Current theoretical approaches to the study of deviance and social control tend to neglect a crucial level of analysis: the specific interactive context within which rule breaking occurs. Anomie (Merton, 1957) and subcultural theorists (Sutherland and Cressey, 1974) and combinations of these approaches (Cloward and Ohlin, 1960) tend to focus on rather abstract initial group properties such as opportunity structures and norms, rather than on the interactive group processes out of which behavior emerges. Those questioning the mechanistic force of such variables nevertheless stress the independence of the deviant as a maker of choices (Matza, 1966).

Even when attention is given to situational aspects of rule breaking, as with some functionalists, the focus tends to be too mechanistic. In what can be called the trampoline model of social control (Homans, 1950; Parsons, 1951), norm violations lead to reparative social control responses. Social controllers are thought to be in a relentless struggle with autonomous criminals, who freely choose to violate the law, and who always do what they are charged with having done. The systemic and reciprocal effects become most apparent after the deviance appears. In contrast (and closer to the perspective to be developed here), theorists such as Reiss (1951) and Hirschi (1969) see social control as an important variable in the production of deviance. However, they argue that it is the absence of social control that helps to explain deviance. I shall argue that its presence does too.

Whatever merit the above approaches may have for dealing with various aspects of deviance, they must be supplemented by a theoretical perspective which focuses on the immediate context of the rule infraction. Such a perspective must at least take as an empirical question the degree of autonomy in the actions of the rule violator, and whether people actually do what they are charged with having done.

In current theories the deviant is seen either as autonomous or as a pawn of broad social and...
cultural forces. Most interpretations tend to reify the categories of authority and “criminal” and to draw the line between them too sharply. They miss the interdependence that may exist between these groups and the extent to which authorities may induce or help others to break the law, be involved in law breaking themselves, or create false records about others’ supposed law breaking. Conversely, the extent to which those engaged in illegal activities may be contributing to social order is also ignored. Here I focus on some neglected aspects of the role of authorities in law violations.

The idea that authorities may play a role in generating deviance is not new. Clearly, the labeling perspective has focused attention on the role of authorities—for example, the work of Tannenbaum (1938), Kitsuse (1962), Becker (1963), Wilkins (1965), Scheff (1966), Lemert (1951, 1972) and Hawkins and Tiedeman (1975). In such work, authorities have been seen to “create” deviance by defining some of a wide range of behavior as illegal, using their discretion about which laws will then be most actively enforced, and singling out some of those who violate these laws for processing by the criminal justice system. Subsequent restrictions on the behavior of those processed as deviants, such as their being singled out for special attention by authorities, and subsequent changes in their self-images, are thought to result in their becoming even more involved in deviant activities.

These are not, however, the roles that authorities play in creating deviance on which I wish to focus. Much of the labeling argument is true by definition; that which isn’t seems plausible enough and has the easy virtue of overlapping with the underdog world view of many who hold it, though systematic research in its support cannot be said to be overwhelming (Manning, 1973; Wellford, 1975; Gove, 1980). Yet even if subsequent evidence suggests that labeling as such does not, on balance, amplify deviance and even deters it, I think a strong case can still be made for the important role of authorities.

I do begin at an abstract level with what I see to be a fundamental insight of the labeling perspective: the possible irony of social controllers creating what they set out to control. But then I emphasize a different set of factors. In spite of its calling attention to the role of authorities, the emphasis in the labeling approach is usually placed on what authorities do to others already known or thought to be deviant. Its main concern is with secondary rather than primary deviance. Its usual focus is not on the behavior of control agents before or during the rule breaking, nor on the degree of autonomy in the actions of the rule breaker. Nor is its usual focus even on whether the deviance actually occurred, preferring instead, in Rains’ (1975: 10) words, “to describe the full process of imputation without regard for warrant.” But here I will deliberately focus on infraction—on some of the ways in which it is shaped or induced by prior or concomitant actions of authorities, and on some of the causes involved.

Situations where social control contributes to, or even generates, rule-breaking behavior include these three ideal-types:

A) Escalation (by taking enforcement action, authorities unintentionally encourage rule breaking).
B) Nonenforcement (by strategically taking no enforcement action, authorities intentionally permit rule breaking).
C) Covert facilitation (by taking hidden or deceptive enforcement action, authorities intentionally encourage rule breaking).

These are analytic distinctions. In a given empirical instance all may be present.

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1. Other forms of interdependence treated in the larger work from which this article is drawn, but ignored here, include: 1) “cops as robbers,” where authorities are self-interested rule breakers; 2) the falsely accused; 3) the efforts of citizens to provoke, bribe, or otherwise implicate police in their rule breaking.
In much of the rest of the paper I discuss these types of social control. I use examples from criminal justice situations primarily, but believe the processes are also evident in other social settings, such as the school, family and work.

Documents and published accounts are major sources. However, I have also drawn on interviews and observations made over a seven-year period in 18 U.S. police departments while studying community police patrols, community service officers, civilian police planners, and performance measures, plus those made during a year spent studying English and French police. My initial interest in the topic grew out of work done for the Kerner Commission in 1968 on police behavior in civil disorders.

**ESCALATION**

The clearest cases of authorities contributing to rule breaking involve escalation. As with facilitation, authorities' intervention is conducive to deviance. However, secrecy need not be involved (the facilitation can be overt), and the final consequence is generally not consciously, or at best publicly, sought by controllers when they initially enter the situation. It is not simply that social control has no effect, rather that it can amplify. (In the language of cybernetics, this is a case of deviation amplifying feedback [Cf. Maruyama, 1963]—in everyday language, snowballing or mushrooming.) In escalation the very process of social control directly triggers violations. In urging that attention be focused on the deviant act as such, Cohen has written:

> The history of a deviant act is a history of an interaction process. The antecedents of the act are an unfolding sequence of acts contributed by a set of actors (1965: 9).

Nowhere is this logic clearer than in the case of escalation. Five major analytic elements of escalation are:

1) An increase in the frequency of the original violations.
2) An increase in the seriousness of violations, including the greater use of violence.
3) The appearance of new categories of violators and/or victims (without a net diminution of those previously present).
4) An increase in the commitment, and/or skill and effectiveness of those engaged in the violation.
5) The appearance of violations whose very definition is tied to social control intervention.

Escalation may stem from initial or postapprehension enforcement efforts.

Police involvement in family conflict, crowd, and automobile chase situations can contribute to violations when none were imminent, or it can increase the seriousness of these situations. In responding to challenges to their authority or to interpersonal conflict situations, preemptive police actions (euphemistically called by some, with a sardonic smile, "constructive coercion" and "preventive violence") may lead to further violence.

A three-year study of police-citizen incidents in New York City notes that "the extent to which the handling of relatively minor incidents such as traffic violations or disorderly disputes between husbands and wives seemed to create a more serious situation than existed prior to the police attempt to control the situation" (McNamara, 1967). Family disturbance calls are an important source of police injuries to citizens and vice versa. Bard has similarly observed that "there

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2. Because of their intentionality, nonenforcement and covert facilitation are social control strategies; this cannot be said of escalation which is defined by its unintended consequences, though these may be present with the former as well. Sometimes, of course, police may follow a policy of deliberate provocation in the hope of encouraging escalation so that they can legally use force, bring heavier charges, or dispense "alley justice."
is more than ample evidence that insensitive, untrained, and inept police management of human problems is a significant breeding ground for violence" (1971: 3). Certain styles of intervention are likely to provoke aggressive responses.

An English policeman characterized the 1960s' riot control behavior of American police in some cities as "oilin' the fire." Police responses to crowd situations offer many examples of escalation (Marx, 1970; Stark, 1972). Provocative overreaction (referred to by another English policeman as "cracking a nut with a sledgehammer") can turn a peaceful crowd into a disorderly one. In the 1967 riot in New Haven, for example, a small group of angry but as yet law-abiding blacks marched in the street—to be met by police tear gas; this then provoked a small riot. Or in Detroit a small riot emerged during the Poor People's March when, during a meeting in a large hall, police inside the building tried to push people outside, at the same time that mounted police outside were trying to push people back inside. Such police reactions and subsequent arrests may occur in the most benign of circumstances, such as at sporting events or concerts.

