

## Conclusion

The approach taken in this paper departs radically from traditional criminology. Indeed, the approach taken here is, strictly speaking, not criminological at all, since it ignores whatever might be distinctive to crime as such (including, for example, how criminals differ from other people or how their behavior differs from that which is not prohibited). Instead it draws attention to a dimension of many crimes that is usually viewed as a totally different—even opposite—phenomenon, namely, social control. Crime often expresses a grievance. This implies that many crimes belong to the same family as gossip, ridicule, vengeance, punishment, and law itself. It also implies that to a significant degree we may predict and explain crime with a sociological theory of social control, specifically a theory of self-help. Beyond this, it might be worthwhile to contemplate what else crime has in common with conduct of other kinds. For instance, some crime may be understood as economic behavior, and some as recreation. In other words, for certain theoretical purposes we might usefully ignore the fact that crime is criminal at all.

## CONTEMPORARY RETROSPECTIVE ON PURE SOCIOLOGY

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### TWENTY-FIVE YEARS OF "CRIME AS SOCIAL CONTROL"

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Black's (1983a) classic article "Crime as Social Control" provides students of crime with three important insights: (1) some criminal actions are punishment for wrongdoing, or "self-help"; (2) self-help can deter crime, such as predatory robbery or burglary; and (3) self-help is most likely to occur among persons and groups who receive little assistance from the government in righting wrong.

This essay begins by differentiating the theoretical foundation for Black's theory of self-help from other criminological perspectives. It reviews quantitative and qualitative studies of the drug world that serve as empirical evaluations of the theory. The essay then examines the relevance of the theory for drug policy and reducing criminal retaliation, and concludes by considering a troubling critique.

### Theoretical Foundation

Black's theory of self-help is nested within the paradigm of pure sociology (Black 1976, 1995, 1998). "As a novel theoretical paradigm pure sociology diverges sharply from traditional criminological thinking as exemplified in . . . the dominant explanations of crime, such as social learning, strain, control, rational choice, and phenomenological theory" (Cooney, 2006, p. 52). Pure sociology is valuable to criminology because it provides a system of

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conceptualizations that allow for the construction of general, testable, simple, and, perhaps, valid theories. The paradigm is useful and unique because it avoids one-dimensionality, microcosms and macrocosms, anthropocentrism, and teleology (Black, 1995, p. 847).

Pure sociology avoids one-dimensionality by synthesizing the major themes of sociological theory (Black, 1995, pp. 851–852). The task for pure sociologists is to find patterns among a multitude of social characteristics—such as income, family, intimacy, employment, memberships, knowledge, conventionality, and deviant past—and variation in the form, style, and magnitude of social behaviors, such as getting a job, joining a gang, going to college, or being arrested.<sup>2</sup>

Most theories in criminology are microoriented and focused on explaining the behavior of individuals (e.g., Hirschi, 1969) or macrooriented and concerned with explaining the behavior of groups (e.g., Sampson et al., 1997). Microcosms and macrocosms are inherently limited because no person or group behaves the same way all of the time. Social behaviors, rather than people or groups, should be the focus of *social* theory. Pure sociology's approach is to

explain human behavior with the shape of social space. . . . Social space is neither . . . a microcosm [nor a] macrocosm, neither a person nor a [group]. Its size is variable. . . . The shape of social space is defined and measured by the social characteristics of everyone involved in every instance of human behavior. . . . Each instance of human behavior, large or small, has its own multidimensional location and direction in social space. Each has a social structure. . . . A case [of behavior] might . . . be high and upward, high and lateral, low and downward, low and lateral, downward and distant . . . , upward and distant . . . , and so on. The same case has a radial location and direction—outward (from the center), inward (from the margin), or lateral—measured by the social participation of everyone involved. . . . The social characteristics of the all the third parties—partisan or nonpartisan—similarly define the social location and direction of a [behavior]: Each third party may be higher, lower, or equal to each [other actor] in various ways, relationally and culturally close or distant from each, and so on. All these locations and directions together comprise the multidimensional shape of social space of each [behavior]—its social structure. And the social structure of a [behavior] . . . predicts and explains its fate. (Black, 1995, pp. 853–854)

Another attribute of pure sociology that sets it apart from other theoretical frameworks is the absence of anthropocentrism. Theories are anthropomorphic to the degree that they attempt to explain the behavior of people rather than the behavior of social life, a subtle but important distinction. Again, rather than try to explain variation between people or groups of people, pure sociology explains variation in social behavior from one case to the next.

