

INFORMATION TO USERS

This manuscript has been reproduced from the microfilm master. UMI films the text directly from the original or copy submitted. Thus, some thesis and dissertation copies are in typewriter face, while others may be from any type of computer printer.

The quality of this reproduction is dependent upon the quality of the copy submitted. Broken or indistinct print, colored or poor quality illustrations and photographs, print bleedthrough, substandard margins, and improper alignment can adversely affect reproduction.

In the unlikely event that the author did not send UMI a complete manuscript and there are missing pages, these will be noted. Also, if unauthorized copyright material had to be removed, a note will indicate the deletion.

Oversize materials (e.g., maps, drawings, charts) are reproduced by sectioning the original, beginning at the upper left-hand corner and continuing from left to right in equal sections with small overlaps.

Photographs included in the original manuscript have been reproduced xerographically in this copy. Higher quality 6" x 9" black and white photographic prints are available for any photographs or illustrations appearing in this copy for an additional charge. Contact UMI directly to order.

**Bell & Howell Information and Learning
300 North Zeeb Road, Ann Arbor, MI 48106-1346 USA
800-521-0600**

UMI[®]

THE MORAL STRUCTURE OF SOCIAL CONTROL

Stylianos Stylianou

**A dissertation submitted in partial fulfillment
of the requirements for the degree of**

Doctor of Philosophy

University of Washington

2000

Program Authorized to Offer Degree: Sociology

UMI Number: 9976063

UMI[®]

UMI Microform 9976063

Copyright 2000 by Bell & Howell Information and Learning Company.

**All rights reserved. This microform edition is protected against
unauthorized copying under Title 17, United States Code.**

**Bell & Howell Information and Learning Company
300 North Zeeb Road
P.O. Box 1346
Ann Arbor, MI 48106-1346**

In presenting this dissertation in partial fulfillment of the requirements for the Doctoral degree at the University of Washington, I agree that the Library shall make its copies freely available for inspection. I further agree that extensive copying of the dissertation is allowable only for scholarly purposes, consistent with "fair use" as prescribed in the U.S. Copyright Law. Requests for copying or reproduction of this dissertation may be referred to Bell and Howell Information and Learning, 300 North Zeeb Road, Ann Arbor, MI 48106-1346, to whom that author has granted "the right to reproduce and sell (a) copies of the manuscript in microform and/or (b) printed copies of the manuscript made from microform."

Signature STENISLAVSU'

Date 1 May 2000

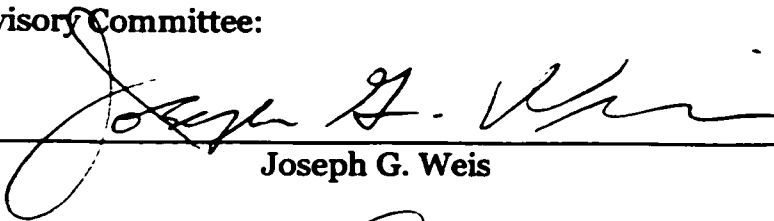
University of Washington
Graduate School

This is to certify that I have examined this copy of a doctoral dissertation by

Stylianos Stylianou

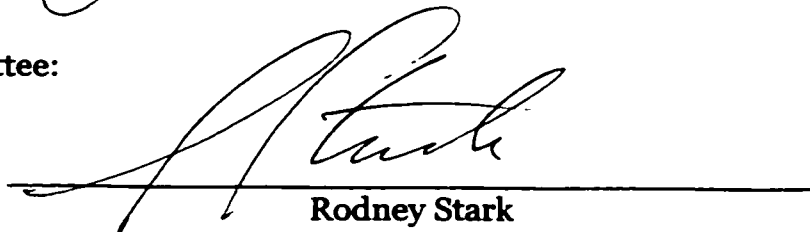
and have found that it is complete and satisfactory in all respects,
and that any and all revisions required by the final
examining committee have been made.

Chair of the Supervisory Committee:



Joseph G. Weis

Reading Committee:



Rodney Stark



George B. Bridges

Date: 20 April 2000

University of Washington

Abstract

The Moral Structure of Social Control

Stylianos Stylianou

**Chairperson of the Supervisory Committee:
Professor Joseph G. Weis
Department of Sociology**

Perceptions of crime seriousness have been studied since the 1960s. Characteristics of acts affecting these perceptions have been identified and the degree of agreement in seriousness judgements has been examined for a variety of behaviors. However, few attempts have been made to model perceived crime seriousness as a function of moral principles. The study of these principles resides in the philosophy of law, where libertarian, paternalistic, and moralistic doctrines have been advanced and debated. The extent to which legal philosophical discourse is reflected in the popular discourse on social control—a sociological question—remains largely unknown. In this study, I attempt a partial answer to this question in the substantive areas of drug use and sex. In particular, I model an alternative measure of seriousness perceptions (pleasure control attitudes) as a function of two components, perceptions of self-harm (representing paternalistic principles) and perceptions of immorality (representing moralistic principles). I test the corresponding hypotheses for six widely known drugs (alcohol, tobacco, cocaine, heroin, LSD, and marijuana) and for a variety of sexual behaviors (including incest, pre-marital sex, homosexuality, polygamy, bestiality, and commercial sex) using an electronic mail survey of a random sample of university students. Univariate analysis shows dissensus rather than consensus in the attitudes and perceptions of

participants and that, with the exception of marijuana, control attitudes toward drug use reflect the existing legal code. Multivariate analysis shows that perceptions of self-harm and perceptions of immorality are moderately to highly correlated for both drug use and sex and that pleasure control attitudes are strongly affected by both constructs. Furthermore, I explore the concepts and relationships under investigation using data from in-depth interviews with seventeen participants. I report additional evidence that pleasure control attitudes are shaped by paternalistic and moralistic reasoning. I also explore the perceived content of these concepts and the mechanisms underlying their relationships and I inductively specify a variety of conceptual elements and relational conditions. Finally, I outline theoretical implications of these findings.

TABLE OF CONTENTS

	Page
List of Figures	iii
List of Tables	iv
Chapter 1 Introduction	1
Chapter 2 The Normative Philosophy of Formal Social Control	11
A Introduction	11
B Libertarianism	15
C Liberalism/Paternalism	19
D Moralism	22
Chapter 3 Perceptions of Crime Seriousness	30
A Is “Crime Seriousness” a Serious Concept?	30
B Conceptions of Crime Seriousness: Aggregate and Individual Act Levels	32
C Conceptualization: Dimensions of Seriousness	35
D Populations and Methods of Data Construction	44
E Methodological Findings	47
F Substantive Findings	52
G What Else Do We Need to Know?	85
Chapter 4 Modeling	92
A Ideas as Units of Analysis	92
B Pleasure Control Attitudes	96
C Perceptions of Self-harm and Perceptions of Immorality	98
D Research Themes and Hypotheses	99
E A Typology of Deviant Behavior	103
Chapter 5 Measurement	114
A Operationalization	114
B Survey of University Students	131
C In-depth Interviews	160

Chapter 6 Survey Data Analysis and Findings	163
A Univariate Analysis	163
B Multivariate Analysis	188
C Summary of Findings	219
Chapter 7 Interview Data Analysis and Findings	222
A Method of Analysis	222
B Description of the Data	225
C Findings	227
D Conclusion	270
Chapter 8 Conclusions and Implications	273
A Conceptualization	273
B Empirical Investigation	275
C Theoretical Considerations	280
References	297
Appendix 1 Questionnaire	309

LIST OF FIGURES

Number		Page
5.1	The Substantive Logic of the PCA Scale: Ordinal Assumption	116
5.2	E-mail Procedure	142
6.1	Standard Deviation of PCA as a Function of Average PCA for Drug Use Items	168
6.2	Moving Averages of Drugs PCA by Increasing Frequency of Use	171
6.3	Standard Deviation of Perception of Self-Harm as a Function of Average Perception of Self-Harm for Drug Use Items	174
6.4	Moving Averages of Drugs PSH by Increasing Frequency of Use	176
6.5	Standard Deviation of Perception of Immorality as a Function of Average Perception of Immorality for Drug Use Items	179
6.6	Moving Averages of Drugs PI by Increasing Frequency of Use	181
6.7	Standard Deviation of PCA as a Function of Average PCA for Sex	184
6.8	Standard Deviation of Perception of Immorality as a Function of Average Perception of Immorality for Sex Items	187

LIST OF TABLES

Number		Page
3.1	Sellin and Wolfgang's Typology	36
3.2	Newman's (1976) Typology	37
3.3	Rossi et al's (1974) Dimensions	39
3.4	McCleary et al's (1981) Dimensions	40
3.5	Percentage of Respondents Who Answered "Yes" to the Question "Do You Think This Act Should Be Prohibited by the Law?"	66
3.6	Average of Six Countries' Scores and Standard Deviations of Nine Offenses on a Category Scale Ranging from 0 to 11	66
4.1	Truth Table of Deviant or Potentially Deviant Behaviors: Theoretical Dimensions and Empirical Instances	109
4.2	Final Set of Behaviors Used in the Questionnaire by Theoretical Dimensions	112
5.1	Comparison Between Distribution of E-Survey Ethnic/Racial Identification and University of Washington Statistics on the Ethnic/Racial Composition of US Students	148
5.2	Reasons for Not Participating: Results of the Electronic Sub-Survey	154
5.3	Response Mobility Between the E-survey and the Printed Survey	158
6.1	Ordinal Scores and Percentage Distribution of Answers on Pleasure Control Attitudes (PCA) for Drug Use Items	165

6.2	Average Pleasure Control Attitudes for Drug Use Items Ranked by Standard Deviation	169
6.3	Percentage Distribution of Questionnaire Answers on Pleasure Control Attitude for Drug Use Items	170
6.4	Average Perception of Self-Harm for Drug Use Items Ranked by Average	173
6.5	Average Perception of Self-Harm for Drug Use Items Ranked by Standard Deviation	175
6.6	Average Perception of Immorality for Drug Use Items Ranked by Average	178
6.7	Average Perception of Immorality for Drug Use Items Ranked by Standard Deviation	180
6.8	Average Pleasure Control Attitudes for Sex Items Ranked by Average	182
6.9	Average Pleasure Control Attitudes for Sex Items Ranked by Standard Deviation	185
6.10	Average Perception of Immorality for Sex Items Ranked by Average	186
6.11	Average Perception of Immorality for Sex Items Ranked by Standard Deviation	188
6.12	Pleasure Items, Pleasure Subdomains, Pleasure Domains, and Reliability Statistics for Pleasure Control Attitude (PCA), Perception of Self-harm (PSH), and Perception of Immorality (PI) for Drug Use and Sex Behaviors	190
6.13	Correlations Between PSH and PI for Drug Items	199
6.14	Logistic Regression of PCA (General Control) and PCA (Criminalization) on PSH and PI for Drug Use Items	200

6.15	Linear Regression of Pleasure Control Attitudes (PCA) on Perceptions of Self-Harm (PSH) and Perceptions of Immorality (PI) for Drug Use Items	203
6.16	Index Variable Profiles for Drug Use Subdomains	207
6.17	Correlations Between PSH and PI for Drug Use Subdomains	208
6.18	Linear Regression of Pleasure Control Attitudes (PCA) on Perceptions of Self-Harm (PSH) and Perceptions of Immorality (PI) for Drug Use Subdomains	210
6.19	Index Variable Profiles for the Drug Use Domain	211
6.20	Linear Regression of Pleasure Control Attitudes (PCA) on Perceptions of Self-Harm (PSH) and Perceptions of Immorality (PI) for the Drug Use Domain	212
6.21	Logistic Regression of PCA (General Control) and PCA (Criminalization) on PI for Sex Items	213
6.22	Linear Regression of Pleasure Control Attitudes (PCA) on Perceptions of Immorality (PI) for Sex Items	216
6.23	Index Variable Profiles for Sex Subdomains	217
6.24	Linear Regression of Pleasure Control Attitudes (PCA) on Perceptions of Immorality (PI) for Sex Subdomains	218
6.25	Index Variable Profiles for the Sex Domain	218
6.26	Linear Regression of Pleasure Control Attitudes (PCA) on Perceptions of Immorality (PI) for the Sex Domain	219
7.1	Organization of Findings	228

ACKNOWLEDGEMENTS

This dissertation was perceived, designed, discussed, and written for the most part during study-out sessions at local coffee shops, most notably, Café Allegro and The Pearl (University District) and Bauhaus (Capitol Hill). I would like to express my appreciation for the baristas. I would also like to thank all participants in the electronic survey and the in-depth interviews. Since the empirical part of this study is based solely on primary data from these surveys and interviews, the contribution of these participants has been essential. Finally, I would like to thank Professors Joseph Weis, Howard Becker, Rodney Stark, Robert Crutchfield, and George Bridges for their participation in my PhD committee. Of particular importance has been the advice of Professor Joseph Weis who served as the chair of the committee.

DEDICATION

To Nina Vlami

CHAPTER 1

Introduction

This introduction is being written only few hours before a remarkable worldwide event, a celebration of one of the most enduring conventions of all time, time. Based on the international time measurement system and the Christian beginning of positive time, the year count will reach in a few days the number 2000. The awe-inspiring nature of this number has been almost exhaustively used by the consumerist culture in the creation of a social panic, also known as the “millennium craze.” In an attempt to escape this craze, some have attempted to deconstruct the idea of the “millennium,” to uncover its fakeness, and perhaps to act in ignorance—an ultimate reaction to consumerism. Yet, some others have decided to take some time to think about time, what is it? I find myself among this latter group.

In sociology, we know that time is a convention, a social construct. Like all constructs, time has no objective physical properties, or if these exist, they are important only in their social definition. Impressed by the remarkable consequences of this social definition at the “end of the millennium,” I

became curious about how time is perceived and defined by non-social scientists. To get some hints, I bought the famous book *A Brief History of Time* by Stephen Hawking a couple of hours before my flight from Seattle to London on December 12, 1999. Since I am in the middle of writing about pleasure, I thought it would be a good idea to combine the pleasure of reading theoretical physics on board with the utility of learning something about time.

After finishing the book a few days later, I am not sure what time is, but I know that its author is not sure about that either. However, I have learned other things. One is that “scientists” (as the physical scientists arrogantly call themselves) are not very different from “social scientists” in their endeavors to understand the world. The physical scientists’ theories and models have the same properties as sociological theories and models, their reliance on (imperfect) observation is fundamental, their faith in mathematics uncompromising. Further, they are equally challenged by the absence of determinism in the world and they increasingly resort to probabilistic models just as we do. Perhaps the most remarkable similarity is that these scientists have, as we have, reached the conclusion that there is not a world, unless some intelligent beings exist to observe it. They refer to a theorem called “anthropic principle” (Hawking 1988:124) which says that we perceive the universe the way it

is because we exist in it and if it were different we would not have existed to perceive it. These scientists then are in fact very prudent relativists. They are *natural* constructivists in the same sense that sociologists and other social thinkers are *social* constructivists. The sciences, natural and social, seem to be leading us to the same conclusions about the world: the uncertainty of the outcomes of our observations, and the certainty of the “fact” that the world is an intellectual construct.

How are these ideas relevant to the present study? The subject matter of Hawking’s book is the physical universe. The subject matter of this study is the moral universe (a term introduced by Ben-Yehuda 1990). The project that this dissertation is a part of is an investigation of this universe with respect to the status of certain ideas and behaviors in local and universal cultural systems. Morality is essentially a distinction between right and wrong. What are the criteria for this distinction? What other social constructs are associated with morality? What is the relationship between morality and other social forces such as the forces of money and political power? This project seeks to contribute to the scholarship that these questions have generated. At this point, the interest is in the nature and structure of the moral universes that constitute the symbolic milieu in which the existence of current social control ideologies and institutions is possible.

The interest in the study of the moral structure of social control also springs from a more general interest in the restriction of pleasure in contemporary Western cultures. The present work will attempt an exploration of the nature of the morality that governs normative culture and in particular norms that restrict pleasure. In this respect, I was driven to pursue this theme by the paradoxical fact that Western civilization, which is generally friendly with the assumption that human nature is hedonistic (the "pleasure principle"), has produced such an impressive amount of pleasure restricting norms.

It is not surprising that criminology has established an early "classical" discourse in an attempt to successfully model the pleasure principle around human behaviors, that is, to establish a logical model of restriction of pleasure. The assumption of rational, self-interested, profit maximizing, individual, is the cornerstone of the classical school of criminology (and contemporarily the neo-classical philosophy of law). The first modern attempts to establish a just and effective legal code (most notably by Beccaria and Bentham) were centered on this assumption. After criminology entered its positivistic phase, the concept of pleasure has been placed at a peripheral position. It is present only as a heuristic or a descriptive element in social control theories (primarily deterrence and

self-control), which are classical rather than positivistic in substantive terms. In clearly positivistic criminology (for example, strain and learning theories), the concept of pleasure is virtually absent. Finally, criminology has entered a critical phase, (the study of the social construction of crime, the sociology of criminal law, et cetera) in which the discussion is centered on the etiology and process of social construction of deviance. Since this school is fundamentally of macro nature, individual level concepts such as pleasure have been largely left out. The *control* of pleasure however, is a central concern especially with respect to the political process that generates, supports, and maintains it—the social structure of pleasure control. Scholarship in this area has been much less if at all interested in the *nature* of this construction—the moral structure of pleasure control. It has not paid sufficient attention, for example, to questions such as, “what kind of rationality is necessary for a social (for example, legal) construct to persist?” or “what are the conceptual elements that make up a popular social construct?” The concept of pleasure, which is a fundamental element of this nature, has been almost forgotten as an implication without discursive merit.

It is within this critical perspective that this study sets off to investigate the nature of pleasure restriction. The grand research question that this study will attempt to answer is of descriptive nature: what is the content

and the structure of the moral component of social control? More particularly, what is the moral basis of formal social control?

In the course of the following chapters, a few concepts that are conventionally used in sociological and philosophical discourse are used. Other concepts are introduced de novo. A few typologies and distinctions are also proposed for analytical purposes. At this early point, I will only present one such analytical distinction of fundamental value. This is the distinction between values/attitudes on the one hand and perceptions/knowledge on the other. I argue (although without much effort to prove or elaborate) that these components are essential parts of every social construct. I also argue, with more elaboration and supportive empirical illustrations, that these two components are both analytically elegant and necessary in the study of the moral structure of social control. The former component (values/attitudes) calls for the investigation of the value system that produces and maintains normative culture and its endorsement. This investigation is pursued at the level of philosophical discourse and at the level of personal values and attitudes. The latter component (perceptions/knowledge) calls for the investigation of value-neutral knowledge/information and how this is acquired by the individual. This investigation will be pursued at the level of individual perceptions.

What is the normative philosophical (deontological) basis of restrictive rules? For a large part of normative culture, there are instrumental explanations, such as those linking the pursuit of individual pleasure to social harms. Some behaviors that bring pleasure to one person may bring pain to others, and thus, under humanistic principles these behaviors must be prevented. Then, there is a category of behaviors that hurt the pleasure seeker her/himself, while giving her/him the sought pleasure. It has been argued that society must intervene in this case to save the actor from his/her own acts. In similar fashion, and under an expanded version of the same principle, it has been argued that behaviors that do not hurt the actor or others directly, but in observable ways increase the likelihood of individual or group suffering, must also be restricted. A final category of pleasure seeking behaviors that are restricted in the West consists of certain behaviors without victims or observable contribution to societal misery which have been deviantized and in some cases criminalized. Predominantly, these behaviors involve sexual acts and the use of psychoactive substances (briefly, "sex and drugs"). These categories and the theses and arguments around their criminalization or legalization will be presented in more detail in Chapter 2 which reviews the philosophical basis of the subject matter.

The sociology of normative culture is interested in the description and explanation of norms in an ontological sense. Regarding the restriction of pleasure, it is interested not only in exploring the content of the philosophical normative reasoning that underpins the system but also in the social generation, construction, and maintenance of the system. A large part of the description of culture involves the perceptions and attitudes of the people. In normative culture these perceptions and attitudes are of even more central interest because of the importance of personally held value judgements in the shaping of the normative system itself and vice versa. In criminological research, the study of perceptions and attitudes of social control has produced a considerable literature, particularly with respect to the study of the perceived seriousness of crime. This literature is reviewed in Chapter 3.

Sociological contributions dealing with the explanation of normative culture have followed from the dominant paradigms in sociological theory. Functionalist interpretation stresses the role of deviantization in preserving the material and moral cohesiveness, which is a necessary condition for societal survival. The rival critical (conflict) tradition in theory has stressed the power struggles that produce such pleasure restricting norms. More recent systems of thought (symbolic interactionism and postmodernism) have focused on the process rather

than on the etiology of normative culture, implying that the two questions (what and why) are analytically inseparable, if not identical, and emphasizing the role of language and meaning. The presentation of these sociological theories and their relevance is reserved for the concluding chapter to allow for the incorporation of the findings of the present study.

The substantive focus of this work is on one category of behaviors, which have conventionally been presented in sociological and philosophical scholarship under the label "victimless crimes." Based on the actual mode in which pleasure is sought, the vast majority of these behaviors belong in either of two domains: sex and drugs. The generic research question can be rephrased at this point: *why are victimless behaviors (sex and drugs in particular) controlled in a society?* To study this question, I have constructed and modeled three central concepts. These are *pleasure control attitudes* (PCA), which are individually held attitudes toward social control, *perceptions of self-harm* (PSH), that is, the perceived harm a behavior may cause to the person who is performing it, and *perceptions of immorality* (PI), that is, the belief that a behavior is wrong based on a set of moral principles. These concepts, as well as their hypothesized relationships are presented in Chapter 4.

The measurement of these concepts follows a design which is presented in Chapter 5. At that point, operational definitions are presented and justified. Then, the problem of data construction is discussed and the methods of measurement are presented. The application of these methods has produced two sets of data, conventionally speaking, one qualitative (interview text based on in-depth interviews with 17 participants) and one quantitative (survey data on 276 completed 113-item questionnaires). Analysis of these data and findings are presented in Chapters 6 and 7.

The concluding chapter contains a summary of the study. The conclusions and implications of the present research are also discussed in the light of the major sociological orientations in the study of culture.

CHAPTER 2

The Normative Philosophy of Formal Social Control

A INTRODUCTION

Two aspects of the study of social organization are relevant to the present project. First is the ontological aspect, which is predominantly composed of sociological theories and accounts of the observable empirical reality. This aspect is descriptive in nature. The other is the deontological aspect or social philosophy. It is evaluative in nature. The former aspect has studied the empirical types of social organization in order to fully describe them in their complexity, while the latter aspect has inspired, politically supported, or criticized the hitherto existing types. While descriptive study is to the highest possible degree value-free, social philosophy rests on value judgements that spring from normative principles. This chapter focuses on this latter aspect. The content of various social philosophical approaches to a particular dimension of social organization, social control, will be presented.

Social philosophy is applied ideology. As such, it has been present throughout history and it has been the concern of every known civilization. The conventionally celebrated Ancient Greeks, for example, were very much concerned with both the effectiveness of their social designs as well as with social justice and the degree to which it was present in their society. Aristotle and Plato are two of the most widely cited social philosophers of that time. Social philosophy revived with the Enlightenment. The study and evaluation of social organization became a central concern of thinkers and leaders in post medieval, industrial, and postindustrial society. A pantheon of philosophers have produced a remarkable body of ideas about how humans should organize their communities. The ingredients of each system of thought or civil design include deontological principles (the social justice component) and consequentialist arguments (the effectiveness component). The principles are the core normative philosophical ideas around which a society must organize. The consequences are closer in nature to the ontological aspect, that is, what happens in reality when the principles are applied.

A central component of every prescription for a just and effective human community is social control. The deontology of social control (to what extent and how should society control the behavior of its members) is the subject matter of normative philosophy, and in the case of formal social

control, the philosophy of law. In this chapter, I will briefly present the three social philosophical positions that have dominated legal discourse in the West. These positions are characterized by a paradoxical coupling of simplicity and complexity: the basic conceptions of justice and the appropriate uses of law that these positions represent are very simple, while the debates and applied considerations associated with them often assume remarkably complex shapes.

The presentation of these positions will follow the same scheme for each. First, I will present the answers each deontology gives to the question of principles: *What are the normative principles that should govern human social behavior?* Essentially, this question is one of restriction of pleasure. If human beings are naturally hedonistic,¹ they should be expected to seek pleasure all the time, in all possible ways, unless they are restricted by some device.² These social control devices draw the limits of pleasure seeking behavior in ways that are considered appropriate/good based on some principle. The subject matter of this first question is exactly what kinds of behaviors are appropriate according to the moral standards of

¹ This tendency is definitional rather than biological/genetic (thus, this assumption does not lead necessarily to the endorsement of Hobbessian doctrines). It is a tendency of survival through making the best choices, and pleasure is an indicator of well being, thus, of better chances for survival. Human beings pursue pleasure and avoid pain by definition.

² Social control theorists have invented a variety of names for these devices, for example, external and internal confinement, social bond, deterrence, self-control, et cetera)

society. Society must sustain the best chances for its own survival. In what situations does society have to restrict/control the pleasure seeking behaviors of its members to secure this survival? What principles should govern a society's normative culture?

The second question that each of the three philosophical orientations must answer is: *What are the legitimate uses of the law in the restriction of pleasure?* After the principles have been defined, how are these supposed to guide the actual norm (predominantly law) making? What particular behaviors should fall within the scope of the law and what behaviors without?

A third question, which has captured the attention of both philosophical and sociological debates, is the issue of consequences. It does not take much effort to identify empirical situations in which well-specified principles (first question) had been applied based on a consistent design (second question), producing unexpectedly poor results (consequences). What went wrong? This question is perhaps the most contemporary in Western societies and it is the one that invited predominantly sociological insights. Two historical failures of formal social control the 20th century United States, the "prohibition" and the "war on drugs" are justifiably the subject matter of many such debates. However, the issues raised by this third

question belong to the realm of the *social* structure of social control, thus, they will not be extensively discussed in this study. This study is about the *moral* structure of social control, that is, about the theses and arguments that spring from normative philosophy. These are presented next as answers to the first two questions above.

B LIBERTARIANISM

Libertarianism is a broad philosophical approach to sociopolitical organization. As it is clearly implied by its name, the central concern of this approach is the liberty of the individual, that is, the freedom to pursue pleasure. This simple principle, which is the libertarian answer to the first question of this section, can be ramified in many sectors of social life. One definition of libertarianism shows this: "We might define libertarianism as a species of (classical) liberalism, an advocacy of individual liberty, free markets, and limited government rooted in a commitment to self-ownership, imprescriptible rights, and the moral autonomy of the individual" (Boaz 1997: xiv).

Among the areas that libertarianism has inspired discourse, the most prevalent are the economy and justice. In economy, the dawn of modernity was accompanied by the first specific libertarian ideas of Adam

Smith who argued that the economy should be left alone, that is, left in a state of liberty from external (state) control. This study is interested in libertarianism in the area of justice—legal libertarianism. The modern origins of this school of thought are typically traced back to Immanuel Kant and John Locke. Most characteristically however, the gospel of contemporary legal libertarianism is John Stuart Mill's *On Liberty* (Mill 1859). In this work, Mill argues that the freedom of the individual to pursue pleasure is a right that should not be challenged unless it conflicts with the well being of others. Thus, the pursuit of pleasure must be seen as personal matter of the free citizen. Society (the state and the criminal justice system in particular) should not intervene unless intervention is necessary for the protection of other citizens:

[T]he sole principle for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number is self-protection. [T]he only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral is not a sufficient warrant (Mill 1859:9)

As it is obvious in this excerpt, the libertarian view is minimalist in its approach to the criminalization of any behavior: a person should be free to act in *any* way he/she chooses, unless his or her behavior victimizes

others. Victimization of others is the only criterion on which criminalization may be used. Victimization of others can be direct as in rape, assault, murder, et cetera, or indirect as in tax evasion, bribing, et cetera.