High-speed chases offer another all too tragic example. They result in injuries, in death, and often in manslaughter charges against persons who, in the absence of the chase, might have faced minimal or no charges. For example, in a Boston suburb, a car being chased by two police cruisers at speeds of 95 miles an hour killed a footpatrolman. The young driver of the car was subsequently charged not only with speeding but with manslaughter. The same day a 15-year-old youth facing manslaughter charges hung himself in a jail in a nearby town. He was arrested the week before, following a high-speed chase in which his car killed two people (Boston Globe, November 21, 1975). The high-speed chase, perhaps because of the risks and emotions involved and the denial of police authority, also figures disproportionately in situations where prisoners are abused. The escalation here has second-order effects, coming to involve new offenders (police themselves) as well as new offenses (e.g., assault and denial of civil rights).

One consequence of strong enforcement actions can be to change the personnel and social organization of those involved in illegal activities. For example, stepped-up enforcement efforts with respect to heroin and cocaine appear to have moved the drug traffic away from less sophisticated and skilled local, often amateur, groups to more highly skilled, centralized, better organized criminal groups (Young, 1971; Sabbag, 1976; Adler et al., forthcoming). The greater skill and sophistication of those now drawn into the activity may mean the development of new markets. Increased risks may mean greater profits, as well as incentives to develop new consumers and markets. The more professional criminals are more likely to be able to avoid prosecution and are in a better position to induce police corruption.

Increased corruption, a frequent escalatory consequence of stepped-up enforcement efforts, is one of a number of second-order forms of illegality which may indirectly appear. Even attacking corruption may generate other problems. Thus, following reform efforts in one city (Sherman, 1978: 257), police morale declined and citizen complaints went up sharply, as did police use of firearms. In Boston a recent increase in high-speed chases and attendant offenses and injuries is directly traceable to an order to enforce traffic laws more stringently. Another second-order effect can be seen in the monopoly profits which may accrue to those who provide vice in a context of strong enforcement pressures. These profits can be invested in still other illegal activities. Thus, some of the tremendous profits earned by organized crime groups that emerged during prohibition, and the skills developed then, went into gambling, labor racketeering and narcotics. Violence may increase among criminal groups contending for new monopoly profits. Their monopoly may also have been aided by informing on competitors. The increased cost of the product they provide may mean increased illegality on the part of customers facing higher prices (Schur, 1965). A link between drug addiction and street crime, for example, has often been argued.
Authorities may directly provide new resources which have unintended effects. Part of the increased homicide rates in the 1970s, for example, particularly among minority youths, has been attributed to vastly augmented amounts of federal “buy” money for drugs. This increased the opportunity for youths to become informers, and some of them were subsequently killed. The drugs, stolen goods, money, weapons, and tips sometimes given to informers and others who aid police may be used in subsequent crimes. A more benign resource may be the youth workers sent to work with gangs in their environment. Some of the detached street-worker programs, aimed at reducing gang delinquency, may have actually increased it: by strengthening identification with the gang, they made it more cohesive and encouraged new recruits (Klein, 1969). Klein observes that the assumed advantages of group work with gangs are “mythical,” and he advocates abandoning standard detached worker programs. In Chicago, antipoverty funds for self-help programs among gangs offered resources, opportunities and incentives which created a context for fraud, extortion and violence (Short, 1974).

Contemporary American law has evolved an increasing number of crimes which emerge solely as an artifact of social control intervention. These emerge incidental to efforts to enforce other laws. If authorities had not taken action, the offense would not have been committed. Resisting arrest or assaulting an officer are familiar examples. The prosecution of white-collar crimes offers a different example.

Prosecutors who initially set out to make cases of corruption, fraud, or food and drug violations may be unable to prove the targeted crime, yet still be able to prosecute for perjury or obstruction of justice. The latter violations become possible only after an investigation begins, and can exist regardless of the quality of evidence for the case the prosecutor originally hoped to make.

More routine are white-collar offenses involving the violation of requirements imposed on citizens to aid in the investigation of still other crimes. In and of themselves the violations need not produce social harm. In the effort to detect and sanction infractions the criminal justice system can promote crimes because of its own need for information. Failing to file reports or filing a false statement to the U.S. government are examples. Failure to file an income tax form is a crime even if one owes no taxes.3

Most of the escalation examples considered here have involved the initial enforcement effort and one point in time. The work of Wilkins (1965) and that of Lemert (1951, 1972) call attention to postapprehension escalation and a person’s “career” as a deviant. Wilkins sees a spiraling interactive process whereby rule breaking leads to sanctioning, which then leads to more serious rule breaking, which in turn leads to more serious sanctioning and so on. Lemert focuses on how people may change their lives and self-conceptions in response to being formally processed, punished, stigmatized, segregated or isolated. To the extent that their lives and identities come to be organized around the facts of their publicly labeled deviance, they are secondary deviants.

However, postapprehension escalation can occur without an accelerating spiral or changes in self-image. Having been apprehended for one offense, or identified as a rule violator, can set in motion actions by authorities that make additional violations more likely. For one thing, contact with the criminal justice system may alter one’s status (e.g., to probationer, inmate or parolee) so that one is guilty of a misdemeanor or felony for acts that would be legally inoffensive if committed by others. In addition, being placed in such statuses may provide actors with inducements to the commission of a crime, either by way of opportunity or pressure, to which others are not exposed.

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3. As Jack Katz has pointed out in a private communication, “Such laws reflect the fact that in a way large sections of our society are always under investigation for a crime.”
Among the most poignant and tragic examples of escalation are those that emerge from the application of the initial sanction. Prisoners, such as George Jackson, who are sent up at a young age for a short term, then who find their sentences continually lengthened because of their behavior in prison, are clear examples. According to one study, only 6 of 40 offenses punishable in one state prison would be misdemeanors or felonies if done outside (Barnes and Teeters, 1959, as cited in Lemert, 1972: 81). Similarly, violation of some of the regulations faced by those on parole or probation can send them to prison, but the same acts are not illegal when done by others.

For those not yet in prison, the need to meet bail and expensive legal fees can exert pressure to obtain such funds illegally. Clarence Darrow reported the case of a young thief who wanted the famous lawyer to defend him. Darrow asked if he had any money. The young man said, "No," and then with a smile said he thought he could raise some by that evening. An undercover narcotics detective (more taken by the seeming stupidity of those he arrests than of the system that generates their behavior) reports, "I even make buys again from guys who I've arrested and come right back out to make some fast bread for their expenses in court" (Schiano, 1974: 93). There seems to be the possibility of infinite regress here.

Escalation is of course only one form that the interdependence and reciprocal influences among rule breakers and enforcers can take. It is treated here because of its irony. A more common form is probably displacement (without a significant increase or decrease in infractions). Displacement may occur with respect to other types of rule breaking, rule breakers, victims, place and procedure (Repetto, 1975a).

Social control actions may unintentionally generate functional alternatives. The relationship between controllers and controlled may often be characterized as a movable equilibrium. As in sports or any competitive endeavor, new strategies, techniques and resources may give one side a temporary advantage, but the other side tends to find ways to neutralize, avoid or counter them. The action may become more sophisticated, practitioners more skilled, and the nature of the game may be altered—but the game does not stop. A saying among Hong Kong drug dealers in response to periodic clampdowns captures this nicely: "Shooting the singer is no way to stop the opera."

NONENFORCEMENT

In nonenforcement the contribution of authorities to deviance is more indirect than with escalation or covert facilitation. Rule breaking does not expand unintentionally and authorities do not set people up and covertly facilitate it. Instead, those involved in nonenforcement relationships (e.g., with police) may break rules partly because they believe they will not be appropriately sanctioned. Here we have an exchange relationship between police and offenders. Offenders perform services for police; in return they are allowed to break rules and may receive other benefits.