Finally, pure sociology is unique in criminology because it intentionally avoids teleology. There are no assumptions about the motives, goals, objectives, or wants of individuals or groups. The problem with such teleological assumptions is that they are forever beyond

<sup>2</sup>Since Black's "Crime as Social Control" was first published, the theory of self-help has been refined as pure sociologists specify the various links between self-help and social structure, and has been applied to crimes such as domestic violence, dueling, feuding, genocide, lynching, and terrorism. Although space limitations preclude a detailed discussion of each refinement and application of the theory of self-help, interested readers should consult the works of Baumgartner (1988, 1992, 1993); Black (1983a, 1983b, 1998, 2000, 2004a, 2004b); Campbell (2005, 2006); Cooney (1997a, 1997b, 1998, 2003); Horwitz (1990); Michalski (2004); Phillips (2003); Phillips and Cooney (2005); Senechal de la Roche (1996, 2001, 2004); and Tucker and Ross (2004).

observation, and so they have more to do with philosophy than science. Pure sociology "predicts and explains what happens, how social life actually behaves, without regard to whether it contributes to anything—whether it has particular consequences, whether it is supposed to happen, or whether it works" (Black, 1995, p. 862).

### Crime as Social Control

As noted in the conclusion to "Crime as Social Control," Black's (1983a) theory of self-help "is, strictly speaking, not criminological at all, since it ignores whatever might be distinctive to crime as such. . . . Instead it draws attention to a dimension of many crimes that is usually viewed as a totally different phenomenon, namely, social control" (p. 42). Social control is defined as "how people define and respond to deviant behavior" (Black, 1998, p. 4), and "is found wherever and whenever people hold each other to standards, explicitly or implicitly, consciously or not: on the street, in prison, at home, at a party" (Black, 1976, p. 105). Social control includes a number of behaviors (Black, 1983b, 1983c, 1998; Horwitz, 1990; Jacques & Wright, 2008), such as calling the police (Black, 1976, 1980, 1989, 1998), avoidance (Baumgartner, 1988), gossip (Merry, 1984), and negotiation (Black, 1998, pp. 83–85). "Self-help is the handling of a grievance by unilateral aggression" (Black, 1998, p. 74). When self-help is illegal, crime is social control.

However, "[n]ot all criminal behavior is a form of social control. Some crime is exploitative or predatory, some is lifestyle related or expressive, and some is capitalistic or entrepreneurial" (Cooney, 2006, p. 58). Black's theory of self-help *does not* attempt to explain all crimes, but only crimes of self-help. For instance, the theory of self-help does not explain predatory robberies, frauds, or burglaries (but see Cooney, 2006; Cooney & Phillips, 2002), nor does it predict variation in illicit drug dealing—an entrepreneurial crime (but see Jacques & Wright, 2006). Black's (1983a) theory is restricted to criminal acts that are, at the same time, social control accomplished through self-help.<sup>3</sup>

### Empirical Evaluations

Although Black's theory of self-help is applicable across time and place, this essay restricts its attention to empirical evaluations of self-help related to the drug world in the United States. Simply put, compared to a social context where drugs are legal, *illicit* drug traders and users have less access to law when victimized (Black, 1976, 1983a) and, for that reason, are more often involved with self-help (Black, 1983a; also see Cooney, 1998; Horwitz, 1990; Jacques and Wright, in press). A number of studies demonstrate the empirical connection between illegality, drugs, and retaliation predicted by Black's theory of self-help.

America's prohibition of alcohol during the 1920s exemplifies how illegality can influence criminal violence. Before prohibition, persons in drug market conflicts were afforded

<sup>3</sup>This does not mean, however, that pure sociology is inherently restricted to social control. "As a general theoretical paradigm, applicable to all social behavior, pure sociology should predict and explain forms of criminal behavior that are not acts of social control" (Cooney, 2006, p. 58).

more protection and assistance by the police, but outlawing alcohol diminishes access to law and can thereby increase the odds of criminal retaliation. Miron's (2004) study of the Prohibition era and violence demonstrates this relationship. Miron finds that "the homicide rate was high in [the] 1920–1933 period, when constitutional prohibition of alcohol was in effect. . . . After repeal of alcohol prohibition, the homicide rate dropped quickly and remained low" (p. 48; also see Jensen, 2000).

More recently, the illegality of the crack and cocaine trades has contributed to high rates of violence in those markets. Goldstein and others, for example, collected data on about 400 homicides in New York City in 1988. The analysis shows that many of the homicides were cases of self-help related to illicit drugs.

