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## AN ISOLATION AND CLOSURE THEORY OF NAIVE CHECK FORGERY

Edwin M. Lemert

Dr. Lemert is the author of numerous articles and of a general text in Sociology, including a monographic study of the administration of justice to minority groups in Los Angeles County, California. He is Associate Professor of Sociology and Chairman of the Department of Economics and Sociology at the University of California at Davis.—EDITOR.

The research on forgery we report here is inspired by the methodological dissent from older formulations in criminology—formulations which incorporated generalizations covering all crime and all criminals. At the same time our report is a part of that dissent. As such it seeks to build in a cumulative way upon the work of Hall and Sutherland, who have insisted that criminological research will best advance through the study of sociologically defined units of criminal behavior.<sup>1</sup> Over and beyond this, ready justification for the inquiry rests in the paucity of descriptive data available on the crime of forgery itself and the almost complete absence of efforts at its systematic analysis.<sup>2</sup>

In the process of collecting and analyzing our data it soon became apparent that the invocation of many of our more generalized theories of crime provided only minimal insight into the cases which came under our purview. Culture conflict, delinquency area background, emotional conflict and others proved either to be completely irrelevant or non-discriminating theories so far as causation was concerned. While Sutherland's concept of differential association appeared as a necessary factor in the explanation of professional forgery it was found to be unrelated in any important way to the class of forgery cases we chose to consider, namely, naive check forgeries. Hence, a considerable amount of innovating became necessary in order to explain and interpret our research findings. A preliminary of our theoretical formulation was the definition of the behavior unit subsumed under naive check forgery.

In terms of generic or common law, forgery is thought of as the false signing of a legal instrument which creates a liability. This holds even if or when the entire legal instrument is false and only gives the

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1. JEROME HALL, *THEFT LAW AND SOCIETY*, 1935, Introduction; E. H. SUTHERLAND, *PRINCIPLES OF CRIMINOLOGY*, Revised, 1947, Chapter 13.

2. While there are incidental data on forgery scattered through the literature on crime we note only two descriptive articles exclusively devoted to forgery: I. A. BERG, *A Comparative Study of Forgery*, *JOURNAL OF APPLIED PSYCHOLOGY*, 28, 1944; DAVID MAURER, *The Argot of Forgery*, *AMERICAN SPEECH*, December 1941, pp. 243-250: some attempt at the analysis of the forger's behavior will be found in JOHN GILLIN—*THE WISCONSIN PRISONER*, 1949, p. 167; an informal historical treatment of the subject is at hand in HENRY T. F. RHODES, *THE CRAFT OF FORGERY*, 1934.

appearance of legality. Thus defined, forgery covers a wide variety of acts, such as forging wills, public documents, sales slips and prescriptions for narcotic drugs. It is not our purpose to propound a theory subsuming all such acts but rather one for check forgeries only. This includes all acts commonly charged as forgery, fictitious checks, issuing checks without sufficient funds, and uttering and passing falsified checks. The theory cannot without further research be applied to forgeries arising out of mail thefts or out of the theft and the raising of money orders.

The concept of naive forgery was devised to indicate forgeries committed by persons who have had no previous criminal record and no previous contact and interaction with delinquents and criminals. It is designed to exclude forgeries which are incidental to the commission of other crimes, and forgeries which are retrogressive or progressive phases of an already established criminal career. Common examples of the types of forgeries eliminated would be those of burglars who come onto a drawer full of checks in burglarizing a business office and often—not too wisely—cash them. We also exclude the forgeries committed by embezzlers, as well as the occasional forgeries of con men, chiefly because they are incidental or alternative techniques by which their crimes are committed. The embezzler is further distinguished from the forger by reason of his being in a position of trust.

The validity of our delimitation of the class of forgeries about which we seek to generalize may be questioned on the grounds that it narrows excessively the universe of crimes and correspondingly decreases the usefulness of our generalizations. The answer to any such question we hold will be found in the nature of the prior records of those convicted of forgery. From the following tabulation we can make several important observations on this point. First we see that almost one-third of the forgers had no prior record whatsoever and almost one-half were either in this class or had committed only prior forgeries.

