MOBILIZING LAW IN RESPONSE TO COLLECTIVE PROBLEMS: A TEST OF BLACK'S THEORY OF LAW

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Donald Black's theory of law states that the quantity of law can be explained in terms of stratification, morphology, culture, organization, and social control. Empirical tests of this theory have produced disparate findings. For the most part, previous tests have focused on criminal law and on the use of law to deal with personal problems. In the present study, survey data are used to test the effect of stratification, morphology, culture, organization, and social control on the willingness of people to mobilize law in response to various neighborhood problems. The only strong and consistent finding is that other social control is positively associated with mobilization of law while Black's theory predicts a negative association. We suggest a distinction between societal and personal social control to explain the pattern of results.

Donald Black (1976) has advanced one of the most provocative theories of law to appear in recent years. Black defines law as "governmental social control." It is "the normative life of a state and its citizens, such as legislation, litigation, and adjudication" (p. 2). Black maintains that law is a quantitative variable, and that the quantity of law can be explained by variations in other aspects of social life, including stratification, morphology, culture, organization, and social control.

Although Black's theory has received a good deal of attention, the relatively few attempts to test it have produced contradictory results. Gottfredson and Hindelang (1979) examined data on a victim's decision to report a crime to the police and found little support for the propositions that law varies with stratification, morphology, culture, organization, and social control. Braithwaite and Biles (1980) reached similar conclusions in their analysis of victimization data. Myers (1980) tested Black's theory using data on the criminal court processing of 1,318 Indianapolis defendants.

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Although her study provided mixed support for the theory, she concluded that "a simple count of individual results reveals a slight preponderance of evidence tending to disconfirm Black's hypotheses" (ibid., pp. 850-51). On the other hand, Kruttschnitt (1980-81) analyzed conviction data for 1.034 female defendants in California and found that, for most of the offenses examined, law varied with stratification, morphology, and culture in a manner consistent with Black's theory. Staples (1987) studied the processing of juveniles in eight California courts and found that, as Black's theory would predict, the quantity of legal social control varied inversely with the amount of nonlegal social control to which they were subjected. Hembroff (1987) accepted Black's suggestion that the seriousness of acts varies concomitantly with law. and he examined people's judgments about the seriousness of acts embedded in situations that manipulate the theoretically relevant aspects of social life. He found clear support for the propositions regarding stratification and organization.

These tests of Black's theory have been limited in two important ways. First, researchers have employed a narrow definition of law. For the most part, they have focused on the mobilization or administration of criminal law. Clearly, notifying the police about a crime, arresting a suspect, prosecuting a defendant, and sentencing a convicted criminal are all instances of law. Yet, according to Black, any governmental effort to define and respond to deviant behavior is law. Thus notifying an administrative agency about an unsafe industrial practice, issuing a cease and desist order against a firm, and prosecuting a firm in a civil court are also instances of law. So, too, are notifying an alderman about a neighborhood nuisance and housing commissioners about a landlord's poor maintenance.

Second, researchers have focused on a particular kind of deviance. For the most part, they have examined the mobilization or administration of law in response to personal problems. For example, researchers have studied the notification of police about or the processing of individuals arrested for such predatory crimes as robbery and burglary. However, some problems that occasion the mobilization and administration of law are collective problems. Examples include discriminatory housing practices against a racial group, lack of city services in a neighborhood, and unfair labor practices against a union.

These limitations are consequential. By focusing on the mobilization or administration of criminal law, researchers have provided only a partial test of Black's theory. To be sure, since Black advances a general theory of law, evidence that stratification, morphology, culture, organization, and social control do not explain the behavior of criminal law challenges the value of the theory. However, such evidence may not warrant outright rejection of the theory. It is possible that Black's theory applies to some types of law more than others. For example, it may apply to the behavior of civil law more than to the behavior of criminal law.

In this article, we report on a somewhat different test of Black's theory.¹ Unlike other researchers, we employ a relatively broad definition of law, namely, contacting any local governmental official or agency, and we focus on a different kind of deviance, namely, problems that affect the neighborhoods in which people live.

