

# Delinquency and Opportunity

A THEORY OF DELINQUENT GANGS

by Richard A. Cloward & Lloyd E. Ohlin



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and  
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*To*

*Robert K. Merton and*

*Edwin H. Sutherland*

## *Introduction*

*THIS BOOK* is an attempt to explore two questions: (1) Why do delinquent “norms,” or rules of conduct, develop? (2) What are the conditions which account for the distinctive content of various systems of delinquent norms—such as those prescribing violence or theft or drug-use?

The first question involves a shift in emphasis from the traditional concern of the field—the analysis of delinquent acts or of the careers of individual delinquents. Detailed studies have been undertaken to explain why particular individuals are likely to become delinquent or why delinquent acts of various types are committed with varying frequencies in different social locations. Such studies take as their object of inquiry the careers of individuals or the delinquent act itself rather than the rules of conduct in delinquent gangs that require the com-

mission of delinquent acts. Our emphasis on delinquent norms permits us to raise new questions and to offer new explanations which we believe may have both theoretical and practical significance.

The second problem to which this book is devoted is the distinction between pressures toward deviance and the outcome of these pressures. An explanation of the forces that lead individuals to depart from conventional norms does not necessarily explain the form of deviance that will result. There are, for example, several different types of delinquent gang. Whatever problem of adjustment a person may experience, there are several alternative deviant solutions that he might follow. How, then, may we account for the selection and evolution of different adaptations? This is an important problem which has generally been overlooked in previous explanations of delinquency or other modes of deviance. In this book we shall suggest that the milieu in which actors find themselves has a crucial impact upon the types of adaptation which develop in response to pressures toward deviance.

In addressing these themes, we have drawn principally upon two theoretical perspectives. The first, initiated by Emile Durkheim and greatly extended by Robert K. Merton, focuses largely upon the sources of pressure that can lead to deviance. The second, developed by Clifford R. Shaw, Henry D. McKay, and Edwin H. Sutherland, contains germinal ideas about the way in which features of social structure regulate the selection and evolution of deviant solutions. In this book we attempt to integrate these two streams of thought as they apply to the problem of delinquency. The task of consolidating them required that we redefine the unique contribution of each, that we reconceptualize elements in both, and that we develop linking concepts. The result is what we call the theory of differential opportunity systems. It is our hope that the differential opportunity systems theory provides a new and useful way of thinking about deviancy.

Many of the ideas expressed in this book stemmed from research projects supported by The Ford Foundation, whose sympathetic support we would like to acknowledge. We are

also indebted to Mobilization for Youth, Inc., which provided us with an opportunity to formulate material on subcultural differentiation. The manuscript has benefited immeasurably from the insightful editorial work of Gladys Topkis. We appreciate the interest shown in this book by Jeremiah Kaplan, our publisher, and the care with which it was designed by Sidney Solomon. Our indebtedness to Leona Simmons, our secretary, is well known to her.

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# CHAPTER 1

## *Delinquent Subcultures*

*T*HIS BOOK is about delinquent gangs, or subcultures, as they are typically found among adolescent males in lower-class areas of large urban centers. It is devoted to an exposition of how delinquent subcultures arise, develop various law-violating ways of life, and persist or change. In particular, it is about three more or less distinctive kinds of delinquent subculture. One is what we call the "criminal subculture"—a type of gang which is devoted to theft, extortion, and other illegal means of securing income. A second is the "conflict subculture"—a type of gang in which the manipulation of violence predominates as a way of winning status. The third is the "retreatist subculture"—a type of gang in which the consumption of drugs is stressed. These three patterns of subcultural delinquency not only involve different styles of life for their members but also present very different problems for social

control and prevention. They arise by different processes and in different parts of the social structure. They impose distinctive beliefs, values, and prescriptions for action on their members. But all three are alike in that the norms which guide the behavior of members run counter to the norms of the larger society. Later in this chapter we shall describe these three delinquent subcultures in greater detail. First, however, we shall discuss some of our reasons for devoting so much attention to them and some of the problems involved in defining them as objects of inquiry.