TABLE I  
PRIOR RECORDS OF 1023 PERSONS CONVICTED FOR  
FORGERY IN LOS ANGELES COUNTY 1938 AND 1939.

Nature of prior record	Number	Percent
No prior record .....	306	29.9
Prior forgery only .....	189	18.5
Prior forgery plus other crimes.....	211	20.6
Other crimes only .....	317	30.9
Total .....	1023	99.9

In the other two categories there are included substantial numbers of persons convicted on petty theft or grand theft charges which in actuality were forgeries but which for legal reasons were prosecuted otherwise. Also there was a sizeable number of persons whose records involved forgeries plus drunkenness or drunkenness only, which cases we may regard as involving persons essentially without criminal sophistication. Finally there was a fair number of cases such as those of sex offenders, offenders against family laws, desertions from the armed forces and certain Federal offenses (illegal entry, impersonating an officer) which do not presume criminal associations or learning. Altogether we would be inclined to add another 27 percent of the cases to our general category of naive forgeries, thus raising the total to 75 percent for which our theory is pertinent.

Our theory of naive check forgery as delimited above can be stated in terms of (a) the characteristics of the crime (b) the person (c) the situation (d) the sociopsychological process. The hypothesis in general is that naive check forgery arises at a critical point in a process of social isolation, out of certain types of social situations, and is made possible by the closure or constriction of behavior alternatives subjectively held as available to the forger. We will attempt to show how the four enumerated factors operate both directly and in interaction with one another to produce the crime.

### THE CHARACTERISTICS OF CRIME

A number of crimes such as robbery, assault, rape, certain forms of theft and burglary are high visibility crimes in that they are either objectively apparent to others or subjectively perceived by their perpetrators as crimes prior to or at the time they are committed. In contrast to these, check forgeries, especially those committed by first offenders, have low visibility. There is little in the criminal act or in the interaction between the check passer and the person cashing the check to identify it as a crime. Closely related to this special quality of the forgery crime is the fact that while it is formally defined and treated as a felonious or "infamous" crime it is informally held (by the legally untrained public) to be a relatively benign form of crime<sup>3</sup> The combined effect of these two factors, we will show, facilitate the subjective acceptance of a particular criminal solution to the crisis situation.

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3. This inconsistency has a long history. See HENRY RHODES, *op. cit.* p. 22.

## THE PERSON

The concept of person is used here simply as a way of delimiting the class of people most likely to commit forgery when situational and sociopsychological factors are present and operate in certain sequence. Generally speaking, forgers tend to be native white in origin, male, and much older than other criminals when they commit their crimes—somewhere in their very late twenties and early thirties. Their intelligence is much higher than that of other criminals and they equal or surpass the general population in the number of years of education they have completed. The occupational classes contributing disproportionately to the population of forgers are clerical, professional, and skilled or craft workers. More particularly, salesmen within the clerical group have a greater-than-expected representation among persons convicted of this crime. Many forgers come from prestigious, wealthy families in which siblings have achieved considerable social eminence. A large percentage of forgers for many years have been residents of the community in which their crimes are committed. According to comparisons we have made between the past records of forgers and those of burglars and robbers the former are less likely to have a record of juvenile delinquency. From this and the data of our interview sample we are convinced that very few forgers have originated from the so-called "delinquency areas" of their communities.<sup>4</sup>

The description of forgers in terms of temperament and personality tendencies is a much more hazardous academic task than their demographic characterization. Nevertheless, we will suggest certain differentials of this sort, chiefly because of their rather uniform occurrence in the interview data. The most obtrusive of these appeared as a distaste or sense of repugnance towards forms of crime other than forgery. In case after case come the unsolicited "I could never hurt anyone," or "I wouldn't have the nerve (or guts) to rob anyone or to steal." While all criminals tend to rationalize their crimes somewhat in the prison situation evidence that we were confronted with real differentials came from other sources, namely, the experience of detectives, who say they seldom if ever have trouble arresting a forger; often they are waiting for the police to come, or they voluntarily give