THE DATA

The data used in this study were collected in eight Chicago neighborhoods during 1979 by Taub, Taylor, and Dunham (1984). These neighborhoods were selected because of their diverse rates of crime and other problems. A representative sample of residents in each neighborhood was interviewed by telephone. A total of 3,310 residents were surveyed.²

Respondents answered a variety of questions. Many of these dealt with demographic characteristics, criminal victimization, reactions to victimization, and involvement in social life. Respondents also were asked about each of ten possible neighborhood problems: noisy neighbors, barking dogs, people leaving trash around the area, people not caring for their property, people insulting passersby, landlords not caring about the neighborhood, street crime, the presence of drugs and drug users, abandoned buildings, and vacant lots with trash. For each potential problem, respondents were asked whether it was a big problem in the neighborhood, somewhat of a problem, or not a problem. Those who said that a potential problem was a big problem were asked how they responded to it. They could choose any, all, or none of five possible responses: speaking directly with the person causing the problem, getting together with neighbors to try to solve the problem, calling the police, calling a city official or agency, or taking some other action.

These data allow us to test Black's propositions on the relationship between the quantity of law and stratification, morphology, culture, organization, and social control. Importantly, using these data helps us to avoid some of the limitations of earlier tests of the theory. The content of the survey allows us to examine the response to a wider range of problems, some that fall in the domain of criminal law and others that do not. In addition, the struc-

¹ Like other researchers, we carry out a partial test. We examine only the principal propositions dealing with the relationship between the quantity of law and stratification, morphology, culture, organization, and social control. We do not consider variation in the styles of law. Further, we examine only one aspect of variation in the quantity of law—the willingness of people to mobilize law.

² For a detailed description of the sampling and data collection, see Taub et al. (1984).

ture of the survey permits us to use a relatively broad definition of the mobilization of law, including not only contacting the police but also contacting any other local official or agency. Finally, the nature of the survey allows us to study the mobilization of law in response to collective rather than personal problems.

Measures of the mobilization of law as well as stratification, morphology, culture, organization, and social control were devised using questions from the survey. In keeping with Black's broad definition of law, the mobilization of law is measured in terms of whether the police or any other local official or agency was contacted regarding each of the ten potential neighborhood problems. Thus there are ten dependent variables to be analyzed in this study. Since the dependent variables are dichotomous, the use of logistic regression analysis is appropriate (Aldrich and Nelson 1984). In keeping with Black's admonition that his propositions hold only when "all else is constant," measures of each of the five aspects of social life that theoretically predict the quantity of law were entered into the equations simultaneously. Further, to control for the possibility that variation in crime rates might account for some of the variation in the mobiliation of law, the rates of reported violent and property crime for the respondent's block were also included as control variables. The frequency distributions of the independent variables for each of the neighborhood problems are shown in the Appendix. These independent variables, as well as their effects on the mobilization of law, will be discussed below.

Clearly the following represents only a partial test of Black's theory. In addition to propositions regarding the relationship between the quantity of law and stratification, morphology, culture, organization, and social control, Black also put forth propositions regarding the relationship between the quantity of law and the relative status of the participants in terms of these six aspects of social life. For example, Black argues that those of relatively low status are less likely to mobilize law against those of higher status. Because data are not available on the status of the person or persons supposedly causing the neighborhood problems, it is not possible directly to test Black's propositions regarding what he calls the "vertical direction" of law. However, many of the neighborhood problems examined (e.g., noisy neighbors, barking dogs) are caused by other residents in the same neighborhood, who are likely to be of equal or nearly equal status to the respondent. Thus, in examining these neighborhood problems, status differences are indirectly controlled for. Further, if Black's theory is correct and if status differences are important, we would expect to find that the effects of stratification, morphology, culture, organization, and social control are stronger for the neighborhood problems most likely to involve status equals compared to those likely to be caused by persons of higher status (e.g., landlord neglect, abandoned buildings).

LAW AND OTHER ASPECTS OF SOCIAL LIFE

Stratification

Stratification is the vertical aspect of social life. It is the uneven distribution of the material conditions of life and the means by which these are produced. According to Black (1976), stratification explains various features of social life, including the quantity of law. Specifically, "[l]aw varies directly with rank" (p. 17). The higher ranks have more law than the lower ranks, and the higher or lower they are, the more or less law they have.

