. Among other consequences of the labeling process, an actor may find that his life-chances have become so restricted that movement toward more intensive and extensive involvement in deviance provides an increasingly attractive alternative (cf. Schwartz and Skolnick, 1962). On the other hand, far too little attention has been devoted to the fact that not all of those who assume deviant careers have been negatively sanctioned or labeled nor do all those who are the recipients of such sanctions subsequently become more involved in norm-violating behavior.

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1. Following Gibbs, we view a sanction as a reaction to either the fact or the suspicion of deviation from a norm. A sanction is not, therefore, a reaction to just any kind of behavior. "It must suffice to identify a sanction as a reaction to behavior that is deviant in terms of at least one type of norm in at least one social unit" (Gibbs, 1966: 152).

In short, labeling is neither a necessary nor a sufficient condition for movement into a deviant career. Consider Figure 1 as an illustration of this point.

A TYPOLOGY OF THE BEHAVIORAL CONSEQUENCES  
OF SOCIAL SANCTIONS

Objectively Deviant Behavior

		Negative Social Sanction Applied	No Negative Social Reaction
<u>Subsequent Behavior of Actor</u>	Continued Deviant Behavior	Socially Induced Deviance	Unlabeled Deviance
	Return to Conforming Behavior	Resocialized Deviance	Extinguished Deviance

In this typology we have considered only behavior which is, in fact, norm-violating. Our attention, therefore, is focused on the behavioral consequences. Actual deviance may or may not be perceived and reacted to as deviance. When there is a negative reaction the individual may move toward greater involvement in deviance or he may not. Similarly, when no social reaction is forthcoming, subsequent behavior may reflect movement toward greater deviance or it may not. The more deterministic statements of labeling theory suggest that the focus of the theory is

only on what we have termed socially induced deviance, a term by which we refer to the behavior of those individuals who, subsequent to being labeled, find themselves pushed or pulled toward greater rather than lesser deviance. Given that negative social reactions are at least in part aimed at inhibiting deviance, this behavior type is clearly important in that it points to the unintended and potentially negative consequences of sanctioning behavior.

Still, this does not mean that examinations of the relationship between sanctions and social control must conclude with the simplistic notion that the sanctioning of behavior will increase the probability that the behavior will be engaged in later.<sup>2</sup> Figure 1 shows that this is far from true. What we have termed resocialized deviance refers to behavior which is reacted to as deviant but which returns to within the normative limits of a given system of social expectations following the application of social sanctions. Take the case of a student who gets together with friends rather than studying for an examination (norm violating behavior, at least from the perspective of the student's professor). He then fails the examination (his deviance elicits sanctions). Does that mean that he will neces-

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2. Throughout our discussion, our concern is with social reaction to behavior that has been defined as deviant rather than the broader spectrum of phenomena that have been viewed as means by which we may induce conformity to norms (Clark and Gibbs, 1965: 401-402). As Cohen (1966: 39) aptly noted previously, the term is used to refer to "anything that people do that is socially defined as 'doing something about deviance,' whatever that 'something' is: prevention, deterrence, reform, vagrancy, justice, reparation, compensation ...." (Emphasis in the original).

sarily study even less for the next exam, thereby becoming typed by his professor and possibly typing himself as an academic failure? Possibly, but probably not usually. Instead, his behavior might constitute what we mean by resocialized deviance. Further, there remains the very real possibility that deviant actions will go unsanctioned. Consider moving to a new city where the speed limits within the city limits are 25 miles per hour, but in which you notice that everyone seems to drive through town at 35 miles per hour (norm violating behavior, at least from a legal perspective, which goes unsanctioned). What are you most likely to do? Quite probably you will come to perceive the threat of sanctions to be very unlikely and you will begin to violate this particular ordinance regularly. This would provide a somewhat simplistic example of what we refer to by the term unlabeled deviance. On the other hand, there is certainly no reason to believe that all deviance which goes unlabeled will invariably lead to still more deviance. Consider the case of a person who experiments with drugs (deviant behavior which is not reacted to) and who fails to find the experiment rewarding. This experience leads him to conclude that additional experimentation will be similarly unrewarding and he does not experiment further. We have referred to this type of behavior change as extinguished deviance.<sup>3</sup>

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3. This briefly stated typology is by no means complete. For example, the behavior of a given actor may initially reflect what we have termed unlabeled deviance. Should it be reacted to at some later point, the consequences might result in the subsequent behavior of the actor reflecting what we refer to as resocialized deviance, i.e., the actor



The preceding discussion illustrates that the suggestion of labeling theory that social sanctions will promote additional deviance through their potential power to redefine the social status of the sanctioned individual greatly overstates the case. We propose in the remainder of this paper to examine two aspects of this issue in some detail. First, why are the sanctions which societies administer there in the first place? While many would quickly jump to the conclusion that such sanctions are intended to promote conformity to social expectations, we will soon note that several different justifications have been offered for the administration of sanctions.<sup>4</sup> Second, given our review of some of the more salient justifications for sanctions, we will try to point out some of the significant influences that appear to mediate the consequences of the sanctioning process.

