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APPLICATION AND VERIFICATION OF THE DIFFERENTIAL ASSOCIATION THEORY

Donald R. Cressey

The author is Assistant Professor of Sociology at the University of California at Los Angeles. The present article is based in part upon studies of prisoners in the United States Penitentiary at Terre Haute, Indiana who have been convicted of embezzlement and criminal violation of financial trust. Earlier he had spent several months at the Illinois State Prison at Joliet, where he was engaged in research on the same subject under the direction of the late Professor Edwin H. Sutherland. He has followed up these studies in the California Institution for Men at Chino, California.—EDITOR.

For some time the differential association theory has been considered by most criminologists to be the outstanding sociological formulation of a general theory of crime causation.¹ Although the positive emphasis of the theory is that crime is a social phenomenon, produced by and through social learning, it has been important also because of its negative implications, namely that criminality is not a biological, psychological or climatic phenomenon. The general proposition that criminality is learned is now accepted by almost all criminologists, but the details of the theory have not been specifically subjected to the test of empirical research. To have continuing value a theory must not only provide a general framework within which hypotheses may be formulated, as this theory does, but it also must be stated in such a way that it can be verified or rejected by empirical findings.

A genetic explanation of criminal behavior, stated from the point of view of the person rather than of the group, this theory emphasizes that it is contact with delinquency or criminal behavior patterns which is the necessary condition for criminality and that it is an excess of contacts of this kind which causes criminality. Persons acquire patterns of criminal behavior in the same way they acquire patterns of lawful behavior—through learning in interaction with other persons. The contents of the patterns presented in association with criminal behavior differ from the contents presented in association with lawful behavior, but the process is the same in both instances. Specifically, the “direction of motives and drives is learned from definitions of legal codes as favorable or unfavorable,” the learning including both the technique of committing the crime and “the specific direction of motives, drives, rationalizations and attitudes.” The ratio between definitions favorable to law violation and definitions unfavorable to law violation determines whether or not a person becomes criminal. This is the principle of

1. For a precise statement of his theory see EDWIN H. SUTHERLAND, *PRINCIPLES OF CRIMINOLOGY* (Philadelphia: J. B. Lippincott Co., 1947), pp. 6-9.

differential association. "A person becomes delinquent because of an excess of definitions favorable to violation of law over definitions unfavorable to violation of law," but associations may vary also in frequency, duration, priority and intensity.

An adequate and complete test of this theory probably would require the development of a precise formula, perhaps in mathematical form, stating the relationship between favorable and unfavorable definitions of law violation and the modalities affecting these definitions. The past behavior of criminals then would be examined to see whether the formula applied to them, and unknown persons would be examined and their "criminality scores" computed by means of the formula. A formula of this kind has not been developed, and preliminary attempts have indicated that its development will be extremely difficult. We have attempted, therefore, to test only certain segments of the theory by determining whether or not certain necessary elements in the criminal violation of financial trust² are learned in association with criminal behavior patterns and, if so, whether the contacts with such patterns are additive, so that they could be used in calculating the ratio of contacts with the two kinds of behavior patterns.

Two conditions which have been found to be necessary for the criminal violation of financial trust are the possession of the appropriate technical information and skill and the possession of a verbalization ("rationalization," in Sutherland's terminology) which enables the trusted person to adjust his conceptions of himself as a trusted person with his conceptions of himself as a user of the entrusted funds or property.³ Taking this as "given," the general problem, from the point of view of the differential association theory, is to determine whether or not these two conditions can be present in individual cases without the person's having had an "excess" of associations with criminal behavior patterns. The specific hypotheses tested are as follows: (1) Criminal behavior patterns of specific persons or agencies can be identified as the source from which the trust violator learns the techniques and information necessary for the criminal violation of financial

2. This is a sociological concept of crime, and it includes all cases in which a crime is committed in the process of violating a position of trust which has been accepted in good faith. Thus, almost all persons convicted for embezzlement and larceny by bailee are included and, in addition, a proportion of those convicted for forgery, confidence game, and using the mails to defraud are included. See DONALD R. CRESSEY, *Criminological Research and the Definition of Crimes*, AMERICAN JOURNAL OF SOCIOLOGY, LVI (May, 1951), pp. 546-551.