In this study, rank is measured in terms of sex, race, and income. Because they have greater wealth, men are accorded higher rank than women, whites higher rank than nonwhites, and upperincome persons higher rank than lower-income persons. If Black is correct, men should mobilize law more than women, whites more than nonwhites, and higher-income persons more than lower-income persons. The results reported in Table 1 show that stratification is largely unrelated to the mobilization of law. As Black would predict, men are more likely to contact officials with regard to insulting persons and landlord neglect. Otherwise, sex, race, and income have virtually no effect on the likelihood that governmental social control will be mobilized in response to the neighborhood problems.

Morphology

Morphology is the horizontal aspect of social life, the distribution of people in relation to one another, including their division of labor, networks of interaction, intimacy, and integration. Black maintains that morphology explains the quantity of law. One important aspect of morphology is radial location, which refers to people's participation in social life. With respect to radial location, "[l]aw varies directly with integration" (p. 48). That is, people in or near the center of social life have more law than those on the periphery. For Black, integration can be measured by the degree of participation in production, reproduction, and sociability. People who work are more integrated than those who do not, people who are married are more integrated than those who are not, and people who socialize with neighbors are more integrated than those who do not.

Respondents were asked about their participation in the labor force and marital status, and they were asked how often they spent a social evening with others in the neighborhood. If Black is correct, those in the labor force or school should mobilize law more than those not in the labor force or school, those married or living with someone more than those not married or living with someone, and those who often socialize with neighbors more than those who rarely do so. Table 1 shows that morphology is largely unrelated to the mobilization of law. As Black would predict, those

Independent Variables	Noisy Neighbors	Barking Dogs	Trash and Litter	Poor Care of Property	Insulting Persons
Stratification: Sex					*
Race Family income	101 (.235) 009 (.012)	.114 (.375) .016 (.016)	.054 (.262) 016 (.012)	.363 $(.364)002$ $(.017)$	294 (.416) 013 (.022)
Morphology: Labor force Marital status	224 (.194) 101 (.206)	009 (.303) 101 (.304)	.014 (.227) - 340 (227)	427 (.312) 060 (.201)	1.012** (.427) 133 (.343)
Sociability		*		•	-
Culture: Education	(101.) 011.	307* (.149)	.061 (.098)	.243* (.126)	202 (.158)
PTA member In flock club	.694**(.235) —.026 (.239)	.068 (.330) .563* (.298)	.414* (.235) 072 (.243)	.353 (.321) .606* (.298)	.196 (.369) 524 (.442)
<i>Social control:</i> Talked directly Got together with others	.426 (.197) .854** (.212)	.512* (.307) 1.123** (.319)	.459* (.243) 1.035** (.239)	.263 (.329) 1.441** (.375)	.885* (.389) 2.637** (.703)
Violent crime Property crime	.112 (.088) 056* (.028)	.060 (.127) .011 (.039)	035 (.077) .009 (.018)	056 (.136) 015 (.032)	047 (.155) 041 (.046)
Intercept N	4.480 184	4.720 334	4 .378 323	2.608 187	3.594 112
NOTE: All significance tests are one-tailed; *p Sex 0=Male $0=Black$ or Hispar 1=Female $1=White$	< .05, ** tic	p < .01. Labor Forc 0=Not in t 1=In labor	Labor Force Participation 0=Not in the labor force 1=In labor force or school	Marital Status 0=Not married 1=Married or li	Marital Status 0 = Not married 1 = Married or living with someone