When it is organized and specialized, nonenforcement is the most difficult of the three forms of interdependence to identify empirically. As a strategy it is often illegal and is more likely to be hidden. One does not find conditions for its use spelled out in policy manuals. Indeed the opposite is more apt to be true. In prohibiting nonenforcement, training and policy guidelines often go to great lengths to point out its dangers. Police are sworn to uphold the law: not to do so may involve them in malfeasance, aiding and abetting a felon, compounded a felony, perjury, and a host of other violations. Some anticorruption policies are from one perspective antinenforcement policies. They seek to create conditions that will work against collusive nonenforcement relations; at the same time the realities of the police job are such that it emerges as a major fact of police life.
Obtaining reliable information on this process is difficult. Police sometimes deny its existence and almost always deny its possible criminogenic implications, while their critics may exaggerate them. The existence of nonenforcement cannot be denied, although given the absence of systematic research, there is much room for disagreement about its extensiveness and its net consequences.\(^4\) My purpose here is to analyze it as an ideal-typical category which sometimes has crime-generative effects.

Nonenforcement may literally involve taking no enforcement action, passing on information regarding police and criminal activities (including tips on raids), using improper procedures that will not stand up in court, offering ineffective testimony, helping a person facing charges to obtain leniency, giving gifts of contraband, and taking enforcement action against competitors. While there is sometimes overlap, we can differentiate “self-interested nonenforcement” involving traditional police corruption from “principled nonenforcement”—of most interest here—where police actions are thought to serve broader organizational goals.\(^5\) Nonenforcement or leniency can be an important resource that authorities offer to those engaged in rule breaking whose cooperation they need. It is protected by the legitimate discretion in the police role and the United States’ comparatively high standards of proof and rules of evidence required for conviction.

Police may adopt a policy of nonenforcement with respect to 1) informants who give them information about the law breaking of others and/or help in facilitating the controlled commission of a crime; 2) vice entrepreneurs who agree to keep their own illegal behavior within agreed upon bounds; 3) individuals who either directly regulate the behavior of others using resources police lack or means they are denied, or who take actions desired by authorities but considered too politically risky for them to undertake.

A former director of the FBI states, “Without informants we’re nothing” (New York Times, April 16, 1974). The informant system, central to many types of law enforcement, is a major source of nonenforcement. Informants can offer police a means of getting information and making arrests that cannot come from other sources, given strictures against electronic surveillance, search and seizure, coercion, and the difficulty of infiltration. In return the system can work to the advantage of rule breakers. In the words of an FBI agent known for his ability to cultivate informants among those in organized crime:

> They [informants] worked with agents because it was profitable for them: They avoided prison, got reduced sentences or parole for friends and relatives, maybe enjoyed some revenge against guys who had betrayed them, and picked up informer fees and some very substantial sums in the way of rewards paid by insurance companies delighted to refund five percent in return for saving the ninety-five percent liability (Villano, 1977: 103).

The system can be used by both police and informants as a form of institutionalized blackmail. Potentially damaging action such as arrest or denouncement of someone as an informant or offender is withheld as long as the cooperation sought is forthcoming.

The tables can also get turned, as the informant manipulates the control agent into corrupt activities (or merely acquiesces in the agent’s desire for these). For example, in the case of drugs, the exchange of immunity or drugs for information can, in a series of incremental changes, lead to

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4. Estimates of how widespread this is vary. A knowledgeable crime reporter (Plate, 1975: 103) observes, “The number of criminals actually licensed by police to make a living in this way is quite extraordinary.” According to one estimate, 50 percent of those arrested by the old Federal Bureau of Narcotics were converted into “specialized employees” (McIntyre, 1967: 10–13).

5. Here we ignore the many other sources of nonenforcement such as lack of resources, intimidation, bureaucratic timidity, lack of belief in the rule, or compassion, as well as the suspension of law enforcement in order to have something to hold over a person should the need arise later.
joint marketing and other criminal ventures (Commission, 1972). The nonenforcement may become mutual and the balance of power shift. The informant not only controls the flow of information but could even threaten exposure, which may entail greater risk for the police officer than for the drug dealer (Moore, 1977; Karchmer, 1979).

Where the informant is involved in the controlled commission of a crime, social control actions may generate rule breaking in two ways. Criminogenic effects may be present because police ignore illegal activities of the informant. But they may also be present because informants covertly facilitate the rule breaking of others. Informants facing charges or desiring drugs, for example, may have strong incentives to facilitate others’ deviance.6

Louis Tackwood, an informant for the Los Angeles Police Department for ten years, worked first in traditional crime and later in radical politics. He appears to have committed numerous crimes, yet never to have been sentenced. He recalls:

I never worried about getting caught. It was the idea of the money, the free crime. Here's a cat, a person, who like me has been successful in forming several organizations for crime. Here are the police officers telling me, hey, we want you to work for us. Two things went through my mind then—money and I got a free hand to do anything I want to do (Citizens Committee and Tackwood, 1973: 24).

In more muted terms, a former commander of detectives in Chicago hints at how the informant system in a context of secrecy and specialization may work at cross-purposes:

The burglary detectives may be inclined to “pass” a junkie with a small amount of drugs if he can turn up stolen property, while the narco squad will forget a few nickel and dime burglaries in return for cooperation in apprehending a major peddler. Homicide investigators looking for information on a murder will view a busy prostitute only as a source of information (Reppetto, 1976b).

People often become informants while in jail, or facing arrest. Sentencing may be deferred for a period of time while the informant “works off” the charges (for example, see Cloyd, 1979). In some police circles this is known as “flipping” or “turning” a man. With respect to drug enforcement, in some cities a point system is used whereby the informant receives one point for each marijuana purchase and two points for the purchase of harder drugs. If the informant earns a fixed number of points, such as ten, charges will be dropped. There is no doubt considerable variation among departments and within. Accounts such as that offered by Tackwood are perhaps best treated as ideal-typical illustrations.

The practice of police foregoing prosecution in return for information is more common than granting the informant a wild license to burglarize. Even here, the prior knowledge that one may be able to trade information for leniency can be conducive to law violations. Individuals sometimes manage to avoid arrest by falsely claiming that they are informants.

The exchange system is most highly developed for drugs. Something of a de facto license to deal may be offered (“you don't look too close at him”). To be useful the informant must be close to or involved in capering. In commenting on large transactions a detective observes, “Any junk dealer that you work with as an informant is moving junk when you're working with him. It has to be. You can't waste time chasing after some churchgoing Mary. If he's selling onions, what's he gonna tell you? The only way he can know what's coming down is if he's doing business.” In this case the arrangement was “one for three.” “For every load he gives you, he moves three.” The ra-

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6. A narcotics agent critical of this practice notes:
They put such pressure on the informant that, in effect, you've got him by the nuts. That's even what they call it, “the nut,” working off the nut, or the violation. The pressure [on the informant] is so great he'll manufacture information, make up some to get off the hook. It's just a perfect example of how law enforcement is maintaining the problem (Browning, 1976).
tionale is clearly stated (Grosso and Rosenberg, 1979: 55): “If he gives us one, it’s one we wouldn’t have had otherwise, right?”

The system occasionally is reproduced as a means of internal control. The Knapp Commission (1972) in New York offered leniency to corrupt police in return for their cooperation in catching other police. See Shecter and Phillips (1974), Daley (1978), and Grosso and Rosenberg (1979) for some of the ambiguities surrounding this procedure.

Certain occupational categories such as the fence have historically involved the informant’s role (Klockars, 1974). The fence may offer information to the police, can return stolen goods—and in the case of thief takers, such as Jonathan Wild, even directly apprehend thieves, while receiving a degree of immunity and police help in regulating their clientele and employees.

The major vice control strategy at the turn of the century was one of containment, and it is still important. In what would only seem a contradiction to the outside observer, late nineteenth century police in many cities had written rules governing how houses of prostitution and gambling were to be run, though these were clearly illegal. Some vice entrepreneurs took pride in the honest quality of the services they provided. They very extensive Lexow hearings (Senate Committee, 1895) on the New York police show how they systematically licensed gambling, prostitution and police activities (Steffens, 1957, offers a classic discussion).

In return for noninterference from police (often further bought by the payment of bribes), vice entrepreneurs may agree to engage in self-policing and operate with relative honesty (i.e., run orderly disorderly houses), restrict their activities to one type of vice, stay in a given geographical area, and run low-visibility operations. By favoring certain vice operators and cooperating with them to keep others out, police may introduce a degree of control and stability into what would otherwise be a chaotic cutthroat situation. Establishing a peaceful racket organization may also be seen as a way of not alienating a local community that demands vice activities (Whyte, 1967). The goal becomes compromises reached through negotiation and regulation, rather than elimination of the activity.