3. This is not a full statement of the theory of criminal violation of financial trust. For a more complete statement see Donald R. Cressey, *The Criminal Violation of Financial Trust*, AMERICAN SOCIOLOGICAL REVIEW, XV (December, 1950), pp. 738-743.

trust; (2) criminal behavior patterns of specific persons or agencies can be identified as the source from which the trust violator learns the rationalizations necessary for that behavior. It should be pointed out that the testing of these hypotheses does not provide a test of the complete differential association theory since the hypotheses do not deal with problems of the quantity or quality of contacts with anti-criminal behavior patterns. Only those segments of the theory pertinent to the learning of criminal techniques and rationalizations are involved.

In a period of two years about 65 persons confined at the Illinois State Penitentiary at Joliet, 20 confined at the California Institution for Men at Chino, and 40 confined at the United States Penitentiary at Terre Haute, Indiana, were interviewed frequently and at length in regard to their common offense of criminal trust violation. Among other things, they were questioned in detail about the acquisition of the techniques and rationalizations which had been used in the perpetration of their crimes.

On the basis of evidence found in interview materials gathered from these men, the first hypothesis, that the techniques are learned in association with identifiable criminal behavior patterns, was rejected. It was found that the devices, skills, or techniques used by trust violators to perpetrate the defalcation, or to hide the defalcation once it has been perpetrated, are the same skills which are necessary to carrying on the legitimate routine of the work in the position of trust, and that contact with criminal behavior patterns is not necessary.⁴ The techniques which are used by trust violators are either those which are known by all persons of average intelligence or are learned by professional and business persons in the course of the training and experience necessary to obtaining and holding a position of trust. With one exception, the persons interviewed stated that "anyone" holding the position of trust which was violated could have violated it with equal ease, as far as techniques were concerned.⁵ While in some instances an unskilled layman would not have been able to violate the position of trust by using a certain technique, neither would that person have been able to hold the position of trust without possession of such skill. Many of the non-

4. The techniques and skills used in trust violation are ordinarily used to conceal the defalcation, not to perpetrate it. Since in a technical sense the violation of trust consists of taking the entrusted funds or property with criminal intent, the use of a technique such as the manipulation of accounts is merely secondary. Trust violators and others, however, usually consider that the method of concealing the defalcation is the method of violating the trust.

5. In the one case the violator claimed that he *invented* the system used for defalcation. This is highly doubtful, however, since his system was one which is used in all parts of the United States by persons in similar capacities.

absconding violators expressed the idea that the violation was possible because of favorable personal relations with persons who should have checked on their work and that, consequently, another person, whose personal relationships were not so favorable, might not have been able to use the same system for violation of the trust position. However, this cannot be considered as a technique or skill, and it is not so considered by the violators interviewed. In a sense, statements of this kind amount to a mere reiteration of the fact that one must be in a position of trust before he can violate that trust.

As to the techniques themselves, an accountant with considerable experience in public accounting and auditing expressed the views of the other violators when he claimed that one could not graduate from a course in accounting without being familiar with the techniques which are used by accountants who violate positions of trust:

I don't think you can identify the place at which a man learned to do his illegal act. It would be the same with burglary as it is with embezzlement. How would a burglar be able to tell you where he got the attitudes he had when he went out? He might be able to say that he learned a few techniques here and there, but that is about all. In my case, I would have to say that I learned all of it in school and in my ordinary accounting experience. In school they teach you in your advanced years how to detect embezzlements, what to check to detect them, what to do to prevent them, and you sort of absorb it. There is no way of knowing exactly where you learn any habit. The same thing applies to the question of learning to use it for illegal rather than legal means. It is just like a doctor performing abortions. In his medical training he must learn to conduct the abortion, because many abortions are necessary for the health of the mother. Maybe he will perform a few legitimate abortions, and then an illegitimate one. He has learned to conduct the illegitimate one in his ordinary medical training, but he could not identify the point at which he learned that because he would have to include all of his courses in physiology, anatomy, and everything else, as well as the specific technique. In my case I did not use any techniques which any ordinary accountant in my position could not have used; they are known by all accountants, just like the abortion technique is known by all doctors.

The situation in trust violation, then, is not unlike the learning of certain of the techniques essential to some other types of crime. One who hunts or shoots a gun has the necessary technical skill for murder; an automobile mechanic ordinarily has the technical skill necessary for theft of a locked automobile; almost everyone has the technical skill necessary for simple theft. In all of these instances, and in trust violation as well, known techniques which have been learned for legitimate purposes, and in contact with law-abiding persons and behavior patterns conducive to obeying the law, could be used for illegal rather than legal purposes. Before trust violation occurs it is not necessary for the trusted persons to learn new techniques for committing the crime; instead, it

might be said that known techniques undergo a process of "circumstantiation" so that they are used for crime.