Another aspect of libertarianism that is also present in the above quotation is anti-paternalism. Libertarians are generally anti-paternalistic. They accept however that certain persons may be better off by some limited paternalistic care. Hospers (1982) for example, says that for most libertarians, there are some categories of people/conditions that make intervention by others legitimate. The most important such categories are infants and children, the senile, and the mentally incompetent. Hospers extends this list of "exceptions" to include decisions that are extremely far-reaching or dangerous or irreversible (for example, suicide). In these cases, one should legitimately intervene, but still, as a libertarian, allow for the making of the decision by the actor at a later stage. The right to choose should ultimately be preserved.

With respect to the question of appropriate applications of the principle, the libertarian answer to all questions of criminalization of victimless behaviors is that they should be legal. The list of such behaviors includes all sexual and drug use behaviors with the exception of those that cause or

may cause physical harm to others (for example, fetal abuse, driving under the influence, child molestation, rape, et cetera). A typical objection of critics of libertarianism is that many of the behaviors that are assumed to be victimless are not truly so (discussions on victimlessness are found in dedicated volumes, notably, Meier and Geis 1997, Schur and Bedau 1974; see also Wertheimer 1977). The typical libertarian answer to these critiques is that most of these behaviors are not necessarily victimizing, that is, there is no causal relationship between the victimless behavior and harm to others. Consuming alcohol, for example, may be indirectly related to violent behavior that may hurt other people, but it does not *cause* such behavior. The person who drinks may or may not engage in such behavior based on his or her free will (this could involve the choice not to drink at all). Thus, the law should allow people to use any substance they want and hold them responsible for any behavior that victimizes other people regardless of the use of such substance (Narveson 1994).

A more restricted approach that recognizes the appropriateness of the use of law to protect and improve the life of citizens is discussed next. It should be noted as an ending note that the major proponents of libertarianism (for example, Mill, Bentham) have generally rejected these views.

C LIBERALISM/PATERNALISM

The primary concern of liberal/paternalistic ideology is the promotion of personal and social welfare. Under liberal/paternalistic justifications, the law should be used not only to prevent harm to others (which is still legitimate) but also for self- and community-harm reduction.

In particular, the liberal view acknowledges the freedom of individual action as the ultimate principle of justice but it also endorses the principle of harm reduction, that is, the promotion of the well being of the community. The general terms and principles of a liberal approach to political economy and social organization have been presented in John Rawls' (1971) influential work *Theory of Justice*. These principles are indirectly related to the more specific theses and arguments advanced today with respect to the control of behaviors such as sex and drugs. The paternalistic view supports that society should protect her citizens against harm even if this harm is the outcome of their own freely chosen actions. The difference from liberalism is that while liberalism seeks to reduce societal harm, paternalism seeks to reduce individual harm. Liberalism and paternalism will be treated under the same category in this study because they are based on the same general deontological principle: society must protect her citizens from harm.

The main interest of the present study is in the legal aspect of each deontology, as this is expressed in the two focal questions. The following definition answers the first question from the paternalistic point of view:

Legal paternalism is the view that the law should, at least sometimes, require people to act (a) against their will (b) for their own good, in that way protecting them from the undesirable consequences of their own actions (Hospers 1982:135).

The principles of liberal paternalistic legislation have directly produced the expected criticism from the libertarian side. One of the paternalistic propositions in the area of drug use is that the law can and should be used to protect users from the adverse effects of drugs. Libertarians argued that the state does not have a legitimate right to legislate drug use because individuals should be free to choose what they will consume, even if the substance they choose is harmful to the user. Many times, libertarians and others reject arguments in favor of the implementation of laws that restrict drug use by what can be termed the "mythological argument," that is, by rejecting the alleged harms as myths (see for example Zimmer and Morgan 1997). However, the most important part of the argument is constructed regardless of whether the alleged harms are myths or realities. Rather, the principle of absolute freedom is employed. Narveson

(1994), for example, rejects the paternalistic view that laws should assure that people are not made less productive by the use of drugs as analogous to imposing slavery. He also offers two lines of defense to the general paternalistic principle of promoting the well being of the individual through restrictive legislation. First, he rejects the view that good and bad life may be objectively defined. Since it is only based on this distinction that paternalistic legislation can be approved, there is no basis for paternalism. The second line of defense is against the accusation that the drug addict is deprived from his or her own autonomy. Narveson argues that, this may be generally a valid point, but, since it is hard to distinguish drugs from other objects of addiction like opera, the basis for paternalistic legislation becomes very fluid.

Another example of liberal/paternalistic morality on the issue of drug use is provided by Reiman (1994). He writes:

A liberal can consistently hold that someone who fails to use or who positively subverts his ability for rational self-government acts in a shameful manner, even if he is guilty of no violation of anyone's rights (33).

Reiman's view is that the state should not criminalize drug use but it ought to discourage it. This is based on the paternalistic view that drug abuse is irrational because it deprives the individual from being able to

reach and implement a decision to quit. This version of liberalism is closer to the libertarian view. A more conservative version would ask for criminalization (as opposed to plain discouragement) on similar grounds.

D MORALISM

Libertarian and liberal/paternalistic moralities understand the law as a means to prevent harm. The types of harm that are of concern vary but all variations are found within the limits of observable and somewhat direct consequences. Physical harm to a person, property damage, and some forms of interference with the well being of the community (such as polluting a water source or cruising a quiet neighborhood making very loud noise), are such consequences. Moralism extends the range of relevant consequences to include moral harms, that is, consequences that are harmful to the assumed moral consensus of a community. The most familiar type of such consequences are the Judeo-Christian victimless sins. A failure to worship God for example has been believed to have detrimental consequences for one's soul. At the societal level, God has punished by destruction the cities of Sodoma and Gomora because they were too sinful. These consequences are of metaphysical nature. Similar types of consequences at the social (physical) level are the moral

deterioration of a community, which may be the beginning of complete destruction. These consequences are of interest for moralists.

Moralism can be defined as the doctrine around the principle of preservation of a common morality *per se*. From this principle, which is the answer to the first focal question of this chapter, comes the answer to the second question (what are the appropriate uses of law?). According to the moralistic view, the state should intervene by repressive legislation to protect its citizens from all harms covered by the libertarian and liberal/paternalistic doctrines, and, in addition, to prevent moral decay. Functions such as “maintaining a certain social climate and moral tone, preserving historical and cultural traditions, [and] protecting and promoting public opinion and values” (Gruen and Panichas 1997: vi) are legitimate for the criminal law and the corresponding institutions. Independent from harm to others (libertarianism) or the self (paternalism), behaviors that deviate from the established norms of a community should be controlled as such (regardless of practical consequences) because they hurt society’s moral cohesion and solidarity. Behaviors that are condemned by libertarian and liberal/paternalistic approaches are almost certainly universally condemned by the moralistic thesis as well. Harm to others and self-harm are generally considered immoral and punishable. What a behavior has that makes it

condemnable under the moralistic argument is simply its immorality. The question is, then, what elements make a behavior immoral? The other schools set certain criteria of positivistic nature (observable harms), moralism does not. So, unlike the other two doctrines presented above, there is no single answer in moralism. Bedau (Schur and Bedau 1974) describes the acts that fall outside moralistic tolerance “offensive, degrading, vicious, sinful, corrupt, or otherwise immoral” (90).

A safer way to answer this question is to begin with the assumption that there are multiple moralities. The question for moralism then becomes “which” morality should the law preserve. One answer is given by one of the most cited representatives of moralism, Devlin (1965) who defines the immoral as “what every right-minded is presumed to consider to be immoral” (15). Further, using a statistical conception, Devlin argues that what is morally wrong is what the great majority says is morally wrong. Society, according to Devlin has the right and the need to enforce this morality in order to avoid disintegration. In an attempt to break from Devlin and to present a moderate to liberal moralistic doctrine, George (1993) presents the concept of “perfectionism.” He argues that the value of perfection is one that “will not only leave room for pluralism and individual freedom but will also put these values on a more secure footing than conventional liberal accounts can manage” (xi). In a sense, this

approach resembles the initial break of Protestant philosophers from the authority of the Catholic Church. The relationship with God and the virtue associated with it is the central element of salvation in both doctrines, yet, the Protestant approach allows for a more personal refinement of this relationship. George (1993) also believes that “public morality” (defined as “an ethic of the community as such” (2)) can be justified on a rational basis, especially in juxtaposition to the contemporary situation where libertarian doctrines and “community-weakening tendencies of modernity” (2) prevail. The difference between these less extreme moralistic doctrines and the non-moralistic (liberal and libertarian) deontologies is that the latter reject the use of the law in promoting any values of the virtue/perfection type (see for example Reiman 1994). Still, the less extreme versions of moralism are often presented as more effective and more rational ways to maintain a community, always at the cost of sacrificing a little bit of individual freedom (this discourse can also be presented as a type of social contract debate).

Moralistic arguments are consistent with the functionalist ontology developed by Emile Durkheim (1893). According to Durkheim, immoral behavior, even when not directly hurting anyone, is automatically confronted by society because of society’s survival instinct. It makes sense

to maintain moral cohesion not because morality is good in itself but because without moral cohesion society disintegrates and eventually falls apart. Erikson (1966) illustrated the empirical relevance of Durkheim's ideas by showing how the Puritans of Massachusetts Bay developed deviance control policies and deployment patterns that were suited to their theological climate. The arguments advanced by the proponents of moralistic control are based on an indirect version of the causal relationship between the acts being controlled and the potential effects these have on the well being of individuals and the community. The difference between these quasi-causal theses and the more clearly and directly casual theses presented by liberal philosophers is sometimes difficult to specify. However, it is usually possible to juxtapose the two schools of thought based on examples of behaviors/consequences that clearly exemplify this difference.

The roots of moralism are usually traced to the Bible. The Judeo-Christian tradition which has been largely the basis for English and American legal doctrines is rich in norms defining "moral" offenses. In ancient Greece, Cleanthes the Stoic rejected all pleasures as wrong and harmful just because they are pleasures. Bodily pleasures have also been condemned by Calvin and the more puritan versions of modern Christian doctrines. In more recent times in the Western world, moral offenses of religious nature

are not prevalent in law, although outright moralistic legislation is not entirely absent. Until 1969, for example, Maryland had a law against blasphemy (Meier and Geis 1997). The presence of moralism in law is manifested however not only in religion-based laws, but also in laws that are sometimes justified as paternalistic or liberal. Many of the behaviors investigated in the following chapters of the present study are of this nature. Prostitution, for example, has elicited formal social reaction from antiquity until today. In 1959, a United Nations study concluded that, based on worldwide facts, prostitution should be a criminal offense. The first argument presented to support this thesis reads as follows:

It is the responsibility of the government to regulate public morals in the interest of the public good; hence, to make prostitution a punishable offense (cited from Meier and Geis 1997: 57)

The domains of drug use and sexual pleasures have attracted the attention of most normative systems resulting in a variety of restrictions. This study is predominantly interested in the state of affairs that results when these restrictions are formalized through legislation. According to Hospers (1982), “[l]egal moralism is the view that the entire nation should be governed by one morality and/or religion, with dissent from the official view being punishable as a crime” (135). Hospers cites the examples of the

Catholic Church before the Reformation, and Iran under Ajatollah Khomeini.

The difference between libertarianism and liberalism/paternalism on the one hand and moralism on the other is not always clearly presented. It is typically only in sociological historical accounts that moralism is presented as such, and those who uncover the moralistic nature of arguments or whole “wars” (for example, the Prohibition) are the students, not the proponents, of these philosophical positions. Some of these arguments are dressed in paternalistic clothes. Arguments against drug use, for example, may refer to the harms of drugs, for example, that drugs deprive the user from the ability to think clearly and to make conscious decisions. Thus, the argument goes, drugs deprive the user from free will/choice. In fact, this argument has two sides. One is that, if a drug is addictive (physiologically), it may imprison the user into a pattern of use, which may cause unwanted changes in the user’s life. The other side of the argument is that, under the influence, the user’s mind cannot work properly, which means that the user is likely to make the wrong decisions and get engaged in the wrong behaviors—perhaps behaviors that she or he would not get engaged in otherwise. Both sides advance a certain degree of paternalism, and both have factual relevance both theoretically and statistically. However, there is no way to know if these are the true

concerns of the proponents of these arguments. In fact, these arguments are both theoretically and empirically irrelevant most of the time. For example, occasional use of marijuana or moderate use of alcohol (behaviors of remarkable prevalence among university students) cannot be included in the list of drug use behaviors that would produce these arguments. A necessary path for sociological research is to investigate the structure of the arguments advanced for or against the formal social control of such behaviors. This study pursues this path both qualitatively and quantitatively. The objective is to detect these arguments and to interrogate the participants in order to verify the true underlying principles that produce these arguments.

CHAPTER 3

Perceptions of Crime Seriousness

A IS "CRIME SERIOUSNESS" A SERIOUS CONCEPT?

The assumptions underlying the concept of crime seriousness involve the conception of crime itself. Analytically, crime seriousness has been conceptualized based on a normative conception of crime. In this sense, crime is a violation of an established formal rule of behavior and crime seriousness refers to the nature and/or consequences of this violation. Still, based on a reactivist conception, crime seriousness can be useful analytically, if both "crime" and "seriousness" are socially constructed in the context of social conflict. A third possibility exists which assumes that both normative and reactivist conceptions of crime are products of an arbitrary conceptualization of reality concocted by modern modes of thinking which are currently dominant (the discourse domination thesis). Although this conception has hardly affected mainstream criminology (Schwartz and Friedrichs 1994) it is both theoretically and epistemologically compelling. If the concepts of crime and seriousness

cannot exist as analytical constructs without affecting the substantive reality which they are employed to analyze, as the discourse domination thesis suggests, all current criminological investigation becomes epistemologically tautological (and substantively oppressive). Although it seems impossible to defend the validity of the concept of crime seriousness under these accusations, it is possible at this point to inform our research minimally by asking more pressing questions at the level of conceptualization and operationalization. This issue will be addressed later in the chapter. In conclusion, the concept of crime seriousness is valid under both mainstream conceptions of crime (normative and reactivist) while of unknown and perhaps unspecifiable validity under discourse domination conceptions.

Crime seriousness is also a *measure of undesirability* of a criminal act, and as such, it pertains to the deontological (for example, humanistic) concerns of a society. In contemporary Western societies, acts that make individuals suffer are assumed to be to some extent undesirable. The prevalence of behaviors that have harmful effects for individuals is a social problem. Students of crime seriousness generally accept that crime is such a problem, both at the individual and societal levels, and regardless of the theory one applies to understand it. Since problems vary in

seriousness (severity, impact, et cetera), the study of crime seriousness is sociologically legitimate.

B CONCEPTIONS OF CRIME SERIOUSNESS: AGGREGATE AND INDIVIDUAL ACT LEVELS

The seriousness of the crime problem at the societal level is expressed by the question "how much crime is there?" Typically, the answer comes in the form of crime rates¹. Assuming that crime is a social problem, the higher the crime rate in a society the more serious the crime problem is. At this level, seriousness is a *quantitative dimension* that reflects the probability that an act will happen within the demographic and/or geographical limits of a community in a given amount of time. The seriousness of crime at this level has been used as a major indicator of the effectiveness of crime control policies (including law making and law enforcement).

At the individual act level, the question is "how serious is a criminal act?" The seriousness of an individual act has been used as a criterion for assessing the fairness (compare, effectiveness) of crime control policies.

¹ Other parametric measures are occasionally used for analytical (e.g., incidence, prevalence, et cetera) or propagandistic (e.g., crime clocks) purposes.

From the time of the first known legal code of Hammurabi, the seriousness of an act was taken as the determinant of the seriousness of punishment (controlling for criminal intent). Variation across time and cultural context exists of course and if it were not for that variation, this study would have probably never been conceived. The essence is that acts differ with respect to the seriousness that is attributed to them. In this sense seriousness at the individual act level is a *qualitative dimension*.

The first formal attempt in sociology to merge these two levels of seriousness was done by Sellin and Wolfgang (1964) in an evaluation of the seriousness of offenses and the crime problem from the point of view of the community². Based on the assumption that seriousness is a common element (thus, an analytically valid dimension) of each offense (the qualitative dimension of seriousness discussed above) Sellin and Wolfgang (1964) thought that a meaningful measure of the seriousness of the crime problem in the community (the quantitative dimension) should have (qualitative) weights attached to each offense. The new element introduced by this study was exactly the measurement of this qualitative dimension. Until then, the seriousness of each offense was decided by the legal experts. The classification of crimes in the Uniform Crime Reports is

² It has become almost customary to refer to this study as pioneering, a title that it definitely deserves. To be historically precise, Sellin and Wolfgang were not the first to

an example of such seriousness rating. Sellin and Wolfgang (1964) wanted to compare the perceptions of this dimension by legal experts to those of ordinary citizens (such as university students). In a sense, this is a comparison of formal to popular philosophy. By including the citizens' opinion about how serious each act is, this study can also be said to constitute an attempt to further democratize seriousness judgements.

Sellin and Wolfgang's (1964) study initiated a research tradition which gained considerable popularity within the American criminological community in the decades to follow—some interest was also expressed in British and Canadian studies as well as in a number of other studies in other countries. In fact, the quantitative—measurement of parameters of crime—dimension became impressively popular in the 1980s, and to the pride of American criminology it has produced established knowledge.³ The qualitative side has not become that popular. Still, it did produce some knowledge and understanding of normative culture. It is this side of the seriousness issue that this study relates to; thus, the review of the literature on the issue of crime seriousness presented here is thematically confined to the qualitative dimension: how serious is an individual act?

conceive of a seriousness scale like the one they presented. In their study they review a number of previous attempts.

³ This area is typically referred to as "measurement." Accumulated knowledge in this area allows contemporary quantitative data collection to be based on firm

C CONCEPTUALIZATION: DIMENSIONS OF SERIOUSNESS

1 CONSTRUCTING TYPOLOGIES DEDUCTIVELY

Both deductive and inductive reasoning have been used in the conceptualization of perceptions of crime seriousness. The deductive mode was used to construct a priori categories of behaviors based on the assumed intrinsic qualities of an act and on established typologies (legal categories and UCR indices). The first such typology was presented by Sellin and Wolfgang (1964). To measure popular perceptions of seriousness, they created a typology to capture the essential characteristics of each criminal act. Their classification scheme begins with an initial classification of all offenses into two classes. Class I includes offenses that cause bodily harm to the victim, and/or cause loss of property, and/or cause property damage. The rest of the offenses are in Class II. Class I has 3 categories and Class II 7 categories. The categories are labeled "A" to "J"; categories A, B, and C are Class I and the rest are Class II. Based on the assumption that the defining characteristic of each category can be compared to those of the other

methodological assumptions that were pretty much established since the early 1980s (e.g., by Hindelang et al 1981).

categories and ranked in terms of an a priori attached seriousness value, category A was defined as involving the most serious characteristic (bodily injury), category B as not involving the defining characteristic of category A but the next most serious (property loss), category C as not involving the defining characteristics of categories A or B but the next most serious (property damage) and so on. The resulting categories are presented in Table 3.1:

Table 3.1 Sellin and Wolfgang's Typology (Adapted or quoted from Sellin and Wolfgang 1964: 156)	
CLASS/CATEGORY	DESCRIPTION
Class I Category A Category B Category C Category D Category E	Bodily injury Property theft Property damage Intimidation (to hurt person) Intimidation with property loss threatened
Class II Category F Category G Category H Category I Category J	Primary victimization only (involving a "personalized victim") Secondary victimization only: "Secondary victimization generally refers to commercial establishments, such as department stores, railroads, theaters, chain stores, and churches. The victim is impersonalized but not diffusive as to include the community at large" Tertiary victimization only: "a very diffusive victimization that extends to the community at large and includes offenses against the public order, social harmony, or the administration of government" Mutual victimization only: "the participants engage in mutually consensual acts that are violations of the law, for example, fornication, adultery, or statutory rape" No victimization only: "juvenile status' offenses"

The measured perceived seriousness of these categories was found to reflect the formal a priori seriousness categorization (the findings are reported later in this chapter). It was also shown that the above categories reflected the UCR categories both typologically and with respect seriousness ratings.

In another major study, Newman (1976) identified 5 categories of crime and used 9 acts to represent them. These are presented in Table 3.2.

Table 3.2 Newman's (1976) Typology	
CATEGORY	REPRESENTATIVE ACTS
Mala in se Mala antiqua Mala prohibita Mala nova Mala ambigua	Incest Robbery Quasi crime: Appropriation of public funds Victimless crimes: Abortion in two months Homosexuality among adults Taking drugs Factory pollution Not helping a person in dangerous situation Public protest about one's government

What these attempts were about was a typology that would be useful both as a tool of meaningful categorization (with respect to essential characteristics) and as a way to represent the dimensions that were expected to affect perceived seriousness⁴. The following section shows how

⁴ A more formal approach in the study of dimensions of acts, labeled factorial survey design, was presented by Peter Rossi and his associates (Rossi and Nock 1982). Rossi et

these dimensions became the basis on which the meaning of seriousness was further investigated.

2 IDENTIFYING DIMENSIONS INDUCTIVELY

This section explores the subjective meaning or simply what's in respondents' minds when they answer the question "how serious is a crime?" The meaning of seriousness refers to the substantive construct implied by the linguistic representation of an empirical generalization. Social scientists and common people use the adjective "serious" in comprehensible ways without having to specify the language-substance relationship as this relationship is assumed to be one of identity. In other words, an event described as "serious" is substantively serious as such. Rossi et al (1974) put it this way:

In many ways, 'seriousness' as applied to criminal acts, resembles 'prestige' as applied to occupations or other social statuses: both terms resist precise abstract definition; both can be easily translated into operational forms through the use of sample surveys; both are important in empirical research; and both remain obstinately necessary in popular and vernacular vocabularies (224).

al (1985) used this method to investigate the effects of dimensions of criminal acts (including type of crime, monetary loss, injury, the profile of the corporation in the case

In their study, Rossi et al (1974), concluded that the meaning of seriousness in the respondents conception is inferred by categorizing offenses with respect to 11 characteristics (231-232). The resulting categories are presented in Table 3.3.

Table 3.3 Rossi et al's (1974) Dimensions (Directly quoted or slightly paraphrased, quotation marks in original)	
CATEGORY	DESCRIPTION/SAMPLE ACTS
Crimes Against the Person I Crimes Against the Person II Crimes Against the Person III Crimes Involving Property I Crimes Involving Property II Selling Illegal Drugs "White Collar Crimes" "Victimless" crimes Subversion (crimes Against the State) Crimes Against Policemen Crimes Against Order	Murder, manslaughter Assault, rape, incest All other crimes involving actual or threatened injury Resulting in loss of more than \$25 All other property crimes Heroin, LSD, Marijuana, Pep Pills Embezzlement, income tax cheating, fraudulent business practices Prostitution, homosexuality Desertion, spying for enemy Loitering, disturbing the peace, et cetera.

In their analysis, Rossi et al (1974) tested the impact of these characteristics using a dummy variable for each in regression equations predicting perceived seriousness. They found that these characteristics alone could explain 68% of the variation in perceived crime seriousness.

of organizational offending, offender victim relationships, et cetera) on perceptions of fairness of punishment.

Later, McCleary et al (1981) extended the implications of these findings to include 12 more dimensions. These are presented in Table 3.4.

Table 3.4 McCleary et al's (1981) Dimensions (The first 11 dimensions were used by Rossi et al (1974: 231-232, paraphrased by McCleary et al (1981: 282); the rest were added by McCleary et al (1981: 283))	
CATEGORY	DESCRIPTION/SAMPLE ACTS
1 Crimes resulting in death 2 Crimes resulting in grave injury 3 All other crimes involving actual or threatened injury 4 Property crimes 5 All other property crimes 6 Selling illegal drugs 7 "White Collar" crimes 8 "Victimless" crimes 9 Subversion 10 Crimes against policemen 11 Crimes against order 12 Crimes against judicial order 13 Crimes where victim and offender are related 14 Crimes where victim and offender are acquaintances 15 Premeditated or calculated crimes 16 Impulsive crimes; 17 Negligent crimes 18 Sex related crimes 19 Crimes where the victim is a minor 20 Crimes involving the use of a weapon 21 Crimes committed in the dwelling place of the victim 22 Crimes against corporate entities other than the government 23 Crimes committed knowingly, willfully, deliberately	Murder, manslaughter Assault, rape, incest More than \$25 Embezzlement, income tax cheating, fraudulent business practices Prostitution, homosexuality Desertion, spying Loitering, disturbing the peace Perjury, leaving the scene of an accident Absence of premeditation Absence of intent Prostitution, incest

The conclusion of this review is that the concept of crime seriousness is indeed multidimensional. Many of these dimensions will be discussed in this review as characteristics of the acts that are essential in the production of seriousness perceptions or as correlates. Some of these dimensions have been ignored in later studies, while other dimensions not listed so far have been introduced. The identification of these dimensions by use of the survey method has not been without criticisms. Blum-West (1985), for example, in criticizing the lack of specification of the term seriousness in seriousness research (and the survey method itself), interviewed 50 individuals having them both fill out a seriousness questionnaire typical of seriousness survey questionnaires and, in addition, asking them open ended questions. He found that seriousness ratings are affected by *imageries* about the crimes and in particular by 8 factors: bodily hurt, economic damage, emotional damage, potential for harm, intent, purpose, motive, and fair play.

3 MENS REA

A number of studies were concerned with measuring criminal intent. Riedel (1975), using an experimental design and a sample university students, concluded that intent is in a sense a given in the scenarios used in surveys. His subjects were able to make inferences of intent, and in any

case, these inferences did not affect the seriousness judgments. This conclusion was later challenged theoretically (Sebba 1984) and empirically (Fishman et al 1986).

I believe that the measurement of this trait is unnecessary in the study of crime seriousness because criminal intent in sociology is a given element of the nature of criminal behavior (the actor is always assumed to be consciously performing the act, otherwise the act is not sociologically interesting as a criminal act). Evaluations of criminal intent are essential in law, not in sociology. Since we are trying to understand how serious an act is perceived to be we can assume that intent is given and observe the seriousness variation that directly addresses our question. In cases where criminal intent is absent, seriousness represents a dimension that is already incorporated in it, harmfulness (most research cited in this chapter shows this very clearly). Consider the example of Fishman et al (1986). They found that “[c]ausing death by reckless driving and by medical negligence are both scored as much less serious than intentional homicide, suggesting that “the determination of seriousness involves the additional variable of mens rea” (183). But, is this not equivalent with measuring homicide (intentional), reckless driving, and medical negligence as three separate acts? In conclusion, the issue of mens rea or “mental element” (Sebba 1984) is in my opinion resolved. The

importance of intentionality is not questioned by sociologists as it is not questioned by legal philosophers. Holding an important variable constant does not imply disregard but rather respect for its importance.

4 CONCLUSION

Two summary conclusions can be stated at this point. First, seriousness does not have to (and perhaps cannot) have a vocabulary definition. Second, this does not mean that it cannot be elegantly conceptualized. The primary mode of doing this kind of analysis has been the identification of dimensions (characteristics) of acts that are assumed or hypothesized to be the building blocks of the construct of seriousness. Initially, a priori offense categorization was used. Later, this practice was taken further by the identification of characteristics that do not necessarily form a typology but rather an array of independent variables that affect seriousness.

This practice was later carried further to a higher level of abstraction by Warr (1989a) who identified two independent dimensions: *wrongfulness* and *harmfulness*. These dimensions were implicitly modeled in previous research (see the above examples) as well; Warr's (1989a) contribution has been to make the extra step of conceptualizing seriousness in terms of *just two* operationally handy and theoretically meaningful dimensions.