Instead of being offered as a reward for self-regulation, nonenforcement may also be extended for regulating others. The literature on prisons gives many examples of the role selected prisoners play in maintaining order. Concessions, some clearly illegal, may be given to key prisoners in return for their regulating the behavior of others through questionable means (Sykes, 1958; Cloward et al., 1960).

These represent cases where full control is technically impossible. Authorities need the continuing support of at least some of those they wish to control, and they are willing to pay a price for it. In other cases authorities may be capable of repressive action but prefer to delegate it because it is seen as too risky for them to undertake directly. For example, in 1963 the FBI experienced strong pressure to find the killer of civil rights leader Medgar Evers. They had learned the names of some of those involved and had the murder weapon, but could not obtain evidence on who fired the shot. Under FBI direction, an active burglar and fence kidnapped and threatened to kill a key figure in the plot, and was able to obtain a signed statement identifying the murderer. In return, the cooperative burglar was “the beneficiary of the best the Bureau could do for him” —he avoided a long prison sentence for armed robbery and kept $800 in cash stolen from the man’s wallet (Villano, 1977).

Vigilante-type groups offer another example. Police may look the other way and essentially delegate certain enforcement rights to a group that wishes to take action that police might like to take but are unwilling to. The summary justice of the southern lynch mob, and group violence against blacks, were often conspicuous because of the lack of a restraining police presence. Until recently in many areas of the South, police (when not themselves members) ignored or gave encouragement to the Klan. The weak, if not openly supportive, attitude of many southern leaders
in the face of discrimination and white violence significantly encouraged the Klan. This greatly hampered the federal effort to enforce civil rights laws and protect civil rights workers. With respect to traditional offenses, it has been claimed that in some urban minority areas police have been less than diligent in investigating the murders of drug pushers supposedly carried out by vigilantes seeking to rid their communities of pushers.

Still another type of nonenforcement can originate in some criminals' possession of unique skills, or even in their having the same enemies as authorities do. The fact that organized crime and the United States government have had some common enemies (Mussolini in Italy, and Castro in Cuba) has sometimes led to cooperation between them. In Italy local mafiosi were active in the underground and provided the Allies with intelligence for the invasion of Sicily. As the Allies then moved on to the Italian mainland, anti-Fascist mafia were appointed to important positions in many towns and villages. The French liner *Normandie* was burned in New York, just before it was to become an Allied troop ship. Following this incident, the government sought the aid of mob-controlled longshoremen, truckers and guards as help against waterfront sabotage and infiltration during World War II. Help was received from Joe (Socks) Lanza on the East Side and Lucky Luciano on the West Side. Just what the government offered in return is less clear, although Luciano's cooperation won him, at the least, a transfer to more comfortable prison quarters near Albany (Talese, 1972: 206).

Recent reports of connections between the CIA and the underworld may simply be the continuation of an old American tradition. The CIA with its "executive action program" designed to "eliminate the effectiveness of foreign leaders" also delegated some of its dirty work (such as assassination efforts directed against Castro and Lumumba) to underworld figures. In Castro's case organized crime figures were thought to have "expertise and contacts not available to law-abiding citizens." They also had a motive which it was thought would take attention away from sponsorship of the U.S. government. According to one estimate (Schlesinger, 1978), Castro's coming to power cost organized crime $100 million a year. Outsiders were used by the CIA to avoid having "an Agency person or government person get caught" (Select Committee, 1975: 74).

A former bank robber and forger involved in the unsuccessful plot to assassinate Lumumba was given plastic surgery and a toupee by the CIA before being sent to the Congo. This man was recommended by the Chief of the CIA's Africa Division as a "field operative" because "if he is given an assignment which may be morally wrong in the eyes of the world, but necessary because his case officer ordered him to carry it out, then is right, and he will dutifully undertake appropriate action for its execution without pangs of conscience. In a word, he can rationalize all actions" (Select Committee, 1975: 46). It appears that in extreme cases one crucial element which agents of social control may obtain in such exchange relationships is a psychopathic personality not inhibited by conventional moral restraints.

In a related example in Indochina, the U.S. took over the French policy of ignoring (or even encouraging) the growing of and trafficking in opium, in return for anticommunist activities. According to McCoy (1972), the CIA provided planes and military equipment used by Laotian Hill tribes to ship opium to Saigon, where it was then processed into heroin (see also Chambliss, 1977).

Still another type of strategic nonenforcement, one not involving exchanges, happens when authorities fail to take action about a violation they know is planned, or in progress, until the violation is carried out. This permits arrest quotas to be met and can lead to heavier charges, 7. A more cynical interpretation is that Luciano actually arranged for the destruction of the *Normandie* as the prelude for his subsequently exchanging mob protection against future "foreign" sabotage (Gosch and Hammer, 1975).
greater leverage in negotiations, better evidence, and a higher level of offender arrest. For example, an experienced cocaine smuggler, who could easily identify “amateurs” in the business, argues that federal agents always waited for such persons to be arrested before talking to them. He notes:

Rather than walk up to someone obviously headed for trouble—where they might flash a badge and say, ‘Get smart, kid, it's not going to work’—they will, as a matter of policy, allow him to risk his life with the local heavies, get a few snorts of pure, and walk into jail at the airport back home. Why prevent smuggling when you can punish it—isn’t that what jails are for (Sabbag, 1977: 120)?

Where present, a conflict between police goals of prevention and apprehension is likely to be resolved in favor of the latter.

**COVERT FACILITATION**

The passive nonenforcement involving exchange relationships described above can be differentiated from a more active surreptitious role authorities may play as they (or their agents) directly enter into situations in order to facilitate rule breaking by others. The rule breaking that emerges from nonenforcement may be seen by authorities as an undesirable if perhaps necessary side-effect. In the case of covert facilitation, authorities consciously seek to encourage rule breaking: getting some one to break the rule is the major goal. Both law and internal policy are often favorable to police facilitation of crime. This is a very old phenomenon. Eve, after all, was set up by the serpent. In the Bible she says, “The serpent beguiled me and I did eat.” Indicating awareness of the paradoxical (provocative yet lawful) nature of the tactic, some police describe it as lawful entrapment. A not atypical policy manual of one police department contains a section on “permissible tactics for arranging the controlled commission of an offense.” Police are told that they or their agents under appropriate conditions may:

- A) affirmatively suggest the commission of the offense to the subject;
- B) attempt to form a relationship with the subject of sufficient closeness to overcome the subject’s possible apprehension over his trustworthiness;
- C) offer the subject more than one opportunity to commit the offense;
- D) create a continuing opportunity for the subject to commit the offense;
- E) minimize the possibility of being apprehended for committing the offense.

For the purposes of this paper we identify at least three types of covert facilitation:

1) disguised police or their agents cooperating with others in illegal actions;
2) police secretly generating opportunities for rule breaking without being coconspirators;
3) police secretly generating motives for rule breaking without being coconspirators.

With respect to the “controlled commission of an offense,” police or their agents may enter into relationships with those who don’t know that they are police, to buy or sell illegal goods and services or to victimize others. The former is the most common. Agents of social control may purchase or sell drugs, pose as tourists seeking prostitutes, as prostitutes seeking customers, or as homosexuals seeking partners. They may pose as fences buying or selling stolen goods, as hit men taking a contract, as criminals trying to bribe prosecutors, and as entrepreneurs running pornographic bookstores. They may join groups that are (or become) involved in car theft, burglary or robbery. They may infiltrate political groups thought to be dangerous. The last decade reveals many examples of covert facilitation as authorities responded to widespread protest (Marx, 1974).

Both of the two other types of covert facilitation (deceptively creating opportunity structures or motives but without collusion) have a “give-them-enough-rope” quality. Police activity here is
more passive and the deception is of a different order from that involved in the “controlled com-
mission of an offense.” Police do not directly enter into criminal conspiracies with their targets,
and charges of entrapment would not be supported—but they do attempt to structure the world
in such a way that violations are made more likely.