## Deviance and Delinquency

SINCE the terms "deviance," "delinquency," and "delinquent subculture" have been given a variety of meanings, both in the theoretical literature and by field workers, we wish to make our own usage clear at the outset.

### THE DELINQUENT ACT

Delinquent acts are a special category of deviant acts. Every deviant act involves the violation of social rules that regulate the behavior of participants in a social system. It is a behavioral transaction in which an actor violates the rights of a victim as defined by the system of legitimate social expectations of which the role behavior of the victim is a part. The principal feature of a deviant act, in other words, is that it is not consistent with the behavior which the victim has been led to expect from others on the basis of the social position he occupies. The deviant does not abide by the accepted rules of the game that the victim is playing. In effect, his act challenges the legitimacy and authority of these rules. It represents a departure from the system of norms to which the victim has given his consent and trust.

Delinquent acts are distinguished from this larger class of deviant acts by the fact that officials engaged in the administra-

tion of criminal justice select them, from among many deviant acts, as forms of behavior proscribed by the approved norms of the society. These acts acquire their deviant character by being violations of social rules; they acquire their specifically delinquent character by being typically treated as violations of official norms by representatives of the official system.

Systems of rules regulate the interaction of participants in social enterprises which represent investments of varying importance to the dominant power groups in the society. No great harm is done to the basic interests of these groups by manifestations of "bad manners," such as using profanity in public, refusing to welcome a guest (unless, perhaps, he is the titular head of a rival nation), or carrying on a noisy conversation during a musical performance. For the social control of such deviant conduct, various types of informal sanction, such as ridicule, criticism, or scorn, are customarily invoked. It is a different matter, however, if an act interferes with the achievement of the general welfare as defined by the controlling interest groups in a society. For example, the rules that protect persons, reputation, property, and contractual agreements regulate interests of both individuals and groups which are regarded as important to the maintenance and stability of the existing social order. A violation of these rules not only threatens a particular individual or group but is seen as a challenge to the legitimacy of the basic institutions of the society. Delinquent acts, in contrast to other violations of social rules, constitute an actual or a potential threat to the legitimacy and security of these basic institutions in the judgment of officials representing the agencies of criminal justice. *The delinquent act, then, is defined by two essential elements: it is behavior that violates basic norms of the society, and, when officially known, it evokes a judgment by agents of criminal justice that such norms have been violated.*

#### "OFFICIAL" DEFINITIONS OF DELINQUENCY

Many attempts have been made to define delinquent activity independently of the official response to it. Some investi-

gators, sensitive to the possibility of "class bias" in law enforcement, are reluctant to treat official statistics as representative of the actual distribution of delinquent behavior throughout the social-class structure.<sup>1</sup> Furthermore, it is well known that only a small fraction of offenses is detected; even if no class bias operates in delinquency proceedings, official statistics would still not reveal the extent of delinquent behavior in our society. Finally, investigators who are interested in studying trends in delinquent behavior are faced with the problem of determining whether a particular trend reflects a change in official policies (e.g., as regards arresting practices) or in the actual rates of delinquent behavior. For these reasons, many investigators have tended to avoid the use of official statistics and have tried to develop other ways of studying the distribution of delinquent conduct.

Such efforts have invariably failed, since delinquent acts are distinguished from other deviant acts by the very fact that they result, or are likely to result, in the initiation of official proceedings by agents of criminal justice. The norms which are challenged by acts of delinquency are backed by official sanctions. To define delinquency, one must discover the criteria that control decisions to invoke or withhold these official sanctions.

