

# THE PARADOXICAL IMPACT OF CRIMINAL SANCTIONS: SOME MICROSTRUCTURAL FINDINGS

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Field data from a longitudinal study of drug dealing reveal the importance of interpersonal networks in determining the impact of criminal sanctions. The level of perceived sanction severity was in large measure dependent on the degree of disruption created in interpersonal relations and on the resilience of these relations in adapting to the sanctioning process. Perceived certainty of sanctions was likewise dependent on characteristics of interpersonal interactions. Perceived certainty and severity of sanctions combined to define the level of fear. Sanction-induced fear increased network density and closure. These network properties were largely responsible for the paradoxical impact of sanctions. The relevance of these findings for deterrence research is noted throughout.

Commentators on deterrence research have long noted both the gap between objective sanction properties and perceptions of those properties and the importance of studying mechanisms which connect the two (e.g., Geerken and Gove, 1975; Erickson and Gibbs, 1979; Tittle, 1980). For example, Tittle (1980: 240) suggests:

. . . [I]t seems unlikely that objective sanction characteristics have a direct and specific relationship to individual perceptions. . . . Hence an important challenge for future research is to identify the processes involved in the formation of individual perceptions of sanctions and to specify the role of objective sanction characteristics in those processes.

In this paper we report data gathered from extended interviews and field observations as they relate to interpersonal mechanisms which link objective sanction properties and

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perceived sanction severity and certainty. The basic argument can be briefly stated: Sanctions are perceived as more severe the more they threaten to disrupt the subject's life. Furthermore, actions that disturb interpersonal relationships are particularly disruptive (Ekland-Olson, 1984). These propositions together imply that perceived sanction severity depends to some extent on the relationships in which a person is embedded and on the perceived resilience of those relationships. Put another way, persons rich in associations will fear sanctions more than loners, and those who expect that after a sanction their friends and associates will treat them as before will fear that sanction less than those who expect to be shunned. Also, given the mediating influence of interpersonal relationships, we would expect that, for those involved in illegal activity, the organization of interpersonal relationships is closely connected to perceptions of sanction certainty.

Our research suggests that for many offenses this microstructural perspective better explains the deterrent impact of criminal sanctions than does a more strictly psychological approach to fear. Moreover, attention to the organizing influence of fear facilitates discussion of what might be called the anti-deterrence doctrine: the idea that criminal sanctions do not deter subsequent criminal activity but rather facilitate engulfment in a criminal way of life. Our research suggests that fear of criminal sanctions may paradoxically encourage encapsulation in a deviant life style at the same time it restricts the frequency of illegal behavior.

## I. STUDY DESIGN

Six years of qualitative data collection included extensive contact with nineteen dealers of illicit drugs as well as a series of taped and transcribed structured conversations. Each of the nineteen respondents was involved in at least the middleman (one dealer was a woman) level of dealing. Middlemen bought goods directly from a producer or broker and then sold to other dealers. All the respondents sold marijuana. Several also sold cocaine, amphetamines, LSD, mescaline, and other hallucinogens. The observations and interviews with these nineteen respondents were supplemented with field notes from prolonged contact with fifteen additional middlemen dealers who would not agree to taped interviews.

There are obvious limitations in a study based on an availability sample of thirty-four respondents. However, these limitations are of a different sort from those of official record

studies (e.g., Gibbs, 1968; Bean and Cushing, 1971; Logan, 1975; Ehrlich, 1975; Bowers and Pierce, 1975; Greenberg and Kessler, 1982) or self-report surveys (e.g., Waldo and Chiricos, 1972; Meier and Johnson, 1977; Erickson *et al.*, 1977; Tittle, 1980; Akers *et al.*, 1979; Grasmick and Green, 1981). Thus, data such as ours can be used to supplement deterrence research based on official records or self-report surveys (Anderson *et al.*, 1977: 113; Tittle, 1977: 586). For example, Meier and Johnson (1977) and Akers *et al.* (1979), using self-report surveys, found that the best predictor of marijuana use was the presence of similarly oriented friends. Neither study was able to explore in any detail how interpersonal influence was related to perceptions of legal standards and sanctions. Our detailed information gathered over several years allows us to describe this connection.

Since our data are from individuals actively involved in the drug trade, we have no examples of absolute deterrence (Gibbs, 1975: 32-33). Indeed, most of the respondents in the study were engulfed in their deviant role (Schur, 1971: 69-81). They defined themselves as dealers. They organized their daily routines as well as their yearly plans around the rhythm and seasons of the illicit drug business. They developed linguistic conventions, as well as codes of behavior, which shaped their interpersonal relations with others.