4. The data for this paper consist of statistical materials compiled on 1023 cases of forgery in Los Angeles County for 1938 and 1939 and a sample of 29 forgers interviewed by the writer at the Los Angeles County Wayside Honor Rancho. Interviews lasted from 45 minutes to two hours. We are indebted to the Los Angeles County Sheriff's department and especially to Captain Harold Stallings for making available facilities and permission to conduct the interviews. In general what we have said thus far about the population of forgers is corroborated by the findings of I. BERG, *op. cit.*

themselves up. Guns are very rarely found in the possession of persons arrested on forgery charges and when they are it is usually a case of some other type of criminal casually turned to check passing. It is also true that inmates of prisons recognize a temperamental difference of forgers, sharply distinguishing them from men in the so-called "heavy rackets."<sup>5</sup>

Detectives who have dealt many years with forgers depict them generally as people who are personally likeable and attractive, who easily ingratiate themselves and who have a facile grasp of the arts of convincing others. They are people who like to live well and fast, being able to con a merchant or "snow a dame under" with equal dispatch. As one burglar (non-forgery) put it: "Forgers are guys who like to pretend to be someone they ain't." In addition it has been observed that an element of impulsiveness seems to thread through the behavior of forgers, being detectable even among professionals, who, for example, have expressed to the writer their dislike for con games because of the slow "build-up" involved.

Because the observations we record above refer to sophisticated forgers as well as to naive forgers it is difficult to say to what extent such personal tendencies exist in nascent form in the previous histories of forgers and how far they have been the function of the life a forger must necessarily pursue once committed to his check passing. However, it is hard to escape the idea that some sort of precriminal personal differentiae are present in the winsomeness and tempo of behavior shown by persons who resort to check forgery.

In summary at this point it can at least be stated that forgers come from a class of persons we would ordinarily not expect to yield recruits to the criminal population. By definition, of course, naive forgery is a crime of persons who are unacquainted with criminal techniques; but aside from this the persons involved would appear to have acquired normal attitudes and habits of law observance. It follows that naive forgery emerges as behavior which is out of character or "other than usual" for the persons involved. In the act of forging an ephemeral personal reorganization occurs in response to situational interactors which may be recognized as a special symbolic process conceived to cover aspects of motivation, feeling, emotion and the choice of adjustment alternatives. The personal differentiae we have set down here are the original broad limits within which a certain class of situations can impinge upon the person with the possibility of emergent forgery.

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5. I. BERG, *op. cit.*

## THE SOCIAL SITUATION

That the social situation is a dynamic factor in naive check forgery is obvious from even the most cursory reading of case history materials, and it has been commented upon widely by probation officers, judges, social workers and others who have come into contact with forgers. Such contingencies as unemployment, business failure, gambling losses, dishonorable discharge and desertion from the armed forces, alcoholic sprees, family and marital conflict, and separation and divorce all figure prominently in the case histories of naive check forgers. Yet to set down such critical experiences as "causes" of forgery is only indicative and not discriminating, because many people similar in background to naive forgers confronted by similar crises do not seek a solution by forgery. A more discriminating factor was suggested by the unusually high rate of divorce and separation among married forgers and the high incidence of family alienation and repudiation among single forgers. The very high rates of marital disruption for our cases can be seen in table II. Even when allowances are made for the somewhat

TABLE II

MARITAL STATUS OF 473 PERSONS CONVICTED OF FORGERY AND 53 PERSONS CONVICTED OF GRAND THEFT IN LOS ANGELES COUNTY 1938.

	Forgery		Grand Theft		Los Angeles City
	No.	Percent	No.	Percent	Population, Percent
Single .....	118	24.9	16	30.1	30.8
Married .....	172	36.3	25	47.1	54.9
Divorced, Widowed or Separated .....	183	38.6	12	22.6	15.3*
Totals .....	473	99.8	53	99.8	100

\* Includes divorced, widowed and "wives not present in home." *United States Census, 1940, pp. 182, 190, tables 8 and 11.*

higher divorce rate to be expected in a middle class group such as our forgers it will be appreciated that the rate remains inordinately high.