The use of decoys to draw street crime is a major form of police creation of opportunity struc-
tures. Police anticrime squads, increasingly in vogue, may disguise their members as old women,
clerics, derelicts, tennis players and bike riders; they may use attractive police women in civilian
clothes to induce robbery and assault, with other police watching from close by (Halper and Ku,
1976). Private guards posing as inattentive customers paying for small purchases with large bills
routinely test cashier honesty. Plainclothed “security inspectors” may test employee vigilance by
seeing if they can get away with shoplifting. There is almost no limit to the variety of attractive
opportunities for property theft that can be generated. Other examples include leaving packages
in a watched unmarked decoy car with its windows open, leaving expensive skis (which, when
moved, emit an electronic signal audible only to guards) in a conspicuous place at ski resorts,
and opening crates of expensive merchandise at airport storage terminals and dusting them with an in-
visible powder that can be seen only by an ultraviolet light machine that employees pass as they
leave work (Marx, 1980).

Covert facilitation involving the creation of motives can be seen in many counterintelligence
activities. Here the goal may be disruption and subversion (rather than strictly law enforcement).
In “dirty tricks” campaigns, police may take clandestine actions in the hope of provoking fac-
tionalism and violence. In one extreme example, an FBI agent in Tucson, Arizona, instigated a
series of bombings of a Mafia home and a business to encourage fighting among rival organized
crime groups (Talese, 1972). In one of the more bizarre cases of the last decade, the FBI, in
“Operation Hoodwink,” sought to encourage conflict between the Communist Party and
elements in organized crime (Donner, 1976). The FBI was also responsible for burning cars of lef-
tist activists so that it appeared to be done by rival political groups (New York Times, July 11,
1976). Undercover agents operating on opposing sides apparently played an important role in the
violent split that occurred between the Huey Newton and Eldridge Cleaver factions of the Black
Panthers. Perhaps more common are efforts to make it appear than an individual involved in
criminal or radical politics is an informant, by planting information or contriving leaks. The “in-
formant” may then be subject to possible retaliatory violence. This may be done by a genuine in-
formant as part of a strategy of subversion or to cast blame elsewhere if arrests are to be made
where it will be obvious that an informant was present (Schiano and Burton, 1974; Villano,
1977).

Some of the trickery of uniformed police might also be classified here. In the following extreme
example from Wambaugh (1975: 47), the power of the police office is used to generate a motive.
A black bar known for heavy-drinking patrons is staked out. The plan is:

...to find a drunk sleeping in his car in the parking lot at the rear and wake him gently telling him that he
had better go home and sleep it off. Then they would wait down the street in the darkness and arrest the
grateful motorist for drunk driving as he passed by.8

In a version of turnabout as fair play (at least to reform police executives), covert facilitation
may also be turned inward in efforts to deal with corrupt police and assess police honesty. Tactics
recently used by the New York City police include: planting illegally parked cars with money in
them to see if police tow truck operators would steal it; planting “lost” wallets near randomly
selected police to see if they would be turned in intact; offering bribes to arresting officers; put-

8. This is mentioned because of its analytic significance. Far more common is the reverse: monitoring bars as
they close and encouraging drunks not to drive, or even arranging transportation for them.
ting through a contrived “open door” call to an apartment where marked money was prominently displayed to see if two officers under suspicion would steal it (they did); establishing phoney gambling operations to see if police sought protection money; and having an undercover officer pose as a pusher to see if other undercover narcotics agents paid out the full amount of “buy” money they claimed (New York Times, November 29, 1972 and December 28, 1973; Sherman, 1978).

Government lawyers, judges and congressmen may also be targets of such tactics. Thus Sante A. Bario, a federal drug agent, posed as Salvatore Barone, a Las Vegas underworld figure, and was “arrested” in a Queens bar for carrying two loaded pistols. He then offered an assistant district attorney under suspicion $15,000 and the “charges” were dismissed (as was the assistant D.A.; Lardner, 1977); Operation Abscam, part of a federal bribery investigation, involved undercover agents posing as Arab sheiks who offered money to congressmen in return for favors (New York Times, Feb. 4, 1980).

For convenience we have thus far treated three types of interdependence as if they were distinct empirically as well as analytically. However, there are deviance and social control situations in which each or several are present—or where they merge or may be temporally linked. One of the things rule breakers may offer to police in return for nonenforcement is aid in covertly facilitating someone else’s rule breaking. The arrest that emerges out of this can involve escalation. For example, a drug informant’s petty theft may be ignored (nonenforcement) in return for his making controlled buys (covert facilitation). The arrest growing out of this may lead to additional charges if the suspect is involved in a high-speed chase and fights with the arresting officers after they call him a name. Escalation may lead to a later policy of nonenforcement in those situations where authorities perceive that their intervention would in fact only make matters worse.9 Stepped-up enforcement may also lead to nonenforcement by increasing opportunities for police corruption.

SOME SOURCES OF ESCALATION, COVERT FACILITATION, AND NONENFORCEMENT

Escalation

We have considered three concepts useful in analyzing the interdependence of rule enforcers and rule breakers. Because the contribution of social control to rule breaking does not occur randomly, we now need to consider some conditions associated with it—first at the situational, then at the societal level. Considering escalation first, three sources are examined: a) lack of expertise, b) self-fulfilling prophecies, and c) sanctions which increase gains.

Lack of expertise is an important source of escalation quite evident in practical police policy. For example, hotheads, novices, alcoholics, and the very prejudiced may be given assignments in quiet suburbs, assigned desk jobs, or even disarmed to avoid their creating big incidents out of little ones. Current police training efforts increasingly deal directly with how to avoid escalation. Bard’s (1971) experimental program in New York City indicated that police trained in techniques of interpersonal conflict resolution are involved in fewer injuries and arrests in family-conflict situations. One factor in the reduced number of civil disorders in the 1970s was a more restrained and tactically sophisticated police response. Policies limiting conditions under which high-speed chases may occur have reduced their often tragic and unnecessary side effects.

9. In the case of civil disorders, however, underreaction as part of a policy of nonenforcement can have the unintended consequence of encouraging the spread of disorder. The three largest civil disorders of the 1960s (Watts, Newark and Detroit) were all characterized by an initial period of police underreaction. Given the infraction-generating potential of both over- and underreaction, police often find themselves criticized no matter how they respond, and policies are cyclical.
The self-fulfilling prophecy (Merton, 1957; Henshel, 1978) is another source of escalation. It is a mechanism which can help resolve labeling theory’s failure to integrate putative and actual deviation. The appearance of deviant behavior can stem from the “self-fulfillment” of initially erroneous beliefs held by authorities about a group or an individual. Beliefs about the unreliability and dishonesty of drug addicts or ex-convicts may reduce their chances for legitimate employment and be a factor in their turning to illegitimate activities. Believing the physically handicapped to be more unfit than they are can lead such persons to increased dependence and incapacitation (Scott, 1969). Treating mental patients as if they were crazy may drive them to act crazy (Goffman, 1961). Requiring people to acknowledge that they are sick or deviant as a condition for being rehabilitated may help create such an identity. Believing that a reform group is violent and revolutionary, and treating it as such, can make it become so. This was partly the case with the Black Panthers. Beliefs that a riot is imminent may lead to preparatory actions that help provoke it. In Jersey City, for example (following the Newark riot), 400 armed police occupied the black area several days before any disorder occurred. A 1969 study by Wanderer found a positive correlation between whether or not a city had a riot contingency plan and whether or not it subsequently had a riot; while the order of causation is unclear, this is at least suggestive.

To the extent that escalation is a function of lack of training or of self-fulfilling prophecies, the broad historical trend toward professionalization of police would imply a reduction of escalation effects. One can hypothesize that the more qualified and better trained police personnel are, and the more self-evaluative an organization is, the lesser the escalation effects. The same mechanism might even be used more extensively in a deflationary way, issues of deception aside.10

Yet matters are not so simple. The preceding inference would seem to hold only for what we can call “sloppy escalation effects” and in circumstances where police intervention is seen as legitimate. In such cases the escalatory consequences that emerge are incidental to the initial rule-breaking goal and generally tend to be desired by neither rule breakers nor enforcers. Further, the application of the sanction is unrelated to the gains from the rule breaking. In cases where the sanction increases the gains or where the demand for rule breaking remains strong regardless of its increased cost, escalation effects may be present regardless of the skill or insight of the intervenor.