Our findings are relevant, however, to what Gibbs (1975: 33) has defined as restrictive deterrence:

a reduction in the frequency of offenses, including any strategies or tactics employed by individuals to evade detection, identification, or apprehension that have the effect of reducing the frequency of offenses.

The dealers used various tactics to avoid detection, identification, and apprehension. This article focuses on the dealers' interpersonal networks and asks three related questions: (1) How are perceptions of sanction severity and certainty and consequent levels of fear rooted in interpersonal relationships? (2) Is the fear of sanctions an important organizing focus (Feld, 1981) for interpersonal relations among dealers? (3) Does the resulting organization of interpersonal ties restrict, encourage, or have no effect on dealing activities?

## II. FEAR AND CONVENTIONAL OTHERS

The dealers we interviewed and observed are obviously fearful of criminal sanctions. Their level of fear is clearly tied to interpersonal relationships and the ways these relationships

are likely to respond should the dealers be sanctioned. This is true at all levels of involvement in dealing.

During the early stages of dealer involvement, the intensity of fear depends in large measure on the implications sanctions have for relationships with conventional others. For some, such as the former football player in the following interview, the early stages of dealing are accompanied by a gradual shift in interpersonal relations. This dealer had grown up in a rural Texas atmosphere. He attended his first year of college in a town of 4500 people, 1000 of whom were students. When he moved to a larger Texas city to attend college on a football scholarship, he made friends with some drug-using students, used drugs himself, and then eventually began to sell them. Sanction-induced fear during this early stage of loose, friendly dealing was not centered on the severity of punishment *per se* (i.e., the possibility of jail or the number of years on probation), but simply on the possibility of being caught and what that would mean for his relationships with those who were "straight."

My paranoia resulted from my being straight. It was a straight kind of paranoia. It was also like I had a lot to lose if I got busted. Going to jail was never really a consideration. The problem wasn't the thought of going to prison or jail, you always assumed probation, just a hassle, but you certainly didn't want to get caught doing anything like I was.

For other dealers we observed and interviewed, the possibility of disturbing ties to conventional others was less important. Their interpersonal relationships were already so weak that an arrest would make little difference. The level of sanction-induced fear was correspondingly lower. This comparison across dealers suggests the tentative generalization that among initial deviants, the higher the perceived risk that interpersonal ties with conventional others will be disrupted by sanctions, the higher the level of perceived sanction severity.

Given the limitations of our data set, it is instructive to compare this conclusion with other findings. It is consistent with the suggestion of Geis (1972) that white collar criminals may be more responsive to the risk of arrest and incarceration than persons connected to less conventional circles of friends and activities. It is also consistent with Tittle's (1977; 1980) findings, using self-report survey data, that the perceived risk of relational disruption was a better predictor for a wide range of deviant behavior than the risk of community exposure,

arrest, and incarceration.<sup>1</sup>

As those we studied became increasingly involved in drug dealing, two major changes took place in the strength and structure of their interpersonal ties. First, there was a weakening of ties to conventional others (i.e., those not involved in dealing). The weakening was measurable by both objective (e.g., number of contacts, amount of information flow, opportunities for interaction) and subjective (e.g., the degree of mutual affect, interdependence, and moral consensus) phenomena. Second, there was a strengthening of ties among a small group of fellow dealers. Again, this had both subjective and objective dimensions. Shifts in the objectively defined pattern of interpersonal attachments had a dramatic impact on available opportunities for dealing drugs.

As one dealer noted, after recalling how a deal fell through and another developed:

You jump into it and it's like you're in a different stream of consciousness when you're doing it—totally. At least it is with me as a middleman because my time table is so weird. I never know when I'm going to have to be where, because people are making appointments, and there are samples to be picked up, people to meet. . . . You're in it twenty-four hours a day. As it turns out, by being in contact suddenly I got this other thing just in being in touch with the peers that I have now, some suppliers and some buyers who don't know one another.

This same theme of how dealing activities tended to build their own momentum was noted by several dealers:

You know, it just started out with taking a couple of lids here and selling maybe three lids and getting one free, selling four lids and getting one free. . . . It just came up from there. As long as I was involved in it and knew this thing that was going on, the more I kept getting pulled toward the middle of it.