The law confers broad discretion upon officials to define many types of youthful activity as delinquent. In fact, statutory definitions of delinquency are ordinarily so broad that all children at one time or another are likely to engage in behavior that could be defined as delinquent. The New York statute, for example, includes in its definition of delinquent

... children who are "incorrigible, ungovernable, or habitually disobedient," those who are "habitually truant," who desert their homes or places of abode without consent of parents or guardians,

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1. For an analysis of the difficulties involved in arriving at an objective definition of delinquency which will not suffer from the inherent biases in official statistics, see P. W. Tappan, *Comparative Survey on Juvenile Delinquency*, Part I: *North America* (New York: United Nations, Division of Social Welfare, 1952), and Tappan's earlier article, "Who Is the Criminal?" *American Sociological Review*, Vol. 12 (Feb. 1947), pp. 96-102.

who associate "with immoral or vicious persons," frequent places "the existence of which is a violation of the law," habitually use obscene language, solicit alms in public places, or who so deport themselves as willfully to injure or endanger the morals or health of themselves or others.<sup>2</sup>

Obviously, if all instances of such behavior resulted in the institution of delinquency proceedings, the agencies of criminal justice would be hopelessly swamped and legal sanctions would lose their force as devices of social control. But such statutory definitions are permissive rather than mandatory; it is not incumbent on the officials to treat all acts subsumed by the criminal code as delinquent. Instead, the enforcement, judicial, and correctional agencies are expected to act when, *in their judgment*, the interests of the child and of the community compel legal intervention. The broad discretion officials possess to define acts as delinquent highlights the importance of the criteria they employ and of the processes by which these standards develop. The authority delegated to officials to exercise judgments that regulate the types and amount of juvenile misconduct subjected to legal proceedings adds to the variations in the nature and rates of delinquency from one time and place to another.<sup>3</sup>

If we understood more clearly the nature of official criteria, it might be possible to separate the effects of official action from variations in the actual rates of misconduct. We could define the characteristics of the various types of offense which, if detected, would probably lead to the initiation of delinquency proceedings. Through appropriate sampling procedures, we could then isolate a representative population of

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2. H. A. Bloch and F. T. Flynn, *Delinquency: The Juvenile Offender in America Today* (New York: Random House, 1956), p. 8. The passage quoted is a summarization of certain provisions of the New York State Children's Court Act, Article I, Section 2, Subsection 2.

3. We do not mean to suggest that criminal-justice officials are wholly arbitrary in defining particular acts as delinquent. The more serious types of offense, such as robbery, burglary, violent assault, and adolescent drug use, with which we are primarily concerned here, are commonly defined as delinquent acts by officials in all jurisdictions. Official actions in these cases vary principally in the manner and vigor with which the cases are prosecuted from one jurisdiction or time period to another.

youngsters and conduct interviews designed to reveal the rates of different types of misconduct, whether known to officials or not. Although several studies have attempted to estimate hidden delinquencies,<sup>4</sup> the value of the results is limited because we do not know the likelihood of delinquency proceedings if these acts had been detected by officials in the jurisdictions surveyed. Systematic investigation of the conditions under which a delinquent definition of youthful rule violation is imposed and those under which it is withheld would considerably enhance both theoretical understanding and practical management of the delinquency problem.<sup>5</sup>

It is our opinion, then, that the anticipated official response to deviant actions is an extremely important element in the definition of delinquency. A deviant act that is frowned upon but otherwise ignored by officials will not mean the same thing either to the community or to the offender as an act that would ordinarily result in delinquency proceedings. The fact that official responses vary from one community to another does not mean that they are of little importance in conditioning the occurrence and content of the delinquent act. To the offender, the anticipated official response is a highly significant element of the total situation, one that gives different meanings as well as different risks to various delinquent acts. Acts that do not ordinarily lead to the initiation of delinquency proceedings