Where there are secondary gains from the threat or actuality of sanctioning, punishment may not deter. Here social control can be a factor directly generating infractions. Prohibiting something can make it more attractive for those with rebellious needs or in search of excitement and “kicks.” The public sanctioning of behavior which may be gratifying can arouse curiosity and communicate that others are engaging in it. Siever (forthcoming) refers to this as the “enticement or forbidden fruit effect.”

In some cases rule breakers seem to want the sanction or things associated with it. The tendency for the population of public institutions to rise during winter has often been noted. Time spent in a mental hospital may be a way of avoiding other problems such as employment failure or divorce; the sick role may provide protection and exemption from normal responsibilities (Waitzkin, 1971). There are also those who violate rules and leave obvious clues because they want to be punished. Getting into trouble may be a way for delinquents to maintain peer esteem (Short and Strodtbeck, 1965). Arrest as the result of civil disobedience (e.g., Ghandi and Martin Luther King) can be a means of publicizing a cause and bearing moral witness. In highly ideological settings, even where the sanction may not be desired, it may have the effect of increasing ingroup solidarity and resolve.

10. For example, Levin (1971) suggests that positive labeling and experimenter effects might increase the success rate of probation programs.
Where the motivation to rule breaking and the demand for illegal goods and services are strong, enforcement effects can create what Packer (1968) calls a crime tariff. Here the effort to ban an activity for which there is demand increases the risk but also the gain to those who choose to be involved in it. Cost and benefit exist in an equilibrium not found in other situations. Classical deterrence theory assumes that increasing the penalty will decrease the activity. This does often hold when the rule-breaking decision flows from rational calculation and the potential gain from the deviance remains constant. For example, more severe mandatory sentences for armed robbery increases the cost of this activity, without increasing the gain from it. But where increasing the cost means a concomitant increase in the gain, as with drug sales, deterrence is much less likely. Because demand is strong, buyers are willing to accept price increases associated with the increased risk of providing the goods or service. In the case of many drug buyers, the increased cost may mean increased theft. Through strong enforcement efforts authorities can help create greater profits (apparently often of a monopoly nature) for those suppliers in a position to assume greater risks. Escalation thus is inherent in control situations where the cost of the sanction is positively correlated with the benefit from the rule breaking.

**Covert Facilitation and Nonenforcement**

Nonenforcement and covert facilitation are often reciprocally linked. Nonenforcement is a major resource that authorities offer for information and facilitation. As such they may share some common sources. Four relevant factors are:

a) the character of the rule violation;
b) the extent of pressure to solve a given crime or crime pattern;
c) the extent to which agents of social control have personal incentives for actively discovering and processing crime and criminals;
d) the extent to which the organization attempts to demonstrate its corporate effectiveness publicly.

Such tactics are the major enforcement means against consensual crimes. But they are also to be found where violations are seemingly immune from reactive investigations for reasons other than the absence of a complainant. For example, such immunity may come from the secrecy surrounding the violation, or from the violator's skill, ability to intimidate witnesses, or ties to other authorities.

These tactics are more likely to be used in cases where authorities are under strong pressure to deal with a particular crime pattern or to apprehend a given individual they "know" to be guilty but have been unable to convict using conventional after-the-fact investigative means. When agents go beyond formal procedures and a popular sense of fair play, they offer an example of "good people and dirty work" (Hughes, 1962).

The horrendous nature of a crime, or the gravity of a threat thought to be posed by individuals or a group, may be seen as so great as to justify almost any degree of facilitation or nonenforcement in return. Authorities may impute a sense of regrettable inevitability to their use of such tactics. In a Klan case (in Meridan, Mississippi), many churches and synagogues had been bombed. FBI agents were certain that two particular Klan members were responsible, but lacked evidence to bring them to trial. The FBI and local police were involved in the payment of $36,500 to two members of the White Knights of the Ku Klux Klan who arranged for the two wanted Klansmen to bomb a Jewish businessman's home. The trap was set; one of the Klansmen was killed and the other arrested in the unsuccessful attempt; the wave of bombings came to an abrupt halt. The detective involved in the case reports:
There is never a good way to handle a case of this type, but this one was handled in the only way possible. ... I sincerely hope you will see and understand my position (Los Angeles Times, February 13, 1970).

Nonenforcement without covert facilitation is likely to be found in situations where there is an ongoing need for control, but where an adequate level of control is impossible or too costly if authorities restrict themselves to formally allowable means and resources. One such situation involves involuntary total institutions where inmates are capable of organizing. The situation where a community is ambivalent or even favorable towards a prohibited activity for which a strong continuing demand is present (alcohol, gambling or prostitution) is another.

In adopting what is essentially a half-a-loaf viewpoint, authorities assume that their informal licensing relationships with purveyors of vice, or the delegation of authority to convict leaders, provide a degree of order or a level of conformity not otherwise obtainable. The rationale involves a weighing of means and ends, and the belief that on balance more good than harm comes from such activities.

Reward, promotion, and performance-evaluation systems can be conducive to covert facilitation and nonenforcement. Whether as part of a piece rate or quota system, positive incentives to police for making arrests can encourage diligence and harder work. They may lead to the apprehension of a larger proportion of those who violate the laws that authorities are concerned with enforcing. This is presumably the intended consequence of such tactics. On the other hand, such reward systems may have unintended consequences and be conducive to something more than merely apprehending a larger proportion of law breakers according to formal procedures. Zeal for the reward may mean covert facilitation and redefining and tightening of boundaries as authorities seek to process more rule breaking.

As police departments become more professional and more bureaucratic, there is an increased concern with record keeping and an emphasis on productivity. Quantitative indicators have become more important for individual performance evaluation and as factors in promotion. In many departments production rates for patrolmen were established for things such as the number of traffic tickets written, arrests made, field interrogations cards filled out, and stolen cars identified; for detectives, rates were set for crimes cleared by arrest, percent convicted, and the quantity of stolen property or contraband seized. A distorted "body count" system emerged. The emphasis tended to be on a mechanistic tabulation of "how much" or "how many," rather than on the quality of the production process through which the rates were produced or on the nature of the product.

When the police organization's system of performance evaluation, reward and promotion emphasizes quantitatively measured productivity (as tends to be the case in more professional and

11. The sensitive participant may still have doubts. An FBI agent immeshed in nonenforcement relationships comments:

The longer I worked with my sources the more complex our relationships became. All the time that I worked with Billeti [an informant in organized crime] I had to reassure myself that our relationship was not the ultimate perversion of the whole law enforcement idea. In my mind, what we did was justified on the grounds of the greatest good. I knew that I was perpetuating the career of a criminal, but I believed that the information Billeti gave us was worth much more than what he managed to steal. It was a case of two steps forward and one step back (Villano, 1978: 107).

12. Though there are many historical examples as well: "common informers," "blood money" and "thief takers" in England; the reward and fee system on the Western frontier; and the system of "compromises" used by urban detectives in the latter part of the 19th century (Klaghorn, 1923; Pringle, 1958; Howson, 1970; Richardson, 1970; Prassel, 1972). Thorwald notes:

Thief-takers lured young people into crime, then dragged them into court for the price upon their head. They publicly offered to get back stolen goods in return for a reward commensurate with the value of the goods. The reward, of course, was divided with the thieves — unless the thief-taker himself had committed the theft, which was frequently the case (1964:36).
bureaucratized departments), there may be a strong incentive for police facilitation of crime to meet monthly quotas, and to gain promotions or other rewards. Police have personal incentives for making arrests beyond the desire to serve the organization's goals. Goal displacement occurs (Merton, 1940; Blau, 1955). Deception with respect to productivity can also ease the way to its use in corruption. In commenting on distortions growing out of a new promotion system in New York, Frank Serpico notes:

Police are given points on the promotion exam, depending on how many medals you have. So cops want to blow every arrest all out of proportion, trying to get medals, so they can get points, and get ahead. What this leads to is police activity being geared to personal advancement. Their performance of duty is inspired by how many points they can get toward the promotion exam. The men stop performing as civil servants and begin performing as robots in a system of examinations to get continual increases in their pay. Too often misbehavior is concocted in the mind of the policemen (Village Voice, February 3, 1975).