It seems to me that the events of my life over the past six or seven years have just carried me along, sometimes with a little bit of effort on my behalf and sometimes with no effort at all, just through circumstances that created themselves, that I had

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<sup>1</sup> Note that the perceived risk of disruption rather than the strength of the relationship is the crucial variable. Strong relationships may or may not be disrupted by criminal sanctions. In part, it depends on the level of tolerance for the activity in question. Our data suggest that future research on the mediating influence of tolerance might help explain the inconsistent findings regarding the links among sanctions, deterrence, and the strength of interpersonal ties (e.g., Jensen and Erickson, 1978; Grasmick and Green, 1981).

nothing to do with. Just an awareness of it [dealing marijuana] is what brought me into it or made me participate in it.

This pattern of shifting levels of involvement and commitments, as well as the accompanying relational changes, appears to parallel the spiral of involvement and options noted among compulsive gamblers (Lesieur, 1976). It also more generally parallels the process of role engulfment and conversion (Ekland-Olson, 1982). The intensity with which our respondents interacted with other deviants appeared to be a prime determinant of the degree to which they took on the life style, language, and general perspective of drug dealing (cf. Snow and Phillips, 1980: 442). This conversion to a drug dealing life style was accompanied by a marked weakening of relationships with more conventional others (cf. Lofland and Stark, 1965). The question we now address is, "What role, if any, did the fear of sanctions play in this process?"

### III. FEAR, CONSTRAINT, NETWORK DENSITY AND CLOSURE

It is conventional wisdom that environmental factors influence the organization of social life. Feld (1981) has linked this basic idea to recent studies of interpersonal networks. He first defines a focus as a social, psychological, legal, or physical entity around which joint activities are organized (Feld, 1981: 1016). Aspects of the environment that help determine the strength and structure of interpersonal ties are conceived of as organizing foci. These differ in a number of ways. Of particular importance is the idea of constraint, which, by definition, increases with an increase in demands on the participant's time, effort, and emotion (Feld, 1981: 1025). Among the dealers we observed and interviewed, the drug market was one important organizing focus. The organizing influence of criminal sanctions was superimposed upon market-determined interaction.

The possibility of apprehension, prosecution, and punishment affected our dealers' drug market activities because of the demands these placed on their emotional energy and time:

Each time somebody got busted that you knew, it affected you. You'd think about it for sure, and you'd realize it's becoming a simple law of averages and chance. That's when I began to be aware of preparing for a fluke, a freak thing to happen.

I was becoming aware of the fact that there was a possibility of getting busted and I needed to have thousands of dollars around for the defense or to leave the country.

The certainty of punishment was perceived in part in terms of the law of averages. Dealers knew from the experiences of acquaintances that being caught was often a matter of luck, a matter of being in the wrong place at the wrong time. The element of chance meant that success was not totally under their control. This put an increased emotional edge on dealing as well as what many referred to as "paranoid behavior," such as compulsive planning or a tendency not to trust anyone. Thus, by increasing the amount of effort and emotion put into dealing, fear of apprehension and punishment maximized the degree of constraint dealing imposed.

As Feld (1981) has argued, constraint tends to increase both network density and network closure. Put less abstractly, where constraint is high, one's associates tend to be well acquainted with one another and tend to be only weakly tied to persons not generally known within the close circle of friends. This tendency toward what approximates a secret society (Simmel, 1950; Hazelrigg, 1969) is not lost on those who come in contact with drug dealers. Recalling clients he had represented, a prominent drug lawyer suggested in an interview:

People that are involved in large-scale dealing for the most part are going to deal with people they know—that they have done business with in the past, and that they are not very suspicious of.

Thus, one manifestation of dealers' fear of sanctions is that their interpersonal ties become increasingly circumscribed. The goal is to reduce the likelihood that bad luck will lead to apprehension. Certainty of punishment is not assessed globally (as it is in both official record and self-report survey deterrence research) but is evaluated with respect to particular dealing situations. Thus, dealers do not think in terms of the general likelihood that they will be caught. Rather, they attempt to assess and minimize the chance that they will be caught while striking a particular deal. Codes of interaction are developed to structure behavior in ways that are thought to minimize the risk of apprehension. Where codes are violated, dealers tend to withdraw from interaction because the association is likely to prove dangerous.

