

SANCTIONS AND DEVIANCE: EVIDENCE AND REMAINING QUESTIONS

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The last few years have witnessed a resurgence of interest among social scientists in the possible effects of negative sanctions in producing conformity to norms. During the first half of this century deterrence ideas were often the object of debate and research. Debate, however, was usually conducted on an ideological level, and the extant research generally suggested that punishment was of minor importance as a behavioral influence (Ball, 1955; Tappan, 1960: 243-255). As a result, many social scientists came to regard the question as either theoretically uninteresting or as empirically non-problematic.

For instance, most major theories of deviance developed in this century have given little attention to the role of sanctions. Instead they have emphasized special motivations stemming from socialization into unusual normative contexts, failure of conventional socialization, psychodynamic problems, or pressures generated by social contexts (Cohen, 1966). In addition, general theories of social order or social organization have seldom attributed major significance to sanctions as a means of generating conformity.

Confidence that the deterrence issue has been empirically resolved is evident in much criminological writing. For instance, one criminological classic unabashedly asserts that punishment "does not deter . . . [nor] does it act as a deterrent upon others . . ." (Tannenbaum, 1938: 478), while a well-known contemporary criminology text concludes that one of the limitations of legal punishment is that "it does not prevent crime in others or prevent relapse into crime" (Reckless, 1967: 508).

Such conclusions are typically based on two kinds of evidence. The most widely cited concerns the relationship between capital punishment and homicide (Sutherland and Cressey, 1966: 335-353). This literature includes studies comparing homicide rates of similar social units differing in legal provision for capital punishment (Schuessler, 1952; Sellin, 1967), studies comparing homicide rates of the same social units at

times when capital punishment was operative and at times when it was not (Schuessler, 1952; Walker, 1965: 238-241; Matlick, 1963), studies of homicide frequency immediately following publicity about executions (Savitz, 1958; Dann, 1935), and illustrative case or historical materials (Horton and Leslie, 1965: 165-169; Barnes and Teeters, 1959: 315-317). This work has been interpreted as remarkably consistent in discounting a deterrent effect for capital punishment (Morris and Hawkins, 1969; Walker, 1965).

While death penalty research focused on the effect of punishment (or legal provision for punishment) in deterring potential offenders generally, a second body of literature treated the question of whether punishment other than death or permanent incarceration deters future deviance among those who personally experience the punishment (*i.e.*, does punishment reduce recidivism?). A study of corporal punishment found it ineffective in deterring further offense (Caldwell, 1944), and a study of both serious and minor offenders (Morris, 1951) found no correlation between cumulative duration of separate, very short sentences ("days in") and cumulative length of time between discharges and reconvictions ("days out"). Furthermore, recidivism rates for released convicts were generally reported to be quite high (Glueck and Glueck, 1943: 121; Vold, 1954; Westover, 1958). Laboratory experiments with animals also provided some indirect evidence for the pessimistic view of sanctions. Although the effectiveness of punishment in conditioning animals has been controversial, the prevailing interpretation, up until recently, seems to have been that negative reinforcement is at best inefficient as a behavioral conditioner (Skinner, 1953; Bandura, 1962).¹

Some evidence in past research did suggest that the probability of sanction was an important variable for some types of deviance and in some circumstances. For instance, illustrative historical material showed that in some cases police immobilization was followed by increased crime, that increased police surveillance was followed by decreases in illegal behavior, and that employment of technical innovations in police techniques preceded dramatic declines in various types of deviance (Toby, 1964; Andenaes, 1952; Hall, 1952). Nevertheless the bulk of the research seemed to indicate to most scholars that the idea of deterrence was not empirically valid.

CONTEMPORARY PERSPECTIVES

Recent shifts in attention from the deviant act itself to

social reactions to deviance (Gibbs, 1966), however, have led sociologists to reconsider negative sanctions as independent variables. The result has been a critical reassessment of death penalty and recidivism research and the stimulation of broader research interests concerned with the relationship between sanctions and behavior.

Critics of capital punishment research have pointed up a number of deficiencies (Tappan, 1960: 253-255; Walker, 1965: 241; Zimring, 1971; Logan, 1971a), the most important of which is the failure of the research to consider the probability (or the perceived probability) of imposition of the death penalty rather than simply the legal provision for its imposition. It has been pointed out that the mere presence or absence of a possible death penalty may be irrelevant as a deterrent to murder, but that the deterrent effect of a death penalty imposed with a fairly high degree of certainty is still unknown. Only Schuessler's study of capital punishment attempted to take this variable into account (Schuessler, 1952). He devised a crude index of the certainty of execution for the various states of the U.S. Despite the fact that he was dealing with conditions that tend to reduce an association (low probability cases and an attenuated distribution), he nevertheless found a negative (-.29), although non-significant, correlation between certainty and the homicide rate.