In most departments promotion to detective is not based on competitive exams. Aggressive performance in undercover work may earn promotion to detective or at least the right to continue on special assignments. The literature is filled with references to police using arrests as a means of supplementing their income (e.g., Rubenstein, 1973; Holdaway, 1977).

Covert facilitation can be an attractive strategy for those in a position to use it, such as detectives, those on anticrime squads, and those involved in undercover work. Uniformed patrolmen, through subtle provocation, may also gain in the arrest benefits it brings—for example, through getting overtime pay for court appearances and having the larger number of arrests as a positive factor in promotions and job assignments.13

The emphasis on productivity may indicate the organization's corporate interest in showing its effectiveness or the magnitude of the problems it must deal with. Manning (1977), for example, argues that much of police work involves dramatizing the appearance of an ever-elusive control. This may result in pressures on individuals to “produce” and lead to facilitation and redefinition of illegal activity. Such pressure may derive from the bureaucracy's need to perpetuate and justify itself, from internal or external competition, or from the desire of an agency to expand its resources and influence.

J. Edgar Hoover was a master of such procedures through his manipulation of the threat of political dissent. At one point it was estimated that about a fifth of the members of the American Communist Party were working for the FBI (Levine, 1962). Of the five people running the party in the early 1960s, three were reportedly informants (Villano, 1977). A former FBI agent observed, “Enemies of the public were created to justify the Bureau's role as defender of the 'National Security.' . . . To each slanderous name-calling or alarmist leak to the press, Hoover added a soft-spoken if tendentious appeal to Congress for more money and additional personnel” (Wall, 1972: 18). Such actions aided Hoover in his expansion of the FBI from less than a few hundred employees to 20,000, although the FBI had no explicit statutory authority for its intelligence-gathering activities.

For those in narcotics enforcement, the amount of contraband seized appears to be the equivalent of the number of subversives identified, when it comes to budget reviews and requests. Authorities may have an incentive for acting illegally and inflating their seizures and arrests (Commission, 1972; Pennsylvania Crime Commission, 1974). The Drug Enforcement Administration, for example, has measured its success by the kilos of heroin confiscated, as well as by

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13. I have been concerned here with conditions conducive to deviance amplification and do not mean to suggest that a voracious out-of-control criminal justice bureaucracy (or bureaucrat) hungrily looking for new cases is typical. The organizational environment can, of course, be structured in such a way that agents are hesitant to take action, or even find it rewarding not to. Indeed a common complaint among police supervisors is that patrolmen are too hesitant to act (Campbell, 1970; Cain, 1973; McCleary, 1977).
arrests. This can mean temptation to exaggerate the importance of minor arrests and to find smuggling conspiracies where none exist. For example, in a 1973 case two DEA informants were instructed to arrange for the shipment of a large package of heroin to the U.S. They recruited a buyer in the United States and a seller (to be paid in advance) in Asia, though no prosecution of either was planned. Rather, the drugs were to be seized and an arrest made only of the courier at the border (The New Republic, November 22, 1975).

SOCIETAL TRENDS

Apart from the situational factors, the impact of some broad societal trends should be noted. The opportunity for police-citizen encounters that can escalate has increased markedly as industrial society has become more complex and state control has increased. Laws have proliferated and much more is expected of police.

A more active interventionist ethos on the part of police, coupled with greater technical resources, increases opportunities for escalation. There is a more rapid police response to telephone calls from citizens, who, in turn, increasingly use police in conflict situations. In the past, citizens were less likely to treat disorder (e.g., family and barroom fights, loitering teenagers) as police matters, and when police were summoned, the incident was often over by the time they arrived. With response time now averaging under ten minutes, police are more likely to arrive in the middle of conflict situations. Robberies often used to be handled by detectives who, if they responded, did so after the fact. Now patrolmen in cars responding to silent alarms may appear while the crime is in progress, increasing the potential for shoot-outs and high-speed chases. Prompt arrival may of course prevent an incident from expanding. But depending on the nature of the intervention, it may have the reverse effect.

We may be experiencing a general shift away from some of the ideas central to the Anglo-American police tradition. The modern English police system which Robert Peel established in 1829 was to prevent crime by a uniformed visible 24-hour presence. As societal conditions have changed and as the deterrent effect of this visible and predictable police presence has been questioned, an alternative conception has gradually emerged. Previously, authorities tried to decrease the opportunity structures for crime through a uniformed police presence or, more recently, through “target hardening” approaches which involve an effort to create more secure physical structures and more education for crime prevention. Authorities now seek to selectively increase the opportunity structures for crime (“target weakening”), operating under controlled conditions with nonuniformed police. Proactive police strategies have become more prominent.

In this respect police may resemble the modern corporation which seeks not only to anticipate demand through market research, but to develop and manage that demand through advertising, solicitation, and more covert types of intervention. Galbraith’s (1968) discussion of such aspects of the modern corporation has parallels in undercover police practices (Graber, 1975). Secretly gathering information and facilitating crime under controlled conditions offers a degree of control over the “demand” for police services hardly possible with traditional reactive practices. Recent police undercover activities can be seen as an extension of the rationalization of crime control that began in the 19th century (Spitzer, 1979). Such activities extend the state’s power to punish and to gather information deeper into the social fabric. They are part of what Foucault (1977:220–221) calls the modern state’s “subtle calculated technology of subjection.”

If social control is becoming more specialized and technical, as well as more penetrating and intrusive, it is generally not becoming more coercive in a physical sense. Over the last several centuries our society appears to be experiencing a move away from (or at least a relative deemphasis on) coercive forms of social control.14 This includes efforts to restrict the conditions under which

14. To be sure, this move is uneven and in the short-run countretrends can be noted, such as current efforts to revive the death penalty and expand and lengthen incarceration.
police can use force; the redistributive practices of the welfare state; and efforts to structure the world through prior planning and manipulation so as to minimize the need for coercion—whether preventing violations, obtaining information, or making arrests. If Hobbes is correct that there are two basic forms of controlling others, force and fraud, then it is not surprising that a decrease in the former is accompanied by an increase in the latter. The deception of covert facilitation is an alternative to coercion.15

General cultural standards regarding the ethical implications of deception may also be less rigid. Deception as a means of information gathering and social control seems to be used increasingly not only by police and private detectives, but by social reformers, investigative journalists, and perhaps social scientists.

The increased police use of deception can be seen as a response to changes in the broader police environment, and as a functional alternative to reforms aimed at changing traditional police practices. Tighter court restrictions on electronic surveillance, search and seizure, broad arrest sweeps, and stressful and coercive interrogations appear to have increased police use of informants and covert facilitation. Court tolerance for extralegal techniques has decreased and police must build stronger cases in order to convict. For a variety of reasons, citizens may be less willing to testify than in the past. Having the police officer serve as a witness as a result of having been a decoy or undercover infiltrator is thought to avoid the excesses of after-the-fact investigations and to make convictions more likely.

On the other hand, countertrends can be noted. Thus the decline of the urban political machine has meant a decline in the often only barely concealed interdependence among politicians, the criminal justice system, and criminals providing vice. The ability of politicians to create nonenforcement appears to be weakened. Civil service job protection, police professionalization, and anticorruption campaigns (while having other unintended consequences) may, on balance, have increased police integrity.

Current efforts involving decriminalization, deregulation, diversion, and deinstitutionalization also may be significant here. All have emerged partly in response to the unintended consequences of previous enforcement efforts. To the extent that an anti-intervention ethos takes work away from social control agents, the types of interdependence considered here are less likely to appear.

In practice, however, alternative programs have often meant relocating rather then lessening social control activity (Cohen, 1979); they can also ironically increase it. Thus Rutherford and Bengur (1976) report that the expansion of community-based youth facilities has in general meant an increase in the total number of juveniles incarcerated.