This contribution further supports the conclusion that seriousness need not be given a vocabulary definition in seriousness questionnaires. Rather, the meaning or dimensions of seriousness can be identified analytically (assuming that the appropriate questions are asked)⁵. This view is not criticism-free. Miethe (1982) for example argues that the assumption that seriousness is understood in the same way by all parties involved in the research is shaky. In turn, the fact that seriousness research has been based on this assumption has led to empirical findings that may not be valid. According to Miethe, the view that consensus in ratings of crime seriousness among groups reflects an underlying normative structure, can be rejected on the basis of two alternative explanations: statistical artifactuality and instructional bias.

D POPULATIONS AND METHODS OF DATA CONSTRUCTION

1 POPULATIONS AND METHODS OF DATA CONSTRUCTION

Most studies in this area have sampled university students. Notable exceptions are Rossi et al (1974) who used a probability household sample

⁵ What Warr (1989a) did is in fact to equate conceptual with operational definitions, that is he asked respondents directly whether they thought each act was "harmful" or

of adults in Baltimore, Figlio (1975) who sampled both students and incarcerated offenders, and Cullen et al (1982) who sampled non-student adults in Macomb, Illinois. With respect to methodology, most studies have used the survey method; few have used experimental designs (Riedel 1975, Kvalseth 1980, Miethe 1991) or in-depth interviews (Blum-West 1985).

2 THE VALIDITY OF QUESTIONNAIRE ITEMS

Almost without exception, studies using the survey method have used offense scenarios as the actual behavioral items to be rated. The degree of elaboration varies dramatically from item to item within each survey and more dramatically from survey to survey. Compare for example "incest" (Newman 1976) with "The offender stabs a victim with a knife [and] the victim is treated by a physician but requires no further treatment" (Sellin and Wolfgang 1964). A question of validity is raised here.

In a critique of the scenario method, Lynch and Danner (1993) argue that regardless of the sophistication of the a priori selection of characteristics to be included in the event scenario, scenarios used in surveys are not

not *and* whether they thought it was "wrong" or not. Such questions are no doubt the appropriate questions to ask at least with respect to face validity.

inclusive of all important factors that affect the seriousness perception of the subjects. According to these authors, even systematic approaches such as the factorial approach developed by Rossi and Nock (1982) suffer from this inability. This has detrimental effects on the validity of the items used, as it is illustrated by the authors with an example from Wolfgang et al (1985). The alternative method suggested by these authors is a variation of the Hedonic Price Index used in economics. In crime seriousness perception surveys, this approach requires a sample with victimization experience (which may be obtained from victimization surveys). The victims are asked to say how “upsetting” (315) an event was for them. This “upsetness” is then regressed on characteristics of the criminal event such as those measured in the victimization survey itself. The impact of each characteristic is thus assessed. In an illustration of this technique the authors used data from the Washington Metropolitan Area Survey (1985) and compared their results to those of the National Survey of Crime Severity (Wolfgang et al 1985) showing that there is little correspondence in the results and concluding that this difference is due to the exclusion in the latter study of factors such as the presence of the victim, the private-public dimension of the location of the event, the number of offenders, et cetera.

That the scenario method is of uncertain validity should not surprise. It should at least not surprise sociologists who are well aware that their models and indicators are typically partial (if not merely impressionistic). As the next section will show, seriousness perception research has identified a long list of factors altogether but no single study has ever incorporated all of these factors. Even if a study did this, the critique still holds since it is axiomatic that there is a virtually infinite number of factors that may affect any kind of judgement⁶.

E METHODOLOGICAL FINDINGS

1 LEVEL OF MEASUREMENT

Two methods of measurement are prevalent in seriousness research: *category scaling* (ordinal level) and *magnitude estimation* (ratio level).⁷ With respect to category scaling, one method used is to give respondents cards, each with the description of one offense, and ask them to place the cards either in order of seriousness or in boxes that are ordered to represent an ordinal dimension of seriousness. Another method is to ask participants

⁶ In the present study, this issue is addressed from a point of view that is diametrically opposite of that of Lynch and Danner (1993), the essentialist approach.

⁷ Another method is paired comparison. It has not been used much (description and a test of consistency with the other two methods are presented in Walker (1978)).

to assess the seriousness of an act based on a Likert type scale from least serious to most serious.

In magnitude estimation the respondents are asked to assign a numerical value of seriousness to each offense based on a given reference rating of a common offense. For example, Sellin and Wolfgang (1964) used automobile theft with a value of 10 as the reference rating and asked respondents to rate the rest of the offenses on a range from zero to infinity according to how many times more or less serious than automobile theft an act was judged to be.

Sellin and Wolfgang (1964) in fact used both methods to allow for comparisons. They found that there is a linear function between the category scale and the logarithm of the magnitude scale. However, they suggest that the magnitude scale is preferable primarily because it is "a product of the rater rather than the experimenter" (272). This finding was widely reconfirmed later by other studies (Bridges and Lisagor 1975, Figlio 1975, Walker 1978, Rossi and Henry 1980, Evans and Scott 1984, Wolfgang et al 1985). To assess the similarity of the two methods, Miethe (1991) compared the measurement qualities of magnitude estimation and categorical scaling in a study involving two experiments (one in which the dependent variable was seriousness (N=132) and one in which the

dependent variable was values (N=160). All participants were students at a large West Coast university. Using the test-retest method, Miethe found that the magnitude scale is slightly less reliable than categorical scaling in both domains (seriousness and values), and moreover, that the magnitude scale has a slightly smaller discriminatory power (based on η^2). A stronger critique of the use of magnitude estimation (referring particularly to its use by Wolfgang et al 1985) came from Parton et al (1991) who warned that using magnitude estimation scales requires training of the respondents and that the interpretation of magnitude estimation results should be done cautiously taking into account the properties of this method. With respect to the mathematical relationship between the two scaling methods, Miethe (1991) showed that the generally assumed logarithmic function holds with respect to seriousness but not with respect to values, while O'Connell and Whelan (1996) remain inconclusive.

In conclusion, most studies support the reliability and comparability of these two methods. The observation that these should be used cautiously and always with respect to their mathematical properties is of course important (yet not detrimental or by any means unique to the study of crime seriousness).

2 ADDIDIVITY

Sellin and Wolfgang (1964) assumed that the ratio level (magnitude estimation) scores of a multiple offense (an act involving more than one offense committed by the same person) or a repeated offense will empirically be equivalent to the sum of the scores of the single offenses. Using some of the original items from Sellin and Wolfgang (1964), Wellford and Wiatrowski (1975) found strong support for this assumption among a small sample of students at Florida State University. However, this assumption was challenged by Pease et al (1974) on the basis of their finding that only 31.8% of the subjects in their sample judged the commission of two identical offenses to be twice as serious as the single offense, and by Wagner and Pease (1978) who reported that their student sample judged 63.5% of a series of coupled statements concerning the seriousness of two crimes as equally serious to the single offense. In another study, Gottfredson et al (1980) also challenged the assumption of additivity based on two studies of university students, one at Johns Hopkins University (N = 159) and one at Rutgers University (N= 158). The first study showed that offense seriousness ratings are affected by monetary loss (ten amounts from \$5 to \$10000 were tested) and type of crime (five property crimes were included: burglary, check fraud, robbery, theft, vandalism) as well as by the interaction term (monetary

loss x type of crime). In the second study, robbery and rape were added with dollar value loss specifications (multiple offense specification). The results supported the conclusions of the first study. The empirical finding that the interactive term is significant damages the assumption of additivity.

The issue of additivity remains unresolved. It seems that a good deal of subjective judgment on behalf of the researchers is involved in making conclusions based on empirical findings. In their discussion about this assumption for example, Wolfgang et al (1985) conclude that, although the assumption does not absolutely meet the empirical findings, in practice, the discrepancy is minimal. In my opinion, the issue of additivity is not important in crime seriousness research. As I will argue later, the purpose of crime seriousness research must move beyond the "legalistics." Whether stealing twice is twice as serious as stealing once is of more interest to sentencing research (and as such it is no doubt a legitimate research question). However, in the measurement of crime seriousness as it has been perceived in the past 35 years the issue of additivity is only peripheral to the study of the meaning of seriousness.

3 QUESTIONNAIRE STRUCTURE

Two issues have been raised with respect to the questionnaires used in survey research on perceptions of crime seriousness: *questionnaire form* (whether the questions are printed each on a separate page or with other questions on the same page) and *item context* (item ordering). Sheley (1980) reported that neither of these two factors had an effect on judgements of seriousness. Evans and Scott (1982) however challenged the finding about item context. Using questionnaires with rotating items in a survey of 784 undergraduate students, they concluded that the context of each item could explain about the same amount of variation in the rankings as demographic characteristics. This finding casts doubt not only on the issue of item context but on a variety of assumptions about the reliability of the survey method. Again, these issues are not unique to crime seriousness research.

F SUBSTANTIVE FINDINGS

Formally speaking, the results of research on perceptions of crime seriousness belong to a broader set of *crime perceptions*. This set includes dimensions such as fear of crime, perceived risk of victimization, perceived legality, et cetera. Some of these will be discussed later as correlates. The

findings about the most central of these perceptions, perceived seriousness, are presented in this section.

1 CHARACTERISTICS OF ACTS

Unlike the empirical findings on parameters of crime, empirical findings on parameters of crime perceptions are very hard to summarize for two reasons. First, there is a wide range of concerns addressed by studies of crime seriousness. The section on conceptualization above has presented only the most important of a number of categories or characteristics of offenses that guided this research. Second, most studies include a large number of offenses. This results in many complications when these studies are compared or summarized together. With respect to this complication, even studies that use the same list of offenses are hard to compare because of many specifications that are necessary due to disagreement on many of the items (see for example the comparisons of McCleary et al (1981) to Rossi et al (1974)). These complications should perhaps be reported as the first finding here. In any case, some empirical generalizations can still be made from this literature. I am presenting these below with respect to some of the characteristics of offenses that are prevalent in a number of studies.

a The most important characteristic associated with perceived seriousness is consequences: violent behaviors (causing bodily harm) are generally perceived as the most serious followed by property offenses (causing property loss or property damage).

This conclusion is reached by virtually all studies and acknowledged by all summaries of findings of seriousness perceptions research (some examples are Sellin and Wolfgang 1964, Rossi et al 1974, Rossi and Henry 1980, Schragger and Short 1980, McCleary et al 1981, Cullen et al 1982, Wolfgang et al 1985, Evans and Scott 1984, Warr 1989a)⁸. Wolfgang et al (1985) in particular derived magnitude estimation severity scores for 204 offenses ranked by 60000 participants who received 25 item questionnaires with the NCS (victimization survey) in 1977. They found that the consequences of a crime affected the rating strongly (same offenses with different consequences were rated significantly different) and that seriousness was higher for violent than for property crimes.

b White collar violations have the same behavior as other violations: their perceived seriousness varies with their consequences

Schragger and Short (1980) used data from Rossi et al (1974) to investigate hypotheses concerning the nature of harm (economic versus physical)

resulting from organizational crimes. They found strong support for the hypotheses that perceived seriousness is greater for organizational crimes involving physical harm, that physical impact and economic impact are separate factors in the ratings of organizational crimes, and that organizational crimes and common crimes with comparable impact are rated similarly. They also found tentative support for the hypothesis that physical impact and economic impact will be independent factors in the ratings of organizational and common offenses considered together.

Rossi et al's (1974) study was replicated by Cullen et al (1982) with a special focus on the distinction between white collar crime and other offenses. Using Rossi et al's (1974) questionnaire and mailing it to a sample of 105 Macomb, Illinois residents (excluding Western Illinois University students), these researchers found that within white collar crime items, variation was associated primarily with the type of harm with offenses resulting in physical harm rated as more serious. They also found that the seriousness ratings for white collar offenses increased over time on average more than for other offenses (compared to the ratings reported by Rossi et al 1974).

⁶ It should be noted that there is also correspondence between the observed perceived seriousness reported by these studies and the UCR Index categories.

***c* Victimless crimes are generally rated the least serious—many specifications apply**

This conclusion follows from the first two: since victimless crimes are by definition crimes without physical consequences (bodily harm, property loss, property damage) they are expectedly rated as less serious. However, this category does not seem to form a unidimensional factor. Abrams and Della-Fave (1976) for example asked 161 students in an undergraduate introductory sociology class for their opinion with respect to legalization of abortion, homosexuality between consenting adults, prostitution, gambling, use of marijuana, hallucinogens, stimulants, depressants, and narcotics. In a factor analysis of the data, each behavior loaded on its own factor, a finding that casts doubt on the unidimensionality hypothesis. Moreover, an issue that the present study takes very seriously is that of morality. A particular category of victimless crimes contains behaviors with a strong moral element and this has been found to correlate with perceived seriousness (Newman 1976).

***d* Harmfulness and wrongfulness are two independent factors associated with perceived seriousness**

Warr (1989a) did a mail survey of 865 Dallas, Texas residents (usable N = 336) asking respondents to rate 31 offenses with respect to three separate dimensions: seriousness, wrongfulness, and harmfulness. Twenty five

percent of the respondents expressed their “principled disagreement with the proposition that crimes vary in their moral gravity” (800). This group (“nondiscriminators”) was analyzed separately and the analysis showed that seriousness is very highly correlated with harmfulness (wrongfulness is constant). Analysis of responses of the rest of the sample (“discriminators”) yielded three empirical categories of behaviors: crimes that are more harmful than wrong, crimes that are more wrong than harmful, and crimes that are equally wrong and harmful. Seriousness depends on wrongfulness more than it does on harmfulness for crimes that are seen as more wrongful than harmful and it depends more on harmfulness more than on wrongfulness for crimes that are more harmful than wrong. Warr concludes that “[r]ather than combining wrongfulness and harmfulness in some manner, these respondents [discriminators] appear to attend to the dominant feature of the crime—either its wrongfulness or its harmfulness—in judging seriousness” (810). Warr also showed that the function $\text{wrongfulness} = f(\text{harmfulness})$ is cubic polynomial. His results were replicated by O’Connell and Whelan (1996) who also identified harmfulness and wrongfulness as two independent dimensions affecting perceptions of seriousness.

2 CONSENSUS

To what degree is there agreement with respect to perceptions of seriousness? This question turns out to be quite complex, hence the debate over the meaning and validity of findings in seriousness research. To answer this question it is important to start with a few definitions and distinctions among types of consensus. The typology presented next is partly based on ideas presented by Rossi and Berk (1985). Some terms have been used by other researchers and some terms are borrowed from other sources such as Cullen et al (1982). The following specifications have all proven useful in describing data on perceived crime seriousness:

a ***Type of Consensus with Respect to the Mathematical Properties of the Distribution of Scores: Absolute and Relative Consensus***

Absolute consensus refers to agreement among groups on the parameters of the distribution of seriousness while relative consensus refers to agreement among groups on the mathematical form (function of the distribution). Cullen et al (1982) used the concepts “agreement” and “consistency” respectively. This is perhaps the most important distinction with respect to the empirical literature. In comparative research, a

frequent finding is that there is relative consensus across cultures on behaviors on the upper end of the seriousness scale. However, even for these behaviors, absolute consensus has not been observed. In fact, most studies reporting consensus, intra-culturally or cross-culturally, refer to relative consensus. Relative consensus has been one of the most persistent findings in crime seriousness research (see also Rossi and Henry 1980). Even under the weight of methodological criticisms (for example Miethe 1982), there is little evidence to argue otherwise. It is also true though that the degree of such consensus varies across categories of offenses.

b Types of Consensus with Respect to Generality: Global and Local Consensus

Global consensus refers to agreement on all normative domains (all norms included). Local consensus refers to agreement on any one domain (for example, marijuana use). This distinction is again useful in assessing the degree of general normative consensus. The findings suggest that although local consensus is very often present, global consensus can still be said to exist unless the degree of local (within categories) consensus assumes disproportionate magnitude compared to that of global (between categories) consensus. Rossi and Berk (1985) present the extreme situation (global consensus is absent but local consensus is present in some

domains) of “segmented normative structures” (341). They argue that, although important in identifying sub-populations with different normative systems, this model is unlikely to be observed in the US (in the 1970s and 1980s at least) because “widely divergent normative structures within population subgroups seemingly do not exist” (343). A more extreme case where both global and local consensus is absent is termed by Rossi and Berk (1985) as “structureless normative domains” (343). Again, these researchers suggest that, at least within the scope of crime seriousness research, this situation is not empirically present.

Miethe (1984) summarized the conclusions of empirical research to that day in four types of consensus based on two dimensions, the absolute-relative (as presented above) and the universal-local (presented here as global-local). Using data from Rossi et al (1974) Miethe tested the four corresponding hypotheses of consensus between blacks and whites. He found support for global relative consensus but not for global absolute consensus. Local absolute consensus was found for violent, white collar, and public order offenses, but not for victimless offenses, while for property crimes, neither absolute nor relative consensus was found. Miethe further showed that part of the consensus is attributable to consensus on the extremes and consensus about serious acts. These findings of consensus were challenged by Cullen et al (1985), who directed attention back to

Miethe's own methodological criticisms (Miethe 1982). Reanalyzing Cullen et al's (1982) data from Macomb, Illinois, Cullen et al (1985) found low absolute consensus and strong impact of demographic variables (size of community of origin and education). They showed that the removal of serious crimes from the list does not affect consensus significantly. With respect to local consensus Cullen et al (1985) report the presence of relative and the absence of absolute consensus. In addition, consensus tends to be stronger for some crimes (for example, crimes against the police) than for others (for example, white collar crimes). Carlson and Williams (1993) also showed that consensus exists with respect to crimes involving injury or loss of life but not with respect to white-collar or victimless crimes.

*c Type of Consensus with Respect to the Units of Analysis:
Aggregate and Individual Levels*

Without exception, perceptions of crime seriousness have been measured at the individual level. This is of course a natural limitation of this kind of research. The study of group or mass perceptions forms a whole separate, the area of moral panics. With individuals as the units of measurement, two possibilities for analysis exist: to use individuals (individual level variables) or groups (group means) as units of analysis. Comparing

groups rather than individuals has been very popular in this area. It has been done statistically in a variety of ways that cover a wide range of statistical sophistication, from simple non-parametric testing to regression models. Miethe (1984) has shown that using aggregate level analyses produces significantly greater statistical indicators of consensus.

In general, the findings with respect to aggregate level consensus are findings of relative consensus across groups. From the beginning of the story, Sellin and Wolfgang (1964) reported relative consensus across their samples. In their replication study in Canada, Akman and Normandeau (1967, 1968) also found relative consensus across their different sampled groups (students, judges, police officers, and white collar workers). This conclusion was confirmed by Rossi et al (1974) who reported relative consensus among subgroups across race, sex, and educational level, while also showing that blacks and females overall rate offenses as more serious (their regression equations across subgroups are remarkably similar with respect to coefficients but differ at the intercept). McCleary et al (1981) surveyed a sample of 154 criminal justice agents and compared their rankings to those of citizens from the general population finding high degree of consensus between these groups.

We could go on and review most of the studies cited in this review, but this is done next in the section of correlates. It should suffice at this point to cite Rossi and Henry's (1980) conclusion that seriousness research has generally shown relative consensus among groups.

d **Type of Consensus with Respect to the Units of Comparison:
Crosscultural, Intracultural (cross-group), and Historical
Consensus**

(1) **Intracultural Consensus**

Intracultural relative consensus has been the typical finding of seriousness research. In general, every study done within the limits of a single culture has produced findings that are comparable to those of all other studies done within the same limits.

(2) **Crosscultural Consensus**

The complications discussed above in summarizing the findings of American studies on perceived seriousness hold for cross-cultural comparisons as well. Again, some summary findings will be listed with this in mind. An additional dilemma here is whether one should treat all

Western cultures together or as different cultures. The results will be presented for separate cultures but as it will be shown the "West" can a posteriori be defined as a homogenous culture with respect to most behaviors tested.

The earliest replications of Sellin and Wolfgang's (1964) study were done in Canada by their students Dogan Akman and André Normandeau and were reported in several publications (Normandeau 1966, Akman and Normandeau 1967, 1968). The general conclusions of these papers are highly consistent with Sellin and Wolfgang (1964). As an illustration, the aggregate correlation between the relative seriousness⁹ (rankings) scores of Sellin and Wolfgang's (1964) American sample and those of the Canadian sample was 0.96. A number of studies followed in the early 1970s showing that when Western cultures are compared with non-Western cultures both agreement and disagreement is observed. Carss and Whitrod (1974) for example, compared the perceptions of seriousness in Australia and Papua-New Guinea. Their data yielded five factors in a principal components factor analysis. The first was compounded stealing (theft with some specification of the social position of the actor) and offenses that loaded high on this were rated more serious by the Papua-

⁹ Relative consensus here refers to similarity in the rankings (either the actual rankings in category scaling or rankings by score derived from magnitude estimations)

New Guinea sample. Offenses loading high on the second (violence) and third (civil disorder) factors were rated more serious by the Australian sample. Offenses that loaded high on the fourth (homosexuality) and fifth (stealing by inferiors) factors were rated the same. Velez-Diaz and Megagree (1971) found consensus between US and Puerto Rican samples, while Hsu's (1973) findings in a study in Taiwan were consistent with US findings with respect to the "minimum claim" (349, that is, relative seriousness (rankings) scores, aggregate $r = 0.95$), but not with respect to the "maximum claim" (349, that is absolute seriousness (ratings)). The only exception was rape, which was rated more serious than murder by Taiwanese females.

The first large-scale comparative study was published in 1976 by Graeme Newman (Newman 1976). It reported comparisons among six countries with respect to a number of issues including the question "Do you think this act should be prohibited by law?" Some summary results are reported in Table 3.5.

of offenses and absolute consensus refers to similarity on the actual scores (in magnitude estimation).

Category:	Mala en se	Mala Antiqua	Mala Prohibita				Mala Nova	Mala Ambigua		
Country	Incest	Robbery	Appropriation	Homosexuality	Abortion	Taking Drugs	Factory Pollution	Public Protest	Not Helping	N
India	94	97	97	74	41	75	99	33	45	509
Indonesia	98	99	100	86	95	93	95	72	68	500
Iran	98	98	97	90	84	90	98	77	56	475
Italy	98	100	100	87	77	92	96	35	80	200
USA	71	100	92	18	22	90	96	6	28	169
Yugoslavia	95	98	98	72	25	90	93	46	77	500

Another question asked was "How serious do you think this act is?" with answers coded on a category scale ranging from 0 to 11. Summary results for this question are presented in Table 3.6 in rank order.

Act	Score	SD	Score Rank	SD Rank (inverted)
Incest	9.6	0.9	1	4
Robbery	9.3	0.7	2	1.5
Appropriation	9.1	0.7	3	1.5
Factory pollution	9.0	0.8	4	3
Taking drugs	8.9	1.2	5	5
Not helping	7.7	1.4	6	6
Homosexuality	6.9	2.1	7	7
Abortion	6.0	2.8	8	9
Public protest	4.5	2.6	9	8

Several conclusions can be drawn from these results. First, with respect to consensus or dissensus based on the aggregate data (country averages as units of analysis) there is relative consensus among the six countries, that is, the rank order of the offenses is very similar (the rank order is reported in Table 3.6 in that order). Incest, robbery and appropriation are rated the most serious overall, while homosexuality, abortion, and public protest the least serious. Second, comparing the score ranks to the seriousness ranks in Table 3.6, we see that there is a certain degree of heteroskedasticity in the distribution of seriousness by act. In general, acts that are rated as most serious attract the highest degree of consensus while those that are rated the least serious produce the highest degree of variation (incest behaves somewhat different). This means that it is much safer statistically to infer universal conclusions about the seriousness of acts that are on average seen as the most serious. In other words, it is safe to say that robbery, for example, is universally condemned and there is little variation across cultures, while abortion, is neither universally condemned nor universally not condemned.

Finally, the preceding conclusion can also be derived from individual level data. Based on the standard deviations for each act/culture cell (reported in Newman 1976) it can be concluded that the degree of dissensus around

the reported averages ranges dramatically from act to act and from culture to culture. In general, for robbery and incest, these deviations are low, while for drugs, homosexuality, abortion, not helping and protest they are high. In this latter case, there is also a tendency toward a U shaped histogram, that is, most people rate these acts as either very low or very high on the seriousness scale. This means that for the former acts there is cross-cultural consensus even when individual level data are analyzed, while for the latter there is not. Newman's own conclusions are expressed with respect to concepts of relativism: *There are universal values as observed in the data for "traditional crimes" (robbery, appropriation). For "traditional deviance" (homosexuality, abortion, taking drugs) there is more allowance for relativistic conclusions. For "mala ambigua" (not helping) there is the greatest variation and it is not even correlated with correlates of other acts*¹⁰.

Other studies have also produced mixed results. Kvalseth (1980) studied a Norwegian sample of 25 college students using an experimental design. The results show relative consensus as compared to a US sample (Stevens 1975) and a Canadian sample (Akman and Normandeau 1967, 1968) but not absolute consensus (the Norwegian sample produced higher averages on the seriousness scale). Al-Thakeb and Scott (1981) studied attitudes

¹⁰ Newman uses four terms to describe the data with respect to the kind of consensus:

toward the reestablishment of Islamic penal law in Kuwait. They found that the majority of their 600 respondents favored these changes, while a minority opposed. Members of this minority are predominantly upper middle and upper class and have had substantial contact with the West. Evans and Scott (1984) also studied Kuwait in comparison to the US. They found that while there is a general relative consensus between the two samples with in three categories of offenses (violent, property, and white collar) this is not the case with a fourth category, "morals offenses" (47). These were rated much higher on the seriousness scale in Kuwait. A large part of this difference was attributed to Alhuddoud offenses, "offenses that are specified in the Koran or in the teachings of the Prophet Muhammed" (50). Fishman et al (1986) surveyed a sample of 420 citizens of Haifa, Israel. They gave each respondent 30 index cards and asked them to sort them into kinds "according to the perceived similarity of the offenses" (180) without any given criteria. Then they asked the respondents to rank the *groups* of offenses according to seriousness (again, without any given criteria). The authors argue that this method is consistent with the limits of average human intelligence: the respondents did not have to rank a large number of offenses but a small number of grouped offenses. They found that criminal intent and personal injury are two independent dimensions correlated with seriousness (together they account for 78% of

consensus, dissensus, conflict, and asensus.

the variation). Economic and white-collar crime ranked lower than violent crime. Relative consensus in the ratings between American (N=530) and Chinese (N=532) students was also found by Yu (1993). In absolute local terms, the Chinese students rated victimless (taking drugs, homosexuality, prostitution, pornography, gambling) and public order offenses more seriously, while Americans rated violent offenses higher. White-collar offenses showed no or inconsistent differences. Finally, in a more recent comparative study, O'Connell and Whelan (1996) using ten offense scenarios, found consensus between the ratings of their Irish sample and those of a previously studied British sample (Levi and Jones 1985).

In conclusion, relative consensus seems to exist cross-culturally with respect to behaviors that are generally ranked high on the seriousness scales—as discussed earlier, these offenses are typically those involving bodily injury, followed by those causing property damage or loss. A good deal of variation is observed for offenses that are usually ranked as less serious and offenses that have culturally specific meanings.