Second, historical examples or anecdotal material cited as evidence against the deterrent theory have been shown to be predicated on faulty logic (Walker, 1965: 238; Zimring, 1971). The fact that crime still occurs despite the presence of capital punishment is insufficient basis for inference without additional data concerning the number of non-criminals who may have been deterred by consideration of the possible penalty. In like manner, confessions of convicted murderers indicating that they did not take the penalty into account cannot permit inferences about the number of potential murderers who may have taken it into account.

Third, it has been observed that even if the validity of the capital punishment studies were impeccable, they would still permit only the conclusion that capital punishment adds nothing additional in deterrent power above that which may be generated by all other punishments to which potential offenders are subject. A really meaningful test of the deterrent effect of capital punishment would require that it be compared with the alternative of no punishment at all. If the threat of

death does not deter murder to any greater extent than simply the threat of imprisonment, this cannot be interpreted to mean that all types of sanctions are ineffective for all types of deviant acts. This is especially true since homicide is generally considered to be a special kind of deviance (Chambliss, 1967). Thus, even though the death penalty literature provides a reasonable rationale for abolishing capital punishment in modern society, it does not afford an adequate basis for drawing conclusions about the deterrent effect of sanctions in general.

Similarly, the recidivism literature has been found deficient in addressing the issue of whether negative sanctions generate conformity. First, and most important, recidivism studies are relevant only to the question of whether punishment affects the future behavior of those punished. It is theoretically defensible to postulate that punishment might generate more deviance for those punished, but at the same time still be a powerful deterrent for those not punished (Tittle, 1969; Thorsell and Klemke, 1972). Indeed, the same mechanisms that possibly generate secondary deviance (stigmatization and labeling) may deter the non-stigmatized (Lemert, 1967). In any case, recidivism is of only slight significance compared to the question of general deterrence. Even 100 percent success in specific deterrence (*i.e.*, complete elimination of recidivism) would have little impact on crime rates, since only a tiny proportion of offenders are ever in a position to become recidivists in the first place (Gould and Namenwirth, 1971: 256-257).

Second, even with regard to the question of specific deterrence (future behavior of the punished), the recidivism literature is far from compelling. One problem in the use of such data is that recidivism may stem from ancillary conditions involved in incarceration that negate the deterrent effect of punishment. For example, increased fear of sanction—the deterrent objective of imprisonment—may be eroded by socialization into a deviant subculture or by association with deviant role models while incarcerated (Clemmer, 1940; Wheeler, 1961). Similarly, lack of recidivism may result from rehabilitative efforts undertaken while the individual was in prison rather than from deterrence based on fear of punishment. Recidivism rates, therefore, probably indicate more about the conditions under which punishment is administered than about the punishment *per se*.

Furthermore, the most valid test of the specific deterrent effect of legal sanctions would be one that compared recidivism

rates of those punished with the recidivism of offenders who escaped any contact with the law. There are really no data of this type (see Uniform Crime Reports, 1967: 37 for the closest approximation — re-arrest is highest for those whose cases were previously dismissed or who were acquitted), but it is hard to imagine that offenders who escape arrest or detection would be less likely to repeat an offense than those who are processed through the legal system (Packer, 1968: 46). Comparison of probationers with incarcerated inmates does suggest that recidivism is greatest among the incarcerated (Levin, 1971), but there is probably a selective factor involved (Wilkins, 1969), and probation is itself a form of legal sanction. Consequently, one might be justified in concluding from such comparisons that incarceration adds nothing in deterrent power above what is achieved with the lesser penalty, but he would not be justified in concluding that incarceration or punishment in general is not a deterrent.