One of our respondents described how he was put off by excessively nervous buyers:

It's a communication between people that enables the business to be transacted with the least waves. Say you've got a person that's real excited. Like the guy is jerky with his money, quick to find out how much it would cost and always looking out, always worried about when it [the dope] is going to come in. You know, you just quit dealing with these kinds of people eventually, you keep all this [nervousness] within you if you've got it. You certainly don't show it. It's always laid back, cool . . .

Another respondent described a dealer who was simply too flashy for anybody's good.

Well, I met a guy who tipped himself immediately by exposing his entire operation. Just because he thought we knew the right people. We knew everything he was doing for a while and we had no reason to, you know, LOOSE.

*Interviewer:* How come?

Big time, big fancy car, lots of dope, dealing lots of dope but he definitely didn't have the cool about him as far as being careful.

Another important cue to the risk of apprehension inherent in an encounter is the amount one knows about a potential contact. Strangers as a general rule are to be avoided, but the importance of this cue and its effects on dealer behavior depend on police practices. During the six years covered by our study, police efforts to control illicit drugs increased dramatically. At the state level, money spent on drug-related evidence and surveillance (primarily "buy busts") rose from just under \$50,000 to just under \$300,000, and the number of narcotics agents rose from roughly 25 full-time officers to 112. The state strategy was to establish a system of undercover buys and informants. We collected information on all drug cases processed by the district courts during the six years: 3067 contained information on how the arrest was initiated. Of these cases 60 percent (1870) were initiated by informants, and 20 percent (601) were the result of undercover buys.

As these "insider" control strategies evolved, both the control agents and the dealers adjusted their activities. Initially, when informants and buy busts were relatively rare, drug dealing among the predominantly university-related dealers was unguarded. As a result, undercover buys were comparatively easy. In an interview, one former narcotics officer recalled:

We would go to places that were frequented by people that we knew dealt with drugs. We would go to their residences. At that time it was not unusual to



have ten, fifteen, twenty people living in a three or four room house. Nobody knew anybody else. You had a sleeping bag, you were welcome to sleep, eat, or do anything.

Police sought to build up trust through a series of small purchases with the aim of securing an introduction to and arresting someone more deeply involved in the drug traffic. As dealers became aware of this strategy, dealing became a more closely guarded operation. One tactic for reducing the probability of arrest was a cautious approach to strangers. If the potential customer was not well known, suspicion and fear were easily aroused. Often the result was a breakdown in the transaction:

If someone brought over a stranger, I'd probably take it real friendly, "Come in . . ." then take them to another room and tell them, "Get your ass out of my house. I told you never to bring anybody over to the fucking house. I don't know these people, I don't know where they are coming from. You do that kind of crap again and I will not deal with you again. Now get out and get away." You had to do things like that.

Not surprisingly, we found that our dealers perceived a greater risk of apprehension and were more likely to pull out of deals the less they knew about their customers and associates and the more unplanned or reckless the latter's behavior. The deterrent influence of sanction certainty was thus filtered through the properties of relationships among dealers. Interactions like this between the organization of sanctions and relational properties are an important frontier for deterrence research (cf. Lempert, 1982).

Among the dealers in our study, adaptation to the organization of buy-bust/informer strategies resulted in network closure. For those who survived, the circle of contacts became quite tight.

By the third season [in dealing] I was one of the few dealers I knew that had survived that long. It was the law of the jungle. Twenty, thirty, maybe forty people that I had contact with, worked with in the community, had been busted, were awaiting pretrial hearings, or had gone to prison. . . . Those who survived were coming closer together. It got to a point where I knew what they had, when they would get it, and how much they had. A nucleus was developing.

#### IV. SANCTIONS AND RELATIONAL TOLERANCE

The level of concern when dealing with relative strangers was not totally a function of the increased possibility of legal sanctions. Dealers were often suspicious of one another, especially when contact was sporadic and reputations not well known. Such was the case with the following dealer when he was trying to establish a source of marijuana in Mexico.

It was a paranoid scene because the Mexicans looked at us as a profitable connection and nothing else. Particularly the oldest sons who had the closest ties with the Mexican end of it. They just really hated gringos and you could tell that they just as soon shoot you, if anything went wrong, as look at you.

Mutual racial biases, sporadic contact, and language difficulties (dealers spoke "Tex-Mex," a hybrid of English and Spanish) meant that our dealers' relations with Mexican connections were largely restricted to the exchange of money for a product. Without much friendship, trust, or social credit they had little to fall back on if things went badly, except, as one dealer put it, "fast talking."