(3) Historical Consensus

Historical Consensus refers to consensus over time. Ideally, the empirical exploration of this concept requires longitudinal models. These have been

absent from seriousness research. However, it is sometimes the case that researchers compare their results to those of previous studies with similar populations. Figlio (1975), for example, compared his findings with Sellin and Wolfgang's (1964) findings (both studies of University of Pennsylvania students), and found that his sample rated offenses about 50% lower on the seriousness scale on absolute terms (absolute consensus) but very similar in relative terms (relative consensus). Later, O'Connell and Whelan (1996) reported that in their comparison of their study in Ireland with a previous study in the UK, the perceived seriousness of marijuana sale, dole fraud, and underage sex changed over time much more than the perceived seriousness of other offenses. This finding replicates the findings of Deschner et al (1981) who reported that the only major value shift over the previous two decades occurred for drug offense ratings, especially for marijuana. These findings resemble other findings reported here with respect to homoskedasticity across categories. Again, behaviors that are rated high on seriousness produce more stable results (here, across time).

These results generally suggest that there is relative but not absolute consensus over time within the same groups and/or normative domains (for the same summary conclusion see Rossi and Henry 1980). Most important here is to stress that there has been variation with respect to

victimless and less serious behaviors (less serious both by legal and empirical criteria) and not as much variation for more serious offenses.

e **Type of Consensus with Respect to the Level of Abstraction of the Unit of Evaluation: Normative Consensus (Norms and Values) and Uniformity of Judgements (Acts)**

Normative consensus refers to agreement on the norms while uniformity of judgments refers to agreement on the judgments of normative “applications” (Rossi and Berk 1985). This distinction is useful in drawing conclusions regarding the degree of normative consensus in a community. It could be the case that a sample produces considerable variation in judgements of individual items while at the same time sharing a considerable amount of consensus with respect to the normative principles or values that underlie their judgments. This hypothesis has been tested in many of the studies reviewed here by means of statistical methods such as principal components factor analysis. In most cases, underlying norms emerge, but at different levels of abstraction which makes these findings hard to summarize. For example, one underlying value may be respect to the police while another is condemnation of violence. Naturally, researchers have been disproportionately more attentive to normative consensus than on uniformity of judgments.

3 CORRELATES OF SERIOUSNESS PERCEPTIONS

The previous section has focused on how much consensus (conceived in a number of ways) there is with respect to perceptions of crime seriousness. We have seen that this consensus is almost always relative and not absolute. What remains is to explore the complimentary issue of variation and try to identify some of the factors that account for it, or, to avoid unwarranted causal inferences, some of the factors that are correlated with it.

a Demographic Correlates

The previous section has shown that, in general, relative consensus was detected across all demographic groups. The variation that remains is due to some demographic variables and other unmeasured (including an unknown number of idiosyncratic) factors. To what extent do demographic variables correlate with perceptions of crime seriousness? A general conclusion is that there is not much variation in seriousness explained by these correlates. This was the conclusion of Sellin and Wolfgang (1964). Newman (1976) also illustrates this point. In his analysis of data from six countries, age, gender, education, social class,

urbanness, and religiosity (an attitudinal correlate) explained only about 10% of the variance (and about 40-45% combined with country effects) in his deviance perception and deviance control variables. A few examples of studies concerned with the effects of demographic correlates are presented below categorized, as much as possible, by correlate.

(1) Gender

With respect to gender, some differences were observed for behaviors that affect women more than they affect men. For example, females in Akman and Normandeau (1967, 1968, Canada) and Hsu (1973, Taiwan) rated rape significantly more serious than did men. Differences are also reported in Walker (1978) who found that males consider violent behaviors more serious and tax evasion less serious than females, by Rauma (1991) who found that women make harsher judgments for assaults and burglaries, by Yu (1993) who found that women in the US and China tend to generally rate offenses more serious than do men, and by O'Connell and Whelan (1996) who found that females consider underage sex, marijuana sale, and fraud more serious. On the other hand, Newman (1976) and Wolfgang et al (1985) found no overall differences between genders. These examples lead to the conclusion that the variation

with respect to gender is not profound and is not structured around particular characteristics of offenses.

(2) Age

Age is one of the variables that has not been studied extensively because of the limitations of the usual populations (students). In one of the first non student studies, Rossi et al (1974) found that young age is one of the two most correlated factors (the other is education) with overall ratings, that is, young persons tend to rate offenses similar to the sample average rating. In Newman's (1976) comparative study, age had only a minor significant effect that was very culture specific. Wolfgang et al (1985) found that older people rate thefts of large amounts higher than young people do. Halman (1995), using data from the European Values Survey (1981 and 1990) found that younger people are more permissive than older people (permissiveness was conceived in this study as tolerance for different values and norms by other people as long as they don't interfere with one's own system of values and norms). O'Connell and Whelan (1996) found that age had a significant, yet unclear effect on seriousness perceptions.

(3) Education

Education is the other correlate that has not been extensively studied due to the student populations surveyed in most studies. In general, educational attainment has a negative effect on seriousness perceptions. In Rossi et al's (1974) study, education was the other one of the two most correlated factors with overall ratings, that is, more educated persons tended to rate offenses similar to the sample average rating. The researchers' interpretation was that young and educated people know the normative structure better and they can handle language more reliably. Newman (1976) showed that education had a negative effect on seriousness and deviance control on all acts except homosexuality and for all countries except Indonesia where it had a positive effect. Rauma (1991) and Halman (1995) also found that education has a negative effect on seriousness perceptions and permissiveness respectively. Finally, Tyler and Boeckmann (1997) in a telephone survey of 166 adults (mean age = 43) in East Bay area, Northern California found that the more educated subjects were less punitive in general and less supportive for the "3 strikes" law.

(4) *Urbaneness*

Newman (1976) found that urbaneness had a negative effect on deviance perceptions for homosexuality, abortion and protest except in Indonesia where it had a positive effect. Hagan et al (1977) found that urbanites are more likely to approve of homosexuality while rural residents are more likely to approve of assault.

(5) *Race*

Not much can be said about race either. Overall, there is relative consensus between races (typically, the comparisons are between blacks and whites). The direction of dissensus has been shown to go either way: Wolfgang et al (1985) found that minorities score lower than whites, while Rauma (1991) reports that blacks are harsher in their judgments.

(6) *Social Class/Status Groups*

Socioeconomic status was found to be associated with seriousness ratings in Walker (1978) but not in Newman (1976). Hagan et al (1977) found that approval of homosexuality is associated with higher social status (persons

with higher social status were assumed to be more educated, white-collar, with higher income, Northern, non-Protestant, and urban).

(7) *Other*

Figlio (1975) showed that although there are high correlations between the overall ratings (relative consensus), inmates tend to rate the offenses as less serious than detainees and detainees less serious than students. Wolfgang et al (1985) reported that the relationship of the victim to the offender affected the ratings and that respondents with experience as victims perceive offenses as more serious than do non-victims. A British study (Levi and Jones 1985) comparing the seriousness perceptions of two samples, one from the police (N = 368) and one from the public (N = 960) found consensus on some offenses (for example, violence and theft by a police officer), but dissensus on other offenses (for example, fraud, burglary, and victimless crimes). However, contrary to Wolfgang et al (1985), Levi and Jones did not find any differences between victims and non-victims.

b Attitudinal Correlates

It is reasonable to expect that attitudinal correlates will be more closely related to seriousness perceptions, since the two sets of dimensions are more directly psychologically related. Indeed, as the following review will show, some attitudes have been identified as strong correlates of perceptions of seriousness.

(1) Religiosity

Newman (1976) found religiosity to have the most important conservative (favorable to deviance control) effect on all acts in four of the six countries of his study. The exceptions were Yugoslavia (where religiosity was negatively sanctioned and according to the author religious people were probably more sensitive to the right to be different) and Indonesia which showed liberating effects for homosexuality and abortion (the author admits that this is hard to explain). Orthodox Christian belief was reported by Abrams and Della-Fave (1976) to explain together with authoritarianism (discussed next) about 23% of the variance in support of legalization of victimless crimes. Individually, each accounted for 16% of the variance, half of which was unique, the other half shared. In their study in Kuwait, Al-Thakeb and Scott (1981) found that upper or upper

middle class citizens tend to be against the reestablishment of Islamic penal law. The reason, according to the authors, is not social class per se but the fact that these groups, which constitute a minority in most Middle Eastern Islamic countries, are generally less orthodox in their religious beliefs and have had considerable exposure to the Western civilization. Similarly, Evans and Scott (1984) argue that that their finding that “morals offenses” (47) are rated much more serious in Kuwait than in the US can be explained by religious differences and especially by the role of “Alhuddoud” offenses.

(2) *Authoritarianism*

Mentor and Dorne (1998) define authoritarianism as “an orientation [that favors] subjection to the control and hegemony of powerful social and legal institutions and is opposed to individual autonomy and normative diversity” (77). As presented above, Abrams and Della-Fave (1976) found this to be a strong correlate of condemnation of victimless crimes. More recently, Feather (1996) surveyed two samples in Australia (N = 220 and 181) to investigate the relationship between a number of variables, perceived seriousness, and punishment deservingness of domestic violence, plagiarism, shoplifting, and resisting a police order in a protest against lodging. Among other findings that are beyond the interests of this

review, Feather found that right-wing authoritarianism (RWA) has a direct positive effect on perceived seriousness. RWA (measured by the *RWA scale* developed by Altemeyer 1981) was found to be highly negatively correlated with hedonism, traditionalism, and conformity and security values. Mentor and Dorne (1998) asked 157 university students enrolled in a public policy program to rate a wide variety of deviant acts (consensus crimes were almost entirely excluded) hypothesizing that perceived seriousness was affected by right wing authoritarianism (measured by Altemeyer's (1981) RWA scale). They found that RWA positively affected the perceived seriousness of all acts and the perceived seriousness of groups of acts (for example, there was a very strong effect around the issue of homosexuality). They also showed that political ideology, church attendance, and gender did not have a significant effect on perceived seriousness after RWA was controlled.

(3) *Dogmatism*

Fleming (1981) reports that dogmatism¹¹ produces variation in judgements of acts that have unclear consequences (little certainty about

¹¹ "Dogmatism," according to Rokeach (1960) "indicates a closed way of thinking, and an intolerance of opposing beliefs" (cited in Fleming 1981: 55). "The highly dogmatic person tends to equate information with its source, sees the world as threatening, and evaluates over people in terms of the apparent compatibility of their beliefs with his own" (cited in Fleming 1981: 55).

harm or damage) among members of otherwise homogenous groups (in this case, a sample of 171 undergraduate students from four colleges in Philadelphia).

(4) Punitiveness and Racial Prejudice

An attitudinal correlate that is conceptually and substantively very close to seriousness perception is punitiveness. O'Connell and Whelan (1996) showed that punitiveness is empirically correlated with offense seriousness (with the exception of marijuana sale). It was further hypothesized that punitiveness is itself affected by the prevalent stereotypes that spring from factual and propagandistic information about crime. Cohn et al (1991) have argued that the documented relative consensus simply masks the effects of two important correlates, fear of crime (discussed next) and racial prejudice. Using data from the 1987 General Social Survey (N = 1,466 US adults) they showed that racial prejudice contributes to the punitive attitudes of white respondents while fear of crime contributes to the punitive attitudes of black respondents. Tyler and Boeckmann (1997) reach very similar conclusions with respect to attitudes toward the "3 strikes" law in California. In their study, overall punitiveness, willingness to abandon procedural protections, and support for the "3 strikes" initiative were intercorrelated (correlation coefficients ranged from 0.40

to 0.68). They also showed that the primary predictors of overall punitiveness and support for the “3 strikes” initiative were social values (authoritarianism, dogmatism, liberalism) and judgements about social conditions (dangerousness).

c ***Fear of Crime (Fear of Victimization)***

Fear of victimization was studied as a dependent variable by Warr and Stafford (1983) who identified two necessary but not individually sufficient conditions (multiplicative model) affecting it. These were perceived seriousness and perceived risk and their relationship with fear of victimization was empirically verified based on data from a mail survey in Seattle. As an endogenous construct, fear of crime in an area is correlated with perceptions of the prevalence of crime. To what extent do these perceptions reflect the actual statistics is a different question. Warr (1982) showed that public perceptions of crime (delinquency) prevalence and sex ratio of offenders are good reflections of actual statistics. Comparing two surveys, one of Tucson adults about perceived prevalence and sex ratio and one of self-reported delinquency of Tucson high school students, Warr found that the two distributions are correlated. Further, Lewis and Maxfield (1980) showed that fear of crime is also affected by perceptions of incivility (a construct measured by visible neighborhood

conditions, such as abandoned buildings, vandalism, drug use, and loitering teenagers). Warr (1989b) has analyzed the construct of fear of crime further showing that the fact that women and elderly people are more fearful of crime is produced by differential sensitivity to risk across demographic groups (the slope of the function $\text{fear}=f(\text{risk})$ varies across sub-samples).

As an independent factor, fear of crime has been shown to affect punitiveness (as discussed above, a correlate of perceptions of crime seriousness and for the purpose of the present section a proxy variable). Evidence for this relationship was provided by Cohn et al (1991, see above). In a different model specification, Smith and Hill (1991) treated seriousness of crime as an intervening variable and showed that it mediates the effect of vulnerability to victimization on fear of crime in a study of a probability sample of 3109 drivers in North Carolina. Fear of crime did not do quite as well in Tyler and Boeckmann (1997) where social values were found to be more important than perceived social conditions (dangerousness) in shaping respondent's punitiveness (global and local with respect to support for the "3 strikes" initiative) and abandonment of procedural protection. A more direct (than social conditions) measure of fear which asked the typical risk and seriousness questions failed to produce significant effects.

d Perceived Legality

Ho (1992) studied the correlation between perceptions of morality and perceived legality in a survey of 733 college students at the University of Taipei, Taiwan. He found that perceptions of morality and legality are highly correlated for 13 of the 14 acts included (asking for sex is an exception). Testing the reciprocity of causal effects between the two constructs, Ho showed that morality is more likely to have an effect on perceptions of legality than vice versa.

G WHAT ELSE DO WE NEED TO KNOW?

In this last section, I will briefly discuss a few ideas pertaining to theoretical, empirical, and applied ramifications of the material presented in this chapter.

1 ALTERNATIVE CONCEPTS

The concept of seriousness embodies important analytical advantages. Operationalizability, for example, is no small issue in social measurement, and the concept of seriousness is very good in that respect. However, if we

imagine this concept and the research it has inspired in the broader context of the study of social control, we are likely to see how much more there is to be done. Simply put, one issue that has not been addressed yet is the *theoretical relevance* of the term seriousness. Theoretical discussion is typically limited or absent in the literature on crime seriousness and this may be because the concept of seriousness is not after all theoretically compelling. To get closer to theory it may be necessary to develop alternative concepts that still capture the essence of seriousness.

Control Attitudes, that is, the attitudes individuals have toward the social control (informal or formal) of a behavior is an example of a substitute concept. Seriousness and control attitudes are conceptual siblings: they both reflect some kind of undesirability. One advantage of control attitudes over seriousness is that they are directly linked to normative culture. Control attitudes can be conceptualized as bridges connecting the macro to the micro level of analysis as they reflect the representation of societal moral structure in individual judgment. They are analytical links between the normative profile of the community and the cognitive and evaluative profile of the individual. These ideas are further explored in the chapters that follow.

2 FURTHER EXPLORATION OF THE COMPONENTS, ATTITUDINAL CORRELATES, OR INDEPENDENT CAUSES OF PERCEIVED SERIOUSNESS

In the review of the literature, we saw that several characteristics of an act are associated with perceived seriousness. Based on what we have learned from this literature, we can define components of seriousness more systematically. Warr's (1989a) work has made a very important first step toward this direction. The perceived wrongfulness and the perceived harmfulness of an act are indeed two dimensions that can be studied further both conceptually and empirically. These dimensions deserve exploration both as components of perceived seriousness and in their own merit.

Another related direction research can pursue is the relationship between perceptions of seriousness and other attitudinal correlates. A selection of such correlates was included in the presentation of the literature (punitiveness, authoritarianism, fear of victimization, religiosity, et cetera). These have been studied to some extent but not extensively.

3 CONNECTION TO NORMATIVE PHILOSOPHY

Although this and the previous chapters presented material from very different areas of thinking and research, they share an important connection. The philosophical principles presented in Chapter 2 can be studied as the basis on which the logic of popular perceptions and attitudes resides. Very generally at this point it can be pointed out that libertarian and paternalistic principles are harm-related, while moralistic principles are immorality-related. These connections are presented and empirically investigated in the following chapters.

4 CONNECTION TO OTHER AREAS IN SOCIOLOGY

Some connections can also be made to existing bodies of literature. The consensus-conflict debate for example deals essentially with very similar issues. The area of fear of crime is one of applied relevance (discussed below). Another area is the history of definition of deviance conceptions and societal reaction to deviance (Foucault's work on madness (1967) and punishment (1977) and Gusfield's work on prohibition (1963) can be cited as examples of works that define this area). Research on societal reaction to deviance in contemporary Western cultures is also relevant and it has

produced a remarkable body of research, including the area of moral panics (discussed below).

5 MORE MEANINGFUL CRIME STATISTICS?

One possible application of seriousness perceptions research is the calculation of seriousness statistics which would resemble the established parameters and go beyond what those offer by providing information simultaneously in their figures for both rates (prevalence and incidence) and seriousness of crime (based on the perceptions of seriousness derived from surveys). This was the initial intention of Sellin and Wolfgang (1964) who did calculate alternative parameters. They were replicated in this attempt by Akman and Normandeau (1968). The utility of this project was questioned by Blumstein (1974) who showed that the UCR and the Sellin and Wolfgang scale are "almost perfectly linearly correlated" (864) and thus, there is little utility in using the Sellin and Wolfgang index over the UCR. In the same spirit, although more general and not specifically referring to Sellin and Wolfgang (1964), Manis (1974) asks for the use of *scientific* criteria for the identification and seriousness assessment of social problems over popular seriousness perceptions. These critiques are of some virtue, as it is reflected in the fact that the calculation of seriousness sensitive crime statistics has not gained

popularity in criminology or criminal justice. It can be argued however that this issue has not been brought to a conclusion. An area that seems attractive for the exploration of the resemblance between formal and popular ideas is the area of victimless crime, or the broader area of conflict crimes.¹²

6 REDUCING THE FEAR OF CRIME

Warr and Stafford (1983) demonstrated that that the effects of risk and seriousness perceptions on fear of crime can be represented by a multiplicative model (perceived risk x perceived seriousness = fear of crime). It follows from this model that reduction in perceived seriousness or perceived risk will reduce the fear of crime. The problem with respect to perceived seriousness is that it cannot easily be reduced; thus, Warr and Stafford suggest that reducing the perceived risk is the only way to reduce fear. Indeed, for consensus crimes such as murder and rape, it is unreasonable and ideologically problematic to suggest that society should reduce fear of crime by reducing perceived seriousness. However, a more optimistic stance is reasonable for conflict crimes. Perceptions of

¹² As I am writing these lines, I am observing through the windows of Bauhaus Café, a group of protestors marching South on East Pike street toward downtown Seattle which is under curfew due to the World Trade Organization's meeting. Obviously, the perceptions and attitudes of these citizens are different to a substantial extent from those of the legal authorities.

seriousness of illegal behaviors such as drug use and commercial sex do change, although slowly. This change happens within broader cultural changes. Can society have a systematic input in the process of particular attitudinal change beyond the automatic impact of broader cultural change? The literature on moral panics has shown that this is possible to the opposite direction, that is, increasing the fear of crime. It can be logically derived that reduction is also possible by the same process, namely, the way the nature and prevalence of some behaviors are presented to the perceivers. This proposition points to various directions. One is a more critical approach in the study and design of information dissemination institutions (predominantly education and the mass media). Another direction is the decriminalization of victimless crimes.

CHAPTER 4

Modeling

This study is interested in the nature and distribution of attitudes toward deviant behavior. In this chapter, the conceptual profile of the units of analysis and measurement will be presented. Then, the central variable, pleasure control attitudes (PCA), will be constructed. In conventional causal language, PCA will be the dependent variable of the substantive model.¹ Two independent dimensions, perceptions of self-harm (PSH) and perceptions of immorality (PI), will be presented and will be hypothesized to affect PCA. Finally, the behaviors of focus will be chosen.

A IDEAS AS UNITS OF ANALYSIS

The substantive units of analysis in this study are *ideas*. Chapter 2 has focused on some ideas found in the philosophical discourse on social control.

The following chapters will be devoted to the identification and measurement of ideas of "common people." This is the empirical component. It is necessary to begin the discussion at this point with some justification of the way ideas will be modeled and measured in this study. One issue is the correspondence between ideas per se and ideas as measured in attitudinal or opinion research. This study clearly assumes that it is possible to make valid connections between the conceptual and the empirical worlds of ideas.

This assumption requires some justification. Berger and Luckmann (1967) warned us about the illusion theorists may have about the prevalence of theoretical ideas in common people's conceptual schemes:

To exaggerate the importance of theoretical thought in society and history is a natural failing of theorizers. It is then all the more necessary to correct this intellectualistic misapprehension. The theoretical formulations of reality, whether they be scientific or philosophical or even mythological, do not exhaust what is 'real' for the members of a society. Since this is so, the sociology of knowledge must first of all concern

¹ Causal language is used in this study in a relaxed sense. The issue of causation is far from resolved in the social sciences. Typically, when we make causal claims, we observe the criteria of temporal order, non-spuriousness, and correlation, perhaps paying also attention to the mechanism or process of causation. Causation is assumed by social scientific convention rather than resolved on philosophical grounds. The purpose of the study is served by correlational analyses. Causal language (dependent and independent variables) and causal analytical modeling (regression equations) will be used as purely mathematical tools in the modeling and analysis.

itself with what people 'know' as 'reality' in their everyday, non- or pre-theoretical lives. In other words, commonsense 'knowledge' rather than 'ideas' must be the central focus of the sociology of knowledge. It is precisely this knowledge that constitutes the fabric of meanings without which no society could exist (15).

The term "ideas" as used in the present work attempts to capture both the "ideas" and "commonsense knowledge" of Berger and Luckmann. It is assumed and proposed here that in a wider conception of commonsense knowledge, all elements that constitute this knowledge are essentially ideas, or constructs. These constructs of course vary in complexity (thus the distinction in Berger and Luckmann); some are simple facts (for example, physiological death), some are analytical concepts (for example, death rates), some are propositions linking concepts or facts (that is, empirical or theoretical propositions), some are systems of propositions (theories, paradigms, or discourses). Depending on the correspondence between the degree of complexity of these elements and systems of knowledge and their measurable manifestations, various connections can be made. For example, the idea that LSD makes people "insane" may be directly measured as such an element of knowledge. The idea that insanity is a historically specific instance of discourse domination is unlikely to be empirically found as such, at least in the populations most frequently studied in sociology. It can be present however and this

presence can be reflected in conceptually simpler manifestations. This will require more interrogation into the measurable ideas.

In this study, I will be measuring ideas that individuals possess in order to draw an image of the cultural environment which breeds these ideas. Clearly, I assume that individuals can be the means of accessing and reading the cultural script. If this assumption holds, this study will produce a valid partial image of the content of normative culture in the United States. This is the primary focus of the study. The interest of this study in the process of acquisition of knowledge and internalization of normative elements is of peripheral nature. The focusing of this study can be compared to that of a study of the structure of language through interaction with the people who use it without interest in the social psychology of learning a language. In the same sense, by studying what individuals think, I want to explore the content of the normative culture in which they live, without being particularly interested in the social psychological processes of learning ideas.

The ideas studied in this project are attitudes and their components. Attitudinal statements made by the participants can be analytically linked to value and knowledge systems. Thus, from what a person

externalizes through language, inference can be made about this person's values and principles as well as about her/his perceptions of reality.

B PLEASURE CONTROL ATTITUDES

Normative culture consists of norms (folkways, mores, and laws). By definition, *norms* are rules of behavior, and as such they contain a deontological essence (one should or should not behave in certain ways) and a logical structure based on binary oppositions (right and wrong, good and bad, et cetera). *Attitudes* are personally held positions regarding social life. In social psychology, an attitude has two components, a cognitive component, which is in a sense the datum, or input, and an evaluative (normative) component which is the outcome of the application of values or beliefs on the cognitive datum. In other words, *an attitude is an opinion about something*—the opinion is the evaluative part, the “something” is the cognitive part. *Values* can be defined at this point as relatively collective and relatively permanent attitudes. Conceptually, this definition does not restrict values to empirical generalizations. It does, however, provide the ground for empirical investigation of values through attitudes. In the light of the well articulated debate between the consensus and conflict assumptions in the sociology of law, this empirical investigation may assume the shape of an investigation of the extent to which there is

consensus or conflict around a value (or a norm that follows from it). This can be done by simply looking at the distributions of attitudes regarding a particular issue. At the individual level, not only is it possible to construct descriptive accounts of personally held values and perceptions, but also to explore the qualitative relationship between them.

Again, the assumption of culture manifested in the individual is made. In the particular area of culture under investigation, deviant pleasures, it is assumed that there is a set of values that produce norms regarding pleasure seeking behavior. Approval or disapproval of these values and norms by individuals is the normative component of the relevant attitude. When an individual for example expresses agreement or opposition toward the free use of marijuana, she or he is approving or disapproving of the values and norms around the use of marijuana in society. Since we are dealing here with *deviant* pleasures, there is a given set of restrictive values and norms that attitudes refer to. These values and norms are termed here *pleasure control*. The relevant attitudes are termed *pleasure control attitudes*.

C PERCEPTIONS OF SELF-HARM AND PERCEPTIONS OF IMMORALITY

The cognitive component of an attitude consists of perceptions about the focal issue. In this study, two categories of perceptions are modeled as independent dimensions hypothesized to affect PCA.² These are perceptions of self-harm (PSH) and perceptions of immorality (PI).³ PSH refers to the perceived harm a behavior may cause to the person who is performing it. PI refers to the perception of a behavior as violating an individual's moral principles.

The relevance of this conceptualization to the literature on perceived crime seriousness can be traced primarily to the work of Warr (1989a) who asked respondents to rate behaviors (offenses) on three separate dimensions: seriousness, wrongfulness, and harmfulness. If we were to juxtapose the two studies, Warr's "seriousness" is substituted in my study with PCA, his "wrongfulness" with PI, and his "harmfulness" with PSH.

² As noted earlier, the causal terms are used for convenience. "Affecting PCA" in the sense that is used here means that these dimensions are components of PCA (the "cognitive" components of the attitude), and, therefore, their value is correlated with the strength or prevalence of the attitude.

Warr's analysis (presented in more detail in Chapter 3) produced findings that clearly illustrate the analytical value of these conceptual distinctions. In his presentation of findings, Warr has shown that not only is the empirical study of these concepts possible, but also that fine distinctions and comparisons between these dimensions can be made (for example, his results specify crimes that are more harmful than wrong, crimes that are more wrong than harmful, and crimes that are equally wrong and harmful). The literature on crime seriousness does not provide many examples of studies that made this explicit distinction. A few studies that reach similar conclusions were presented in Chapter 3 (for example, Carlson and Williams 1993, O'Connell and Whelan 1996, Curry 1996).

D RESEARCH THEMES AND HYPOTHESES

PSH and PI are components of PCA. PCA and PI are measured for each behavior of interest (18 drug use and 16 sexual behaviors, see next section in this chapter). For the 18 drug use behaviors, PSH is also modeled and measured as an independent variable. The themes of interest are presented next.

³ The perception that has captured most of the attention of the philosophy and sociology of law, *perception of harm to others*, is not a central part of the substantive model because the scope of this study is restricted to "victimless behaviors" (the scope of the study is discussed later in this chapter). In the interviews that are presented later,

1 UNIVARIATE DISTRIBUTIONS

The distribution of each variable is in itself a research question. PSH, PI, and PCA are expected to vary by behavior and additionally, for drugs, by frequency of use. The study is interested both in the central tendency as well as in the dispersion of the distributions. The central tendencies of these attitudes and perceptions reflect the content of normative culture, while dispersion reflects the degree of consensus (agreement or disagreement among participants) around each issue.