#### The Legitimation of Social Sanctions

Some minimal level of conformity to social expectations is required in order for any social activity, however simple or complex, to take place. Whether basic levels of conformity emerge from a consensual validation of the normative system of a people, as many structural-functional theorists would have us believe, or whether these initial states of order and conformity are imposed

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terminates his involvement in deviant behavior as a consequence of the sanctions which he received. Should the actor's social audience continue to respond to him as a deviant despite the sanction-induced return to conformity, his behavioral alternatives may become so circumscribed that he then moves toward what we refer to as socially induced deviance.

4. For the development of a fairly extensive taxonomy designed to identify and categorize common types of sanctions, the reader is referred to the discussion provided by Gibbs (1966).

on the participants of a system by those with access to economic, political, and military power, as some advocates of conflict theory suggest, is not the major issue which concerns us here. Instead, regardless of one's views on the question of how society is possible, all societies must inevitably confront and resolve the problem created by non-conformity to basic normative expectations.

A fundamental and critically important aspect of responses that are made to deviance is the manner in which the society (or group, community, organization, and so on) attempts to legitimate its right to react to those behaviors that for one reason or another have come to be defined as inappropriate and undesirable. Without some understanding of the justification that a given society holds to be legitimate, we will never be able to properly interpret such phenomena as actual patterns of sanctioning behavior, cross-cultural variations in what forms of behavior are sanctioned and how the sanctions are applied, and how or even if the efficacy of sanctions is to be evaluated. To cite but a single illustration, consider the public execution of a murderer. How can we understand or evaluate such a practice in the absence of an understanding of the manner in which the state legitimates its right to take the life of the offender? Were the action to be primarily legitimated by the strictly retributivist premise given in the Mosaic doctrine that, "Thine eyes shall not pity, but life shall go for life, eye for eye, tooth for tooth, hand for hand, foot for foot," (Deuteronomy, 9:21) for example, no evaluation of the efficacy of sanctions is needed. The pairing of life for life

would be an adequate and complete justification in and of itself. On the other hand, were the primary legitimation of the right of the state to execute derived from a purely utilitarian philosophy of punishment, the primary assumptions of this perspective would immediately provide us with the means to understand why the execution took place, why it was public, and how to evaluate the extent to which the action of the state was efficacious.

Because of the importance of understanding the types of justifications which are commonly provided for sanctioning undesired behavior and the implications which these justifications have for analyses of the relationship between sanctions and social control, it is necessary to discriminate between the several frequently preferred philosophical positions. Although a considerable number of these positions and their various combinations have been noted in the literature (cf. Pincoffs, 1966; Honerich, 1970; Ezorsky, 1972; Gerber and McAnany, 1972), our purpose is adequately served by briefly commenting on what may be termed retributivism, strict utilitarianism, and general utilitarianism.

Retributivism. The position of the retributivist is at once the most simple and the most complex path to legitimating sanctions. It is simple because we can quickly draw upon personal experience in a way that allows us to view a retributive response as understandable and even reasonable and appropriate. Consider, for example, Immanuel Kant's assertion that, "When, however, someone who delights in annoying and vexing peace-loving folk receives at last a right good beating, it is certainly an ill,

but everyone approves of it and considers it as good in itself even if nothing further results from it; nay, even he who gets the beating must acknowledge, in his reason, that justice has been done to him because he sees the proportion between welfare and well-doing, which reason inevitably holds before him, here put into practice" (Ezorsky, 1972: 102). The single sentence adequately summarizes the major thrust of the retributivist argument: sanctions are justified simply and completely by the harmful action of the individual who is sanctioned.

Herein, however, is where the real complexity of this mode of justification emerges in at least three respects. First, the retributivist is not asserting that the personal attack of one person on another, nor of the state on a citizen, is justified on the grounds of simple vengeance, at least not the form of vengeance that is associated with the enraged response of a victim to his attacker. Instead, deviance from expectations is viewed as deserving of punishment purely because it is deviance. Punishment, therefore, flows logically from reason rather than rage. Second, note the phrase in the quotation we cited from Kant's Critique of Practical Reason which holds that the application of punishment is "good in itself even if nothing further results from it." This is not only an assertion that punishment may be justified even if it fails to serve some useful purpose (e.g., deterrence of the offender). On the contrary, placed in the broader context of this philosophical perspective, retributivists stoutly deny the legitimacy of any utilitarian approach to punishment. Finally, as Walker (1971: 5) has noted, a strict

retributivist must be willing to view punishment as appropriate "even if by doing so it increases the frequency of the offenses in question (as imprisoning some homosexuals is said to do), or even if it renders the offender more exposed to unofficial retaliation (as the pillory did)" (Emphasis in the original).