But even apart from these considerations, the recidivism data provide a weak platform to support an anti-deterrent argument. Logical and interpretative difficulties are paramount (Walker, 1965: 242-260; Wilkins, 1969), and in addition, the data are less contrary to the deterrence argument than is usually assumed. While there are many variations and complexities, the available follow-up data suggest that only about 35 percent of the released inmates return to prison (Glaser, 1964: 13-35). Moreover, a recent study conducted by the FBI suggests that legal sanctions may be more of a specific deterrent than even the FBI is willing to admit. All arrestees released in 1963 were traced six years by means of FBI arrest reports. Although 65 percent were re-arrested on some charge within six years, only 23 percent (40 percent of those re-arrested during the first four years) had been reconvicted by the end of the fourth year (Uniform Crime Reports, 1967: 41), and extrapolation suggests that the overall reconviction rate is far below 35 percent.²

Third, the pessimistic conclusions drawn from laboratory work have been tempered by contemporary work that points up the limitations of conditioning principles, particularly when applied to people, and demonstrates that under some circumstances aversive control is both effective and efficient (Bandura, 1969: 293-353). In addition, recent work shows that vicarious reinforcement (social learning), including negative reinforcement, may play an important part in human behavior

determination (Bandura, 1969: 118-216; Bandura and Walters, 1963).

RECENT RESEARCH

In addition to reassessment of capital punishment and recidivism research, contemporary perspectives have led to a series of studies which suggest that sanctions may be more important than previously thought.

Direct Investigative Evidence

Some of the most significant data comes from laboratory work on vicarious reinforcement (Bandura, 1969: 118-216; Bandura and Walters, 1963). Fascinating experiments have demonstrated that behavior in many circumstances can be influenced by fear of punishment or anticipation of reward generated by observing others being punished or rewarded for various kinds of behavior. If such effects are generalizable to larger contexts, it may indicate that general deterrence of deviance (or generation of conformity), to the extent that it occurs, is possible because citizens vicariously identify with those who are punished for having been caught in deviance. And, of course, the same process might account for the failure of general deterrence since much crime goes unpunished and is often rewarding.

Additional evidence stems from a series of sociological and social psychological investigations addressed to one or another aspect of this problem. One was a study of parking violations on a Midwestern university campus (Chambliss, 1966). Chambliss reported findings to indicate that an increase in severity and certainty of penalties led to a significant reduction in violations by many faculty members, especially by those who had previously been frequent violators. But he also found that for a significant proportion of the sample the change in sanctions was irrelevant, since some never violated the rules anyway and others only violated infrequently.

A second investigation was conducted by Schwartz and Orleans (1967; see also Schwartz, 1969). With the cooperation of the Internal Revenue Service they were able to relate degree of tax compliance to "sanction threat" and "conscience appeal." Subjects were randomly assigned to treatment and control groups. Prior to submission of tax returns, one group was subjected to an interview containing questions that suggested the possibility of sanction for dishonesty in reporting income. Another group was asked questions designed to remind them of their moral obligations, while a third group was inter-

viewed but asked no "conscience appeal" or "sanction threat" questions. A fourth group was not interviewed. The results showed that both "sanction threats" and "conscience appeals" could induce greater conformity (both treatment groups had significantly higher reported income than the control groups), but "conscience appeal" was found to be more effective. The degree of effectiveness of each of the inducements, however, was found to vary by social characteristics of the respondents, particularly socio-economic status. It was further discovered that "sanction threats" apparently generated, among a minority of subjects (35 percent), attempts to make up through greater deduction what they had "lost" in more honest reporting of income. Thus, despite the fact that the independent variables were not really "threats" or "conscience appeals," and there was no measurement of the perceived reality or perceived probability of imposition of the "sanction," the study strongly suggests that reminding individuals of the possibility of negative sanctions does help secure conformity. But it seems that bringing to mind possible sanctions may not be as effective in achieving compliance with norms as bringing to mind other things.

Sinha (1967) conducted an experiment in which a difficult task was attempted by pairs of individuals, one of whom was a stooge. Successful completion of the task merited a financial reward. According to the rules, the subject was not to help in actual performance of the task but was only to give instructions. Material aid in response to requests for help, therefore, represented cheating. In one condition the subjects were threatened with punishment for violation, but not in the other. The results showed significantly fewer individuals cheating in the sanction threat condition. The data revealed, however, that among those who broke the rules, the number of violations in the sanction threat condition did not differ significantly from the non-threat condition. Hence, the results suggest that sanctions may be successful deterrents only for potential offenders. Once norms are violated, the sanction threat loses its potency for inhibiting further violations.

These studies were followed by two similar investigations undertaken simultaneously but independently. In one, Gibbs (1968) calculated, from FBI and prisoner statistics, indexes of severity and certainty of imprisonment for homicide. Analysis of the relationship between these indexes and the homicide rate by states of the U.S. revealed a substantial negative asso-

ciation. The findings therefore suggested a deterrent effect for imprisonment that increases with greater probability of lengthy incarceration.