The most striking finding in [the] study was that about two-fifths of all the homicide events we studied (162 or 39%) and nearly three-fourths of all the drug-related homicides (162 or 74.3%) had to do with the exigencies of the illicit market system . . . *the vast bulk of crack-related homicides occurred between dealers or dealers and users*. They did not involve the murder of strangers outside the crack world. (Goldstein, Brownstein, Ryan, & Bellucci, 1997, p. 118, emphasis in original)

The study shows that at least 79% of 106 crack-related homicides, 55% of 45 cocaine-related homicides, and 63% of 11 other drug-homicides are instances of self-help related to either territorial disputes, the collection of debts, punishment of workers, disputes over drug theft, or bad merchandise being sold (percentages calculated from Table 6-3 in Goldstein et al., 1997, p. 119).

The city of St. Louis, Missouri, has been called the most violent place in America (but see Rosenfeld & Lauritsen, 2008). Qualitative data from interviews with active drug dealers in St. Louis illustrate how persons without access to law are more likely to engage in self-help. Topalli, Wright, and Fornango (2002) tell the story of Stub, "a heroin dealer who was robbed and shot on the street corner by one of his regular customers" (p. 342). Stub was taken to the hospital and required a four-day stay before being sent home to recuperate. Shortly thereafter Stub enacted the ultimate revenge:

*Interviewer:* So what did you do?

*Stub:* After [being shot], I got out [of the hospital] for about two weeks, recuperated, and got back to doing the same thing [dealing heroin].

*Interviewer:* What about this guy though?

*Stub:* He got his.

*Interviewer:* If you don't mind, we'd like you to tell us about it. You don't have to, you know.

*Stub:* In so many details . . . he got his, he's no longer.

*Interviewer:* He's no longer?

*Stub:* In existence.

Stub was asked "why such drastic measures were necessary," and the dealer's response reflects Black's thoughts on the deterrent effect of self-help on predatory crime:

*Stub:* See, you have to realize if I didn't get back at him, you and him could say [Stub's] a punk. Everybody can go take [Stub's] shit. So if he [gets] hurt, everybody

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knew who hurt him. . . . [S]ee the thing is, if somebody robbed you and you in the dope game, you don't want to be robbed first off cause then . . . I got the fucking city saying you can rob him. So if you handle your business you ain't got to even worry about it cause they gonna say that [so-and-so] robbed [Stub], and shit he came up missing. So that gonna give them the fear right there not to fuck with you.

In other words, drug dealers, in their own minds, see self-help as a method of retribution but also as a necessary measure in deterring victimization from occurring in the first place.

### Policy Relevance

To my knowledge, Black's (1983a) theory of self-help has never been used to guide public policy; nevertheless, the theory has important policy implications, especially for the drug world. To the degree that drug traders do not have access to law when victimized, self-help will emerge as a method of retribution. As discussed, illicit drug dealers and users have relatively little access to law when victimized, and, for this reason, they are more likely to engage in retaliatory violence, fraud, or theft. What that suggests is that criminal retaliation in a municipality increases as the amount of law applied to drugs increases. It naturally flows from this that criminal retaliation (self-help) can be reduced by decriminalizing drugs or reducing the amount of law directed against drugs.

The decriminalization or legalization of many drugs, it would seem, is unlikely to occur in the immediate future, and so alternative strategies for reducing criminal retaliation should be considered. Although drug traders have relatively little access to *formal* settlement, such as police and courts, disputes can also be managed with *informal* settlement. For instance, a parent may decide the fate of a dispute between children, or a coach may decide which of two players instigated a fight and deserves punishment. Similarly, a community member may mediate a dispute with illicit drug traders who do business or live in the neighborhood. Consider, for example, a drug-related dispute in Chicago between gang members, who were led by Big Cat, and neighborhood residents, who were led by Marlene, that was informally settled by a person of relatively high social status, Pastor Wilkins:

Big Cat's thrust outward, from the sphere of drug distribution into other hidden economic arenas, took on greater force in 2000, when the gang began taking over Homans Park. . . . Marlene Matteson, president of the 1700 South Maryland Avenue Block Club, and her neighbors saw in Big Cat's advances several threats to their welfare. Their children could lose a place to play in relative safety because the gang wanted to turn Homans Park into a bazaar filled with . . . illicit traders whom they would tax. Parents feared that the gang's presence would threaten the safety of children and their guardians who had to walk by on their way to school and work. . . . Marlene and her neighbor were stuck, unsure how to respond. *Historically, they had little success enlisting the police, so while they thought of calling on law enforcement, they almost by instinct sought other opportunities. . . .* Believing they could never entirely eradicate underground economies outside their homes, they had to find a rapprochement with the shady traders arriving in Homans Park. . . . Marlene's neighbors permitted her to explore deals with the gang . . . [and] they decided to enlist the services of Pastor Wilkins. (Venkatesh, 2006, pp. 291–293; emphasis added)