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Table 1 (continued)					
Independent Variables	Landlord Neglect	Street Crime	Drugs and Drug Users	Abandoned Buildings	Vacant Lots
Stratification: Sex Race Family income	.790** (.334) 133 (.295) 004 (.013)	.235 (.241) 170 (.256) .012 (.010)	121 (.274) .309 (.312) 007 (.012)	028 (.405) .525 (.378) 016 (.024)	008 (.276) .439 (.292) .003 (.013)
Morphology: Labor force Marital status Sociability	.647* (.352) 076 (.280) .047 (.103)	.112 (.218) .165 (.207) .013 (.080)	.461 (.301) .536* (.270) 267* (.115)	015 (.385) .126 (.379) 220 (.142)	.045 (.288) 017 (.268) .010 (.099)
Culture: Education Organization:	.051 (.111)	.235** (.088)	.133 (.120)	.049 (.160)	071 (.114)
PTA member In block club Social control:	.573* —.268				
Got together with others Violent crime Property crime	1.875** (.293) 058 (.108) .021 (.035)	1.550**(.292) 047 (.078) 003 (.016)	1.604** (.362) 181 (.118) .045 (.035)	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	$\begin{array}{c} 1.252^{**} (.302) \\101 (.097) \\ .018 (.031) \end{array}$
Intercept N	2.249 248	3.404 258	3.351 309	4.370 151	3.758 162
NOTE: All significance te Sex 0=Male 1=Female	NOTE: All significance tests are one-tailed; * $p < .05$, ** $p < \frac{2X}{2}$ = Male 0 = Black or Hispanic = Female 1 = White	10.	Labor Force Participation 0=Not in the labor force 1=In labor force or school	<u>Marital Status</u> 0=Not married 1=Married or li	Marital Status 0=Not married 1=Married or living with someone

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in the labor force are more likely to contact officials regarding insulting persons and landlord neglect, married persons are more likely to contact officials regarding drugs and drug users, and sociable persons are more likely to contact officials with regard to poor property care. But contrary to Black, sociable persons are less likely to contact officials about barking dogs and drugs and drug users. Otherwise, labor force participation, marital status, and sociability have virtually no effect on the likelihood that governmental social control will be mobilized in response to the neighborhood problems.

Culture

Culture is the symbolic aspect of social life, including expressions of what is true, good, and beautiful. According to Black, the quantity of culture explains the quantity of law. Where culture is sparse, so is law; where it is rich, law florishes. Thus "[l]aw varies directly with culture" (p. 63). Black asserts that the quantity of culture can be measured at various levels of social life. Some societies have more culture than others, some groups more than others, and even some individuals more than others. With respect to individuals, Black maintains that culture can be measured by the level of literacy and education. He contends: "Law varies directly with literacy and education. Literate and educated people are more likely to bring lawsuits against others, for instance, and they are more likely to win, and to win more" (p. 64).

Respondents were asked to indicate the highest level of schooling they had completed. If Black is correct, those with high educational attainment exhibit more culture and thus should mobilize law more than those with low educational attainment. Table 1 shows that this measure of culture is largely unrelated to the mobilization of law. As Black would predict, those with higher education are more likely to contact officials about property care and street crime. But contrary to Black, those with more education are less likely to contact officials regarding barking dogs. For most of the neighborhood problems, however, educational attainment has no effect on the likelihood that governmental social control will be mobilized in response to them.

Organization

Organization is the corporate aspect of social life, the capacity for collective action. Black asserts that the quantity of organization explains various features of social life, including the quantity of law. Specifically, "[1]aw varies directly with organization" (p. 86). For Black, organization applies to all levels of social life. One community may be more organized than another, one church more than another, and one family more than another. Even one individual may be more organized than another. With respect to individuals, those who are more organized are more likely to make use of law. According to Black, individual organization can be measured in terms of group membership.

Respondents were asked whether they belong to the PTA or local school council and whether they belong to a group of area homeowners or renters or any other group concerned with the quality of community life. If Black is correct, those who are members of one or more such groups are more organized and thus should mobilize law more than those who are not members. Table 1 shows that organization is only weakly related to the mobilization of law. As Black would predict, PTA members are more likely to contact officials about noisy neighbors, litter, landlord neglect, street crime, and vacant lots and block club members are more likely to contact officials about barking dogs and poor property care. Otherwise, membership in a school association or community group has virtually no effect on the likelihood that governmental social control will be mobilized in response to the neighborhood problems.