Tittle's research (1969) employed official statistics to construct indexes of certainty and severity of imprisonment for each of seven major offense categories and for a total category of felonies. These indexes were based on a logic similar to that used by Gibbs but were somewhat different in actual content. The results of the analysis of the relationship between these indexes and crime rates for states of the U.S. led to a conclusion that high probability of imprisonment was associated with lower crime rates. The efficacy of severity of punishment, however, appeared to be limited to the offense of homicide. Further analysis suggested a complex interaction between certainty and severity of punishment in their influence on various offense rates. In general it appeared that certainty of imprisonment was associated with lower crime rates independently of severity while severity was associated with lower crime rates only for particular levels of certainty.

The Gibbs and Tittle articles almost immediately stimulated scholarly response. Gray and Martin (1969) re-analyzed Gibbs' data and Bailey, Martin, and Gray (1971) and Logan (1971a and 1972) re-analyzed Tittle's data using more rigorous and demanding techniques. In all instances the original findings were confirmed except that Logan's results suggested that severity of punishment was more important than originally thought. Chiricos and Waldo (1970), however, employed indexes modeled after Tittle's and examined the relationships between the certainty and severity of imprisonment and crime rates for various periods of time, and attempted to relate percentage changes in the indexes from one time period to another. They noted a great deal of inconsistency in the results and concluded that the evidence could not be accepted as support for deterrence theory. Furthermore, they challenged the validity of the research by Tittle and Gibbs on the grounds that the procedures used produced spurious results. They argued that the simulation technique used by Tittle to estimate the degree of possible spurious association produced by the fact that the ratios representing the independent and the dependent variables contained a figure common to the numerator of one and the denominator of the other was not correct.

Logan (1971a and 1971b) responded to the Chiricos and Waldo attack by pointing out: (1) that their findings concern-

ing certainty of imprisonment and crime rates are actually quite consistent and impressive (they concede this point but argue that it is an artifact); (2) that relating percentage changes between two indexes is misleading and unreliable, especially since slight and erratic changes can show up as strong and widely varying percentages where the base on which the percentage is calculated is low; (3) that arbitrary selection of widely separated points in time for computation of the measures of change in indexes is illegitimate; and (4) that by studying only specific offenses and small time periods without the inclusion of a "total offense" category they maximized the likelihood of an unstable finding. Bailey, Gray, and Martin (1971) in another critique showed that much of the data used by Chiricos and Waldo were incomparable and incomplete. Furthermore, both responses to the Chiricos and Waldo paper demonstrated that the methodological attack on the work of Gibbs and Tittle was without merit. Thus the conclusions in support of deterrence theory appear to be well grounded, and some basis for interpreting the Chiricos and Waldo finding concerning certainty of punishment as supportive of the deterrence hypothesis has been established.

Three other investigations using official statistics have provided additional supportive data. In one, Logan (1971a) examined original arrest data provided by the FBI. Using higher order statistical techniques, he found a general negative relationship between crime rate and probability of arrest for all offenses except homicide. In a second, Phillips (1972) standardized a measure of crime rate to take account of varied etiological factors and employed a probability model for analysis. His work showed that a major portion of the variance in homicide rate is attributable to certainty and severity of punishment.

A third study analyzed the relationship between arrest clearance rates and crime for all the counties and municipalities in Florida (Tittle and Rowe, 1973a). The results clearly support a deterrent argument, although the effect was found to be contingent upon the probability of arrest reaching a certain minimal level (about 30 percent).

A different type of research has been reported by Salem and Bowers. They related the severity of sanctioning policy in academic contexts to the incidence of self-reported rule-breaking by samples of students. In one analysis (1970), they found a negative relationship between severity of sanctioning policy and incidence of most types of offense, although the

magnitude of the relationship varied considerably from offense to offense. They argued that the apparent deterrent effect was probably not direct, but rather resulted from the general normative climate that prevailed. But in a later, more careful analysis (Bowers and Salem, 1972) they concluded that the sanctioning policy had no effect at all, but was rather a dependent variable representing response to deviant behavior. If their later analysis using only one type of deviance is representative of all the deviances considered in the study, then the Salem and Bowers data represent a contradiction to deterrence theory in regard to severity of sanction. But had the investigators been able to take into account the certainty or perceived certainty of the imposition of the penalties rather than simply the formal policy, the results might have been different.