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4. See F. J. Murphy, M. M. Shirley, and H. L. Witmer, "The Incidence of Hidden Delinquency," *American Journal of Orthopsychiatry*, Vol. 16 (Oct. 1946), pp. 686-96; William McCord and Joan McCord, with Irving Zola, *Origins of Crime* (New York: Columbia University Press, 1959); F. I. Nye, J. F. Short, Jr., and V. J. Olson, "Socioeconomic Status and Delinquent Behavior," *American Journal of Sociology*, Vol. 63 (Jan. 1958), pp. 381-89; J. F. Short, Jr., "A Report on the Incidence of Criminal Behavior, Arrests, and Convictions in Selected Groups," *Proceedings of the Pacific Sociological Society*, 1954, pp. 110-18; and A. L. Porterfield, *Youth in Trouble* (Fort Worth, Texas: Leo Rotishman Foundation, 1946).

5. A study of the criteria, policies, and practices which result in the imposition of a criminal definition in the case of *adult* law violators has been initiated by the American Bar Foundation as part of a research project on "The Administration of Criminal Justice in the United States." No comparable undertaking, however, has been launched in the area of juvenile offenses.

may constitute deviance from the norms of some group or organization, such as church, school, social agency, family, and peer groups; but these acts are not delinquent unless they are likely to be defined as such by agents of criminal justice.

#### THE DELINQUENT SUBCULTURE

The delinquent subculture is a special category of deviant subculture. The latter term is generic, encompassing all subculturally supported behavior that violates some conventionally sanctioned set of social expectations or rules of conduct. Such behaviors as truancy, profanity, property destruction, petty theft, illicit sexual experiences, disorderly conduct, and drunkenness, for example, are deviant; indeed, when they occur among adolescents they are often dealt with as delinquent acts by criminal-justice authorities. However, we would not necessarily describe as delinquent a group that tolerated or practiced these behaviors unless they were the central activities around which the group was organized. In a nondelinquent group, all roles within the group can be performed successfully without resorting to delinquent behavior. Members of the group may tolerate such behavior, but they do not require it as a demonstration of eligibility for membership or leadership status. *A delinquent subculture is one in which certain forms of delinquent activity are essential requirements for the performance of the dominant roles supported by the subculture.* It is the central position accorded to specifically delinquent activity that distinguishes the delinquent subculture from other deviant subcultures.

#### Delinquent Acts and Delinquent Subcultures

DELINQUENT ACTS occur in many different social contexts and take many different forms. Before we can explain them, we must try to classify them in some meaningful way. There are many aspects of delinquency that might be used as a basis



of classification. For example, one could devise a set of categories based on various characteristics of the delinquents themselves, such as age, sex, social class, school achievement, family relationships, emotional stability, intelligence, relationship to other delinquents, personal aspirations, and the like. One might also classify delinquencies in terms of various characteristics of the victim, whether a person, a group, or an institution. Alternatively, one might classify certain features of the behavioral transaction between the delinquent and the victim. For example, did it involve property destruction, assault, theft, or fraud? What was the relative cost to the victim or to the more general interests of dominant power groups in the society?

The way in which one chooses to classify the complex social events that are delinquent acts depends upon what it is that one is interested in doing about these acts. People usually attend particularly to those features of delinquency that seem most relevant to the accomplishment of their objectives. For example, the policeman, interested in controlling crime, will tend to be concerned about the seriousness of the offense, the cost to the victim, the threat of a repetition by the offender, the likelihood of securing a conviction, and the effect of all these upon the public's definition of the police department. The judge, charged with such additional tasks as making an appropriate disposition of the offender, will be concerned about the social background of the delinquent, the motivation and circumstances of the act, the likelihood of a favorable response to different forms of treatment, and so forth. The social worker or psychiatrist concerned with rehabilitation will try to identify the sources of the behavior and its susceptibility to treatment. The research scientist committed to developing explanations of delinquency will seek to establish causal connections or correlations between elements of the total problem: for example, the relationship between various types of act and the social conditions that attend or precede them, or the connections between offenders and their victims.

Clearly there will be considerable overlapping among these classifications of the facts about delinquents and their offenses