2 MULTIVARIATE RELATIONSHIPS

Hypotheses predicting relationships between PCA, PSH, and PI will be tested. It will be clear that these hypotheses spring from the philosophical positions presented in Chapter 2.

a The Paternalistic Hypothesis

The first hypothesis is that there is a positive association between PSH and PCA, that is, the more a person perceives an act as self-harmful, the more

there was some discussion about harming others and the results are presented as the cognitive component of libertarian attitudes.

likely she/he is to favor social control of this act (discouragement or criminalization). This hypothesis springs from the paternalistic principle that society should protect its members by discouraging or prohibiting their own self-harming behaviors.

b The Moralistic Hypothesis

In a parallel connection, following the moralistic principle in normative philosophy, the second hypothesis is that behaviors that are perceived to be immoral (PI) will be more likely to elicit discouragement and criminalization.

c The PSH-PI Correlation Hypothesis

It is further hypothesized that PSH and PI are correlated. On the one hand, a quasi-paternalistic principle may be at work: behaviors that harm the self are immoral. On the other hand, it could be argued that PI directs the attention of the individual to instrumental explanations. A person who thinks that the use of alcohol is immoral based on his/her religious ideas may be also likely to highlight in his/her perception the harms associated with alcohol use, or even to “invent” harms to better justify the PI. The

causal direction underlying these processes will not be explored in this study.

d The Popularity of Law Hypothesis

Finally, a general comparison will be made between the PCA scores of drug use items and the current legal status of these behaviors in the United States. It is expected that there will be general agreement between the public opinion measured here and the opinion of the legislators as it is reflected in the content of the law. It is further expected though that particular substances will deviate from this relationship. The most important candidate is marijuana.

3 CORRELATES OF PCA, PSH, AND PI

The initial intention of this study was to explore how certain (predominantly demographic) variables affect the three central constructs. Some of these variables were in fact measured in both the survey and the interviews. At this point however, these variables will not be formally explored as correlates. Their role in the analysis of the survey data will be that of control variables.

E A TYPOLOGY OF DEVIANT BEHAVIOR

This study began based on a maximum design and it was then narrowed down to what is presented in this dissertation. Some parts of the initial design were abandoned completely while others were kept in anticipation of future extensions of the project. One of the elements that I decided to keep and include in this presentation is the process of choosing which behaviors to include in the questionnaire. The logic and procedure of these choices will be presented in this section. The initial universe of behaviors was all behaviors that may be considered deviant. A typology was then constructed to include all possible types of behaviors that may fit this description.

Typologies have been used extensively in sociology. In the study of deviance, Durkheim's (1897/1951) typology of suicide and Merton's (1938) typology of adaptations to strain, are two famous early examples. The first task in constructing a typology is to identify the relevant dimensions of the class of cases under consideration. Then, these dimensions must be "scaled," that is, their possible values must be defined. In the discussion that follows, these tasks are dealt with in combination to produce the desirable typology, one that does not ignore potentially useful

information while being simple enough to work with empirically (for example, with respect to operationalization).

1 CHARACTERISTICS OF ACTS VIS A VIS PSH

Because the dimensions of the class of cases must first be represented exhaustively and due to the nature of the class of behaviors considered here, nominal criteria were used. The general guiding principle used to define the universe of behaviors from which the relevant sets are to be chosen is the satisfaction of the theoretical needs of the study. In particular, the study would be interested in behaviors that are likely to be of interest with respect to the three central constructs PCA, PSH, and PI. The relevance of the PCA on deviant behaviors is what has guided this study toward deviant behaviors. The PSH construct needs further attention and it will be explored below. The PI construct will be represented in the final set because PCA and PSH will filter behaviors producing PI-relevant types.

PSH is a construct that can be applied to a wide variety of behaviors. The deviant behaviors to be included in the study should consist a sample which will as exhaustively as possible allow for the detection of all characteristics that affect PSH. I have identified two such characteristics,

type of harm and *victim*. This simple scheme has been chosen on the basis of both inclusiveness and parsimony.⁴ These two dimensions are presented below.

a ***Type of Harm***

Behaviors may be perceived as deviant because they have harmful consequences. The first dimension specifies these possible consequences. First, some behaviors cause *physical harm*. The victim may be killed, injured, or physically maltreated. A second possibility is that of *material loss or damage*. Property may be stolen or damaged. This attribute is inclusive of all types of victimization, such as when a person has been put, as a consequence of the act, in a position of disadvantage (compare the “consensual exchange” criterion of Schur 1985). For example, if by using fraud a person gains advantage in the job market, the other competitors are placed in disadvantage. Sellin and Wolfgang (1964) called this “secondary victimization.”

These two types represent the consequences of “consensus crimes.” There is limitation to inclusiveness here: how about victimless behaviors, or any

⁴ Other characteristics (such as whether an act is a white collar offense or not) have been used. (Rossi et al (1974) propose 7 dimensions, McCleary et al (1981) propose 20 dimensions).

other behaviors that do not cause harms of the two types specified thus far? To amend this, the dimension was enriched by three more categories. If criminalized, these would be described as “conflict crimes” in the sense that their consequences may not clearly be harmful and if they are, there is no agreement that they involve victims (involuntarily harmed participants). The third type includes *sexual behaviors*. With the exception of sex related behaviors that harm others these behaviors share the common characteristic of victimlessness and potential deviant status. The same is true for the next type, *drug use*. With the exception of driving under the influence and fetal abuse, drug use is victimless and potentially deviant.⁵ Finally, to close the circle of inclusiveness, a category named *other* was included. Behaviors that cause bodily harm and property loss or damage that are related to sex or drugs are listed under the sex or drug categories rather than under the physical harm or property loss/damage types.

⁵ The issue of victimlessness is not among those that have been resolved in legal or academic discourse. A recent summary of this area of scholarship for example is titled *Victimless Crimes?* (Meier and Geis 1997). In the philosophical debate presented in Chapter 2, the definition of victim and victimlessness is of central interest. The same issue is of interest in this study; perhaps it cannot even be separated from the study of perceptions and pleasure control attitudes. The distinction used here is a tactical shortcut to avoid lengthy discussions that are at this point of peripheral interest.

***b* Victim**

The second dimension asks the question “who is the actual or potential victim of the action?” that is, who is likely to be harmed as a consequence of this behavior? Four answers are specified. First, *others* may be victimized by an individual’s behavior. Second, the individual who is performing the act may be harmed by it (*self-harm*). I have included a third category which is not yet of prevalent interest in criminology, but seems to begin to attract some interest (Beirne 1999) and is definitely of interest for possible extensions of this project, if not already helpful here. This is harming *animals*. Finally, the category *no harm* was included in this dimension closing the circle.

***c* Construction of the Truth Table**

To capture the full range of variation in the class of actions under consideration, the identified dimensions were crosstabulated. This crosstabulation produces 20 categories (4 harm types x 5 victim types). Assuming that each of the specified dimensions was exhaustively scaled, these categories are inclusive of all empirical types. Thus, the empirical items (used in the measurement) that represent these 20 categories are sufficient for the full exploration of this class of behaviors.

The next step is to fill in the 20 cells with empirical instances. This approach (“truth tables” method) allows for the theoretical exploration of the full range of variation in profiles of actions, that is, all possible combinations of characteristics of kinds of acts are found and acts that reflect each of these combinations are deductively identified (Becker 1998). Empirically speaking, some of these typical acts may not exist, thus the final number of *empirical* categories may be smaller than the initial number of *theoretical* categories.

The truth table is presented in Table 4.1. The columns represent the categories of the type of harm dimension and the rows represent the categories of the victim dimension. The cells contain examples of empirically existing behaviors that analytically fit each combination. A couple of comments are in order at this point. First, the examples used are examples of thinking convenience, rather than indicators of empirical prevalence. Second, the behaviors listed are potentially, not necessarily, deviant in contemporary society. Third, some behaviors, which have more than one value on either dimension are listed only under one category. Rape for example, has both a violent and a sexual component. This is not problematic because the types are only preferably, not necessarily, mutually exclusive.

Table 4.1 Truth Table of Deviant or Potentially Deviant Behaviors: Theoretical Dimensions and Empirical Instances					
Dimension 2 Victim	Dimension 1 Type of Harm				
	Physical harm*	Property Loss/ Damage*	Sex	Drugs	Other
Others	Homicide, unsafe work conditions, marketing unsafe products, abortion	Burglary, overcharging, arson, vandalism, bribing	Rape, molestation, sexual harassment	Fetal abuse, driving under the influence, secondary smoking, poisoning	Throwing trash in street, playing music very loudly
Self	Suicide, no seat belt	No insurance, gambling	Sex change operation	Addiction, dangerous overdoses, lung cancer	Eating unhealthy food, poor hygiene
Animal	Torturing animals, pollution, eating meat		Bestiality	Medical experiments that harm animals	Maintaining a zoo
No Victim			Homosexual behavior, consenting non-traditional sexual behaviors	Marijuana use	Vagrancy
* Behaviors under these categories should be understood as not involving a sexual or drug use component.					

It must be stressed again that this truth table is used as a heuristic for the selection of behaviors for inclusion in the study. The attribution of characteristics to acts and the final categorization are based on the author's logic and do not necessarily reflect the logic of the participants.

The intention is to include in the questionnaire behaviors that would reasonably capture the elemental variation of the type.

2 SELECTION OF THE FOCAL TYPES OF BEHAVIORS

There are three steps in the selection of the behaviors that will finally be included in the study. First, the truth table itself has produced 3 types with no empirical component (empty cells). Although it may be argued that more or fewer categories are empirically unidentifiable, this is not very important here because the following steps will eliminate most of the potentially controversial issues.⁶ Of more interest is the absence of non-victimizing behaviors of the physical harm and property types. The absence of empirical equivalents here shows better the value of the method. These two types can be eliminated on logical grounds, since there can be no physical or property harm without a victim.⁷

⁶ Animals with property, for example, exist and if someone damages that property he or she is committing a property/animal type of deviant behavior which is empty in my table.

⁷ It is also the right moment to comment on the absence of the category "community" in the victim dimension. As it will become obvious in the analysis that follows, the claim that some behaviors may harm the community is merged with other types because it is not very clearly separable and also because victimization claimed to be a result of community harming behaviors is of very indirect nature. Thus, behaviors that harm the community are treated together with self-harming behaviors in the context of the philosophical affinity between paternalism and liberalism (see Chapter 2). In the truth table, some of these behaviors are listed under the "other" category of the type of harm dimension.

The second step is the elimination of cells based on the interest of the study. The third step is elimination (or addition of items) based on actual application of the measurement design (pilot studies). In this study, these two steps were performed alternatively several times. Initially, I constructed a "maximum version" of a questionnaire representing almost all cells in the table. Then I conducted 3 pilot surveys with participants selected from undergraduate criminology classes that I taught at the University of Washington during the 1998-1999 academic year. Items that produced no variation on the applicable PCA, PSH, and PI scales were eliminated (for example, eating meat was measured on PCA and PI and produced all zero responses).

The resulting set of focal types of behaviors is presented in Table 4.2. The selection of behaviors reflects the process described above, especially with respect to the criterion of relevance to the interest of the study: the majority of items included in this final set are sexual and drug use behaviors that do not victimize other individuals. To avoid the imposition of the author's opinion on the reader the self-harm/no victim distinction is eliminated for drug use behaviors.

Table 4.2 Final Set of Behaviors Used in the Questionnaire by Theoretical Dimensions					
Dimension 2 Victim	Dimension 1 Type of Harm				
	Physical harm	Property Loss/Damage	Sex	Drugs	Other
Others	Abortion			Drunk driving	Not helping
Self	No seatbelt, Suicide	Casino Gambling	Sex change operation	Alcohol (3), Cigarettes (3), Heroin (3)	
No Victim			Consenting and protected behaviors (14)	LSD (2), Marijuana (4), Cocaine (3)	Euthan- -asia
Animal			Sex with a dog		

NOTE: Numbers in parentheses represent the number of questionnaire items (if more than one) about that substance

These dimensions will be combined in the analysis with the dimension of perceived immorality of an act (PI). The combination of the truth tables method and the morality item will leave no space for alternative interpretation of the relationship between elements of acts and the dependent variable. For example, the hypothesis that certain behaviors are condemned only on moral grounds can be supported by the finding that for certain behaviors respondents think that they are not harmful to the self (or to others) and they still rate those as undesirable (to be

discouraged or criminalized). If the purpose of constructing the truth table was served, the final list of behaviors should be sufficient to capture all variation of PSH and PI.

CHAPTER 5

Measurement

The models presented in the previous chapter are given operational flesh in the following sections. The logic and process of the choice of scales and the construction of the questionnaire are presented in detail. This chapter also contains discussion about the choice of measurement methods and detailed descriptions of the use of the two methods chosen (electronic survey and in-depth interviews). The presentation of the survey method contains discussion of methodological findings.

A OPERATIONALIZATION

1 CHOICE OF SCALE

Studies of comparison of magnitude and category scales have generally concluded that the two methods produce consistent results (see Chapter 3). In studies that reported a qualitative difference, the advantage was for the ordinal scale. These comparisons are evidence for the appropriateness of the two methods. Admittedly, these comparisons are performed at the cost

of depriving the magnitude estimation from its unique qualities as a ratio scale. To compare the results of a ratio and an ordinal scale one must “reduce” the mathematical properties of the ratio scale to meet those of ordinal scaling. Additivity, for example is a feature of ratio scaling that cannot be compared to ordinal scaling. Some studies however have questioned the assumption of additivity, implying that ratio scales should be substantively interpreted like ordinal scales anyway.

The purpose of this study is better served with nominal and ordinal scaling. The logic of these scales and the way they are used are presented in detail in the following sections.

2 THE PCA SCALE

Attitudes have been operationalized in social measurement in a variety of ways which need not concern us at this point. The operationalization of PCA in this study is based on the general nature of PCA as an attitude.

Attitude Direction and Intensity	Most Positive <----- Neutral -----> Most Negative				
Attitude Form	Appraisal	Approval	None	Disapproval	Condemnation
Opinion about Action	Strong Encouragement	Mild Encouragement	None	Discouragement	Criminalization
Operationalized Opinion (PCA)	Not measured	"OK"	"Discourage"	"Make Nonserious Crime"	"Make Serious Crime"
Code		0	1	2	3

Figure 5.1 The Substantive Logic of the PCA Scale: Ordinal Assumption

Figure 5.1 describes the logic of variation in PCA. Each horizontal dimension represents a different reference level. The correspondence among these levels is not very strict, but it is discriminatory enough for the conceptual needs of the present discussion. The dimension "Attitude Direction and Intensity" represents the assumption that attitudes can be measured on a continuous scale. The dimension "Attitude Form" is an ordinal representation of intensity and direction, with values selected from a set of widely used words in academic and common vocabularies. "Opinion about Action" is the first step toward operationalization. It reflects the assumption that opinions are specific reflections of attitudes. The last two dimensions present the actual scale used in the questionnaire.

“Operationalized Opinion” (PCA) measures the above three dimensions within the neutral and positive side of the range, using a four value scale, which can be conceived either under ordinal or nominal assumptions. Figure 5.1 is based on the ordinal assumption (see next section). The final dimension shows the actual codes used in the questionnaire.

The text used on the questionnaire to accompany the PCA scale is the following:

In this part, I would like to know your opinion about how society should react to certain acts by individuals. Please think about the ESSENCE of each act ignoring special circumstances (such as whether it is a one-time act or repeated). Think that you are stating the GENERAL RULES and if these rules were applied/enforced, individual circumstances would be taken into account in each case. Also note that the options below refer to the SOCIAL/LEGAL STATUS of the behavior and not to how the actors should be processed. For example, if a behavior is criminalized, the kind of punishment may vary (community work, fines, incarceration, et cetera). The survey is not interested in this.

All actors in the following scenarios (for all parts of the survey) are CONSENTING ADULTS and there are no victims, losses, or damages involved other than those specified.

For each act you have a choice among four options:

- 0 = The behavior is OK (society need not be concerned)
- 1 = The behavior is undesirable and society ought to DISCOURAGE it through means other than the law (e.g., education and the media)
- 2 = The behavior is undesirable and should be a NON-SERIOUS CRIME
- 3 = The behavior is undesirable and should be a SERIOUS CRIME

This scale has not been used in previous research and it has a few unique qualities that are discussed next.

a Level of Measurement: Nominal and Ordinal Assumptions

The PCA scale may be defined as either a nominal or an ordinal scale. At the nominal level (*nominal assumption*), the categories of the scale are meaningful only at face value, that is, when a participant chooses one of these options, we can only assume that the subject endorses that particular statement in nominal terms. None of the options is “higher” or “lower” than any other because no dimension on which high and low degrees can be defined is specifiable. It must be noted that the PCA scale, even when defined at the nominal level, has two ordinal categories, “2” and “3.” These represent one nominal category, a pro-criminalization attitude.

At the ordinal level (*ordinal assumption*), the options are related comparatively beyond their face value to some underlying dimension. Thus, option “3” is higher than option “2” which is higher than option “1” which is higher than option “0.” The discriminating dimension is the strength of the attitude, in this case, the degree to which the subject favors the control of the particular behavior.

The ordinal assumption is more relaxed and more vulnerable to the criticism of measurement invalidity. I will briefly address this potential criticism. Assuming that it is possible to construct an ordinal scale that measures this dimension, a simple (and widely used) solution is to construct a Likert scale with values ranging from “strongly disapprove” to “strongly approve.” I argue that we can be more ambitious than that, and operationalize this dimension at the ordinal level with referents of *social control*, hence the PCA scale. The lower value (“0”) on this scale represents an neutral attitude which is at the same time an attitude against negative social reaction to a behavior. The next value (“1”) represents an attitude that favors some social reaction, but not very strong—it reflects some concern about the kind of action under question. Discouraging a behavior (by means other than the law) shows undesirability but not as strong as to require societal reactions that have very certain or predictable outcomes. When a behavior is only informally discouraged, the likelihood of it

happening depends on the effectiveness of discouragement but the “reactor” can be satisfied with a range of effectiveness. The next grade would be to react to a behavior in a way that can more predictably control it. To achieve this it would be possible to construct an ordinal dimension of effectiveness (that is, from “discourage the behavior without much concern about the effectiveness of this discouragement” to “discourage the behavior with great concern about the effectiveness of this discouragement”). Another way is to measure opinion with respect to applying a mode of control that has been perceived and applied as such—a more effective control mechanism. I propose that formal social control is such a mode. This grade of reaction then, still on the same dimension of undesirability, may be measured by asking respondents whether and to what degree they would use the law to prevent the behavior (values “2” and “3” on the PCA scale).

Admittedly, this leaves space for violation of the criterion of mutual exclusivity of the categories of an ordinal scale. Assuming that this scale measures one dimension (undesirability/disapproval), the criterion of mutual exclusivity requires each value to be distinctively higher than the one before it. This critique can be illustrated in the following two hypothetical scenarios: In the first scenario, respondent A perceives behavior P as more undesirable than behavior Q but still chooses to only

discourage P and to criminalize Q because of other considerations. There are two such considerations: first, the participant may be applying his or her principles with respect to the *moral appropriateness of using the law*, and second, the participant may lack confidence in the *effectiveness of the law*. For example, one may believe that sex between siblings is extremely undesirable, yet not subject to criminalization because the law should not be used in this case (because it is not morally right to use the law to stop incest) or because the law would not be effective in controlling incest. In the second scenario respondent A perceives behavior P as more undesirable than respondent B does, but still chooses discouragement over criminalization while respondent B chooses criminalization over discouragement. The same considerations as in the first scenario may hold, the problem here being the differential application of these considerations by one participant versus another.

The first problem (appropriateness) is difficult. The only defense I can think (beyond denying the probability of its existence, which I believe is low) is a theoretical argument. Based on the assumptions of this study, that culture is reflected in the individual, it seems reasonable to argue that the cultural categories of folkways and mores are also conceptually present in the individual. Given that folkways typically do not elicit formal social control while mores do, it can be argued that the existence of

moral impediments about the appropriate use of law and the perceived seriousness (on the cultural level) of an act are strongly (if not deterministically) negatively correlated. In other words, when the law is used, it is used because something that society thinks is seriously wrong must be controlled and the immorality of this behavior is large enough to justify the potential immorality of using the law against it.

To resolve the second problem (effectiveness), it can be specified to the participants that the use of the law *will* be effective. If effective, criminalization shows a stronger concern for the issue because it comes with a more predictable effect than informal discouragement. The application of this solution on the measurement instrument would be a statement saying something like "assuming that the law would be effective in controlling each criminalized behavior." Unfortunately, this was not done on the survey questionnaires because this criticism came to my attention too late. The survey instruments only contained a specification about the way the law would be used which only partly captures the issue of effectiveness:

Also note that the options below refer to the SOCIAL/LEGAL STATUS of the behavior and not to how the actors should be processed. For example, if a behavior is criminalized, the kind of punishment

may vary (community work, fines, incarceration, et cetera).

Although I believe that survey participants assumed that the law would be used in the most effective way, there is no hard evidence from the surveys to support this belief. Some evidence is found in the interviews. In the interview process, the meaning of the categories of the scales was discussed. The overall conclusion of these discussions is that the participants understood the PCA scale in ordinal terms, including the understanding that the law is a stronger and more effective reaction than informal social control.

The final ordinal category was constructed as a variation of the criminalization category. Assuming that there can be different amounts of legal intensity (Black 1976, 1998 and literature on punitiveness) the simplest formal division was used: *serious* versus *non-serious* crime. In the criminal justice system, this division is reflected in the distinction between “felony” and “misdemeanor.” That terminology was avoided here because it is not safe to assume that respondents know the meaning of this distinction. The use of the specification “serious/non-serious crime” can be also justified by the pervasiveness of the concept of “crime seriousness” in the literature reviewed in Chapter 3 (although this tendency has been criticized in this study on other grounds).

Another issue of consideration in the construction of ordinal scales focuses on the number of grades/categories. The question is how many categories should the scale have? The literature on crime seriousness is replete with scales reflecting different research attitudes on this matter. The number of categories used varies from 2 (for example, the binary items of Newman (1976): "Do you think this act should be prohibited by the law?") to 11 (for example, Newman's (1976) seriousness items). The scale used in this study has four categories. This choice has two desirable properties, first, parsimony, and second, minimal assumptions about the participants' ability to discriminate between choices.

b The Legislative Body Scenario

The presentation of the PCA items on the questionnaire resembles a legislative body scenario. In a sense, the participants were asked to "vote" for the control of behaviors in the same way that Senators or Members of Parliament would vote on a corresponding law. This scenario was not stated in the surveys. In the interviews, it was sometimes used as an explanation of the task of answering the PCA question.

3 THE PSH AND PI SCALES

The PSH and PI scales are simpler in their conception. PSH was operationalized as follows:

In this part, I would like to know to what extent you think that each of the following behaviors is harmful to the person who is doing it. Express your answer in terms of the following scale:

NOT HARMFUL AT ALL				EXTREMELY HARMFUL
	0	1	2	3

The intention of this approach is to optimize validity and reliability by means of simplicity. One possible critique would be that there may be differential perceptions among survey participants about the term "harmful." It is indeed not formally guaranteed that the participants will answer the question in predictable ways. One way used to diminish the chances of this undesirable perceptive variation is the use of specifications in the opening text, such as the one I have used:

All actors in the following scenarios (for all parts of the survey) are CONSENTING ADULTS and there are no victims, losses, or damages involved other than those specified.

Beyond this, there is really no simple way to limit the spectrum of participants' perceptions. This study fully acknowledges this and has attempted to offer a more formal answer to the question "what harms do the participants have in mind" using in-depth interviews.

The PI scale was built on the same logic. The PI construct was measured at face value with the following question:

In this part, I would like to know to what extent you think each of the following behaviors is IMMORAL (or, if you like, MORALLY WRONG) according to your PERSONAL MORAL STANDARDS. Do not consider the current legal status of these behaviors. Answer the question as if they were all legal. Express your answer in terms of the following scale:

NOT IMMORAL AT ALL				EXTREMELY IMMORAL
	0	1	2	3

Again, the meaning of "moral" is not defined more precisely because it is expected that participants have more or less the same impression of what morality is. The content of individual morality (that is, "what do you consider immoral?") was not measured exhaustively in the surveys; it was measured only with respect to the behaviors of focus. In the interviews, this content was investigated more widely.

4 SIMPLE ACTS: AN ESSENTIALIST APPROACH

In the review of literature (Chapter 3) we saw that the most popular tool to describe the behavior under evaluation in the survey questionnaires is the offense scenario. Some review of the criticisms of the use of this method was also presented. Two qualities of the validity of questionnaire items can be defined: unbiasedness and efficiency. Unbiasedness means that the perceptions of the participants will not vary systematically. If the description of an act elicits perceptions in the participants that are systematically different from the perceptions of the researcher, the instrument is biased, thus invalid. The second criterion, efficiency, means that the deviation on perceptions should be as small as possible. Even if there are no systematic distortions (that is, the criterion of unbiasedness is met) there is still the threat of invalidity if the perceptions vary extensively across participants. Thus, in the construction of operational items, we are interested in the most unbiased and most efficient choices. I argue that the best way to do that is to provide the participants with a description that simply communicates the *essence of the behavior*, avoiding additional details (unless we are interested in studying them). For the majority of behaviors assessed in seriousness research, there exists a simple, well-known name to describe the behaviors in an unbiased and efficient way. This is the “common” name of the act (rape, abortion, use of

LSD, et cetera). If we have knowledge of the meaning of the common name of the act in a particular culture, this name should be the best solution. "Abortion," for example, has a specific meaning in the US for virtually all people who know what abortion means: the intentional termination of pregnancy. This is the essence of the act. Now, for some people the "essence" of abortion does not include the termination of a human life, while for others it does. But this variation is variation in the components of the act (which are measured independently, for example, the issue of harming others). The purpose of the operational item "abortion" is to communicate to the participant what behavior exactly the researcher is talking about and it is not affected by these variations. In conclusion, systematic bias or large unsystematic variation can be minimized by the use of the simple, common names of the behaviors of focus in the researcher-participant communication.

The descriptions of behaviors in the questionnaires used in this study follow this principle, that is, they contain general, rather than specific terms (unless specificity is necessary for the specification of a measured dimension, for example, frequency of drug use), and they contain only as many specifications as necessary to capture the essential elements of the behavioral type.

5 ITEM ORDERING

Another issue raised in the presentation of the literature on crime seriousness was the ordering of items in the questionnaires. We have seen that studies of this issue have produced mixed results. The majority of the studies reviewed do not consider this issue at all. The ordering of items in the majority of studies is based on some thematic criterion (for example, violent offenses together). Advice by researchers who studied this issue seems to suggest that the reliability of the instrument should be tested empirically. Some advice on the design of questionnaires seems to suggest that items should not be grouped based on expected seriousness (Evans and Scott 1982). In the present study, I follow a *thematic* approach. As it is obvious in the questionnaire (presented in Appendix 1) this approach is almost necessary here because there are many behaviors that are of the same essence but vary in frequency or in some other specification. For example, there are two to four questions asked for the use of each psychoactive substance. These are grouped *by substance*, regardless of anticipated seriousness.

This approach brings the instrument as close as possible to the structure of conventional logic. For example, in the case of psychoactive substances, the participant is more likely to “go by substance” and to compare the use

of a substance across frequencies. The ordering of items in the questionnaire used in this study has followed this logic. For example, the four questions about marijuana use are grouped together and ordered by ascending frequency of use (once a month, once a week, once a day, two or more times a day). If these items were separated on the questionnaire, the comparison would have simply been made practically more difficult for the participant.