Dealers in such situations were often more concerned with the actions of their connections than with official sanctions. In describing such contacts, it is difficult to untangle the "paranoia" due to the possibility of getting caught from that attributable to the strains inherent in the dealing relationship. The perception of sanctions was mediated by the quality of the dealing relationship. If dealing partners were thought to be tolerant, which generally meant willing to absorb losses and forgive mistakes if things went wrong, the fear of legal sanctions was reduced.<sup>2</sup>

The "buffering" potential of dealer relationships is further evidenced in the following remarks:

I was down one time real bad, \_\_\_\_\_ got busted and I got busted and lost about fifteen thousand dollars in short order. I stayed with \_\_\_\_\_. He fronted me a gram [of LSD—four thousand hits]. That brought me up and the next thing you know I was comfortable and I went on to start getting acid in the mail from San Francisco and it worked out real well. I bought the connection from my contact and then I started going out there myself. . . . I had like four or five steady dealers that I just fronted it all to anywhere from one thousand hits to a gram and then I'd come

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<sup>2</sup> Social relationships can similarly "buffer" the perceived seriousness of other life disruptions (cf. Mitchell and Trickett, 1980).

around a week later and hand out more and pick up my bucks.

With the help of an acquaintance, then, this dealer was able to recover from an arrest and legal fees, make new contacts, and increase his market. In return, the individual who staked him could call in a favor if needed. "Professional" exchanges often led to more personal friendships. For example, after a period of association in business, two dealers eventually became roommates.

That mescaline turned out to be a good deal because that guy that we got it from in San Antonio was getting it from a guy in Houston, who was like a central distributor type guy. I got to meet him because he'd moved to Austin also at the same time that I did. He lived only a few blocks away, and he didn't know anybody here in town, and I knew only a few people. His roommate got drafted and he needed a place to live, so this guy moved in. So like in the period of a couple of months, we started out doing hits and ended up being roommates with this guy.

People involved in relationships based on extended contact, friendship, and trust, as well as the exchange involved in dealing, tended to be more tolerant of one another's mistakes than less personal connections. Those who were personally close to other dealers expected any penalty they faced to be partially absorbed by supportive relationships, and thus the perceived severity of such sanctions was diminished.

Although the reservoir of relational tolerance served as a buffer against the perceived certainty and severity of sanctions, the sanctioning process was capable of draining that reservoir by disrupting relationships. For this reason an arrest and the accompanying investigation were often perceived to be just as threatening as a prison sentence. Not only was the person arrested affected, but a network of relations built over a period of years could instantly collapse. In one case we learned of, such a collapse resulted from the chance discovery of a load of marijuana:

As fast as I could I would come down here, get five hundred [pounds of marijuana], drive it back to Chicago, sell it. As soon as I had sold it and had the money, I would come right back down here and get another five hundred and take it back. I did this as long as it lasted—meaning that the source here in Austin dried up. My connection was receiving a load of grass, several tons, and the truck tipped over and the police found the marijuana. . . . His whole source system dried up because of the police investigation. So

he was out of business, and that not only put me out of business but it put the guy in Kansas City out of business.

The concern for relational damage may explain why in deterrence research the certainty of a sanction is almost always a better predictor of law-abiding behavior than its severity. The relational threshold for sanction impact is easily reached since any official reaction to deviance—including arrest, a conventional measure of certainty (but see Lempert, 1982)—is likely to disrupt a deviant's network.

The link between sanction fear and the threatened disruption of ties to deviant others nicely parallels the link between sanction fear and the threatened disruption of ties to conventional others that is found in the literature. Focusing on these links calls into question the assumption common to both self-report and official record studies that the severity of a given sanction is constant across situations (see also Erickson and Gibbs, 1979; Cook, 1980: 216-18). Likewise, the neglect of arrest in most specific deterrence studies is probably a mistake. Research which considers the disruptive potential of all stages in the criminal justice system (e.g., Feeley, 1979) holds more promise. The perceived severity of any sanction, from arrest to incarceration and the conditions attached to eventual return to the community, is determined in large measure by its impact on interpersonal networks and the way in which those networks will adjust.<sup>3</sup>

## V. THE PARADOXICAL IMPACT OF FEAR

Deterrence researchers have repeatedly noted that deterrence theory is, at base, a theory about the behavioral implications of subjective beliefs (e.g., Erickson *et al.*, 1977; Cook, 1980; Lempert, 1982). Lempert (1982) emphasized the importance of the subjective dimension but also argued that the research agenda should be broadened to include organizational differences in the ways sanctions are imposed.