Examination of case history documents and our interview materials revealed that the marital breakups of the persons who later became forgers often were exceptionally rough, and usually grossly traumatic experiences, particularly from the view of their subjective impact. The marital ruptures quite frequently were followed by continuous drunkenness, job inefficiency, occupational detachment, and occupational mobility, often in decided contrast to the pre-divorce history. This, of course, is not to say that the marital breakups always initiated the social isolation, for in some cases it was a non-marital crisis which led

to excessive drinking, sexual promiscuity or loss of earning, which, in turn, resulted in separation and divorce. However, in nearly all cases the isolating experiences tended to be progressive and mutually reinforcing.

Among the forgers with no marital experiences isolation was perceived as alienation from the parental family, with the concept of "black sheep" being fairly expressive of the family status involved. We also noted among both the single and married forgers a number of persons who had begun their adult lives with social status from which social isolation could be inferred; here we refer to persons with physical handicaps, members of ethnic minorities, orphans and step children, and the occasional homosexual. In all 29 of our interview cases we were able to find at least one measure of social isolation and in most of them, multiple measures.<sup>6</sup> This may be seen in the accompanying table.

TABLE III  
THE FREQUENCY OF OCCURRENCE OF MEASURES OF SOCIAL ISOLATION IN  
29 CASES OF NAIVE CHECK FORGERY, LOS ANGELES COUNTY 1951.

Case No.	Measures of Isolation			Ethnic, Physical, "other"	Subjectively Felt Isolation	Case Frequency
	Occupational	Marital	Family			
1	X		X	X		3
2			X	X		2
3	X		X	X		3
4	X			X	X	3
5	X	X				2
6	X	X		X	X	4
7	X			X		2
8	X	X	X			3
9	X			X		2
10		X		X		2
11	X		X		X	3
12	X	X		X	X	4
13			X	X	X	3
14	X	X				2
15	X		X	X		3
16		X	X	X		3
17	X	X			X	3
18	X		X	X	X	4
19		X			X	2
20			X		X	2
21	X	X			X	3
22	X					1
23			X			1
24	X	X	X		X	4
25		X			X	2
26	X	X				2
27	X		X	X	X	4
28			X	X		2
29	X	X		X		3
Totals	20	14	14	16	13	77

6. Specifically: *occupational isolation* was taken as unemployment, job instability (some

Assuming we have established situational isolation as the more general prerequisite for the commission of naive check forgery it is still necessary to factor out more specific situational factors conducive to the crime. These we believe are found in certain dialectical forms of social behavior, dialectical in the sense that the person becomes progressively involved in them. These behaviors are further distinguished in that they make imperative the possession of money or money substitutes for their continuance or fulfillment. They are objective and identifiable and once a person is committed to them the impetus to "follow through" with them is implicit. A quick example is that of a man away from home who falls in with a small group of persons who have embarked upon a two or three-day or even a week's period of drinking and carousing. The impetus to continue the pattern gets mutually reinforced by interaction of the participants, and tends to have an accelerated beginning, a climax and a terminus. If midway through such a spree a participant runs out of money the pressures immediately become critical to take such measures as are necessary to preserve the behavior sequence. A similar behavior sequence is perceived in that of the alcoholic in a bar who reaches a "high point" in his drinking and runs out of money. He might go home and get clothes to pawn or go and borrow money from a friend or even apply for public relief, but these alternatives become irrelevant because of the immediacy of his need for alcohol. Another example, fairly common during the late war, is that of the individual who impersonates a high-ranking army officer or public official and get increasingly involved in a whole set of reciprocal obligations, which, when his money is exhausted he must implement with false credit or worthless checks. Otherwise he must expose himself or put an end to the whole fraudulent business by leaving town, as he often does.

We encountered several cases in which forgeries occurred around Christmas time, and the evidence seems strong that the institutionalized, cumulative social pressures to engage in buying behavior at this time (symbolized in newspaper box-scores of the "number of shopping days left before Christmas" and "getting the Christmas spirit") were

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cases had as many as 20 or 30 different jobs per year) or conditions of work separating the person from his customary association; *marital isolation* was taken as divorce, separation or alienation of spouses; *family isolation* was taken as an invidious position in the parental family due to educational, occupational or economic inadequacy; *ethnic isolation* was taken as isolation due to race or national status, i.e., a rural Negro migrant, a second generation Portuguese in conflict with parents and his neighborhood, a Jew who due to bankruptcy and sexual immorality was alienated from other Jews as well as gentiles; physical and "other" isolation was that of physically handicapped persons, homosexuals in conflict and the deviants we mention in the text above; *subjectively felt isolation* was taken as a sense of isolation expressed in response to direct questions on the subject.