Strict Utilitarianism. Not surprisingly, attempts at legitimating punishment on retributive grounds have never gone unchallenged by those of a more "practical" bent. Particularly in Western societies, there has been strong and continuing pressure to construct and legitimate modes of sanctioning on the basis that sanctions are a means to an end rather than an end in themselves. Thus, although we continue to find support for a strictly retributivist position, the impact of such classical 18th century works as Cesare Beccaria's Crimes and Punishment (1963), Jeremy Bentham's An Introduction to the Principles of Morals and Legislation (1948) and his Theory of Legislation (1950), has been considerable, particularly on the structure of the criminal law and on public opinion.

Strict utilitarianism as a means of justifying the legitimacy of formal legal sanctions gained much of its impetus during the late 18th and early 19th centuries. This development was in part a function of the capricious abuses of judicial power characteristic of the European courts of the period, and in part a spin-off from the rationalism of the somewhat earlier writings of such social contract theorists as Rousseau, Montesquieu, Locke, Voltaire, and Condorcet. The focus of these writings was on structuring legal codes in such a way as to insure the common good and

general welfare of a people through deterring deviance by the application or threat of sanctions.

Advocates of the strict utilitarian legitimation of sanctions implicitly or explicitly assume that man is a rational creature endowed with the ability to determine the course of his own behavior and to anticipate and appreciate the consequences of the alternative courses of action that he elects. A reasonable man will not elect to pursue a course of action that will do him more harm than good. If, therefore, sanctions are designed to provide punishment that exceeds the benefits which might be expected from a given behavior, the behavior will not be chosen. Quite unlike the retributivists, utilitarians like Bentham view punishment as a major evil in and of itself; thus punishment is only properly employed as a means by which the common good might be advanced, and the magnitude of the punishment is not determined as much by the extent or degree of harm imposed on a victim as by a careful consideration of how severe punishment must be if it is to restrain individuals from engaging in the proscribed behavior.

The common notion that the punishment should befit the crime, however, does not really reflect any notion of equity or balance in the sense that violations of lesser magnitude should elicit less severe sanctions. Instead, the logic of this mode of justifying sanctions, if not the actual statements made by its proponents, dictates that the level of sanction be applied which yields the desired practical outcome. This guiding principle, perhaps because it is frequently summarized only by the superfi-

cially simple assertion that the punishment should befit the crime, is often not clearly understood. In addition, there is misunderstanding about who is actually to be restrained by punishment. Is it the individual who received the sanctions who is to be restrained from similar behavior in the future? Or is it those who are aware of the sanctions and who are thereby reminded that to engage in the behavior which is being sanctioned will lead to punishment? Of course the goal of individual or specific deterrence and that of general deterrence are both acceptable; they are not, however, always consistent with each other.

General Utilitarianism. This variation on the basic utilitarian position is perhaps best stated by Emile Durkheim in his classic The Division of Labor in Society, the first edition of which appeared in 1893. "Although it [punishment] proceeds from a quite mechanical reaction, from movements which are passionate and in great part non-reflective, it does play a useful role....It does not serve, or else serves quite secondarily, in correcting the culpable or in intimidating possible followers.... Its true function is to maintain social cohesion intact, while maintaining all its vitality in the common conscience" (1965:108) (Emphasis supplied).

Durkheim's position is an important one in several respects. It clearly negates the retributivist position that punishment may be viewed as an end in itself despite the explicit recognition that people may both be stimulated to react punitively and to conceive of punishment in those terms. It also undermines the strict utilitarian position that sanctions are just only insofar as they

deter the offender from subsequent deviation and discourage potential offenders from initial deviation. Instead, Durkheim (1965: 70-146) and such contemporary students of the sociology of deviance as Kai Erikson (1966) have suggested that a major function of punishment is that it reaffirms the normative limits of a system. Further, particularly for Durkheim, deterrence was not viewed as an essential product of formal sanctions because of his belief that some level of criminality and deviance was a normal, necessary part of any social system, and this belief has found at least some support in contemporary empirical research (cf. Blumstein and Cohen, 1973).