Jensen's study (1969) of the relationship between beliefs about the probability of apprehension/punishment and delinquency (both self-reported and official) among adolescents provides further confirmation of the idea that sanctions affect behavior. Although his measure of "probability belief" was very crude, being the expressed agreement with a statement concerning high probability of apprehension/punishment for delinquent offenses generally, the data still reveal a negative relationship between perceived certainty and delinquency. The magnitudes of those associations are not compelling, but they are especially interesting because they deal with deterrence at the primary level of cognition. The findings point toward the possibility that deterrence may be more a matter of belief than of reality. Actual characteristics of sanctions such as severity, certainty, or even simple possibility may be important only to the extent that they generate particular kinds of beliefs about the consequences of deviance. Jensen's work suggests considerable misperception of the actual probability of apprehension/punishment (shared misunderstanding). It is possible that the effectiveness of sanctions hinges on the perceived certainty of their imposition, a factor which may vary from individual to individual and from social group to social group.

Some data on this point are provided by Waldo and Chiricos (1972). They surveyed a random sample of students at a southern university concerning perceptions and knowledge of sanction characteristics and two types of criminal behavior—marijuana use and theft. They found that perceived certainty of apprehension and penalty were strongly related in an inverse

direction with both forms of self-reported illegal behavior, although they were more strongly related to marijuana use than to theft. The authors interpreted their findings to indicate that perceived certainty of formal sanctions does serve as a deterrent, but that such deterrence is more likely to be operative with respect to crimes that lack wide moral support. Where a norm is morally buttressed, deterrence on an official level may be secondary to deterrence by informal sanctions or to control by internalized inhibitions. The authors were unable to find support for deterrence ideas concerning perceived severity of sanctions, although a more straightforward measure and more sophisticated analysis might have led to greater confidence in the finding.

Finally, the effect on classroom cheating of a sanction threat and a moral appeal were tested experimentally (Tittle and Rowe, 1973b). The experiment demonstrated that this type deviance could be substantially deterred by a threat of detection and punishment. The study also revealed a differential effect for females and for those who had greater need to cheat. The evidence was interpreted as strongly supportive of deterrence theory, at least in a situation where a norm lacks moral support, behavior is instrumental, and there is little commitment on the part of the offenders to the deviance.

Indirect Investigative Evidence

Other research has addressed the deterrence question more indirectly. One such study used questionnaire responses of college students (Rettig and Rawson, 1963). The students were asked to judge the probability that a hypothetical person would engage in different kinds of unethical behavior under varied conditions. The conditions represented variations in the utility of the act, the probability of apprehension and the severity of punishment, the intent of the act, and the type of victim. The findings indicated that severity of punishment was the most important source of variation, of the six considered, in predictions of probable actions of the hypothetical characters.

Rettig and Pasamanick (1964) conducted a similar study in which the same questionnaire was administered to students who had one year previously participated in an experiment where they were required to perform an essentially impossible task for pay. Any reported success represented unethical conduct. They found that previously identified cheaters were far less sensitive to punishment as a determinant of behaviors by the hypothetical individuals. Based on the assumption that the

subjects were reflecting their own sensitivities in judging the behavior of the hypothetical persons, they concluded that "the reinforcement value of a censure is the most significant determinant which predicts unethical behavior" (Rettig and Pasamanick, 1964: 112).

Rettig (1964) extended this general approach by comparing the "ethical risk sensitivity" of reformatory inmates and a matched sample of college students. Prisoners' predictions as to whether a hypothetical bank teller would embezzle funds were affected more by the teller's perception of severity of censure than by consideration of gain, expectancy of discovery, or intention to steal versus intention to borrow. Students did not differ from prisoners in the primacy of severity of censure as a determinant, but the students' predictions were affected more than the prisoners' by considerations of gain and likelihood of detection.

Sinha (1968) refined the original Rawson and Rettig study by changing somewhat the scale and hypothetical situations and by including other ethically dubious behaviors. He found that decisions apparently involved varying sets of considerations for various types of ethical situations and decisions. Although expectancy of censure was found to have the highest mean importance, it was concluded that expectancy of censure and reinforcement value are interrelated so that the reinforcement value of a censure is contingent upon its expectancy.