Social Control

Social control is the normative aspect of social life. It defines and responds to deviant behavior, specifying what ought to be. Law is social control, but, according to Black, so are etiquette, custom, ethics, and bureaucracy. Black maintains that just as it is possible to explain law with the quantity of organization, so it is possible to explain law with the quantity of other social control. Specifically, "[1]aw varies inversely with other social control" (p. 107). Thus law grows "as every other kind of social control dies away—not only in the family but in the village, church, workplace, and neighborhood" (p. 109).

Respondents were asked about their use of alternative, nonlegal forms of social control in responding to neighborhood problems. In particular, they were asked whether or not they tried to solve the problem by talking directly with the person involved or by getting together with neighbors.³ If Black is correct, those who use these other forms of social control should be less likely to mobilize law than those who do not use them. Table 1 shows that the use of other social control is significantly related to the mobilization of law. However, it is not related in the direction predicted by Black's theory. Talking with the person involved is positively related to the mobilization of law for three of the five neighborhood problems for which data are available (barking dogs, trash and litter, and insulting persons). Getting together with neighbors

³ Respondents were asked whether or not they talked directly with the person involved for only five of the ten problems: noisy neighbors, barking dogs, trash and litter, poor property care, and insulting persons.

to solve the problem is positively related to the mobilization of law for all ten neighborhood problems.

DISCUSSION

We find little support for Black's theory of law. Focusing on the mobilization of officials in dealing with various neighborhood problems, we found a weak or insignificant relationship between the quantity of law and stratification, morphology, culture, and organization. Further, Table 1 shows that neighborhood problems that are likely to involve status equals (e.g., noisy neighbors, barking dogs) were no different in this regard than those that are likely to involve nonequals (e.g., landlord neglect, abandoned buildings). These findings are consistent with those of Gottfredson and Hindelang (1979), Braithwaite and Biles (1980), and Myers (1980). We also found a strong, positive relationship between the quantity of law and other social control. This result is inconsistent with the findings of Gottfredson and Hindelang (1979), Braithwaite and Biles (1980), Myers (1980), and Staples (1987).

How can we account for the fact that law is positively related to other social control? Robert Emerson's work offers a promising lead. Emerson and Messinger (1977) maintain that in dealing with interpersonal problems, people typically follow a sequence of remedial actions. An individual first employs an "intrinsic remedy," directly responding to and attempting to influence the behavior of the troublemaker. If this remedy fails to resolve the problem, the individual is likely to involve outside parties. The individual invites friends or relatives to intervene; if they fail to resolve the problem, he or she calls upon official, licensed troubleshooters to intervene. According to Emerson (1981), the most severe remedial action one can take. And the individual will use a last resort when the appropriate use of "normal" remedies fails to resolve the problem or when alternative remedial actions are impossible to use.

Emerson's argument suggests that there should not be a strong, inverse relationship between law and other social control. Rather, the relationship should range from insignificant to positive. Thus it would be expected that people who regard a particular neighborhood situation as a big problem and decide to do something about that problem would try to deal with it by using such normal remedial actions as speaking with the person involved or getting together with neighbors. If such remedies resolve the problem, people would have no need to mobilize officials. But if such remedies fail, they would mobilize officials as a last resort. While this pattern is consistent with our finding and with ethnographic studies of the use of law (e.g., Merry 1987), our data do not permit us to test it, for the survey instrument was not designed to determine the time order among the alternatives used in responding to the ten neighborhood problems.

Although Emerson's argument helps to explain our finding, an important question remains: Why have other researchers found either no relationship or an inverse relationship between law and other social control? The disparity between our finding and the findings of others may be due to differences in how other social control has been operationalized or to differences in the kinds of problems that have been studied. Black views other social control as any nongovernmental effort to define and respond to deviant behavior. We operationalized this variable in terms of personal social control, that is, the respondents' efforts to deal with neighborhood problems by talking directly with the person involved or getting together with neighbors to try to solve the problem. Other researchers have operationalized other social control in a more indirect manner, focusing on *societal* rather than personal social control. For example, Gottfredson and Hindelang (1979) measure other social control in terms of area of residence and setting of victimization. They argue that informal controls are stronger in rural than in urban areas and that there is more nonlegal control in private than in public settings. Similarly, Braithwaite and Biles (1980) and Myers (1980) measure social control in terms of public versus private settings and time of day. Staples (1987) assumes that female juveniles from two-parent households will be subject to mroe nonlegal control than males from one-parent households. Although these operationalizations are consistent with Black's statements, they are based on the assumptions that area of residence, setting of victimization, time of day, and household structure are valid proxies for other social control.