In summary, the primary point that we have tried to make is that while all social groupings impose sanctions on those who violate the expectations of the group, the rationale, justification, and purpose of the sanctions must be treated as problematic in any research. For this reason, to say that a particular type of behavior should be sanctioned tells us little because this simple assertion assumes consensus on the means by which sanctions are legitimated and on the goals which the sanctions presumably allow us to move toward. Such a mistaken assumption ignores that those who differ in philosophies will have quite different views on the issues of means and goals and on such other matters as who should be sanctioned, the appropriate levels of sanctions for a given proscribed act and the desired relationship between sanctions and social control. For example, the retributivist is concerned that sanctions be imposed only on the guilty and that the magnitude of the sanctions not be out of



proportion to the degree of "moral imbalance" that the behavior created. The strict utilitarian, however, feels no particular compulsion to demand that the degree of sanctions match the degree of objective harm. On the contrary, the utilitarian position can result in punishments far in excess of the extent of harm done if relatively harsh punishments appear to facilitate either general or specific deterrence. The general utilitarian position would accuse advocates of either retributivism or strict utilitarianism as not being able to see the forest for the trees, because the really important goal is to sanction deviance in such a way as to reaffirm or reestablish the normative boundaries of the system and the collective sentiments of social cohesion. This implies, in turn, that who is sanctioned and how severe the sanctions are is not as important as insuring that the operation of the sanctioning system itself does not come to offend the collective conscience of the people.

Thus the examination of the relationship between the imposition of sanctions on those who violate social expectations and the attainment and maintenance of the degree of social control upon which all social organizations depend is a complicated task, particularly when social control takes as its referent such disparate conditions as a balance between good and evil, the deterrence of deviance, and the strengthening of social solidarity. Although analysis of the philosophical foundations of punishment is a topic of intrinsic interest and importance, it is possible, as the considerable amount of current attention demonstrates, to focus on the extent to which the imposition of sanctions serves

some given useful purpose. Thus we turn to consideration of the differential behavior consequences of sanctions and, in particular, to a review of factors which appear to mediate the impact of sanctions on the subsequent behavior of those who are sanctioned.

#### The Differential Impact of Social Sanctions

Because the notion of sanctions has been frequently tied more to polemical debates than to objective analysis among those with radically different political and philosophical persuasions, a few general points must be raised by way of a preface to what we will be discussing.

The reader should keep in mind that the consequences of sanctioning processes have been subjected to very little systematic examination (Tittle and Logan, 1973). Even less effort has been devoted, at least until quite recently, to sound empirical research designed to evaluate the determinants of these consequences.<sup>5</sup> This shortcoming is partly attributable to the paucity of sound theory which might otherwise have stimulated well-grounded research. Further, some early experimental and social research did not indicate that the pursuit of work on the

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5. While experimental examinations of the effect of punishment date back to at least 1900, the most rapid developments have clearly been within the past decade (cf. Boe, 1969, for citations on over 700 empirical and theoretical discussions that can be found in the experimental literature). The effects of various types of punishments on human behavior has only quite recently drawn systematic interest. In developing a bibliography of such research Thomas and Williams (1974) found that only 10 percent had been published prior to 1960 while almost 80 percent had appeared since 1965.

topic would be fruitful (Caldwell, 1944; Vold, 1954; Skinner, 1953). It seems more likely, however, that much of the problem stems directly from many researchers viewing studies of the consequences of sanctions as distasteful for reasons totally unrelated to whether the topic was important or unimportant for the development of our knowledge on the determinants of human behavior. Although we are in sympathy with some of the humanitarian reasons which may have prompted the neglect of work in this area, the available evidence demands that this neglect not continue. This certainly does not mean that we advocate a purely punitive or even a partially punitive system of social control. Indeed, few would wish to see a system of social control develop which has as its foundation the coercive exercise of power. But such a liberal-conservative polemic is not immediately relevant for our discussion. Sanctions are neither inherently good or bad. They are, however, an integral component of our everyday experience and behavior. The motivations behind the application of sanctions to behavior that comes to be defined as beyond the tolerance limits of a particular system of behavioral standards may include both social control, as is true with much of our criminal law; or social change, as is true of open housing, equal employment, or voter registration statutes which are aimed at providing new opportunities for segments of our population that were previously blocked from such opportunities because of discrimination based on sex, ethnic origin, or religious preference; or both, as exemplified by the philosophy if not the actual operation of our juvenile courts given their mandate both to control

delinquency and to stimulate changes in the behavior of those juveniles whom they process (cf. Zimring and Hawkins, 1971).

In short, the general logic of applying sanctions to inhibit undesired behavior is identical regardless of whether one has the goal of maintaining the status quo, oppressing some powerless minority, or protecting the privileges of a power elite, or if one is pushing for social change, the establishment of a more equitable political system, or the eradication of the improper use of political power. Thus, the application of sanctions can certainly not be tied to a particular philosophical or political position. Sanctions are merely tools which are utilized in virtually all aspects of social life as a means by which we hope to increase the probability of attaining desired goals. Our purpose in directing attention toward the application of sanctions implies no desire on our part to encourage the use of any type of sanction for any particular purpose. Instead, in our reading of an increasingly large literature on the topic we find considerable variations in the assessment of the extent of the correlation between use of sanctions and attainment of social control. Our interest, therefore, is in examining some of the factors that appear to account for the differential impact of sanctions on human behavior.