Although our experience is within one jurisdiction, there were changes in enforcement policy that clearly made a difference over and above the perceptions of sanction certainty and severity. Thus, we underscore Lempert's suggestion. In addition we believe that greater attention should be paid to

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<sup>3</sup> We do not mean by this to suggest that the disruption of interpersonal relationships and relational tolerance are the sole determinants of perceived sanction severity. Other factors, such as the threat of physical discomfort, material loss, and lost self-esteem, are also important.

“strategies or tactics employed by individuals to evade detection, identification, or apprehension” (Gibbs, 1975: 33). Such practices, while not “deviant” in themselves, can affect rates of illegal behavior in ways that extend far beyond their implications for the subjective fear of punishment.

In our research, tactics of avoidance and the organization of control strategies came together in the related tendencies of dealers to avoid strangers and to form close relationships with a rather restricted number of fellow dealers. The result in terms of deterrence was paradoxical. By increasing network density and closure, fear of sanctions enhanced the probability that dealers would be closely tied to one another and emotionally committed to dealing as a way of life. At the same time, by discouraging the formation and maintenance of “weak ties,” the perceived possibility of sanctions reduced the scope of the opportunities available to individual dealers and thereby acted as a restrictive deterrent.<sup>4</sup> Because weak ties are structurally so significant, to restrict them was, in our study, to substantially reduce the sale of illicit drugs. The possibilities of making a profit by dealing drugs within any given friendship circle are limited. It is persons able to bridge otherwise separated groups who are in a particularly profitable position. Thus, in our study, these were the individuals most likely to progress from low-level dealing to middleman brokerage. As one dealer, who at the time of the interview was a middleman, noted:

Probably one of my strongest points was I knew everybody on campus. . . . They're isolated from the outside dealers and the outside dealers are totally isolated from the people on campus and so I had a locked-in market and had a big spread of people.

To establish and maintain bridging ties was, however, no easy matter. The bridging ties we observed tended by their very nature to be characterized by less frequent contact, less familiarity, and lower levels of affect than the more intimate ties among dealers. Suspicion and fear were easily aroused. As noted, the result was often a breakdown of the transaction.

Granovetter (1973: 1366) has noted the importance that bridging ties have for the diffusion of information and other commodities:

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<sup>4</sup> By limiting weak ties, the fear of sanctions also lowered the probability that dealers would learn of legitimate opportunities sufficient to persuade them to give up dealing.

The contention here is that removal of the average weak tie would do more "damage" to transmission probabilities than would that of the average strong one. . . . Intuitively speaking, this means that whatever is to be diffused can reach a larger number of people, and traverse greater social distance . . . , when passed through weak ties rather than strong.

Thus, the deterrent influence of the informer/buy-bust strategies utilized by various police agencies was ultimately more structural than psychological. To be sure, these control strategies depended on their ability to engender a certain amount of fear, but fear did not lead to "going straight." Instead, it led dealers to take on attitudes and to adopt tactics that made it difficult for them to expand their markets.<sup>5</sup> The mistrust of strangers is not conducive to the development of bridging ties.

What expansion did occur was generally facilitated by a set of references. Dealers were concerned about the same kinds of things that concern prospective employers and employees in more conventional businesses. How long had the contacts been dealing? What was the scope of their operations? What drugs had they been dealing? How knowledgeable were they about the product? What kind of people were they? Or, in other words, could they be trusted in tight spots? When answers to these questions were unknown or did not suggest a safe relationship, persons would generally not deal. The only exception we observed was when economic pressures from deals gone bad or pressures inherent in trying to build capital for a bigger deal were present. In these situations normal caution might be relaxed. At the same time, paranoia about the deal increased.

Dealers knew from their own experiences, as well as from those of others, that the risks of failure were greatest when one was trying to recover losses too quickly or when greed suppressed more conservative, long-range planning. The parallels between this and conventional investment strategies were too obvious to miss. Many dealers felt that their experiences, in what was humorously referred to as "grass-roots capitalism," were the ideal preparation for entry into the mainstream economy. Two dealers went together and

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<sup>5</sup> By inhibiting expansion, policing tactics left markets open for daring newcomers. Thus, another structural effect of the informer/buy-bust strategy may have been a drug distribution system that contained more but "smaller" dealers than would otherwise have been the case. To the extent that this occurred, the destruction of weak ties served more to disperse the profits of drug dealing than it did to limit sales.

eventually set up a computer business. Stories of restaurants and other thriving legitimate businesses started with "drug money" abounded.