The second hypothesis was formulated after it had first been determined that trust violation occurs only when the trusted person applies to his own conduct a key verbalization which adjusts for him contradictory ideas and values regarding criminality on the one hand and integrity, honesty and morality on the other hand. Since a rationalization that one is "borrowing" rather than "stealing" or "embezzling" the entrusted funds, for example, must be learned, it is inconceivable that it could be present unless the individual using it had been in contact with persons who presented it to him or had been in contact with some other cultural source which gave him a general acquaintance with it. Our second hypothesis is that such contacts are contacts with the "criminal behavior patterns"⁶ of specific persons or agencies.

Unlike the cultural conditions which exist in respect to the presentation of the techniques and general information to the individual necessary to the criminal violation of financial trust, which may be characterized as conditions which inform the individual that positions of trust *can* be violated, the cultural conditions which exist in regard to the presentation of definitions of situations in which positions of trust *may* be violated are conflicting. As we just indicated, a technique necessary to trust violation might be learned from an individual who presents it as a technique for preventing or detecting trust violation. But it is not possible for a verbalization which justifies trust violation to be presented in this way since, by definition, such verbalizations must be and are contradictory to the ideas inherent in the words "trust," "trustworthiness," "honesty," and so forth. It is impossible for one person to present to another an idea that there are conditions under which positions of trust *may* be violated criminally without presenting to him a criminal behavior pattern.

For this reason, the general implication of our second hypothesis, and of the differential association theory as it applies to the rationalizations of trust violators, is necessarily correct. That is, the rationalizations which are applied to the person's own conduct in the criminal violation of financial trust are learned in association with criminal behavior patterns. It is not possible for trust violators to use rationalizations in the manner indicated without first having come into contact with definitions of situations which to a greater or less degree sanction

6. For the specific problem here, a criminal behavior pattern may be considered as a definition of a situation in which the criminal violation of financial trust is appropriate.

the criminal violation of financial trust.⁷ The important theoretical questions remaining are those concerned with the quantity and quality of such contacts and, therefore, with the specific *source* of the definitions of situations which are applied to the violator's own conduct as rationalizations. If the source of a verbalization can be identified, then that half of the ratio which pertains to the learning of criminal behavior patterns can be crudely calculated.

However, in the large proportion of cases, it is impossible, or at least extremely difficult, to identify the source from which a trusted person learns the fundamental cultural contradiction inherent in the notion that non-violation of trust is an expected norm but that there are conditions under which trust may be violated. Our subjects were asked in at least four different ways to identify this source,⁸ but it could not be specifically identified by either the subject or the investigator in at least 80 percent of the cases. Rather than naming a specific source, the subjects referred directly or indirectly to rather general cultural ideologies⁹ with which they had informal contact at some vague period in their lives. For this reason, that portion of the second hypothesis which

7. However, the fact that the violator must verbalize in such a way that criminal behavior seems somehow justified, is itself evidence of contact with different sets of values and of the fact that he has not completely assimilated criminal values while eliminating anti-criminal values.

8. At different times in the various interviews they were asked their opinions as to (1) where they got the idea to "borrow" or, generally, to do what they did, (2) how they happened to hit on the idea which eventually resulted in their incarceration, (3) why they had not violated the position of trust at an earlier time, (4) whether they had observed criminal or unethical practices, or discussion of such practices, on the part of their trustors or other associates. Other questions soliciting opinions in regard to the source of the verbalizations also were asked in some cases, and in addition all voluntary remarks pertinent to these questions were recorded.

9. "When rationalizations are extensively developed and systematized as group doctrines and beliefs, they are known as ideologies. As such, they acquire unusual prestige and authority. The person who uses them has the sense of conforming to group expectations, of doing the 'right thing.' . . . Unscrupulous and sometimes criminal behavior in business and industry is justified in terms of an argument which begins and ends with the assertion that 'business is business.' . . . The principal advantage of group rationalizations or ideologies, from the individual's standpoint, is that they give him a sense of support and sanction. They help him to view himself and his activities in a favorable light and to maintain his self-esteem and self respect." A. R. LINDESMITH and A. L. STRAUSS, *SOCIAL PSYCHOLOGY* (New York: The Dryden Press, 1949), pp. 309-310.