Given these preliminary comments, we can state with considerable confidence that there is little question about whether sanctions influence behavior. They do. The real question for researchers is the specification of the contingencies which influence or mediate the impact of sanctions. Toward this goal,

the research literature includes reports on the effects of a variety of types and levels of sanctions on such behavior as abortion (Andenaes, 1971), violations of various academic rules and policies (Salem and Bowers, 1970; Bowers and Salem, 1972; Tittle and Rowe, 1973), corporal punishment (Caldwell, 1944), the serious felonies that comprise the Federal Bureau of Investigation index of "Type I" offenses (Gibbs, 1968; Tittle, 1969; Chiricos and Waldo, 1970; Logan, 1971a, 1971b; Bailey, Martin and Gray, 1971), infanticide (Andenaes, 1971), tax law violations (Schwartz and Orleans, 1967; Schwartz, 1969), marijuana use (Waldo and Chiricos, 1972; Grupp, 1973), and traffic violations (Glass, 1968; Campbell and Ross, 1968; Ross, Campbell and Glass, 1970), as well as considerable indirect evidence which is coming from experimental work in psychology and social psychology (Campbell and Church, 1969; Boe, 1969; Singer, 1972). While reviews of this literature show considerable variations in the effectiveness of sanctions, there is a rapidly growing consensus that sanctions are an important influence on human behavior in a variety of contexts (Singer, 1972; Tittle and Logan, 1973; Zimring and Hawkins, 1971, 1973). Unfortunately, we lack an adequate set of conceptual tools by means of which many of the seeming inconsistencies in this literature can be resolved. Salient among the concepts that would appear useful in this regard are those which might allow us to resolve problems related to the kinds of behavior which elicit sanctions, the characteristics of the actors who violate behavioral expectations, the types of sanctions that are imposed, the manner in which the sanctions are imposed, and factors related to

the individuals or groups who impose sanctions. Thus, in the remaining portion of this discussion we will try to point out some of the basic conceptual tools which appear to hold the most promise in attempts to develop explanatory models which may eventually be able to account for what may often appear to be inconsistencies in the relationship between sanctions and social control.

Because the ultimate object of our study of social control is human behavior, it is necessary to understand that behavior may be classified as normative or non-normative and that non-normative behavior may represent under-conformity or over-conformity. It is also necessary to distinguish two types of functions which the behavior may fulfill for an actor, instrumental and expressive. Although the issue can become quite complex when we realize that various types of behavior will be classified very differently should we shift our frame of reference from one set of group standards to another (as would be the case were we to employ the valuations made by prison inmates rather than those of correctional administrators), it is not so difficult to agree upon what the terms themselves denote. Normative behavior may be defined as any behavior which falls within the tolerance limits of a given group, community, organization, or society. Non-normative behavior is that behavior which falls beyond these boundaries and, depending upon the nature of the violation of the normative standards, may constitute either under-conformity or over-conformity. Cultural expectations regarding "appropriate" levels of sexual activity for single persons provide an apt illustra-

tion of this idea. One could argue that celibates violate these cultural expectations through excessive conformity. Male and female prostitutes violate exactly the same basic expectations in a somewhat different fashion, one which may lead them to become defined as under-conformists.<sup>6</sup>

Regardless of whether or not a particular behavior violates cultural expectations, it may be classified, albeit rather crudely, on the basis of its goal or function. If the behavior is largely or totally a means to some desired end that is not intrinsically gained by the act itself, as might be true in the case of an individual who is "dealing" illicit drugs in hopes of making what is often a considerable profit on a relatively small investment, we would refer to the activity as instrumental behavior. If on the other hand, the behavior is both a means to an end and an end in itself, as might frequently be the case when a man elects to resolve his differences with his wife by murdering her in the midst of a heated argument, we would classify the act as expressive behavior. This distinction between instrumental and expressive behavior is a critical one if we are to arrive at a better understanding of how sanctions influence behavior.

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6. While we will restrict our subsequent comments to the case of under-conformity, one should not forget that a variety of formal and informal sanctions are directly aimed at stimulating behavioral changes in over-conformists. For example, research has shown that industrial workers will often impose informal sanctions on workers who exceed production quotas (Harper and Emmert, 1963; Homans, 1969; Petersen, 1971), many of us have seen students receive informal censure from their classmates for over-zealous study habits or exam performance, and some of us have had the occasion to curse the policeman who enforced traffic laws too stringently for our own driving habits.