The kinds of problems for which respondents could mobilize law in this study differ from those for which respondents could mobilize law in other studies. Most of the problems considered in our study involve civil matters, and these matters lend themselves to other forms of personal social control, such as talking with the person involved or getting together with neighbors. The problems considered by other researchers involve criminal matters, such as robbery and burglary, and these matters do not lend themselves to such forms of social control. Indeed, the victim may be unable to identify the offender, or may be afraid to deal directly with the known offender. Accordingly, these are the kinds of problems for which normal remedial actions are most likely to be regarded as impossible to use and for which a last resort is most likely to be used instead. Thus people may be more amenable to using normal remedial actions with regard to civil than criminal problems. If this is true, then we would expect a relatively weak relationship between law and other social control with regard to criminal problems.

CONCLUSION

In this study, we carried out a test of Black's theory of law that is different from the tests conducted by previous researchers. We focused on the mobilization of various officials in dealing with various neighborhood problems. Contrary to Black's theory, we found a weak or insignificant relationship between the quantity of law and stratification, morphology, culture, and organization and a strong, positive relationship between the quantity of law and other social control. While the former findings are consistent with those of other researchers, the latter finding is not. This disparity may be explained in terms of differences in the operationalization of other social control and the kinds of problems for which people can mobilize law. They may also point to a further specification of Black's theory, namely, that nonlegal personal social control is positively related, which nonlegal societal social control is negatively related to the mobilization of law.

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APPENDIX

FREQUENCY DISTRIBUTIONS OF THE INDEPENDENT VARIABLES FOR THOSE WHO CONSIDERED EACH OF THE NEIGHBORHOOD PROBLEMS TO BE SERIOUS

Part A

	Noisy Neighbors	Barking Dogs	Trash and Litter	Poor Care of Property	Insulting Persons
Family income:					
\$0\$5,000	9	39	29	12	10
\$6,000-\$11,000	62	126	113	53	31
\$12,000-\$17,000	73	208	157	85	44
\$18,000-\$29,000	30	105	71	32	16
\$30,000-\$99,000	18	76	42	15	13
Education:					
Less than 8th grade	8	10	16	7	5
Some high school	45	89	90	43	30
High school grad	107	263	219	101	64
Some college	22	47	36	21	6
College grad	13	99	49	19	8
Graduate school	10	80	33	15	7
Race:					
White	81	293	179	52	48
Nonwhite	122	294	267	154	73
Sex:					
Male	49	182	121	61	32
Female	158	418	334	148	90
Block club member:					
Yes	45	193	130	54	27
No	162	406	325	155	95
Got together					
with neighbors:					
Yes	51	111	110	45	20
No	156	489	345	164	102

A	PP	EN	ID	IX	(continu	ed)
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Part B

	Landlord Neglect	Street Crime	Drugs and Drug Users	Abandoned Buildings	Vacant Lots
Family income:					
\$0\$5,000	23	35	19	11	11
\$6,000-\$11,000	67	64	80	40	50
\$12,000-\$17,000	99	105	132	69	64
\$18,000-\$29,000	45	38	59	27	26
\$30,000-\$99,000	25	27	31	12	19
Education:					
Less than 8th grade	12	21	14	10	9
Some high school	54	57	74	38	44
High school grad	124	138	177	82	81
Some college	22	21	30	16	18
College grad	30	22	25	7	13
Graduate school	27	29	18	13	16
Race:					
White	90	135	151	42	51
Nonwhite	180	151	186	125	134
Sex:					
Male	88	70	100	41	55
Female	186	221	241	127	132
Block club member:					
Yes	72	87	91	46	50
No	202	244	303	147	156
Got together					
with neighbors:					
Yes	67	48	38	22	32
No	211	201	272	136	148