An anthropologist has given us an example of the process by which such ideologies produce non-conformity to the expected norms: "With reference to its code, any fair sized community is bound to have its martinets and its outlaws. The average member neither flouts tradition at all costs or follows its guidance through thick and thin: he compromises, rendering obeisance to fine principles in the abstract and finding excellent excuses for doing as he pleases in concrete circumstances. The Burmese are Buddhist, hence must not take the life of animals. Fishermen are threatened with dire punishment for their murderous occupation, but they find a loophole by not literally killing the fish. "These are merely put on the bank to dry, after their long soaking in the river, and if they are foolish and ill-judged enough to die while undergoing the process it is their own fault." . . . When so convenient a theory had once been expounded, it naturally became an apology of the whole guild of fishermen." ROBERT H. LOWIE, *AN INTRODUCTION TO CULTURAL ANTHROPOLOGY*, Enlarged Edition, (New York: Rinehart, 1940), p. 379.

pertains to the identification of the specific sources of the rationalizations was rejected, and a calculation of the differential association ratio could not be attempted.

There are numerous reasons for the trust violators' inability to designate the specific persons or agencies from which they learned that there are conditions under which positions of trust may be violated. In the first place, trust violators, even while in prison, seldom identify with an ideal-type criminal, and their responses to questions pertaining to criminality often are made with consideration for the fact that they have had little or no contact with ideal-type criminals prior to the defalcation. Most of the violators interviewed did not consider the questions to ask about their having had contact with, for example, persons who presented business or professional ideologies which contain definitions in which trust violation is an appropriate mode of response. When they were specifically questioned about this in later interviews, the responses indicated that in most cases this idea was incomprehensible to them. An individual's failure to identify with an ideal-type criminal resulted in a conception of himself as something other than a criminal or an ideal-type violator, and questions pertaining to the sources of rationalizations were interpreted to be questions about non-criminal activities.

For example, persons who "borrowed" (criminal behavior) over a period of time but who did not, in their own estimation, ever, "exceed the limits" of their own resources did not consider themselves as criminals in any sense of the term and hence did not consider the conditions under which they had learned to "borrow" as being at all important in *criminal* activities. Similarly, among independent businessmen who converted "deposits" the belief that their criminal behavior was closely related to ordinary non-criminal business practice made the situation such that the violators did not consider the circumstances in which these practices (and the rationalizations for them) were learned as having provided them with definitions of situations in which trust violation is sanctioned. Instead, they considered the definitions to have been presented in much the same way that the techniques necessary to violation are presented. In a strict sense, such business activities as using entrusted funds which are "covered" by one's own securities might be criminal also, but the violators considered them to be so extensive that they felt that the situations in which they are learned have nothing to do with criminality. Such practices, or even criminal practices in a more obvious sense, are sometimes presented to persons just beginning employment or enterprise in a business, and the individual's success or con-

tinued employment in such business is dependent upon his acceptance of them. The individual either accepts the definitions which sanction criminal behavior or he is eliminated from the business by competition from men who have accepted them.¹⁰

Second, the entrance of a particular person into the aggregate of persons who have violated positions of financial trust is unobstructed by the desires of such other persons. A trusted person does not need the permission of others in order to become a trust violator, and the process which results in trust violation does not require direct, personal contact and communication among trust violators comparable, for example, to the communication among professional thieves. Trust violators have no tutelage systems, no special requirements for admission to practice, and no special argot. What is prevalent among the associates of trusted persons is not an argot referring to illegal or quasi-legal practices, but definitions, in ordinary language, which sanction criminality and which, when personalized, become rationalizations. Identification of specific persons as the ones who presented the verbalizations is therefore difficult.