So much for the question of behavior types. What of the actor himself? This obviously is not a simple question, but we will satisfy ourselves for the present purpose by a single general distinction between two orientations that an actor may have toward his own behavior. There are circumstances where participation in a given type of behavior may be of great significance to an actor both because of the priority or importance that he places on the behavior relative to the behavioral alternatives that he perceives to be realistically possible and because the behavior may be closely related to the conception that the actor has of himself. In his discussion of the transition from primary deviance to secondary deviance, for example, Lemert (1972) notes the relevance of an actor coming to define himself in terms of the label that has been ascribed to him ("Some people think that I drink too much" versus "I am an alcoholic"). Similar importance is ascribed to self-perception by many other writers. (cf. Gibbons, 1973: 229-251). But we do not mean to suggest that the relationship between actor and act is merely one of degree of involvement in a deviant or criminal career as has sometimes been suggested in the literature (cf. Chambliss, 1967). Instead, we are suggesting that behavior can be assigned a high priority relative to available alternatives that are present and that it can be closely related to the actor's conception of himself even when the behavior itself is only episodic or non-recurrent. Following Wolfgang and Ferracuti's (1967) work on The Subculture of Violence, many violent offenses provide illustrations of what we mean. Take the classic example of the husband who arrives home



unexpectedly only to find his wife involved in a popular indoor sport with the proverbial milkman. There are clearly a number of alternative courses of action open to him. He can smile politely and graciously return to work. He can become either a spectator or a participant in the on-going activities. Often, however, he elects to terminate the game in a fashion that results in his conviction of a double murder. We would argue that this type of behavioral response can often be viewed as a function of a socialization process that led the individual to define violence as an appropriate, perhaps even the only reaction available to him in such a situation. Any who doubts that such a bond between an actor and an act can occur, even, if not typically, among groups of people who prior to their involvement in the proscribed behavior had led quite normal, conforming lives, need only spend a few days in any correctional institution in the country if they wish to meet numerous examples that fit this conceptualization. Both of the authors have had such experiences in talking with inmates, and we have generally found them to be well-aware of the fact that their apprehension and conviction for such activities as murder was almost certain. Obviously, however, a particular behavior is often not assigned such importance by an actor. For example, while most of us wish to contribute as small a proportion of our yearly income to the Internal Revenue Service as we can, and while many of us approach the annual balancing of our books as if it were a competitive athletic contest, income tax fraud only infrequently elicits the kind of a bond between an actor and his actions that we described

in a previous example. In short, in addition to understanding the distinctions made earlier between types of behavior, it is also important that we consider what might be termed levels of commitment (i.e., the actor's self-conception and the priority he ascribes to a given behavior) if we are to better understand the orientation of an actor toward his behavior and the response of an actor should he elicit the imposition or threat of sanctions.

Quite apart from whether behavior is normative or non-normative, and of how highly committed the actor is to a particular behavior alternative, social reactions will take two basic forms. Because we will assume for the purpose of this discussion that the sanctions are not generally viewed as ends in and of themselves, we cannot consider types of sanctions apart from the purpose they are designed to serve. Thus, we will refer to sanctions that are imposed in order to increase the probability that a behavior will either persist or become more regular in the future as positive sanctions and to sanctions that are designed to reduce or eliminate a given behavior as negative sanctions. To illustrate this, consider the case of a politician who is running for re-election. Among other things, he is expected to comment on current issues that are of interest to his constituency and on his previous behavior that is related to these issues. Voters will then presumably consider their desires and his behavior in deciding for whom they will vote. They may wish him to continue on the same path he claims to have followed in the past. If so, they will vote for him, at least in the absence of a candidate

whom they feel could follow the same path more effectively. Their vote may appropriately be viewed as a reward contingency, a positive sanction. If, on the other hand, they denounce his previous behavior and withdraw their support from him, they would be applying the reward contingencies in quite a different fashion: they would be imposing a negative sanction. Either type of sanction will take one of two forms. Should they be imposed by regulatory bodies explicitly designed for the purpose of insuring compliance to rules, regulations, policies, legal codes or similar bodies of expectations, we would refer to them as formal sanctions. In the vast majority of everyday situations, however, reward and punishment contingencies are controlled and manipulated in far less highly structured and less formal contexts. These we would term informal sanctions.