Does ordering by frequency produce an artifact of the role of frequency in perceptions and attitudes? This issue cannot be completely studied empirically. It is reasonable to expect judgements to vary with frequency of use. Indeed, PCA, PSH, and PI were found to vary positively with frequency. However, this is a reasonable finding and there is no serious reason to believe that these judgements were imposed by the structure of the questionnaire. Another threat to the reliability of the measurement is that the ordering by frequency may induce more inter-item intra-substance variation in the judgements as compared to random ordering. The results of the survey have shown that this is not the case: there is substantial variation in the range of answers given for different frequencies of use of the same substance. Some participants would mark the same answer for all frequencies of use of the same substance, others would use the whole possible range (0-4).

6 THE QUESTIONNAIRE

One version of the questionnaire used in this study (first waves of the e-survey) is found in Appendix 1. All elements of the questionnaire have been discussed in the previous and the present chapter. Additional comments and classifications of the behaviors included will be made in the next two chapters where the analysis and the findings are discussed. Different versions of the questionnaire were used in the follow up mailings of the surveys. These differed only slightly in the opening text. Different versions were also used in the 3 pilot surveys. The version presented in this appendix contains all essential elements.

B SURVEY OF UNIVERSITY STUDENTS

The vast majority of studies in the area of crime seriousness have used the survey method; few have used experimental designs (Riedel 1975, Miethe 1991) or in-depth interviews (Blum-West 1985). In the present study, I have used both survey and interview methodology. This section describes the survey method in detail. The interview method is presented in the next section.

1 CHOICE OF UNIVERSE

The ideal universe of interest in a study of culture would be the whole population of the community or society in which this culture is present. Because this is not always possible, research has widely defaulted to sampling subsets of these populations. The universe of interest in this study is university students.

A couple of issues must be discussed at this point with respect to the choice of this universe. The first issue is the *representativeness* of this population as part of the ideal universe (all citizens). Unfortunately, the choice of university student populations in the majority of studies in the area of crime seriousness limits our ability to compare students to the rest of the population. Still, a few partial answers can be extracted from what we know from the study of demographic variables that differentiate college students from the rest of the population. The most important such variables are age and education. Rossi et al (1974) found that young persons' average ratings are very similar to the grand average (all ages). Newman (1976), however, reported that age had a minor (yet significant) effect on the ratings. Wolfgang et al (1985) found an age difference in the rating of thefts, while Halman (1995) found younger persons to have more permissive attitudes than older persons. Finally, O'Connell and Whelan

(1996) found that age had a significant, yet unclear effect on seriousness perceptions. Regarding education, studies have generally shown a negative effect on seriousness perceptions (Newman 1976, Rauma 1991, Halman 1995, Tyler and Boeckmann 1997). Still, Rossi et al (1974) reported that more educated persons tended to rate offenses similar to the sample average rating. Based on these reports it feels unsafe to draw conclusions about the size of the effects of age and education on perceptions of crime seriousness. However, regardless of the size of this effect, young and more educated people seem to have perceptions and attitudes that are comparable to the general population.

A second issue in using a student population is that of *variation*. It is reasonable to expect that student populations will not produce the same variation as general populations. Research on crime seriousness has shown that this is true, especially when comparing intra- to cross- cultural studies. However, variation is not absent in student populations. I have explored this issue in the present study in 3 pilot surveys that I did in my criminology classes. The results suggested that there is a fair amount of variation which clearly satisfies the substantive—enough variation to be likely representative of the whole range in other samples—and statistical—enough variation for multivariate analysis—requirements of this study. Moreover, consistent with the findings of most published

studies, the results showed that for behaviors involving violence and property damage or loss there is only limited variation in the attitudes of respondents, whereas for victimless behaviors there is considerable variation.

Finally, student populations have several attractive characteristics:

- ◆ They are easy to access using a variety of means including the electronic mail
- ◆ They share common vocabularies with the researchers
- ◆ They are more likely to be familiar with scientific research than other subsets of the population
- ◆ Students' average age average environments are associated with intensive social learning

2 THE E-SURVEY METHOD

Surveys have been conducted in sociology using three methods: mail, telephone, and personal interviews. In recent times, technology has opened new avenues in communication and consequently in doing social research. One such avenue is the electronic mail. I have decided to use this new means for a variety of reasons. The electronic survey (e-survey) comes with several advantages:

- ◆ Convenience in sending questionnaires and follow up letters, and in receiving the completed questionnaires
- ◆ Zero monetary cost (other than remuneration for assistance with the electronic mailing process)
- ◆ Easy probability sampling in organized groups (sampling is very easy if there is a directory of the e-mail addresses of the population, which is typically true for university populations)
- ◆ Easy communication with the respondents (receiving comments on particular items on the instrument or the survey in general, scheduling follow up interviews, et cetera)
- ◆ Environmental protection (can be entirely done without paper use)

Two major disadvantages of this method are:

- ◆ It is difficult to establish anonymity and even confidentiality. It is even more difficult to persuade the respondents that their responses will be confidential.
- ◆ Hazard of low participation

The issue of low participation deserves some attention. There are two types of problems associated with low participation rate. The first type includes the problems associated with a small N in absolute terms. Especially in studies that involve many variables, a small N may be

proven detrimental for statistical power. However, the e-survey method is superior of the other three in dealing with this problem. If the population is large enough and more data can be gathered from subjects not included in the initial mailing list, more questionnaires can be send fast and easy. This study has not suffered from the first problem. Adequate N was produced by 7 waves of e-mail messages.

The second type of problem is that non-participation is unlikely to be random. This method involves a means of communication which has not yet been equally embraced by all: there are both practical and attitudinal differences among individuals with respect to using e-mail. This problem threatens the validity of the study if the variables of the study are correlated with accessibility and attitudes toward the electronic means of communication. Similar issues have of course been raised in the past when telephone surveys were introduced at a time when telephone communications were less prevalent. This problem was anticipated to be more serious for this study, and it indeed was. Discussion of the final participation rates follows in later parts of this chapter.

Low participation rate has been one of the most annoying problems in mail survey research. Researchers in the area of public opinion have been affected most. This problem has led to the use of several techniques to

increase the participation rate. For example, sending incentives, such as money (James and Bolstein 1990), and making personal telephone calls (Cantrell and Sprenkle 1989) increased participation rates. Prenotification (especially in interaction with personalization) were also shown to have positive effects (Martin et al 1984). Prenotification and follow-ups were found to be the most important factors affecting participation rate in a metastudy of 82 studies (Fox et al 1988). The inclusion of a deadline also seems to affect the participation rate in the time interval between the mailing and the deadline, but only marginally so for the overall participation rate (Henley 1976). Also, a postscript that stated "Because a good response rate is so important, we will be sending reminders to non-respondents. To avoid this irritant, why not fill it in now and get it over with?" was found to increase participation rates (Green 1996). The present study has used a variety of techniques to increase the chances that recipients of the questionnaire respond. These include the inclusion of a deadline, follow up mailings, and monetary incentives in 2 of the 7 waves. The deadline and the follow up mailings seem to have worked well, while the monetary incentives do not.¹

¹ The monetary incentives were in the form of a drawing among all recipients who responded with a completed questionnaire. The amount was \$10 in wave 5 and \$20 in wave 6. Comparison of participation rates between these two and all other waves did not show any significant advantage of the use of monetary incentive of this nature.

3 SAMPLING PROCEDURE

The sample for the main survey was drawn from the University of Washington student population during the 1998-1999 academic year. Students' postal addresses, telephone numbers, and e-mail addresses are listed in an annual printed publication (the edition used for this study is the *University of Washington Student Directory and E-mail Addresses 1998-1999*). The same information is also found online. This directory "is a list of currently enrolled students who have approved public release of their directory information. Information in the Student Directory is provided by the Office of the Registrar and is updated daily" (<http://www.washington.edu/students/studentdir.html>, accessed 20 April 1999). With respect to e-mail addresses "[t]he student directory lists one '@u' email address per student (no other accounts are listed)." (<http://www.washington.edu/students/studentdir.html>, accessed 20 April 1999). The online version is published with search programs that allow for search by name, e-mail address, and major department. The sample for this survey was drawn from the printed version of the directory, which resembles a telephone directory.

The total sampled population is 35108. This is the total² student enrolment in Autumn 1998 when the directory was published. The names of the students are listed alphabetically in 205 pages. Each page has 4 columns and each column about 40-45 entries. The sampling design used can be described as *random systematic*. This design allows for the selection of unlimited number of random samples of any size. For the purpose of this survey, 7 samples were drawn and each was surveyed in one of the waves of the survey. For each sample, the first case was randomly chosen from the first page of the directory. The position of this name in the page was specified by column and count from the top (for example, 5th name in column 1). Then, depending on the desired size of the sample, the rest of the names were selected. If the desired size were about 800, each name appearing in the 5th (same example) place of each of the 820 columns of the directory would be chosen. If the desired size were about 400, each 5th name on every *other* column would be chosen, and so on.

4 E-MAIL PROCEDURE

The e-mail survey took place between April 21 and May 29 1999. It was done in seven waves ranging in size from about 100 to about 300

² All students who are enrolled in the university are listed in the directory by default. Students who do not want to disclose their telephone number and/or e-mail address are

recipients. Three mailings were sent out for each wave. The e-mail procedure is presented in Figure 5.2. In this figure, all waves are combined as if the survey consisted of only one wave (the numbers shown in every step are the total N of all waves). Initially, 1240 students were selected from the directory. Of these, 185 were “undisclosed,” that is their e-mail address was not listed in the directory. These were omitted without replacement. E-mail messages containing the questionnaire, instructions, and an invitation to participate (see Appendix 1) were sent to the remaining 1055 cases. Of those, 43 messages were returned by the e-mail server with the comment that the user was “unknown.” These cases are most likely students who were registered at the time the directory was published but either graduated or dropped out later in the academic year. These were omitted leaving a real sample of 1012 (which is the unadjusted denominator for the calculation of the response rates). Of these, 155 students responded with completed questionnaires, while 857 either did not respond at all (vast majority) or responded with comments but no answers to the questionnaire. Eight days after the first mailing, a second message was mailed to all members of the sample. The instructions and questionnaire remained the same but the introductory part changed to include two additional statements. The first was addressed to those who responded and after thanking them, it asked whether they would want to

included, but only their name appears in the directory.

receive a short memo with the results of the survey in the near future. The purpose of this was to provide some reward to those who participated but also to indirectly induce non-participants to participate. The second statement was a more direct encouragement to those who did not respond to do so.³ In addition, there was some information about how they could reach me, in case they had questions about the survey or about me. My home telephone number and the message telephone number at the Department of Sociology were provided. The latter was expected to add some proof of legitimacy to the survey (Fox et al 1988). Sixty three persons responded to the second mailing with completed questionnaires, while 794 either did not reply at all (vast majority) or replied with comments but no answers to the questionnaire items. A third mailing was sent to this latter group eight days later asking them to participate. In addition, I asked for the "favor" that, in case of non-participation, they tell me the reason why they decided not to participate. This mailing convinced 58 more persons to respond with completed questionnaires. The final number of responses with completed questionnaires is 276.

³ In Figure 5.2 I have declared that the second mailing was sent only to the non-respondents because, first, it was the non-respondents that his mailing targeted, and second, the mathematical aspect of the figure is simpler and more meaningful with these numbers.

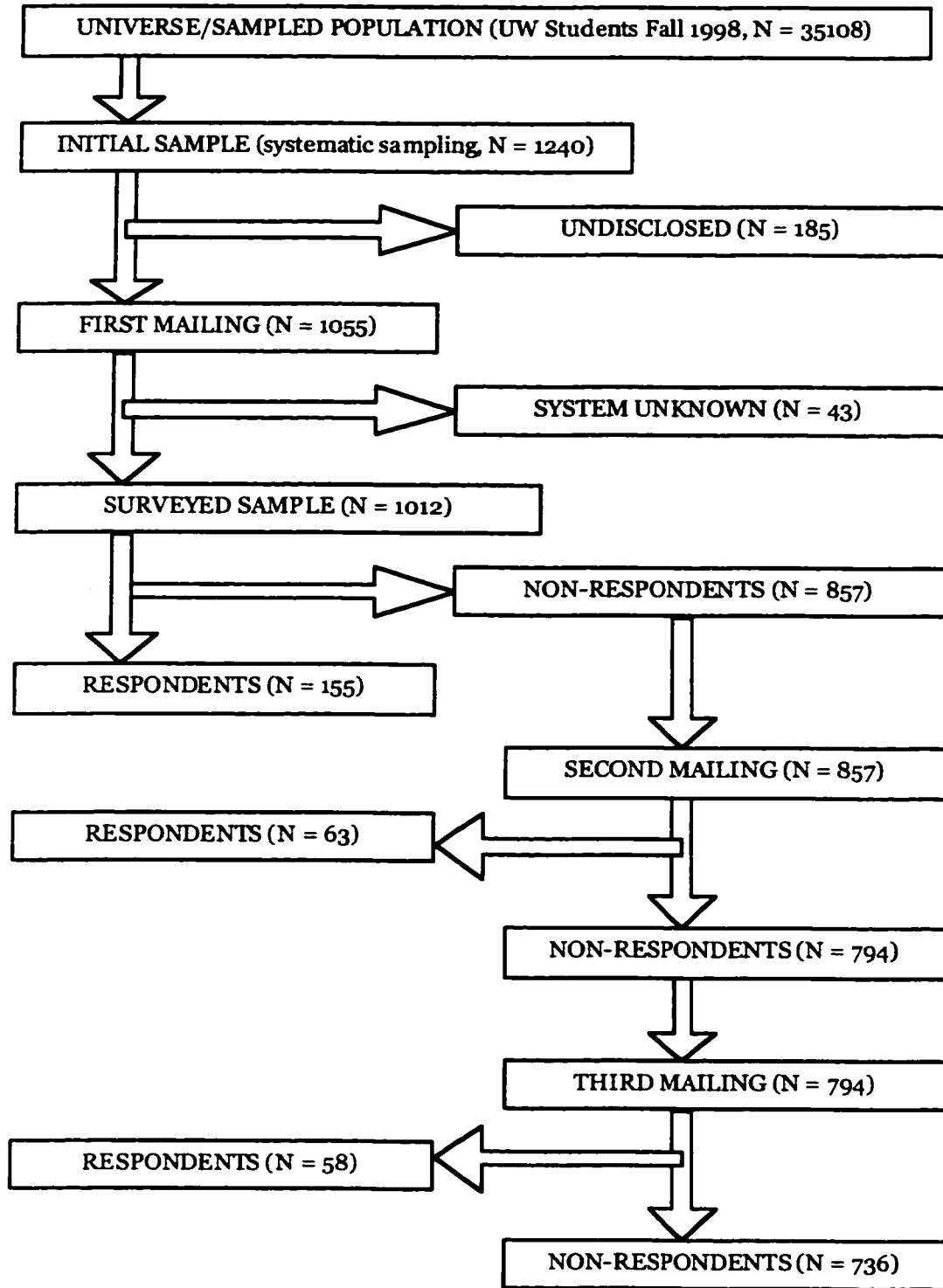


Figure 5.2 E-mail Procedure (N's reported are the sum for all waves)

5 PARTICIPATION

a **Participation Rate**

The participation rate is defined as the number of participants divided by the surveyed sample. These numbers are shown in Figure 5.2. The participation rate for this survey is $276/1012 = 0.2727$, or 27%. An *adjusted* participation rate was also computed. The denominator of the initial participation rate is the number of students that the e-mail message was sent to, not the number of students who received it. A subgroup of the surveyed sample can be defined on the basis of this distinction: those students whose name and e-mail was listed in the questionnaire and was chosen in the sample who had either graduated, or dropped out in the period between October 1998 and April 1999. The e-mail account of a student at the University of Washington remains active for about six months after the student has graduated or dropped. After this period, the account is closed automatically. In 43 cases, an e-mail message was returned after the first mailing declaring the "unknown" status of the account. These cases are shown in Figure 5.2 as "system unknown" and were excluded from the total of the surveyed sample. Still, there are those students who graduated or dropped some time before the survey was sent

but not early enough to allow for the deactivation of their accounts. This number is unknown but it can be estimated from the difference between the total enrollment in Autumn and Spring quarters. The total enrollment for Autumn 1998 was 35108 while for Spring it was 32654. The difference is 2454 students, or about 7% of the Autumn population. Since the sample for this survey was randomly selected, the percentage of students in the sample that were not enrolled should be also about 7% (of 1055) or about 74 cases. The 43 "system unknown" cases is a subset of these. Thus there are $74 - 43 = 31$ students who were not enrolled at the time of the mailings whom the system did not declare as "unknown." The adjusted denominator of the participation rate for the surveyed sample is $1012 - 31 = 981$. The adjusted participation rate is $276/981$ or 28%.

b Participants and Non-participants

Given the systematic random sampling design of the survey, the sample is unlikely to suffer from selection bias. The extent to which this is also true for the subset of the sample that eventually participated in the survey is unknown. It is however possible to investigate a few elements of the profile of the non-participants and to some extent the reasons for their decision to not participate. Three methods were used to gather some information pertaining to these issues. These are presented below.

(1) *Demographic Composition of Participants*

The questionnaire contained a few items that asked participants for demographic information. The estimates derived from the participants on these items were compared to the parameters of the University of Washington student population for the Spring 1999 quarter. (*Quick Stats Autumn 1998-Summer 1999*). The comparisons were performed for age, gender, graduate status, foreign status, and race/ethnicity.

(a) Age

The age of the participants ranged from 15 to 74 years, with a mean of 23.81, a median of 22.00, and a standard deviation of 6.48. The modal age was 19. The mean age of the University of Washington student population was 24.74 and the standard deviation 5.21. The modal age was 19. These figures show that the participants of the e-survey are not substantially different from the student population with respect to age.

(b) Gender

One hundred and fifty five or 56.2% of all participants were female. At the time of the survey, the percentage of the University of Washington

population who were female was 51.3%. A variety of speculations may be advanced to explain this slight female overrepresentation. It is possible, for example, that females are more likely to appreciate social measurement of this kind (in the same way that they are more likely to major in the social sciences).

(c) Graduate Status

Graduate and professional students (N=72) constituted 27.9% of all valid cases of participants in the e-survey (information on this variable was coded missing for 18 cases). One hundred and eighty three undergraduates, two non-matriculated students, and one 15-year-old special program student constituted the remaining 72.1%. The corresponding University of Washington parameters are very close: 27.5% graduate and professional students and 72.5% undergraduates.

(d) Foreign Status

The survey questionnaire included an item that asked participants "What country are you from?" The intention of this question was to measure the self-reported identity of the participant with respect to cultural background rather than citizenship. Two hundred and twenty two

participants or 83.7% of all valid cases answered that they are from the US. The remaining 16.3% are from a variety of foreign countries. The official percentage of international students at the University of Washington at the time of the survey was 5.8. Comparing these percentages we see that there is substantial discrepancy. This is due to some extent to the different measures being compared—the country an individual is “from” (measured in the e-survey) may not be the US, even for persons with US citizenship (measured by University of Washington statistics). The extent to which the discrepancy in representation is due to this factor is unknown but likely to be substantial.

(e) Race/Ethnicity

The problem of different measures (e-survey versus University of Washington statistics) is also present in the attempt to compare the race/ethnicity of the participants and the University of Washington population. The e-survey asked participants to identify their race regardless of country of citizenship. The University of Washington statistics show the figures for racial and ethnic composition of US citizens (excluding international students). This discrepancy allows only for a proxy comparison. This is presented in Table 5.1.

<p align="center">Table 5.1 Comparison Between Distribution of E-Survey Ethnic/Racial Identification and University of Washington Statistics on the Ethnic/Racial Composition of US Students</p>					
E-survey Identity	N	% of valid cases	University of Washington Statistics (US Citizens)	N	%
Asian (a)	67	24.6	Asian Americans	6163	18.9
Black or African American	5	1.8	African Americans	958	2.9
Hispanic	5	1.8	Hispanics	1252	3.8
American Indian	1	0.4	American Indians	457	1.4
White or Caucasian (b)	194	71.3	Non-minorities	23824	73.0
Total Valid Cases (c)	272	99.9	Total US Students	32654	100.0
<p>NOTES: (a) This category includes all cases who declared full or half Asian identification (a total of 11 cases declared mixed racial identification, such as, half Asian half Caucasian or half Asian half Pacific Islander). (b) This category includes one "human," one "multiracial," one "me," three "I don't," one "mix," and one "yes" (c) Total % is unequal to 100 due to rounding</p>					

The "overrepresentation" of Asians in the participants may be explained partly by the dissimilarity of the measures. Indeed, while the figure for Asian Americans in the University of Washington statistics includes only Asian Americans, 37 persons who said they are *not* from the US identified themselves as Asians in the e-survey. If we subtract those from the total number of Asians, we get 28 declared Asian Americans. This is about 14% of all US citizens in the participants, which is lower than the University of Washington percentage. There are 3 possibilities here: First, if the vast majority or all Asian participants who are not from the US are not US

citizens, then Asian Americans are underrepresented in the e-survey. Second, if the vast majority or all Asian participants who are not from the US are US citizens, then Asian Americans are over-represented in the participants. It seems reasonable to assume that the truth is between these two possibilities, that is, a medium size proportion (say about half) of the 37 Asians who are not from the US are US citizens. If this third possibility is closer to the truth, the proportion of Asian Americans in the sample is very close to the proportion of Asian Americans in the University of Washington student population.

Similar discussion applies for the other three minority categories. However, after making the corresponding comparisons, the conclusion is that these minorities are underrepresented in the e-survey participants.

(2) Telephone Survey

To get an idea of the reactions of non-participants to the e-mail messages containing the questionnaire, I have conducted a small-scale telephone survey of a sample of non-participants. In particular, I have used the sample of wave 3 of the main survey as sampling space. After excluding all participants and all names that were unknown to the e-mail system, there are 119 cases who were sent the e-survey and did not participate. Of

those, 13 replied to my messages to say that they deliberately did not want to participate (information about students who replied in this fashion is analyzed in the electronic sub-survey, next section). Of the remaining 106 cases, I called 85 (80%). Unfortunately, the majority of these telephone calls were not successful in reaching the person I was calling. Four telephone numbers had been disconnected, 9 were unknown, 1 was a wrong number, and in 4 cases there was no answer (these were called about 5 times each at different days and times). Of those who answered the telephone, 3 were roommates and told me that the person I was looking for had moved out, 18 said that she/he was not in at that moment and when I called two additional times the person I was interested in was again not in (I did not call more than 3 times because I did not want to become annoying). In 2 cases, the phone was busy at 3 different times and in 14 cases there was an answering machine reply 3 different times. The remaining 30 individuals (35% of those called) were successfully reached and briefly questioned about their reaction to the e-survey. With no exception, all 30 students answered my questions.⁴

⁴ Given the fact that the persons contacted on the phone were likely to have received three e-mail messages already, I had to make the phone call as short as possible. To combine this necessity with maximum utility, I started with a fixed phrase and then I asked one open-ended question followed by one or two additional questions, depending on the answers. The starting phrase was: "My name is Stelios Stylianou and I am with the Department of Sociology here at the University of Washington. I am calling you with respect to an e-mail survey that I have recently sent to a number of students. You were one of the recipients, do you remember receiving a message?" If the answer was affirmative, I continued with "I am not going ask you to respond to the survey this time. I would just like to ask you one question. How did you react to these e-mail messages?"

By these telephone calls I aimed at investigating both the kind of non-participant behavior and the reasons for this behavior. The results are presented here by type of behavior. About one third of the respondents (9 of 30) said that they did not have any idea about the survey. Typically this was because they never checked their University of Washington e-mail account, or because they did it so rarely that they probably had not checked it in the previous 5 weeks (the first mailing of wave 3 went out on May 1st and the telephone calls were made between May 28 and June 5). The second type of response, given by about one third of respondents (10 of 30) was that they deleted the messages without opening them. The subject of the e-mail message ("Sociological Survey") and/or the fact that the sender was unknown were cited as the reasons for this behavior. Some respondents complained about the amount of e-mail traffic in their academic departments (for example, School of Law, School of Social Work), or their personal life (participation in e-mail lists, commercial messages, et cetera). One respondent said that she does not participate in surveys in general. Finally, the remaining one third of the respondents (11 of 30) said that they opened the messages and read them to some extent until they decided that they did not want to participate. The majority of these

The answer to this question typically contained all the information I wanted to know. In some cases I probed with open-ended questions like "so?" or closed-ended questions like "So, did you delete the message without opening it or did you open it?"

respondents said that they did not complete the survey because it was too long and they could not spend the time required to do it. One respondent said that he does not respond to unknown messages, one said that he does not participate in surveys in general, and one said that she does not participate in non-anonymous surveys.

Two general conclusions can be drawn from these results. First, there is a large group of recipients of the e-survey who had not become aware of its existence. This conclusion has very important implications for the problem of low participation rate. If about one third of the recipients of the e-survey never really had a chance to consciously decide to reply or to not reply, the actual denominator of the participation rate is reduced by about one third. Without taking this argument too far, I believe that it is fair for this study to recalculate the response rate again. The adjusted response rate from the previous section was $276/981 = .2813$ or 28%. If we reduce the denominator by $9/30$ (the estimated proportion of the sample that did not see the survey based on the results of the telephone survey) we get about 687 persons who actually saw the survey. Thus, the final “re-adjusted” participation rate is $276/687 = 0.4017$ or 40%.

The second conclusion drawn from the telephone survey is that, the reasons for deliberate non-participation were predominantly related to

time (too busy, too many e-mail messages, et cetera). This should have been expected from the beginning of the e-survey. Anyone who has spent some time in college in the late 1990s knows how much time e-mail correspondence may demand for the average student.

(3) *Electronic Sub-survey*

Some information about the reason for non-participation was also gathered from the e-mail correspondence with the sample. Some recipients of the survey replied saying that they did not wish to participate. In addition, the recipients who did not reply at all in the first two mailings of each wave were asked for the reason for their non-participation in the third mailing. The third mailing was still asking them to participate, and it contained the following additional text in the opening part:

If you do NOT wish to participate simply ignore this message and you will not hear from me again. In that case, I would only like to ask you for a favor: Please tell me why you did not participate by replying to me including this message and marking "x" in the []'s below (choose as many as you like):

- [] I never participate in surveys
- [] I only participate in anonymous surveys
- [] I do not trust the confidentiality of e-mail

- I find the content of this survey not interesting
 I do not have an opinion on these issues
 I am too busy to spend time doing it
 Other:

Forty-two non-participants provided information about their decision not to participate. Some provided more than one reason. These reasons are summarized in Table 5.2. The numbers correspond to reason/person and they are the sums of all reasons found in all e-mail messages received from non-participants (both open comments and answers to the multiple choice question in the third mailing).

Table 5.2 Reasons for Not Participating: Results of the Electronic Sub-Survey	
Reason	Number of respondents citing this reason
Never participate in surveys	2
Survey was not anonymous	2
Survey was not confidential	2
Survey was unsolicited	3
Survey was not interesting	3
Inappropriate operationalization	2
No opinion	2
Too busy/lack of time	19
No particular reason	4
Other	10

Not surprisingly, the most prevalent reason for non-participation is again time.

(4) Conclusion

We have seen that the subset of the sample that eventually participated in the e-survey (“participants”) largely resembles the University of Washington student population. The exceptions are females who were slightly overrepresented, and non-Asian minorities who were underrepresented. The representation of Asians and international students is uncertain but seems to be balanced. The subset of the sample that did not participate in the e-survey was harder to study. From the results of the telephone survey and the electronic sub-survey presented above, it seems reasonable to conclude that the most important reason for the decision to not participate was time: most recipients of the e-survey were too busy or did not want to spend the time required for the survey in this way. Overall, it seems that there are no serious reasons to believe that participants and non-participants differ substantially with respect to variables associated with the subject matter of this study.⁵ In the light of the findings of the telephone survey, the participation rate was also readjusted to reach about 40%. This also adds some confidence to the findings of this study.