Pastor Wilkins agreed to mediate the conflict and invited Marlene and Big Cat to his church so that they could solve the problem with a nonviolent, informal solution:

In a damp basement . . . they sat at a large table and discussed their respective concerns. *Even Big Cat's presence was remarkable, but such was the clergy's power [or status] in Maquis Park. . . .* The following interchange occurred at the . . . meeting that Wilkins mediated: "What worries me," said Marlene, "is that there's about seventy children on my block who use that park—and that's not counting the ones who live on the other side. Can't have them around your boys. . . . If you're in our park, we can't be. It's as simple as that. . . . I'll give you the nighttime, but that's going to be tough. But, bottom line, baby, is we can't have you all there during the day." "Okay," interjected Wilkins. "Now, you have to stop for the summer Big Cat. We're not asking for a two-year thing, or nothing like that. Just when the kids are outside." [Big Cat replied:] "I guess I could work it on 59th, but that Arab keeps telling us he don't want us around, keeps calling the cops." [Wilkins replied:] "If I get him to leave you alone during the day, and you can hang out in that parking lot on the other side of the store, you'll leave the park for the summer." "Yeah," Big Cat replied, dejected at the compromise. "Okay, we'll be gone." (Venkatesh, 2006, pp. 293–295; emphasis added)

Cooney (1998, pp. 140–149; also see Jacobs & Wright, 2006, pp. 129–134) suggests that one strategy for reducing criminal retaliation in communities is to increase access to informal settlement agents. According to Cooney (1998), "[i]f third parties are to promote the peaceful settlement of conflict, they should neither be too low nor too high in status relative to the principals" (pp. 140–141). It is possible to imagine an established system of popular justice built around two kinds of third parties: "elders" and "peacemakers" (p. 142). Elders need not be representatives of religion, such as Pastor Wilkins; any person—given a status that is neither too high nor too low—could serve as an elder who would "establish and staff tribunals dedicated to settling disputes in a consultative manner" (p. 142). Distinct from elders are peacemakers, who "would be members of the local community trained to intervene quickly in disputes in order to prevent them from escalating into" retaliation (pp. 144–145). In short, Cooney suggests a system of informal social control that relies on community members—not police, prosecutors, or judges—to intervene in disputes, which, in theory, will reduce criminal retaliation. If informal settlement can solve disputes, then criminal retaliation is less likely to occur.

### Critique and Conclusion

Theory nested in the paradigm of pure sociology, such as Black's (1983a) theory of self-help, has been critiqued on a number of grounds (see Frankford, 1995; Gottfredson & Hindelang, 1979; Greenberg, 1983; Hagan, 1985; Rosenfeld, 2001; Sciuilli, 1995). This essay addresses the critique that, at least for me, is most troubling.

As noted earlier, pure sociology is free from "teleology—the understanding of anything as a means to an end" (Black, 1998, p. xix), and social control is defined as "how people define and respond to deviant behavior" (Black, 1998, p. 4). What is "deviant"? According to pure sociology, any behavior is deviant to the degree that it is socially controlled, through self-help, law, avoidance, negotiation, or toleration (Black, 1998). The question becomes: Is it possible to observe deviance separately from social control and without teleological assumptions?

Without teleological assumptions "about needs, functions, values, interests, and goals" (Black, 1998, p. xix), how can we know whether any given criminal act—such as a robbery or burglary—is self-help or predation? For instance, imagine that we witness two robberies, one retaliatory and the other predatory. How can we *empirically* tell which robbery is predatory and which is retaliatory without teleology? One method would be to ask each robber whether the act was more about money or revenge. But asking a person why he or she does something seems to invoke teleology. We could restrict our attention to the events that led up to each robbery, but how do we know which preceding behaviors are deviant and which are not? It could be argued that if someone was assaulted and then robbed the assaulter, that could be reasonably classified as a case of self-help, but it nevertheless seems teleological—an assumption, imputation, or inference about behavior.

It is difficult to "get your head around" how self-help is a nonteleological concept, and "solving" this conundrum is beyond the scope of this essay. However, even if the theory of self-help does rely on teleology, it is worth pointing out that it is no more teleological than any other psychological, sociological, or social-psychological theory of crime. At best, the theory of self-help is free from teleology and, for that reason, superior to other theories of crime.<sup>4</sup> At worst, the theory of self-help is teleological, but—because almost all other theories of crime are admittedly teleological—it is the "best worst" choice for explaining crime currently available to students.

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<sup>4</sup>Holding constant other factors, such as generality, simplicity, originality, and validity of theories (Black, 1995).

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