We cannot say whether fear of sanctions increased or restricted involvement in dealing illicit drugs without specifying the meaning of involvement. If involvement means commitment and emotional attachment to dealing activities, as well as to others similarly engaged, the constraining influence of fear apparently increased involvement. If involvement refers to the amount of drugs sold, sanction-induced fear apparently decreased involvement. This decrease was largely the result of structural limitations imposed by the perceived danger of dealing with strangers.

It is instructive to note the way these findings relate to the labeling-deterrence debate concerning the impact of sanctions. Articles and books from the labeling school have emphasized how sanctions increase involvement in criminal activities (e.g., Schur, 1971); involvement being defined in terms of self-concept and emotional commitment. Deterrence research has emphasized the behavior-reducing potential of sanction-induced fear; the criterion being reduced probabilities of behavior (e.g., Gibbs, 1975). What our findings suggest is that both may occur at the same time.

With respect to the level of behavioral and emotional involvement in dealing drugs, drug market activities and criminal sanctions acted together. As persons became more heavily involved in drug dealing, the demands of the activities became greater. The monetary stakes were higher, the possibilities of violence increased, and ripoffs from other dealers were increasingly frequent. It is difficult to separate the influence of these marketplace "restraints" from the influence of the perceived certainty and severity of criminal sanctions.<sup>6</sup>

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<sup>6</sup> The confounding of variables in our study is not unlike that noted by Erickson *et al.* (1977), who, with survey data, tried unsuccessfully to untangle the effects of the perceived certainty of punishment from those of the perceived seriousness of the activity. Hence, our similar inability is not necessarily a product of our methods of data collection and analysis. In a self-report survey designed to test the generalizations drawn from our observations, the problem of colinearity between the constraining influence of fear and the other demands of illegal activities would remain. Such ambiguity, however, does not mean that the influence of sanctions cannot be better understood, even if that influence is to some degree confounded with other variables.

## VI. TOWARD A MICROSTRUCTURAL APPROACH TO DETERRENCE

The mechanisms which link objective sanction properties and perceptions of those properties are not well understood. The same sanction, say a year in jail, may be perceived in quite different ways by individuals in different life circumstances. Different sanctions, e.g., a fine as opposed to thirty days in jail, may be ranked similarly by persons of different economic means. It is difficult even to conceptualize the severity of some sanctions. How severe is an arrest? Which is more severe, a flogging or five years in prison?

The mechanisms that link the objective and subjective sides of punishments to produce general, specific, or restrictive deterrence need not be the same. We have limited our attention to restrictive deterrence and have found that the quality of interpersonal relationships is an important determinant of how sanction threats are perceived. For example, we found in our interviews that if a set of relationships was unlikely to be affected by an arrest, the perceived severity of the arrest was low—just a hassle. If, however, it was believed that an arrest would threaten a friendship circle or operating network, the threat of arrest was taken quite seriously and arrests were to be avoided at all costs. It is in this sense that sanction severity is situationally determined. This situational nature of sanction properties has escaped the scales and indicators employed in official record and self-report survey research. In this body of research an arrest and a year in prison are generally assumed to have the same meaning for all persons and across all situations.

The situational grounding of sanction properties suggests that we look beyond official definitions of sanctions and the attitudinal structure of individuals to the properties of situations. Lempert's (1982: 565) suggestion that deterrence research "attend more closely to group processes and organizational variables" is a step in the right direction. Feeley's (1979) analysis of the process as the punishment also recognizes the structural, interpersonal nature of sanctions. Feeley's ideas were developed in the context of lower criminal courts, where the eventual punishment, in terms of time in jail or prison, is low. But a similar case can be made where charges are difficult to prove and the sanction strategy is as concerned with disrupting the activity as it is with punishing