These distinctions raise still another important question for the student of social control, an issue related to why the sanction, whether formal or informal, positive or negative, is imposed in the first place. Specifically, is the only impact of a sanction intended to be that which falls upon the individual who is the recipient of the reward or punishment? We think not. Let's return to the case of our politician. Assume that the mood of his constituency has shifted from conservative to liberal and that the politician in question fits well into the relatively conservative past, but not the more liberal present. Also assume that this leads the voters to reject the politician's candidacy. By our definition of positive and negative sanctions, we would

predict that the conservative behavior of the politician might well be altered. And what of other politicians in his precinct, community, state, or nation? Will previously conservative ones remain conservative and previously liberal ones remain equally liberal? Probably not. On the contrary, we might well expect a general shift among both liberals and conservatives toward relatively more liberal positions. Were this in fact to occur, we would have an empirical illustration of the effect of sanctions on two levels (though the reader should carefully note that the effect might occur on only one of the levels). The effect of the application of negative sanctions to the politician who lost the election reflects the specific deterrence potential of the sanctions. To the extent that the specific deterrence of the one politician carries over in a way that deters those who are aware of our conservative politician not being re-elected from engaging in conservative behavior themselves, we would have an example of general deterrence.

In addition to considerations of types of behavior, the functions which a given behavior fulfill for an actor, the actor's level of commitment to an act, and the type of sanction that the behavior elicits, the degree to which the goals of specific and general deterrence will be served will be mediated by several other factors. Salient among these factors are the manner in which the sanctions are imposed and from whom they come. The certainty, swiftness, severity, and equity of the sanctions represent dimensions of the manner in which sanctions are applied that have a considerable bearing on how influential the sanctions

will be on the subsequent behavior of the individual who is sanctioned. Of the four terms, the meaning of the latter two are sufficiently ambiguous to merit some attention here. With regard to the severity of punishment the problem lies in the fact that, while it takes the magnitude of sanctions as its immediate referent, it is difficult to gauge the relative meaning of a sanction as we move from one situation to another. An illustration of this would be provided by the distinction between two people, both of whom receive a sentence of one year in prison, one of whom is a middle-class professional person, the other a professional thief. One may find his professional life totally ruined; the other may accept the risk of a few years in prison as a standard occupational risk. Thus, a constant sentence does not denote a constant level of severity. Equity takes two referents. Initially, it refers to the fact that any sanction will have lesser impact if it exceeds the level that is acceptable within the normative framework of the system within which it is applied. In addition, equity demands that the standards of sanctioning be applied in a universalistic fashion. This does not indicate that a given offense must be paired with one and only one level of sanction, but it does suggest that the impact of sanctions will diminish as the equity of treatment becomes discriminatory beyond levels acceptable in the system.

Finally, it is important to understand that sanctions will have a differential impact based in part on their source and the relationship of an actor to that source. To the extent that sanctions originate in groups of individuals who provide a sig-

nificant point of reference to the actor, regardless of whether the sanctions themselves are formal or informal, positive or negative, they will carry a greater weight than under other circumstances. This is particularly important when an individual's reference group supports behavior which may elicit negative sanctions from individuals of groups which lie outside this context. For example, students may frequently find experimentation with drugs to be a rewarding activity in terms of such behavior eliciting positive sanctions from their associates despite the fact that it may elicit negative sanctions from the agencies of social control. When such conflicts occur, the probability is that the informal approval which comes from one's reference group will be more potent than less significant groups.

#### Summary and Conclusions

We have tried to suggest that the relationship between the imposition of social sanctions and the achievement of social control is far from simple and far from resolved. The reasons for this are legion, but a few stand out as particularly salient. First, systematic inquiry into questions relevant to the general issue of social control has been hampered by the negative connotation associated with the idea of controlling human behavior. While this might be quite reasonable to any of us if we had a particular type of social control in mind, the fact that we all try to influence the behavior of others in our everyday lives in order to create and maintain the kind of understandable, predictable world that we can comfortably move about in is in itself illustrative of our own social control efforts, even though we

might not choose to describe them in those words. An integral component of our individual efforts is not unlike the more formal processes of social control that we typically associate with the activities of such agencies as the police, courts, and correctional institutions. Simply put, we tend to positively sanction the kinds of things we like and negatively sanction the things we wish to change, control, or eliminate. The objective study of the relationship between social sanctions and social control is nothing more or less than an attempt to better understand the consequences of these types of responses to aspects of our social lives whether they involve the informal activities of individuals in primary group settings or the actions of the courts as they impose penal sanctions on convicted felons. Second, and a point closely tied to the previous one, what appear to be inconsistent findings in the empirical research in this area have been used more frequently as a means by which philosophical or political preferences could be advanced than for the purpose of building a sound body of knowledge about the determinants of human behavior. The often biased and selective use of research data by proponents and opponents of capital punishment is perhaps the best illustration of this idea. Third, perhaps too much attention has been given to resolving the question of whether sanctions have any influence on human behavior as opposed to dealing with the issue of the conditions under which sanctions will have the desired influence.