Third, contacts with definitions of situations in which trust violation is sanctioned are not *in fact* necessarily made within a particular business organization or with a specific person or agency, but in most instances are obtained as a consequence of the person's more general contacts with ideologies conducive to criminal behavior. Neither trust violators nor persons who are not even criminals can ordinarily identify the specific source of a philosophy which includes adherence to such ideologies. The "Jean Valjean philosophy," for instance, is one which sanctions criminal behavior, yet most people who adhere to it, or say that they adhere to it, probably cannot identify its source. Similarly, the source of the idea that it is not criminal, or at least not "completely criminal," to cheat a large, impersonal corporation usually cannot be identified. Specifically in trust violation we find the same situation. Even before they accept positions of trust, persons learn fundamental cultural contradictions in regard to criminal and non-criminal behavior in such positions, but they usually do not know the specific source of the patterns which have been learned and often do not even recognize that there is a contradiction in the cultural ideologies which govern their behavior. In many instances the presentation of a definition conducive to violation of trust is made in such a way that at the time no stigma is

10. Sutherland relates several such cases. EDWIN H. SUTHERLAND, *WHITE COLLAR CRIME*, (New York: The Dryden Press, 1949), pp. 235-239.

attached either to taking over the definition or rejecting it, and the individual is not specifically aware of the fact that the ideology entails a question of criminality or non-criminality. Individuals develop general conceptions of what is "proper" in certain situations for persons of their status, and when these situations appear they behave in terms of those conceptions.

Regarding the second hypothesis, then, we have shown that contact with criminal behavior patterns is necessary to trust violation inasmuch as conscious, learned rationalizations are necessary to the crime, but we have found that the specific source of those rationalizations cannot be identified precisely. Demonstration of the fact that there are contradictory definitions in regard to trust violation is much less difficult than demonstration of the exact source, let alone the quantity and quality, of contacts with each of the types of definitions. The general emphasis of the differential association theory, that the motives or rationalizations necessary to trust violation have been learned and that the absence of such learning will prohibit trust violation, is correct. However, the associations of trusted persons apparently do not vary in such a way that it may be said that just prior to the crime there was a presentation of an excess of definitions favorable to the criminal violation of financial trust. If there is such a variation in associations it cannot be measured, since the source of the significant behavior patterns cannot be specifically identified.¹¹ It is highly probable that the associations with the patterns ordinarily have taken place some time prior to the crime and have involved assimilation of definitions of situations in which trust violation is sanctioned. Hence, when the individual later perceives that the situation in his case is included in the general category of situations in which trust violation is sanctioned, he violates the trust.

CONCLUSIONS

While the general contention of the differential association theory, that criminality is learned, cannot be disputed, the more specific idea that criminality and non-criminality depend upon a ratio of contacts with criminal and anti-criminal behavior patterns is open to question in cases of crimes involving violation of financial trust. In the first place, contacts with criminal behavior patterns are not necessary to the learn-

11. While no attempt to identify the sources of anti-criminal behavior patterns was made in this study, it is obvious that such identification would be even more difficult than the identification of criminal behavior patterns. In explaining *non*-violation in terms of a ratio of contacts with criminal and anti-criminal behavior patterns one encounters difficulties very similar to those discussed.

ing of the technique or skill used in trust violation. Second, while the present research has not indicated definitely that such contacts cannot be precisely identified and weighted, it does appear that there is no practical way that known violators' prior contacts with the rationalizations necessary to trust violation can be observed so that one could develop a formula to be used in either the determination or prediction of trust violation in other cases. Only if we could observe almost every association of a person during his entire life could we say definitely that he had been exposed to an excess of criminal behavior patterns and this, in turn, could be done only if the distinction between criminal and anti-criminal behavior patterns were carefully drawn. Since such observations cannot be made, even by parents, it is doubtful that it can be shown empirically that the differential association theory applies or does not apply to crimes of financial trust violation or even to other kinds of criminal behavior.

Third, the general implication of the present findings is that the differential association theory should be modified in such a way that it is subject to empirical test. One possible modification would be simply to delete those portions of the theory which refer to the ratio between contacts with criminal and anti-criminal behavior patterns. The important theoretical position that criminal behavior is necessarily learned behavior would remain, and this position could be verified empirically. Another possible modification would entail the substitution of a different conception of the process by which criminality is learned for the conception of a differential in the quantity and quality of contacts with the two varieties of behavior patterns. For example, the present research findings might be generalized to indicate that the verbalizations used by all criminals play an exceedingly important role in the determination of their criminality, and a search for the differences in the typical vocabularies used by criminals and non-criminals in specific situations¹² might reveal that it is the presence or absence of a specific, learned, verbal label in a specific situation which determines the criminality or non-criminality of a particular person.

12. Cf. C. WRIGHT MILLS, *Situated Actions and Vocabularies of Motive*, AMERICAN SOCIOLOGICAL REVIEW, V, (December, 1940), pp. 904-913.