the offender.<sup>7</sup>

Interpersonal relationships also mediated the perceived certainty of punishment. When dealers talked about how a particular deal “felt,” they generally referred to what they perceived to be the likelihood of arrest. If the deal was “unusual,” if the other dealer’s style was too flamboyant, if the connection was not well known, the perceived certainty of arrest and its attendant consequences increased. Like perceptions of sanction severity, the perceived certainty of punishment had important situational components. If asked to talk about the probability of sanctions in the abstract, dealers gave no definite assessments but talked instead of “bad luck,” or the possibility of their “number coming up.” However, this fatalistic attitude was belied by the dealers’ behavior. They were careful in choosing customers and associates and in structuring transactions. These precautions made the dealers feel more secure since they believed, no doubt correctly, that their care influenced the actual certainty of punishment. Thus, the threat of sanctions restricted drug sales primarily by inducing cautions that increased the difficulties of dealing. The structural restrictions that the reluctance to form “weak ties” placed on dealing tell us more about how the threat of sanctions deterred the dealers we interviewed than we would have learned had we concentrated on the psychological processes of fear and avoidance.

A structural approach to deterrence goes beyond the concern with psychological fear.<sup>8</sup> Consequently, it is not a

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<sup>7</sup> The structural implications of sanctions were not lost on the prosecutor who took office the year following the termination of our field research. Given this timing, we are unable to cite specific evidence for the impact of the policy shift. Prior to his election the use of forfeiture statutes was almost nonexistent. In the year just prior to his election there were only three vehicle seizures under the provisions of state law. Two of these were released to the owner. Within the two years following his election there were nineteen seizure proceedings. More importantly, the most common target in such proceedings shifted from vehicles (cars, boats, trucks, and trailers) to currency, broadly defined to include certificates of deposit, stocks, bonds, real estate, negotiable instruments, and “other things of value.” While sanction severity measured by the probable number of prison years remained the same, increased attention to forfeiture meant that the sanctioning process threatened greater disruption to dealing networks and imposed greater costs on individuals dealing. We do not have any data for this period, but we expect that the sanction structure came to be regarded as substantially more severe.

<sup>8</sup> Fear does have a motivational role in a structural approach, but it motivates adjustments to the threat of sanctions rather than the decision to cease the illegal action. Lest we overstate our case, we should call the reader’s attention to the biased nature of our sample. By focusing on active dealers at the middleman level, we are looking at a group that once dealt on a smaller scale and was not deterred from getting more deeply involved. Had we been able to interview substantial numbers of people who had quit dealing, we might have found that the fear of sanctions played its classical role.

strict reflection of classical deterrence arguments (Gibbs, 1975). However, it is consistent with Tittle's suggestion (1980: 5).

The deterrence problem really consists of three parts: identifying sanctions or sanction threats in a meaningful way, determining how much and what kind of effect they have on deviance, and specifying the mechanisms by which the effects occur.

Focusing on the structural implications of sanctions and on the interpersonal dynamics of adjustment promises to identify many of the important dimensions and effects of sanctions as well as the mechanisms through which these effects take place.

In summary, we offer the following as tentative, yet promising generalizations:

1. The perceived severity of sanctions is in large measure tied to the degree of interpersonal disruption caused by the sanctioning process.
2. Criminal sanctions are socially complex. The degree of interpersonal disruption is determined in large measure by the organization of the sanctioning process and the tolerance or resilience of the affected network.
3. Network tolerance, the ability and willingness of a network of actors to withstand the impact of the sanction process, is in large measure a function of the strength of relationships among actors.
4. Sanctions become more disruptive as they reduce the degree of trust, affect, and normative agreement within the deviant target population and as they inhibit or throw out of balance exchange relationships among deviants. Thus, relational tolerance and the sanctioning process are often highly interdependent.
5. The sanctioning process has an important organizing influence on relationships among those engaged in criminal activities. This is revealed in many ways. For example:
  - a. By increasing the constraining nature of activities, the fear of sanctions tends to increase network density and closure.
  - b. Network closure and density reduce the chances that bridging ties to alternative networks will form. The structural influence of the hesitancy to form "weak ties" accounts for a substantial reduction in criminal activity not explained directly by the psychological processes of fear and avoidance.
6. The perceived certainty of punishment depends in large measure on what persons know about particular situations as well as on the degree to which they trust their coactors.

7. Persons engaged in criminal activities manipulate the perceived and actual certainty of punishment through choices of associates and the structuring of interaction.

What all these generalizations taken together imply is that perceptions of sanction severity and certainty are situational. Deterrence research, especially when restrictive deterrence is at issue, must move beyond official indicators of certainty and severity and beyond scaling procedures which assume stable attitudinal structures. Further understanding requires data that are sensitive to the dynamic relationship between the organization of the sanctioning process and the adaptive strategies of those who are the target of sanctions.

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