real factors in building up a sense of crisis leading to forgeries. The sense of social isolation among the forgers detached from their families also was intensified during this holiday period. It was our further impression that many of the type situations more specifically leading to forgeries—gambling, borrowing and “kiting” to meet debts and business obligations, desertion and escaping authorities, and being the *bon vivant* tended to be dialectical, self-enclosed systems of behavior in the sense that the initial behaviors called for “more of the same.” While making the possession of money critically necessary they also reinforced or increased the social isolation of the indulgee; many forgers admitted that at the time such behavior was perceived as having a “false structure” to it.

### THE SOCIOPSYCHOLOGICAL PROCESS—CLOSURE

Thus far we have spoken of the election of check forgery as a behavior alternative in relation to the general social isolation of the person and in relation to his involvement in collective or institutionalized behavior dialectics directly dependent upon the use of money or symbolic substitutes for money. It is also necessary to note the way in which the sociopsychological processes in the person interact with them to produce check forgeries. The special process is one of closure. This we take to mean a process whereby the tension initiated by a situation is resolved and the configuration (whether of behavior or of mental process) tends to as complete or “closed” a condition as the circumstances permit. The concept denotes a “demand for meaning” as well as a fitting or selection from alternative modes of behavior to resolve a critical situation.<sup>7</sup> As it operates in check forgery it is a total behavioral response, more frequently impulsive and un verbalized than deliberative or narrowly perceptual.

The significant fact to account for in our data was the apparent contradiction of well educated, often gifted, and certainly otherwise law-abiding persons electing a criminal alternative as a solution in this closure process. A second fact to explain is why they selected the particular crime of check forgery. Beginning with the second fact we can say rather simply that the class of persons committing naive check forgery do not have the skills nor are they in a position to carry out or “close on” most other forms of crime. Furthermore, in contrast to many other types of crime no special skills or knowledge are needed in

7. See J. F. BROWN and D. W. ORR, *The Field Theoretical Approach to Criminology*, JOUR. OF CRIM. PSYCHOPATHOL., 3, 1941, pp. 236-252; CESAR CASTILLO, *Una Teoria gestalgica del delito*, ARCHIVO DE MEDICINA LEGAL, Buenos Aires, 1948, 18, pp. 387-396.

order to manufacture and pass worthless or even forged checks. In thus commenting upon what may be an obvious fact we digress somewhat to discuss the importance of prior learned behavior in commission of this crime.

The first thing to be said in this connection is that forgery (excluding actually imitating other people's signatures) is very simple to perform; it is probably the easiest major crime to commit that we have. Most people in their everyday transactions have occasions to cash personal or payroll checks and hence encounter all the precautions business uses to prevent the making and uttering of bad checks. From this it is arguable that the criminal defense measures adopted by business become in effect an inverted education in the simple essentials of forgery. We can also hold with good reason that in a competitive society which modally creates aggressive temperament they become a challenge to contrive workable evasions of the protective devices. We see this in the resentment shown by "honest" customers at having their checks questioned and in the gamelike characteristics of many of the techniques invented and employed by forgers.

The point we dwell upon here was demonstrated by asking a college class of 25 students to write brief accounts of how they would obtain and pass a bad check if circumstances forced them to do so. The results showed that while the range of ingenuity was wide, nevertheless about the same class of techniques were described as those actually employed by the forgers in our sample. Only one female student was unable to devise a workable scheme. Sources of the ideas in a few cases were listed as radio programs and crime fiction, but most students simply put down "experience with checking account," "experience in retail stores," or "just imagination." Quizzing of the naive forgers in our interview group revealed few or none who could trace in retrospect the sources of their specific forgery behavior.