6 RELIABILITY

The possibility of making measurements of the present type rests on the assumption that individuals have relatively stable attitudes and perceptions. Relatively stable means that these attitudes and perceptions are not necessarily constant in time but they are relatively solid rather than fluid. The extent to which this is true is the subject matter of some reliability tests. One simple way to test the reliability of a survey instrument is the test re-test method in which the same participants answer the same questionnaire at two different times.

A reliability test was performed in one of the pilot surveys of this study, using the test-retest method. The pilot survey was first e-mailed to about 30 students in a criminology class. Twenty-two students responded with completed questionnaires. Seven days later, a printed version of the same questionnaire was distributed in class to all participants in the first survey who were present (N=11). All answered the questionnaire. The data were

⁵ A variety of speculations may of course be advanced in the absence of systematic proof of this conclusion. It is possible for example that the likelihood of making the choice to not participate in a social survey is correlated with lack of appreciation for the social sciences, reduced social skills, anti-intellectualism, et cetera. These traits may in turn be correlated with perceptive and attitudinal traits related to the perceptions and attitudes measured in this study.

analyzed case by case and the answers each participant gave on the two surveys were compared.

Eleven hundred and twenty two pairs of answers constitute the data units for this comparison (11 pairs of questionnaires x 102 items per questionnaire). A pair is either concordant (same answer was given to both questionnaires) or discordant (different answers). Of the 1122 pairs, 351 (31.3%) are discordant. At first sight, this figure is devastating. If about one third of the answers given to the a survey reflect ideas that are so unstable they change in a week, what is the purpose of measuring these ideas at all?

However, this image changes dramatically if we look at these discrepancies more closely. Of the 351 discordant pairs, 297 (84.6%) were one point discrepancies (that is the difference between the two answers for the same item was one scale point on the 0-3 scale used), 47 (13.4%) were two point discrepancies (two subjects produced 21 of these), and 7 (2.0%) were 3 point discrepancies. Detailed results are presented in Table 5.3.

Table 5.3 Response Mobility Between the E-survey and the Printed Survey		
	Count	%
All Pairs (11 pairs of 102 item questionnaires)	1122	100
Concordant pairs	771	68.7
Discordant pairs	351	31.3
<i>Distribution of Discrepancies</i>		
Upward Mobility (Higher Score on Printed Survey)		
	Number of Changes	Points of change
+1 point changes	166	166
+2 point changes	33	66
+3 point changes	7	21
Total	206	253
Downward Mobility (Lower Score on Printed Survey)		
-1 point changes	131	131
-2 point changes	14	28
-3 point changes	0	0
Total	145	159
Total Unreliability and Mobility		
Total Unreliability (Upward + Downward Mobility)	351	412
Total Mobility (Upward - Downward Mobility)	+47	+94

Another question that can be addressed by these comparisons is the direction of the changes. When all discrepancy points are added for each item (that is adding the number of 1 point differences multiplied by 1, to the number of 2 point differences multiplied by 2, and to the number of 3 point differences multiplied by 3) the resulting number is 412 (see Table 5.3). Of these, 253 are upward point changes (higher on the latter, printed survey) and 159 are downward point changes. The difference

between upward and downward response mobility is +94 points. Respondents seem to be more restrictive, be more harm sensitive, and express stricter personal moral standards on the latter survey. To the extent that this difference is not random, it may be due to the type of instrument (electronic versus paper) and the setting (computer lab or home versus classroom). Maturation effects are not likely to exist because of the short temporal interval (1 week).⁶

These figures show that the most prevalent type of discrepancy is the one point type and that 2 and 3 point discrepancies are not very common. These results show that although there is a certain degree of unreliability in this measurement, the size of the problem seems to be small. Often respondents give answers that they would reconsider a week later, but these answers are not too far apart. These discrepancies are not likely to affect the conclusions of this study most of which are reached after statistical analysis which allows for some measurement error.⁷

⁶ With respect to demographic and metaphysical belief items, there were very few discrepancies: Two subjects changed their beliefs slightly, one was sure that hell existed ("yes") in the e-survey but in the printed survey she was "not sure." The other participant thought that God "sort of" exists on the e-survey but on the print survey he was positive ("yes") God does exist. A third person identified himself as "human" electronically and as "Jewish/German/Human" on paper.

⁷ As is the case with levels of statistical significance, the criteria for deciding how much reliability is OK are conventional. The discussion in this section provides extensive information so that the reader can decide whether the unreliability problem is detrimental or not. The position of the author is that it is not.

C IN-DEPTH INTERVIEWS

I like to think of the broader project of which this study is a part as an ethnography, that is, a study of culture. The methods that have been associated more elegantly with this type of project are the usual ethnographic methods of in-depth interviewing and field observation. In depth interviews was a solution of great value and convenience for the purpose of the present study. The study is interested not only in the distribution but also in the content of PCA, PSH, and PI. By interviewing individuals from a diversity of backgrounds my purpose was to empirically explore the variation in this content.

My sampling method can be described as “purposeful/convenience sampling.” The participants were selected among a list of candidates that I initially constructed based on access and anticipation of what each had to say. The final list of participants contains 17 persons, 12 females and 5 males. In terms of race/ethnicity, 10 of the participants were white/Caucasian, 3 were African Americans, 2 were Asians, 1 was Hispanic, and 1 was Pacific Islander. Eleven of the participants were undergraduate students at the University of Washington at the time of the interview, while 2 were graduate students and 1 was not a student and

was at that point unemployed. The student participants majored in a variety of fields (law, sociology, political science, Japanese literature, English, international studies, anthropology, art history, comparative literature, and psychology).

The interviews were conducted from October 1998 to July 1999. The locations of the interviews were typically local coffee shops or the residence of the interviewer. Fourteen of the participants were interviewed individually and 3 in a focus group interview. The duration of the interviews was typically about one and a half hour. All but one of the interviews were recorded on tape for most or all of their duration. I also made notes at selected times (for example, in a couple of occasions the recording was interrupted because the participant felt somewhat uncomfortable. All recordings were transcribed and all notes expanded to construct the final data source, the *interview text* (see description in Chapter 7)

The type of interviewing may be characterized as semi-structured. In the beginning, the first part of the questionnaire (measuring PCA) was given to the participant and she/he was asked to answer it like answering a survey. Then I typically asked a general question of the type "how did you answer these questions?" The conversation that followed was then

structured around the items but open to any issue the participant would raise. The second part of the questionnaire (measuring PSH) was then answered by the participant and the same type of questioning and conversation followed. The same was done with the third part (measuring PI).

One particular methodological technique that I used widely in the interviewing was asking “interview control questions” (ICQ). These are probing questions that seek individually to *control* one dimension, and cumulatively to *isolate* one dimension (after controlling all others). The use of ICQ is based on the principle that a hypothetical realistic situation may be used as a scenario to control or isolate a dimension of interest. The hypothetical situation can be empirically rare but still realistic based on existing evidence. For example, I would never ask “what if heroin was not physically addictive?” but I would ask “what if a person who uses heroin everyday can still perform all their necessary daily functions including work or study?” Examples of the use of ICQ are found in Chapter 7.

CHAPTER 6

Survey Data Analysis and Findings

Following the research questions examined in this study, the results of the survey will be presented first for the univariate distributions of PCA, PSH and PI and then for the multivariate hypotheses. In each of these two parts of the chapter, the results are divided in two pleasure domains, drugs, and sex.

A UNIVARIATE ANALYSIS

1 DRUGS

a Pleasure Control Attitudes

(1) Ranks

The distribution of PCA is presented in Table 6.1. The behaviors are listed by PCA rank. Overall, heroin and cocaine are the most undesirable drugs, alcohol and cigarettes the least. Frequency of use (and in the case of alcohol the resulting state of the user) plays a significant role. To capture the essence of these results at the nominal level we can use the metaphor of a legislative body where participants are passing laws to discourage or criminalize these behaviors, based

on a conventional 51% majority vote. If 51% of the votes are for “3” the behavior is criminalized as a serious crime. If 51% of the votes are in categories “2” and “3” the behavior is criminalized as a nonserious crime. If 51% of the votes are in categories “1,” “2,” and “3,” the behavior is only informally discouraged. If votes in the “0” category reach 51% the behavior is considered OK and no discouragement or criminalization is passed. The percentages of participants that gave each of the four answers are listed in the middle columns of Table 6.1. The percentages required for 51% for each behavior are in bold figures (counting cumulatively from “3” to “0”). Only the daily use of heroin would be a serious crime. Heroin use in lower frequencies, the use of cocaine and LSD in any frequency, and the use of marijuana once or more than once a day would be criminalized as nonserious crimes. Alcohol and cigarettes would not elicit formal social control. The only behavior that these participants would not discourage is the occasional use of alcohol.

These results generally support the popularity of law hypothesis. In the legislative body scenario, the sample defined these behaviors in a way that closely resembles their current legal status in the United States.¹ The exception is the use of marijuana once a month or once a week, which would be legalized. This finding still reflects current reality in the sense that, in contemporary American society, marijuana is the most controversial substance with respect to criminalization/legalization.

Table 6.1
Ordinal Scores and Percentage Distribution of Answers on Pleasure Control Attitudes (PCA)
for Drug Use Items

PCA Rank	Behavioral Item	Valid Percentages Giving this Answer				Nominal Result	Ordinal Average	SD	Valid N
		"0"	"1"	"2"	"3"				
1	Heroin Daily	2	19	27	53	Serious Crime	2.30	0.84	276
2	Cocaine Daily	2	19	29	49	Nonserious Crime	2.26	0.84	276
3	Heroin 1/week	2	20	29	49	Nonserious Crime	2.24	0.85	276
4	Cocaine 1/week	5	21	30	45	Nonserious Crime	2.14	0.92	276
5	LSD Regularly	6	22	29	42	Nonserious Crime	2.08	0.94	274
6	Heroin Occasionally	9	18	31	42	Nonserious Crime	2.06	0.98	276
7	Cocaine Occasionally	13	22	28	37	Nonserious Crime	1.88	1.05	275
8	Marijuana 2+/day	9	34	26	30	Nonserious Crime	1.76	0.98	276
9	LSD Occasionally	15	26	29	31	Nonserious Crime	1.74	1.06	274
10	Marijuana 1/day	13	36	27	24	Nonserious Crime	1.62	1.00	276
11	Alcohol Daily Drunk	4	51	29	16	Discourage	1.57	0.80	275
12	Marijuana 1/week	29	30	24	18	Discourage	1.30	1.07	276
13	Cigarettes 40/day	8	68	18	6	Discourage	1.22	0.68	276
14	Cigarettes 20/day	11	68	18	4	Discourage	1.14	0.64	276
15	Marijuana 1/month	38	28	21	13	Discourage	1.10	1.06	276
16	Cigarettes 5/day	24	66	8	3	Discourage	0.89	0.64	276
17	Alcohol Daily Sober	37	54	8	1	Discourage	0.73	0.65	276
18	Alcohol Occasionally	80	18	1	1	OK	0.22	0.49	276

Notes: Valid Percentages may not add up to 100 due to rounding.
The average of averages is 1.57 and the average SD is 0.86.

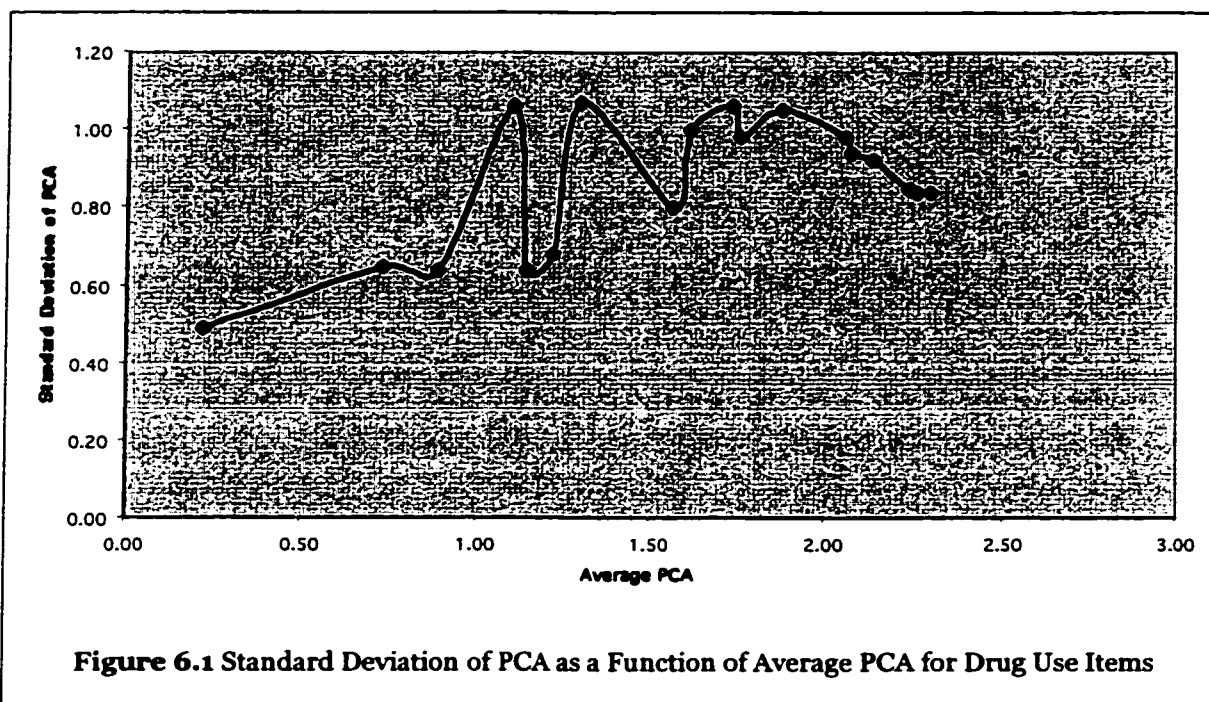
Under some specifications of frequency of use and resulting state of the user, alcohol and marijuana are exceptions to the conclusion of general support for the popularity of law hypothesis. Being drunk most of the time has made Alcohol Daily Drunk a (non-serious) crime. The use of marijuana once a month or once a week would be decriminalized. This latter finding, which was expected (see hypotheses in chapter 4), is the most important inconsistency between popular control attitudes and formal social control in the United States.

(2) *Consensus*

Substance use universal consensus can be defined as agreement within the drug use domain. In a broader context, this consensus is of local nature (see Rossi and Berk 1985 and Chapter 3), since only one category of behaviors (here, drug use) is being evaluated. To evaluate the data with respect to this consensus, a simple and very informative measure, the standard deviation, can be used (reported in Table 6.1). In the absence of conventional criteria for the evaluation of consensus, the standard deviation of responses can be compared to other standard deviations or substantively interpreted to give an idea of how much agreement there is. The average standard deviation for drug use PCA is 0.86. This shows a *high degree of dissensus*. Compared to the representative of consensus crimes in the questionnaire, drunk driving, which produced a standard

deviation of 0.44 and the representative of what can be called “consensus non-crimes,” masturbation, which produced a standard deviation of 0.47, a standard deviation of 0.86 in a range of 4.0 reflects dissensus rather than consensus.

These results may be to some extent statistical constructs of the scale used. An item with a high or low average PCA has more restricted range of variation as compared with an item with about average PCA. Here however, this does not seem to threaten the dissensus conclusion. Figure 6.1 is a graphic representation of the function $SD = f(\text{average PCA})$. Although the relationship is not linear, the two vectors are to some degree positively correlated (the actual correlation coefficient is +0.59). This particular type of heteroskedasticity is a typical statistical artifact of open-ended scales. Since the scale used here is close ended, this feature can be interpreted with some confidence as meaning that *the more people favor the control of a behavior, the less consensus there is on average around that issue.*



In Table 6.2 the same items are ranked by SD. This allows for an easier observation of the consensus rankings. In general, *the legal drugs produced higher consensus than the illegal drugs*. The most “controversial” drug is marijuana.

Table 6.2
Average Pleasure Control Attitudes for Drug Use Items Ranked by Standard Deviation

SD Rank	Rank by Average	Behavior	Scale Face Value	Average	SD
1	12	Marijuana 1/week	Discourage	1.30	1.07
2	9	LSD Occasionally	Nonserious Crime	1.74	1.06
3	15	Marijuana 1/month	Discourage	1.10	1.06
4	7	Cocaine Occasionally	Nonserious Crime	1.88	1.05
5	10	Marijuana 1/day	Nonserious Crime	1.62	1.00
6	6	Heroin Occasionally	Nonserious Crime	2.06	0.98
7	8	Marijuana 2+/day	Nonserious Crime	1.76	0.98
8	5	LSD Regularly	Nonserious Crime	2.08	0.94
9	4	Cocaine 1/week	Nonserious Crime	2.14	0.92
10	3	Heroin 1/week	Nonserious Crime	2.24	0.85
11	1	Heroin Daily	Serious Crime	2.30	0.84
12	2	Cocaine Daily	Nonserious Crime	2.26	0.84
13	11	Alcohol Daily Drunk	Discourage	1.57	0.80
14	13	Cigarettes 40/day	Discourage	1.22	0.68
15	17	Alcohol Daily Sober	Discourage	0.73	0.65
16	14	Cigarettes 20/day	Discourage	1.14	0.64
17	16	Cigarettes 5/day	Discourage	0.89	0.64
18	18	Alcohol Occasionally	OK	0.22	0.49
Average				1.57	0.86

(3) *Item Specific Effects of Frequency of Use*

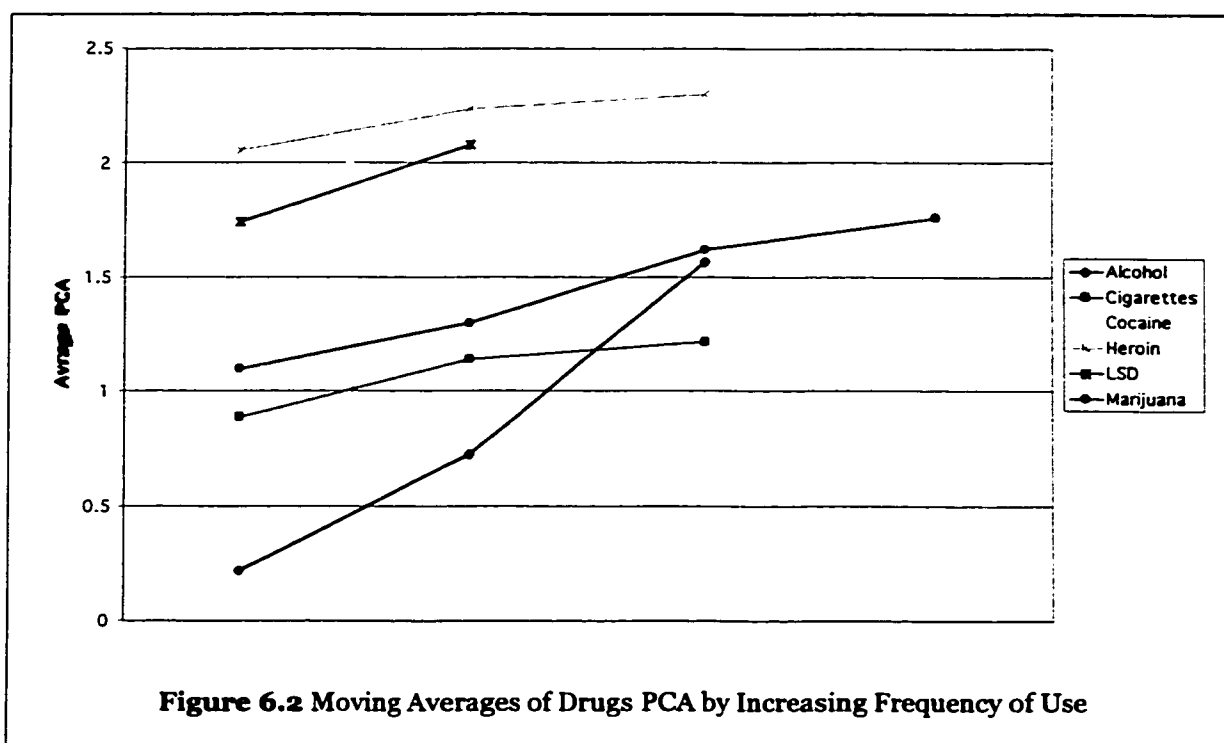
The comparison of average PCA has shown that frequency of use is a factor positively related to respondents' PCA. The strength of this relationship can be further investigated within each drug. Table 6.3 lists the univariate distribution of the answers by substance (alphabetically) and within each substance by ascending frequency of use.

PCA Rank	Behavior	Valid Percentages Giving this Answer				Average	Valid N
		"0"	"1"	"2"	"3"		
18	Alcohol Occasionally	80	18	1	1	0.22	276
17	Alcohol Daily Sober	37	54	8	1	0.73	276
11	Alcohol Daily Drunk	4	51	29	16	1.57	275
16	Cigarettes 5/day	24	66	8	3	0.89	276
14	Cigarettes 20/day	11	68	18	4	1.14	276
13	Cigarettes 40/day	8	68	18	6	1.22	276
7	Cocaine Occasionally	13	22	28	37	1.88	275
4	Cocaine 1/week	5	21	30	45	2.14	276
2	Cocaine Daily	2	19	29	49	2.26	276
6	Heroin Occasionally	9	18	31	42	2.06	276
3	Heroin 1/week	2	20	29	49	2.24	276
1	Heroin Daily	2	19	27	53	2.30	276
9	LSD Occasionally	15	26	29	31	1.74	274
5	LSD Regularly	6	22	29	42	2.08	274
15	Marijuana 1/month	38	28	21	13	1.10	276
12	Marijuana 1/week	29	30	24	18	1.30	276
10	Marijuana 1/day	13	36	27	24	1.62	276
8	Marijuana 2+/day	9	34	26	30	1.76	276

Note: Valid Percentages may not add up to 100 due to rounding

As expected, *the average PCA increases with frequency of use* for all substances (and in the case of alcohol with intoxication). This is also shown in Figure 6.2. In this graph, the x axis represents different frequency specifications for every drug but these are always increasing from left to right. The most dramatic increase in

PCA is between the Alcohol Daily Sober and the Alcohol Daily Drunk variables. The increase in PCA from Alcohol Occasionally to Alcohol Daily Sober is also notable. Overall, alcohol is the substance that shows the most dramatic change with frequency although this is likely to be partly because intoxication is also specified. Heroin, cocaine, and LSD show less sensitivity to frequency, they start high for occasional use and become just a little bit higher for more frequent use. Marijuana shows a similar slope but it starts and remains lower than the other three illegal substances. Cigarettes show an even smaller slope and range than marijuana but they still resemble the rest of the drugs with the exception of alcohol.



b Perceptions of Self-Harm

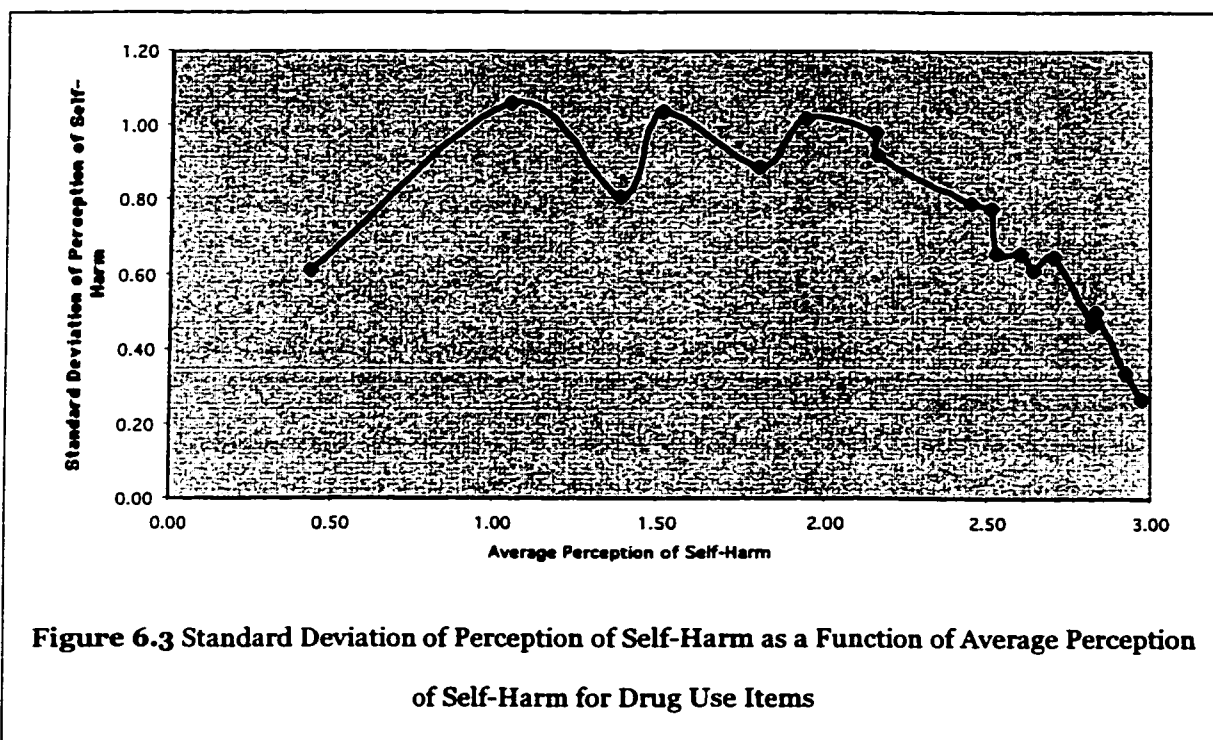
(1) Ranks

Respondents were asked to state how harmful they think drug use is to the user by choosing one of four answers with the lowest choice being “not harmful at all” and the highest being “extremely harmful.” The scale ranged from 0 to 3 and the averages of the answers for each item are presented in Table 6.4. The first observation from this table is that *both the substantive differences of these drugs and the frequency of use interact to produce perceptions of self-harm*. Another observation is that there does not seem to be a direct relationship between legality and perceived harmfulness. Cigarettes and alcohol in high frequencies and degree of intoxication respectively rank very high, while marijuana in low frequencies of use and even LSD Occasionally rank low.

Rank	Behavior	Average	SD
1	Heroin Daily	2.97	0.27
2	Cocaine Daily	2.92	0.34
3	Cigarettes 40/day	2.83	0.50
4	Heroin 1/week	2.82	0.47
5	LSD Regularly	2.70	0.65
6	Alcohol Daily Drunk	2.64	0.61
7	Cocaine 1/week	2.60	0.66
8	Cigarettes 20/day	2.53	0.66
9	Marijuana 2+/day	2.51	0.78
10	Heroin Occasionally	2.45	0.79
11	Marijuana 1/day	2.16	0.92
12	Cocaine Occasionally	2.15	0.98
13	LSD Occasionally	1.94	1.02
14	Cigarettes 5/day	1.80	0.89
15	Marijuana 1/week	1.51	1.04
16	Alcohol Daily Sober	1.39	0.81
17	Marijuana 1/month	1.05	1.06
18	Alcohol Occasionally	0.43	0.61
	Average	2.19	0.73

(2) *Consensus*

Figure 6.3 graphically represents the standard deviation of each item as a function of the mean. The two vectors are negatively correlated ($r = -0.58$). However, in this case the curvilinear nature of the relationship is more pronounced than in the case of PCA, so this correlation becomes less informative. The inverted U-shaped relationship observed here is again likely to be partly a statistical artifact.