Another study compared a sample of incarcerated delinquents with a sample of non-delinquents in terms of accuracy of knowledge about probability of arrest and conviction for various crimes, likelihood that they might commit various criminal acts, and for those who thought they might commit the deviant acts, perceptions of the probability that they would be arrested and convicted (Claster, 1967). Although the findings revealed no significant differences between delinquents and non-delinquents in knowledge of the probability of arrest and conviction, they did show that delinquents who thought they might commit various hypothetical crimes perceived the probability of personal arrest and conviction to be lower than did the non-delinquents who thought they might commit the hypothetical crimes.

Piliavin and his associates focused on the question of whether the potential "personal cost" of informal sanctions differentiated delinquents from non-delinquents (Piliavin, Hardyck, and Vadum, 1968) and whether this variable allowed

prediction of cheating behavior in a laboratory situation (Piliavin, Vadum, and Hardyck, 1969). They measured the personal costs of informal sanctions with questionnaire responses concerning the importance of evaluation by significant others such as parents and teachers. In a survey they found a negative relationship between score on the "costs" scale and delinquency, and in a laboratory experiment they found that "low cost" boys cheated more than "high cost" boys.

Horai and Tedeschi (1969) were interested in the extent to which one person can induce obedience to commands by the use of sanctions. They had college students play an interpersonal game (Prisoners' Dilemma) in which one party was able to employ sanctions in an effort to induce the other player to act contrary to his self-interest. They varied the probability that the sanction would be imposed (credibility) and the magnitude of the sanction (severity). Both credibility and severity were found to be related to degree of compliance. Faley and Tedeschi (1971) repeated the experiment with ROTC cadets, varying the status of the threatener as well as the severity and credibility of the threats. The results showed greater compliance to threats issued by high status persons than by low status persons, and they confirmed that credibility and severity were significant influences on degree of compliance. Gahagan, *et al.* (1970) repeated the experiment, varying the pattern of punishment as well as the credibility. They found no effect for patterning, but did confirm the importance of credibility. Thus these experiments suggest that compliance to commands is influenced by sanction threats.

These studies are all suggestive that negative sanctions have an important bearing on behavior. But the data are too oblique and the studies too dependent upon dubious assumptions to permit confident interpretation of the results in terms of the deterrence hypothesis. Rettig and Rawson did not ask the subjects to assess how they themselves would behave in the hypothetical situations; they were simply asked to predict behavior of the hypothetical person. Thus they were probably measuring what variables the subjects thought are generally operative in behavior determination but not necessarily the ones which are. Cluster neglected to examine directly the relationship between self-assessed likelihood of deviant behavior and perceptions of the probability of arrest and conviction. He reports only differences in perceived probability of sanctions between delinquents and non-delinquents who admitted the

likelihood of hypothetical deviant behavior. The Piliavin studies did not measure the subjects' perceptions of the probability that significant others would find out their transgressions, the likelihood that "costs" would ensue from discovery, nor even the probability of getting caught. They simply assumed that all these probabilities were high or at least high enough to produce an effect. And finally, the studies involving interpersonal control did not provide real rewards for winning. Moreover, obedience to commands by an individual may be quite different than conformity to social norms or laws.

Case Material

Additional evidence consists of recently compiled illustrative or historical case material. Important variations have been observed in some types of crimes when police were immobilized (Clark, 1969; Andenaes, 1966), and some evidence of decrease in crime following the employment of technical innovations in police techniques or of greater surveillance have been recorded (Zimring, 1971: 68-73; Walker, 1965: 241-242; Conklin, 1972: 143; Cramton, 1969). Probably the best data of this type have been reported by Ross, Campbell and Glass (1970). They studied the effect of the British breathalyser law of 1967, using time series data. The legislation provided for suspected drinkers or traffic offenders to be tested on the spot with breath machines and, if ultimately convicted in court, to receive a mandatory penalty. If fewer traffic casualties can be taken as an indicator of fewer cases of drinking while driving, then the data demonstrate considerable effect. Since the law was designed to increase the probability of detection and penalty for the offense, the results constitute impressive support for a deterrent hypothesis.

Case material concerning severity of penalties, however, has not supported a deterrent effect for sanctions (Tornudd, 1968), and some which presumably does reveal such an effect is questionable (see Campbell and Ross, 1968; Glass, 1968). The most unequivocal example is a study by Schwartz (1968). His analysis of rape in Philadelphia before and after increased penalties provided no basis for concluding that increased severity of sanctions significantly affected the amount of rape. Thus, the case material compiled in recent years is generally consistent with other research in suggesting that sanctions may have some deterrent effect when the certainty of imposition is reasonably high, but that severity of sanctions in the absence of certainty has little bearing on deviance.