Focusing on prevention permits casting a far wider and more open-ended net than does restricting control activities to cases where infraction actually occurs. The belief that diversion and deinstitutionalization are more benign than traditional responses can mean a greater willingness to use them. Minor rule breakers who would traditionally have avoided the criminal justice system may thus be caught up in it with the possibility of secondary deviance. This is the opposite of the tendency for the system to underuse strong and inflexible sanctions.

Efforts to formalize what were previously matters of informal discretion (as with the diversion of juveniles) can mean more, rather than fewer, cases because agents feel less free to take risks. With the formalization of diversion and screening, informal actions lose much of their invisibility. Cases that at one time might have been ignored may now be referred for formal action because the new procedures make control agents more accountable for serious misbehavior (should it appear) of those they divert from the system. The job placement, training, and counseling benefits of some diversion programs might even offer some people an incentive for rule breaking in order to be placed in such programs, particularly during times of high unemployment. The

15. Though to these two we should add persuasion and bargaining.
return to private profit-making social control systems, with their clear incentives for generating and managing deviant populations, may mean a return of some of the abuses that were conducive to the eighteenth and early nineteenth century move from private to public responses to crime (Spitzer and Scull, 1977).

Whatever the effect of such alternative policies and programs, new enforcement needs and laws continually emerge. I would argue that the factors conducive to covert facilitation and non-enforcement are growing stronger, although the reverse is probably true for factors conducive to sloppy escalation effects.

**IMPLICATIONS**

The literature on social control as an element necessary to understand deviance has primarily focused at the macrolevel on 1) the politics of law making and enforcement priority setting and (after a violation has occurred at the microlevel) on 2) discretion in the criminal justice system, and on 3) the consequences of being formally processed. As indicated here, a fourth area is the role of authorities in specific situations prior to or during the violation. This is important not only because it temporally falls between the origins of enforcement activity and the after-the-fact consequences of sanctioning, but because it is a major place in which to study deviance amplification.

There are, of course, many instances of rule breaking and conformity where the direct situational role of social control agents is unimportant. For those where it is a factor we have suggested three forms of interdependence: escalation, nonenforcement and covert facilitation. These certainly do not automatically transfer to deviance amplification. We need not adopt the fallacy (Hirschi, 1973) of assuming that good always causes evil, or evil good as in Mandeville’s (1972:13) fable about England, where “every part was full of vice, yet the whole mass a paradise,” to observe that this sometimes is the case. To note the ways in which authorities may be more than passive reactors to others’ deviance is not necessarily to argue that they are the major causal factor, that their facilitative tactics are immoral, illegal or used indiscriminately, or that authorities generate more rule breaking than they prevent. However, all such effects can happen, and this topic is of interest precisely because such tactics contain the potential for deviance amplification and hence represent cases of irony.

The perspective suggested here has implications for approaches to deviance beyond that of labeling. Some deviance theory stresses opportunity structures and victim behavior. Cloward and Ohlin (1960) have stressed the importance of illegitimate opportunity structures as provided by adult criminals for the behavior of juveniles. Von Hentig (1948), Wolfgang (1958), Schafer (1968) and Curtis (1974) have considered the symbiotic relationship that may exist between victims and criminals. The entrapment, encouragement, and facilitation of social control agents fit well with the victim-precipitated crime perspective, just as decoys, false fronts, and “buy” money for narcotics fit with the focus on illegitimate opportunity structures. The ideas and evidence considered in this paper suggest the need to broaden the conceptions of opportunity structure and victim-precipitated crime to the role that control agents themselves (rather than adult criminals or ordinary citizens) may play in generating illegitimate opportunities and contexts for victimization and in then encouraging would-be offenders to take advantage of them.

The concepts explored here might also usefully be applied at other levels and to other types of interdependence. We have considered these concepts—covert facilitation, nonenforcement and escalation—at the level of institutions whose formal charge is social control of the population at large. To what extent do they apply to social control within organizations or to small groups? It can be hypothesized, for example, that nonenforcement in the form of normalization is more common in primary groups and within organizations than at the societal level, while covert
facilitation is likely more common at the societal than at the other levels.\footnote{However, normalization also occurs at the community level, as when authorities define rule-breaking behavior as protest rather than crime or deviance (Turner, 1969). For a consideration of nonenforcement as a technique within organizations, see Katz (1977), and within small groups Dentler and Erickson (1959). At the primary group level the concepts of normalization and deviance disavowal show parallels (e.g., Davis, 1961; Goffman, 1963).} It can be hypothesized that the more we move from primary to secondary relations, the greater the significance of deception as an element of control. Within organizations, the use of nonenforcement will increase with increases in the dependence of social controllers on subordinates, including the greater the difficulty of replacing them.

Covert facilitation and escalation apply at many levels and go beyond efforts of formal societal control. They appear to be fundamental social processes inherent to contexts of strategic interaction and limited resources. At the primary group level, anyone who has connived to catch a child in an act of wrongdoing, offered leniency in return for good behavior, or punished the child by banishment to its room, only to have the room partly destroyed, is aware of this.

Interdependence and irony can also be approached at other than the situational level considered here. It can usefully be analyzed from the cultural and societal levels and within the career of the same person. At the cultural level, for example, to what extent (and why) is a dialectic present in which values and norms often seem to call forth their opposites (Durkheim, 1938; Merton, 1957; Matza and Sykes, 1961; Yinger, 1977)?

It is sometimes claimed that at the societal level American crime patterns are unique to capitalism. How does a capitalist economic system affect the presence of loan sharking, labor racketeering, consumer fraud, political corruption and a general rip-off mentality? What happens to crime patterns in countries such as Cuba that moved from capitalist to socialist? (Meyer Lansky and Juan Batista left Cuba on the same day.) What new patterns of interdependence and rule breaking are associated with centralized state planning and nationalization? Regardless of the type of economic system, as societies become more differentiated do potential victims become more vulnerable as a result of declining informal social control and a weakening sense of community?

At the individual level, the occasional occupational moves from outlaw to sheriff, delinquent to police officer, or the reverse, provide other opportunities for analyzing interdependence, as does the study of people who combine both roles at the same time. Some of the same skills, personality characteristics, and gratifications associated with being a successful deviant may also be associated with being a successful control agent, beyond the social and psychological factors conducive to a mixing or switching of the roles.

I have tried here to develop a sensitizing theoretical perspective and not to make empirical claims about specific events, and am mindful of the Yiddish proverb that “for instance is not proof.” The extent to which social control contributes to deviance ought to be approached as an empirical question and one likely to be conditioned by the variables we have discussed. Those doing research on the causes of deviance, as well as those in action settings, can only be helped by paying greater attention to the interdependent and generally dynamic nature of the relation between controller and controlled, as considered here, and to the secondary gains that may be occurring to both as a result of social control activity. I believe that the discussion here also illustrates and extends Lemert’s assertion that “social control must be taken as an independent vari-
able rather than as a constant, or merely reciprocal societal reaction to deviance” (Lemert, 1967: 18). Social control must also be considered as a cause of primary as well as secondary deviance.

Finally, there is much potential in the present sort of topic for analyzing the sociology of irony (Schneider, 1975; Brown, 1977). As Robert Merton (1957) has long argued, the study of latent and unintended consequences can provide major sociological insights. Sociologists often give ritual attention to such phenomenon, but have devoted remarkably little time to their systematic study. I think we are at risk in such neglect. It would appear that modern society increasingly generates ironic outcomes, whether iatrogenic effects in medicine (Illich, 1976), unintended consequences of new technologies and economic development, or the familiar sociological examples found in prisons or mental hospitals or in the “careers” of urban renewal and of various other efforts at social reform. An increase in ironic outcomes seems to stem from:

1) increased societal complexity and interdependence;
2) increased efforts at intervention (related to the expansion of professionalism and expertise and changing definitions of what constitutes an acceptable level of human misery).

The spread of an evaluation ethos and the development of new measurement and monitoring methodologies means that ironic outcomes are more likely to be discovered. Scientific and humanistic understanding, as well as better professional practice, require attention to paradox, deception, incongruity, trade-offs, and irony as central themes in modern life.

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