Another reason for the congeniality of the check forgery alternative lies in the previously mentioned facts that while it is formally treated as a serious crime, informally it is held to be a relatively minor offense and indeed in some forms not a legal offense at all. Thus when the situation or special variations in the subjective reactions of the person dissociate the more formal business and legal control symbols from the act it becomes a more attractive or acceptable choice for the crisis-bound individual. It is in this connection that the low social visibility of the crime excludes social clues which otherwise would weight the forgery choice with unpleasant connotations for the self and person considering it.

Even more important than the low social visibility of check forgery in suspending the formal control symbols of this crime is the social isolation of the person. In general we believe from our data that this isolation brings about a real, albeit ephemeral, suspension, abeyance or distortion of the internal aspects of social communication. It led in our forgery cases to an attenuation of what Mead called the "inner forum of thought," and lowered sensitivity to the "generalized others" which might otherwise have produced a rejection or inhibition of the criminal alternative of forgery. The evidence for this came out in strong feelings of unpleasantness immediately following first forgeries, in the tendency for naive check forgers to give themselves up to the police, in great feelings of relief on being arrested, in desires to "pay their debts to society," in extreme puzzlement as to how they "ever could have done it," and in personality dissociations attributing the behavior to "another me," or to a "Dr. Jekyll-Mr. Hyde" complex.

A high degree of tension appeared in practically all of our cases, being manifested as a sense of urgency which also contributed greatly to the disturbance of the subjective aspects of the communication process.<sup>8</sup> In some cases this sense of urgency, as we have shown, arose from commitments to certain types of dialectical social behaviors. In other cases the sense of urgency seemed to arise from special definitions of the social situation. In such cases there appeared to be a heavy discharge of socially unshared or private meanings into the circumstances of the crime. The insurgency of these private meanings into the thought processes seemed clearly to be a function of the social isolation of the person.

Some of these private meanings proved to be specialized extensions of common cultural meanings. Thus, for some of the check forgers ordinary expenditure behavior in our society took on a desperate kind of meaning. Indulgence in clothes, automobiles, housing, and expensive leisure time pursuits seemed to fulfill intricate, specialized sociopsychological functions over and beyond the satisfactions people ordinarily or "modally" receive from buying such things. These people "get the bug," as one detective put it; they become fixated upon some object and spend most if not all of their waking moments scheming how to obtain it. Such fixating, in part a response to high pressure advertising and selling methods, is, we urge, more commonly the reaction of the socially isolated person.

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8. It is to be noted that Lottier found a high degree of tension of be a significant factor in embezzlement, which bears many similarities to forgery. STUART LOTTIER, *A Tension Theory of Criminal Behavior*, AMER. SOCIOLOGICAL REV., 7, December 1942, pp. 840-848.

In other cases the tension or sense of urgency felt by the person who resorted to check forgery emerged out of definitions of the situation which were more intimately personal or perhaps interpersonal. In such instances checks or money came to have a special symbolic value apart from any which the culture assigns to them. Thus in a number of cases strong elements of aggression figured in the forgery act, often aggressions against a particular person. In one such case a youthful epileptic man with a well-defined sense of isolation passed an illegal check immediately after quarreling with his father and preparing to leave for another city. While his need for money to travel was urgent, still it is significant that he wrote the check in such a way as to embarrass his father in the local community.

In many cases the impression is strong that forgery of checks becomes a way of punishing "others" or the "self," with banks, department stores, loan companies and material objects taking on very private meanings for the check criminal. While it is not always clear just what these meanings are nevertheless they constrict the choices of behavior in the situation. In order to satisfy the immediate special subjective needs of the individual, such as aggression against a particular person or organization he must exploit the situation as it arises, or, in more familiar terminology, "strike while the iron is hot." The several or many legal alternatives which might serve the same function as a bogus check are "out of place" to him, or else the time required to use them causes them to lose their value to him.

The importance of the sense of urgency in narrowing the range of subjectively acceptable means of meeting the forger's crisis was supported in our data by the fact that as a group our forgers were not without resources. They possessed good clothes, jewelry, sporting equipment and other things which could have been pawned or sold; some had families and relatives from whom they might have borrowed money. Some actually had money in the bank at the time the bad check was passed, and some had bonds which could have been cashed to obtain money. Indeed, one of our forgers was a wealthy landowner with large amounts of money on deposit in England and Australia.