EMPIRICAL ISSUES

Almost all research since 1960 supports the view that negative sanctions are significant variables in the explanation of conformity and deviance. Therefore social scientists would appear to be on firm ground in at least treating the issue of deterrence as an open question. Enough suggestive evidence has been compiled to warrant systematic research efforts and to mandate serious theoretical consideration of the role of sanctions in human behavior and social organization. It is clear, however, that the evidence is not conclusive. At this point we can safely say only that sanctions apparently have some deterrent effect under some circumstances. It is now necessary to undertake careful research in an attempt to specify the conditions under which sanctions are likely to be important influences on behavior. Consideration of past research suggests many gaps in our knowledge. A variety of questions must be investigated before effective theory building can be undertaken and before social science can claim to speak with much confidence about the role of sanctions in human affairs.

First, the influence of type of norm on degree of deterrence that is likely to result from the application of sanctions must be established. Sociological literature suggests that some types of norms are likely to be obeyed irrespective of sanctions, while others are likely to be disobeyed frequently despite provisions for sanctions. Yet there is little empirical data on the question. Norms vary in the degree of their generality, their importance, their legitimacy, and their legal status. It is necessary to establish: (1) whether sanctions are more likely to be successful in producing conformity to rules that are widely shared or to those that are specific to a given situation, (2) the relative effectiveness of sanctions in deterring violations of rules generally felt to be very important and in deterring those of less importance, (3) the extent to which "legitimate" as opposed to "arbitrary" rules are subject to enforcement by sanctions, (4) whether deterrence is more likely with legal norms than for other norms, and (5) whether rules that have moral support are more enforceable by sanctions than are those that lack such moral support.

Second, it must be determined how characteristics of given types of behavior affect the degree of likely deterrence of deviance. Variations along this dimension include the perceived intrinsic or utilitarian rewards of different types of behavior

as well as the rationality (subject to reasoned calculation as opposed to emotionality or impulsiveness) of different kinds of behavior. Furthermore, deterrence may be more or less effective depending upon the motivations which lead to given acts of deviance. Thus one could imagine that acts of rebellion, acts designed to create martyrdom, or acts for the purpose of reinforcing deviant identities would be less deterrable than acts that have private utility for the actor. By the same token, deviance that stems from a sense of injustice may be less deterrable than deviance that stems from attempts to exploit others. Another possibly important distinction in this regard concerns the position of the act in a series of potential deviant acts. Thus a first offense may be more sensitive to sanctions than are repeated offenses. Some experimental evidence suggests that once a sanction threat has failed to deter, its potency as a deterrent to further rule-breaking is eroded. This distinction is akin to the frequently noted difference between general and specific deterrence. General deterrence is said to occur when potential offenders are deterred by fear of sanction while specific deterrence refers to inhibition of repeated acts of deviance by those who have been sanctioned.

Third, the way in which deterrence of deviance varies by characteristics of potential rule-breakers has to be specified. Such things as social class, age, sex, race, social visibility, personal alienation from the political and social system, and moral commitments to the norms may be major determinants of whether a deterrent effect is probable in a given situation (Zimring and Hawkins, 1968).

Fourth, the way in which variations in sanction characteristics themselves influence the likely degree of conformity must be clarified. Characteristics of sanctions which might be important in this regard are: (1) the probability of imposition of the sanction, (2) the severity of the sanction, (3) whether the sanction is imposed on an informal or formal level, (4) the status of the sanctioner, and (5) the celerity with which the sanction is applied (Clark and Gibbs, 1965). Not only must the importance of each of these dimensions be specified, but also their interrelationship in influencing conformity in various contexts must be clarified. It may be that some sanction characteristics can become operative only when a certain level has been reached with respect to another characteristic. Thus it could be that formal sanctions can be effective only if reinforced by informal sanctions or if the certainty of imposition

is high. In like manner, severity of sanction may be important only when minimal levels of certainty exist.