We can certainly not resolve these issues within the context of this brief essay. Indeed, we have had to be quite selective in our choice of which points deserve mention. Still, it is use-

ful to conclude our discussion by trying to draw together some of the ideas that have been presented earlier if for no other reason than to note how much sanctioning behavior, particularly formal legal sanctions, may either serve no useful purpose or become counter-productive to generally agreed upon goals.

Consider what we do at the present time. In both informal and formal settings we develop expectations of others, expectations which specify in greater or less degree the types of behavior that we are willing to reward, support, tolerate, or punish. We generally expect others to govern their actions with these expectations in mind. Our criminal law provides a very good illustration. Premised on the notion that human behavior will be responsive to the threat or imposition of formal legal sanctions, the structure of American criminal law implies that man is a rational being who is in control of his own destiny. Among other things, he is motivated to maximize his rewards while seeking to avoid unprofitable risks or punishments. Thus, should we wish to inhibit or eliminate some undesired behavior, we need only raise the threat of a punishment which will weigh more heavily on the actor's sense of balance than will the potential benefits which the undesired behavior might be expected to yield. Should the threat not be sufficient to inhibit the undesired behavior, we actually impose the sanctions. This is expected to deter not only the actor but also others of like mind who will avoid the behavior because they see what the negative consequences can be. Should the system not work, and it demonstrably has not, we are not led to question the adequacy of our conceptualization of



the determinates of human behavior. Instead, we conclude that the punishment must not have been sufficiently harsh to outweigh the benefits of the action to the actor. Thus, we simply need to increase the level of punishment. Typically, this same equation is applied to virtually any behavior which we seek to eliminate. If all else fails, we can always make the sanction so extreme that we guarantee that the individual will not repeat his violation: we can put him to death. And if capital punishment fails to deter others from engaging in the proscribed act we can always resort to convenient cop-outs that include the notions that the individual's behavior is determined by some personality syndrome or biological defect over which we can never have any control. In short, since our assumptions about the nature of man are accepted as true by definition ("Man is a rational creature which is in control of and responsible for his own destiny"), we need not consider variations in types of behavior, actors, situations, and so on beyond the need to demonstrate that at the time of the action the individual knew what he was doing, intended to do it, and was in control of his rational facilities.<sup>7</sup>

The research evidence shows that this approach will not be productive for anyone. Sanctions will quite probably be effective under some circumstances, but they will almost certainly not

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7. Criminal law has even been able to avoid many of these criteria by the creation of legal codes for such acts as statutory rape and bigamy in which criminal intent need not be demonstrated and of such rules as the felony-murder notion which holds that if, in the commission of a felony (e.g., arson is committed by intentionally setting fire to a vacant building), someone dies (e.g., someone was actually sleeping in the "vacant" building), the charge is homicide.

prove equally fruitful in many others. Moreover, the pivotal variable in the sequence is far more likely to be the certainty rather than the severity of the sanctions. Even if we can assume that sanctions in any setting will be certain, swift, and equitable, there are likely to be very substantial differentials in the success that will follow their imposition. Those behaviors that are instrumental, which involve little commitment, which have little reference group support, and which elicit sanctions that are viewed by the actor as legitimate will be far more responsive to attempts at modification than will expressive acts which involve considerable commitment, which are strongly supported by the normative expectations of the actor's reference group, and which are sanctioned by groups not perceived to be legitimate. Many types of behavior (e.g., drug use, substantial proportions of assault, rape, homicide, and so on) fall on the expressive end of the spectrum. Because of such factors as these, many have observed that we tend to most severely sanction types of behavior that are least likely to respond to sanctions, however severe, while we least severely sanction activities that might well be responsive.

The issue is far from closed. Sometimes the imposition of sanctions serves the intended purpose. Many behaviors do seem subject to modification, behaviors which we could easily do without (speeding, drunken driving, environmental pollution, corporate price-fixing, sale of adulterated foods and drugs, tax fraud, consumer fraud, etc.). Equally often, they do not.

In this brief essay we have noted only a few factors that influence the differential impact of sanctions, but we have excluded some that certainly deserve further attention. To cite but two examples, the reduction of opportunities to engage in some behavior which we wish to inhibit (as when taxi drivers, service station attendants, and others keep little or no cash on hand to reduce the attractiveness of robbery), or the provision of legitimate and acceptable alternatives to undesirable behavior (as with drug maintenance programs for addicts, legalized abortion, paramutual betting, or increased economic opportunities for those who may find illicit behavior their only viable means to achieving success) are of obvious relevance. Researchers must be allowed and encouraged to pursue objective research on questions related to the general issue of the consequences of sanctions not because some sanctions will push individuals further into deviance, as clearly happens in some contexts, nor to prove that social control agencies can effectively manipulate human behavior by adopting a particular type of social control structure, as can also be done with regard to some behaviors, but to add to a badly neglected and potentially critical segment of our knowledge.

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