But more important than the actual character of sanctions may be beliefs or perceptions about the characteristics of sanctions. It is entirely possible that ignorance of sanction characteristics constitutes the major deterrent mechanism (if such a mechanism is operative), at least with respect to legal norms. After all, the probability of sanction is in reality very slight (Logan, 1971a) and the severity of punishment frequently turns out to be relatively light (National Prisoner Statistics, N.D.). Yet the general anxiety that stems from uncertainty may influence the behavior of some in a very powerful way. If primary deterrence (individual fear of sanctions) does influence behavior, then cognitions could well be linked to variations in rates of deviance, independent of the actual situation. For example, it seems likely that the lesser propensity of middle class people to engage in ordinary crime may stem partly from a gross over-estimate of the likelihood of apprehension for them personally and a conception of punishment as more severe than it really is. They typically have little personal contact with legal processes and therefore have no realistic basis for judgment. Lower class persons, on the other hand, usually have enough contact with the legal system to know that the likelihood of apprehension and punishment is slight and to know that typical punishments are not unbearable. But even if objective knowledge about sanctions were uniform throughout society, people from different groups would still have differing perceptions of the personal costs to them that would be entailed by different sanctions. Hence, perceptions of sanctions is a crucial variable for further analysis.

While it seems reasonable to postulate that perceptions of sanction characteristics are related to amounts and kinds of deviance, it is also important to note that the relationship might not be straightforward or linear. For some, a given amount of perceived risk may add an incentive for deviance (Werthman, 1969). But this incentive may diminish beyond a certain point — the risk may become so great that it is no longer a gamble. For such persons the relationship between perceived sanction characteristics and deviance probability would be U-shaped. For others the relationship may be linear or log linear. These are only speculative possibilities; the point is that the relationship between actual or perceived characteristics of sanctions

and probability of deviance for individuals or for social collectivities is unknown.

Furthermore, the relation between sanctions and deviance is probably circular, at least for legal sanctions. Identifying the causal effects of sanctions on deviance and accurately describing their strengths and forms under different conditions will necessitate separation of the reciprocal effects that increased amounts of deviance may have on sanction-reactions.

Fifth, the interrelationship of the above described variables in the generation of conformity must be clarified. It is possible that the problem is far more complex than has been assumed. Some evidence already indicates that characteristics of sanctions may interact in important ways. But when one adds to that complexity the possible interrelationship of characteristics of norms, of potential offenders, and of the behavior, it may well turn out that the occurrence of deterrence is highly specific.

Finally, the relative importance of sanction threats compared to other variables that are thought to be important in determining conformity or deviance needs to be explored in the varied situations described above. Social scientists attribute significance to variables such as moral commitments, belief as to the amount of deviance that is occurring, imputed legitimacy of the normative system, peer pressures or acceptance, relative deprivation, self-conception, and symbolically learned motivations (see Cohen, 1966). But we do not know how important each is, relative to the others, nor how important sanctions are relative to these variables. Understanding of conformity/deviance, or the role of sanctions, will not be adequate until we can make statements about how much of each factor is generally or specifically operative in the production of conformity.

It should be obvious that addressing these issues empirically will require much work, ingenuity, and attention by social scientists. The job requires a wide range of data gathered in a myriad of circumstances, using a variety of research methods. Productive outcomes will necessitate sharper definitions and conceptual formulations than have typically been employed in the past. Moreover, in an area so prone to ideological disputation, considerable effort may be required simply to keep alive a spirit of objective inquiry. Progress, therefore, will not be easily accomplished. But if our objective is to understand social order, we must accept the challenge and continue to seek

empirical answers to many long-neglected questions concerning negative sanctions and behavior.

FOOTNOTES

- ¹ Despite recent comprehensive reviews of the punishment literature which conclude that punishment can be highly effective in eliminating behavioral responses (Azrin and Holz, 1966; Bandura, 1969: 293-353), some continue to interpret punishment studies as indicating little effectiveness and are even willing to generalize from laboratory punishment of animals to social sanctioning of humans (Appel and Peterson, 1965; Jeffery, 1965).
- ² UCR neglects to report convictions in subsequent years, but one can extrapolate. In so doing, however, it is necessary to consider the possibility that the number reconvicted may have risen as people arrested during the first four years came to trial after that date and an additional arrests were made. Given that lag time in the judicial process is rarely more than two years, and that most of those re-arrested during the six years were taken into custody during the first two years (66 percent), it is reasonable to assume that the vast majority of re-arrestees had been tried by the end of the fourth year. If we assume, moreover, that the 40 percent reconviction of arrestees applies only to those arrested during the first two years of the follow-up and we project this conviction rate to cover all those arrested from the third through the sixth years, we arrive at a total reconviction rate of 26 percent for the original sample of releasees. Furthermore, during the fifth and sixth years an increment of only two percent per year in additional arrests were added. Hence the reconviction rate of offenders released in 1963 would appear to be well below 35 percent even if one projects the follow-up far beyond the original six years.

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