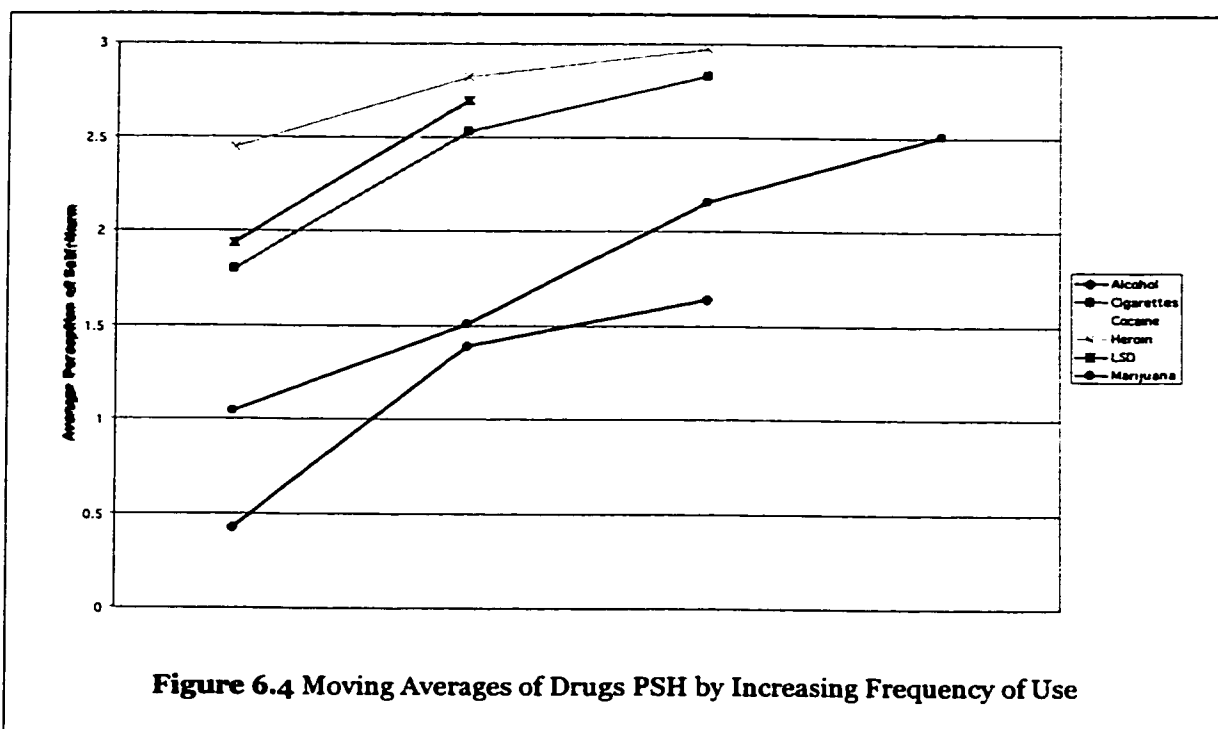
When we look at individual items ranked by standard deviation in Table 6.5 we see that the non-frequent use of marijuana has produced the lower consensus followed by non-frequent use of LSD and cocaine. The highest consensus has been produced by the frequent use of heroin, cocaine, and cigarettes. As with average PSH, the substantive differences between these drugs interact with frequency of use to produce dissensus over how harmful they are to the user.

SD Rank	Average Rank	Behavior	Average	SD
1	17	Marijuana 1/month	1.05	1.06
2	15	Marijuana 1/week	1.51	1.04
3	13	LSD Occasionally	1.94	1.02
15	12	Cocaine Occasionally	2.15	0.98
14	11	Marijuana 1/day	2.16	0.92
16	14	Cigarettes 5/day	1.80	0.89
17	16	Alcohol Daily Sober	1.39	0.81
13	10	Heroin Occasionally	2.45	0.79
12	9	Marijuana 2+/day	2.51	0.78
10	7	Cocaine 1/week	2.60	0.66
11	8	Cigarettes 20/day	2.53	0.66
8	5	LSD Regularly	2.70	0.65
9	6	Alcohol Daily Drunk	2.64	0.61
18	18	Alcohol Occasionally	0.43	0.61
4	3	Cigarettes 40/day	2.83	0.50
5	4	Heroin 1/week	2.82	0.47
6	2	Cocaine Daily	2.92	0.34
7	1	Heroin Daily	2.97	0.27
Average			2.19	0.73

(3) *Item Specific Effects of Frequency of Use*

The moving averages of PSH by increasing frequency of use are graphically presented in Figure 6.4. Heroin, LSD, and cocaine behave similarly as compared to the PCA moving averages; that is, they start with a high value, which increases with frequency. Cigarettes have joined the illegal drugs this time. Their perceived harmfulness to the user is high even for 5 cigarettes per day and it almost reaches the upper end of the range of the PSH variable for 40 cigarettes a day. Marijuana changes almost proportionally to the frequencies of use specified

in the questionnaire, starting low and then getting high. Alcohol makes a dramatic change from occasional to daily use, but then the change becomes less dramatic between the two specifications of daily use (being sober most of the time and being drunk most of the time). In comparison with the behavior of alcohol in the PCA measures, it can be initially concluded that intoxication is more of a concern than frequency of use for PCA, while frequency of use is more important than intoxication in shaping PSH. In other words, when it comes to alcohol, perceptions of harmfulness are shaped predominantly by frequency of use, while control attitudes are shaped predominantly by the intoxication factor.



c **Perceptions of Immorality**

(1) **Ranks**

Respondents were asked to say to what extent they think each behavior is immoral or morally wrong according to their personal moral standards. The scale of possible answers was ordinal with “0” (not immoral at all) as the lowest value and “3” (extremely immoral) as the highest. The average answers for each of the drug use items are presented in Table 6.6. We can see that the average answers range from very low (0.22) to moderately high (2.06) values. The maximum value of 2.06 (Heroin Daily) is indeed *not very high*, especially if we compare it to the PSH maximum value, which was also produced by Heroin Daily (2.97). In Warr’s (1989a) terms, we would say that this sample finds drug use *more harmful than immoral on average*¹. A second observation from Table 6.6 is that the *illegal drugs are in general perceived as more immoral than the legal drugs*. The notable exception is Alcohol Daily Drunk which ranked 5th (all other legal substances ranked from 12th to 18th). Again, this is probably an effect of the specification of the state of the user.

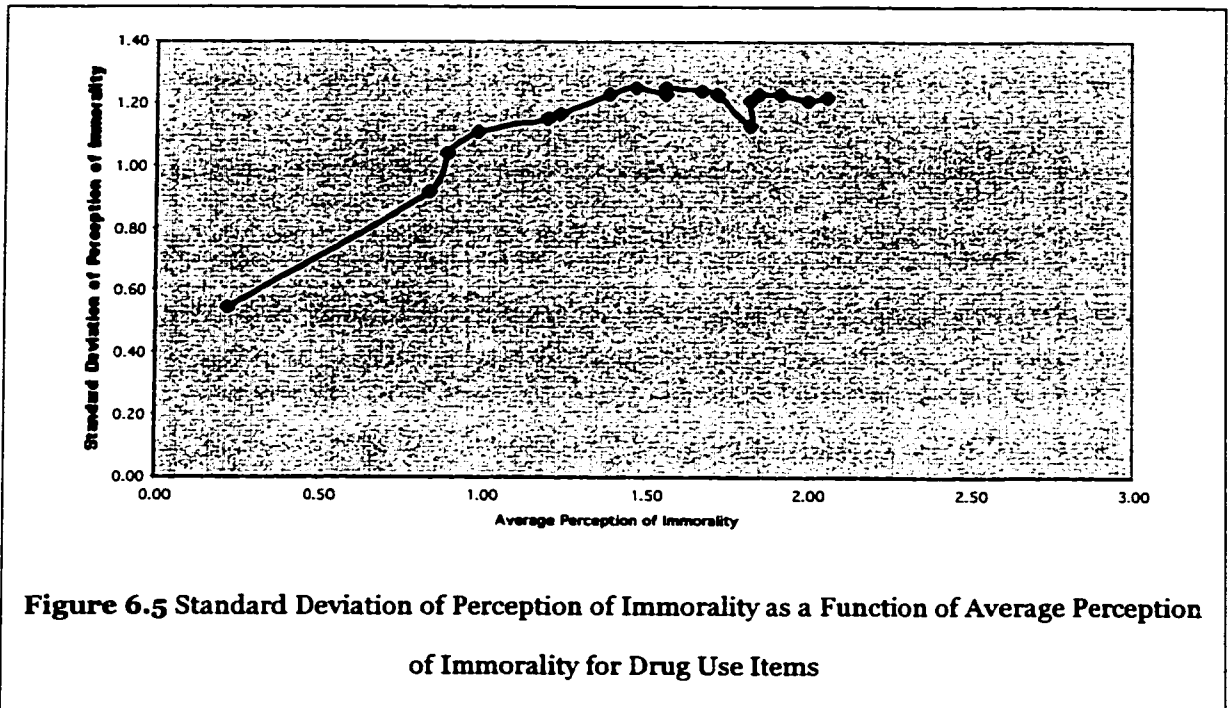
¹ This comparison is to some extent arbitrary and it will not be taken too far. Although the scales have the same structure and the same range, PSH and PI are qualitatively different and comparison of averages is not fully legitimate. The same is true for the comparison of average standard deviations.

Rank	Behavior	Average	SD
1	Heroin Daily	2.06	1.22
2	Cocaine Daily	2.00	1.21
3	Heroin 1/week	1.92	1.23
4	LSD Regularly	1.85	1.23
5	Alcohol Daily Drunk	1.82	1.13
6	Cocaine 1/week	1.82	1.21
7	Heroin Occasionally	1.72	1.23
8	Marijuana 2+/day	1.67	1.24
9	Marijuana 1/day	1.56	1.25
10	Cocaine Occasionally	1.56	1.23
11	LSD Occasionally	1.47	1.25
12	Cigarettes 40/day	1.39	1.23
13	Marijuana 1/week	1.24	1.17
14	Cigarettes 20/day	1.20	1.15
15	Marijuana 1/month	0.99	1.11
16	Cigarettes 5/day	0.89	1.04
17	Alcohol Daily Sober	0.84	0.92
18	Alcohol Occasionally	0.22	0.55
	Average	1.46	1.14

(2) *Consensus*

While PI has produced lower averages than PSH for drug use, the opposite is true for standard deviations: PI has an average standard deviation of 1.14 while the average standard deviation for PSH is 0.73 (see previous footnote for the limitations of this comparison). Figure 6.5 presents the standard deviations of the PI of drug use items as a function of the average PI for each item. A clear positive correlation exists ($r = +0.83$). In fact, the relationship assumes an almost linear shape from the lowest PI value up to a point, after which the slope

becomes zero (saturated relationship). For the former part, the highest the value of average PI the lower the consensus in opinion about that issue. For the latter part, dissensus is already high and it does not become higher as the average PI increases.



Looking at the SD for each drug in Table 6.7 we see that the frequent use of marijuana produced the highest dissensus, followed by items for LSD, Heroin, and later cocaine. Alcohol, cigarettes, and infrequent use of marijuana are found in the lowest ranks of dissensus. With the exception of Alcohol Daily Drunk, these variables are also in the lower ranks of the average PI. From this analysis, it can be concluded with some degree of certainty that, in general, *as the average PI increases so does the dissensus around that issue.*

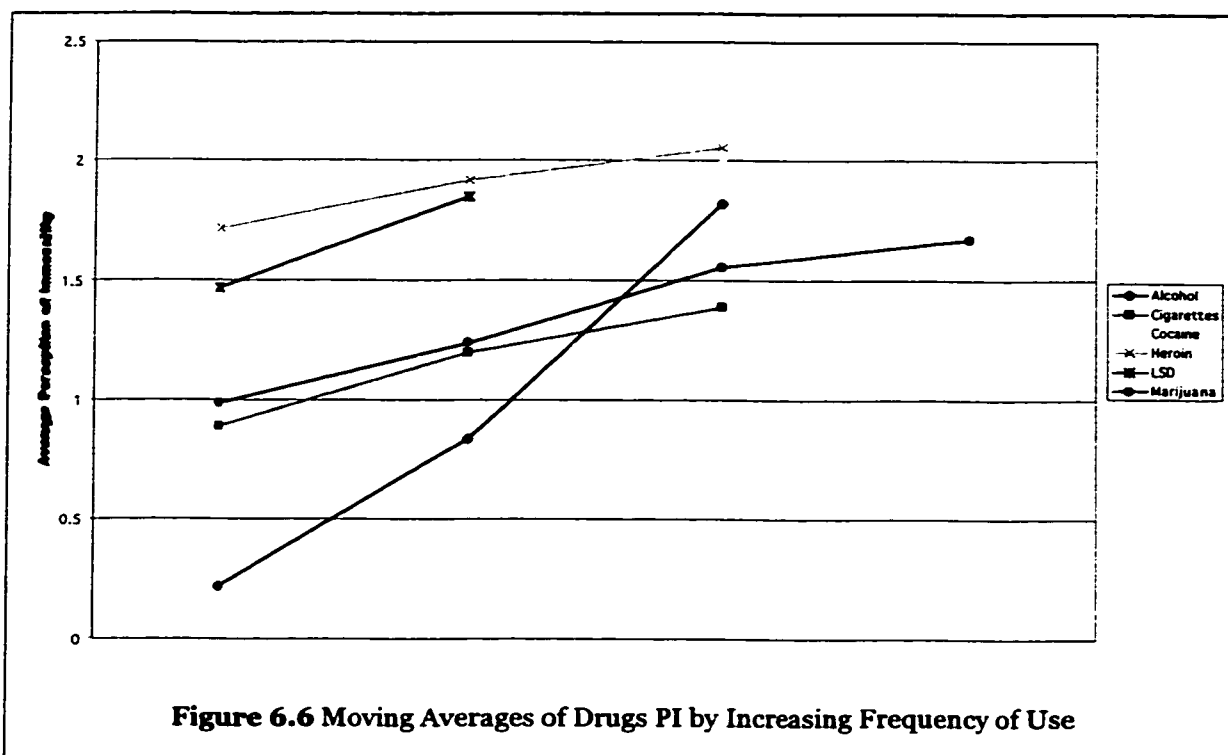
Table 6.7
Average Perception of Immorality for Drug Use Items Ranked by Standard Deviation

SD Rank	Average Rank	Behavior	Average	SD
1	9	Marijuana 1/day	1.56	1.25
2	11	LSD Occasionally	1.47	1.25
3	8	Marijuana 2+/day	1.67	1.24
4	3	Heroin 1/week	1.92	1.23
5	4	LSD Regularly	1.85	1.23
6	7	Heroin Occasionally	1.72	1.23
7	10	Cocaine Occasionally	1.56	1.23
8	12	Cigarettes 40/day	1.39	1.23
9	1	Heroin Daily	2.06	1.22
10	2	Cocaine Daily	2.00	1.21
11	5	Cocaine 1/week	1.82	1.21
12	13	Marijuana 1/week	1.24	1.17
13	14	Cigarettes 20/day	1.20	1.15
14	6	Alcohol Daily Drunk	1.82	1.13
15	15	Marijuana 1/month	0.99	1.11
16	16	Cigarettes 5/day	0.89	1.04
17	17	Alcohol Daily Sober	0.84	0.92
18	18	Alcohol Occasionally	0.22	0.55
		Average	1.46	1.14

(3) *Item Specific Effects of Frequency of Use*

The moving averages of PI by increasing frequency of use are graphically presented in Figure 6.4. Heroin, LSD, and cocaine behave similarly as compared to the PCA and PSH moving averages, they begin at a high average and increase little as frequency of use increases. Marijuana also shows similar behavior to that of PCA and PSH with its values increasing proportionally to frequency of use. Cigarettes behave as they did in PCA, while alcohol shows a much more dramatic

increase than in PCA or PSH when the “drunk” condition is specified. Being drunk makes a lot of difference in the perceptions of immorality of alcohol use.



2 SEX

a *Pleasure Control Attitude*

(1) *Ranks*

The distribution of PCA for the sex items is presented in Table 6.8. The behaviors are listed by descending PCA. Under the ordinal assumption, sex between siblings is the most undesirable behavior followed by sex with a dog. The other

incest items line up in places 3, 5, and 6, with prostitution in the 4th place. At the lower end, we have premarital sex and masturbation.

PCA Rank	Behavioral Item	Valid Percentages Giving this Answer				Nominal Result	Ordinal Average	SD	Valid N
		"0"	"1"	"2"	"3"				
1	Siblings Sex	7	31	30	33	Nonserious Crime	1.88	0.94	275
2	Sex With Dog	12	31	26	32	Nonserious Crime	1.79	1.03	275
3	1st Cousins Sex	11	35	28	26	Nonserious Crime	1.68	0.98	275
4	Working as Prostitute	19	30	33	18	Nonserious Crime	1.50	1.00	276
5	2nd Cousins Sex	20	43	19	17	Discourage	1.33	0.99	275
6	3rd Cousins Sex	30	43	14	14	Discourage	1.11	0.99	275
7	Extramarital Sex	43	38	15	5	Discourage	0.81	0.85	275
8	Nonsimultaneous Polygamy	34	56	7	3	Discourage	0.78	0.69	276
9	Simultaneous Polygamy	40	50	7	4	Discourage	0.75	0.75	276
10	Group Sex	50	36	10	5	OK	0.69	0.83	275
11	Playing in Porno	55	32	10	3	OK	0.61	0.79	275
12	Sex Change Operation	64	24	6	6	OK	0.54	0.85	276
13	Unmarried M+M Sex	71	21	4	4	OK	0.40	0.73	276
14	Unmarried F+F Sex	73	21	4	2	OK	0.35	0.66	276
15	Unmarried F+M Sex	76	19	4	0	OK	0.29	0.56	276
16	Masturbation	84	14	1	1	OK	0.18	0.47	276

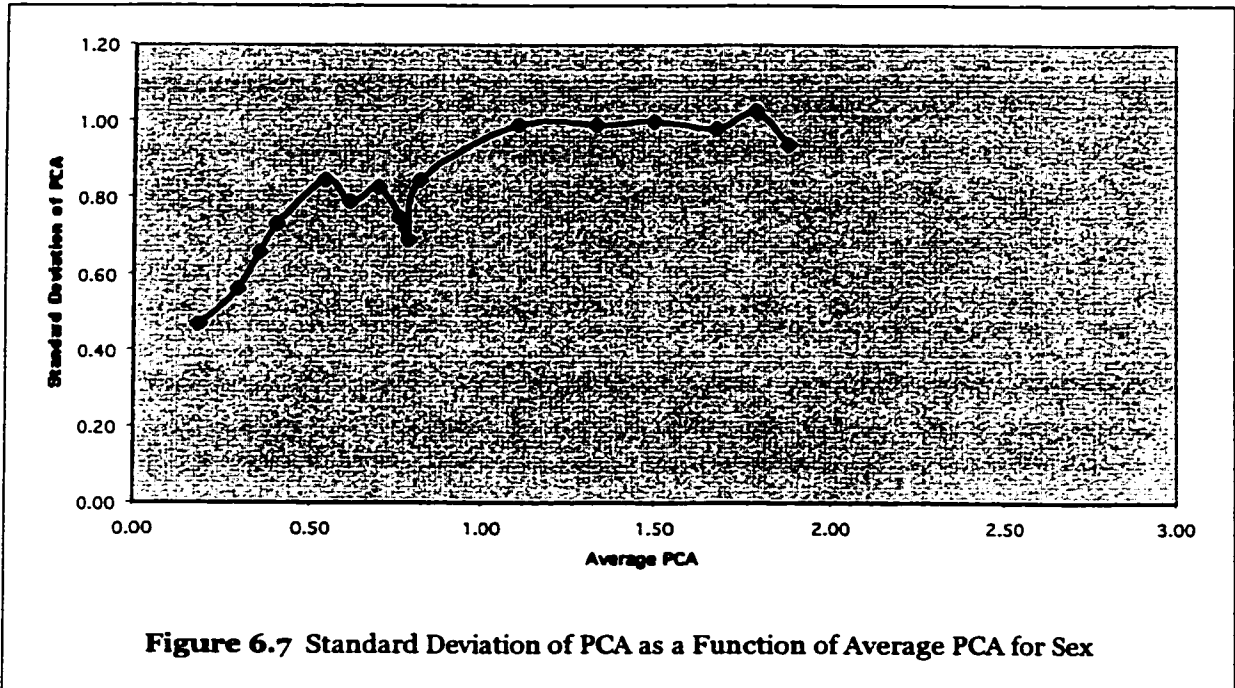
Notes: Valid Percentages may not add up to 100 due to rounding.
The average of averages is 0.92 and the average SD is 0.82.

An important observation is that even for the items that rank at the top, the scores are not very high (maximum = 1.88, as compared for example with the maximum on the drug use list which was Heroin Daily with a score of 2.30). If we take these results at face value, based on the legislative body scenario, no behavior averages would be criminalized as a serious crime. Two incest items (siblings and first cousins) as well as the bestiality item and prostitution would be criminalized as nonserious crimes. The remaining two incest items, two polygamy items, and extramarital sex would be discouraged. Everything else (interestingly, including group sex, playing in a porno film, and sex change operation) is OK.

(2) *Consensus*

The average standard deviation is 0.82 (for drugs it was about the same, 0.86) reflecting a *high degree of dissensus* with respect to the sex items. In substantive terms, the 0.82 average standard deviation equals 82/100 of a unit on the scale used (range of scale= 4.0). Figure 6.7 is a graphic representation of the function $SD = f$ (average PCA). There is some similarity with drug use here. Although the relationship is not linear, the two vectors are positively correlated ($r = +0.86$, for drugs it was $+0.59$). In the case of sex however, the maximum observed value of the PCA scale is far lower than the upper end of the range. This means that the observed heteroskedasticity can be interpreted with less confidence as a

substantive finding (that the more tendency people have towards the criminalization of a behavior, the less consensus there is on average around that issue).



In Table 6.9, the items are ranked by standard deviation. We see again that (to the extent that this is not a statistical artifact) the items with the highest PCA values produced the highest dissensus.

SD Rank	Rank by Average	Behavior	Scale Face Value	Average	SD
1	2	Sex With Dog	Nonserious Crime	1.79	1.03
2	4	Working as Prostitute	Nonserious Crime	1.50	1.00
3	5	2nd Cousins Sex	Discourage	1.33	0.99
4	6	3rd Cousins Sex	Discourage	1.11	0.99
5	3	1st Cousins Sex	Nonserious Crime	1.68	0.98
6	1	Siblings Sex	Nonserious Crime	1.88	0.94
7	7	Extramarital Sex	Discourage	0.81	0.85
8	12	Sex Change Operation	OK	0.54	0.85
9	10	Group Sex	OK	0.69	0.83
10	11	Playing in Porno	OK	0.61	0.79
11	9	Simultaneous Polygamy	Discourage	0.75	0.75
12	13	Unmarried M+M Sex	OK	0.40	0.73
13	8	Nonsimultaneous Polygamy	Discourage	0.78	0.69
14	14	Unmarried F+F Sex	OK	0.35	0.66
15	15	Unmarried F+M Sex	OK	0.29	0.56
16	16	Masturbation	OK	0.18	0.47
Average				0.92	0.82

b Perception of Immorality

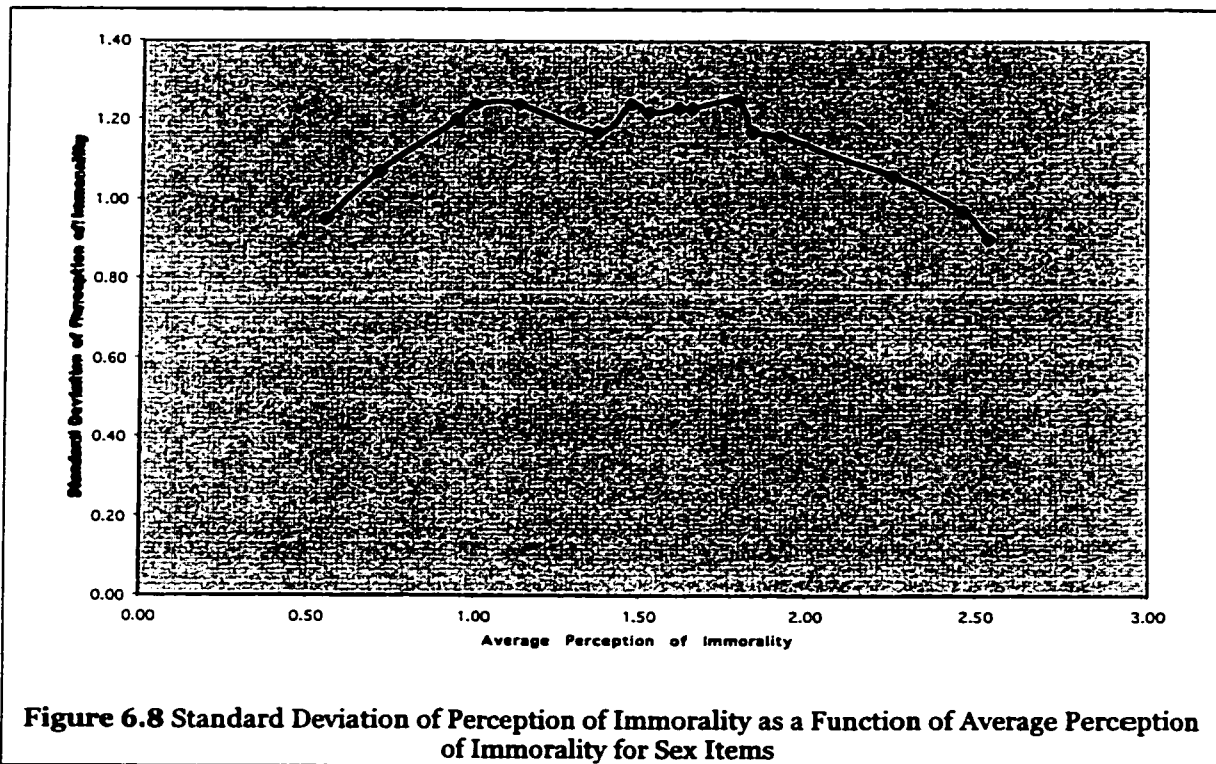
(1) Ranks

The average perceptions of immorality for the sex items are presented in Table 6.10. Incest items and sex with a dog are perceived as the most immoral among these behaviors, while extramarital sex and masturbation are perceived as the least immoral. The average SD is 1.14, which is the same as that of the PI for drug use.

Rank	Behavior	Average	SD
1	Siblings Sex	2.54	0.90
2	Sex With Dog	2.46	0.97
3	1st Cousins Sex	2.26	1.06
4	2nd Cousins Sex	1.92	1.16
5	Working as Prostitute	1.84	1.17
6	Extramarital Sex	1.79	1.25
7	Simultaneous Polygamy	1.66	1.23
8	3rd Cousins Sex	1.62	1.23
9	Nonsimultaneous Polygamy	1.53	1.22
10	Group Sex	1.47	1.24
11	Playing in Porno	1.37	1.17
12	Sex Change Operation	1.13	1.24
13	Unmarried M+M Sex	1.00	1.24
14	Unmarried F+F Sex	0.94	1.20
15	Unmarried F+M Sex	0.71	1.07
16	Masturbation	0.55	0.95
	Average	1.55	1.14

(2) *Consensus*

Figure 6.8 presents the standard deviations of the PI of sex items as a function of the average PI for each item. The standard deviation is higher in the middle of the range of averages. As discussed earlier, when the observed values of the average PI approach the lower or upper ends of the range, the standard deviation is restricted, so this observation is to some extent a statistical artifact. To the extent that it is not, it means that there is more dissensus over items that are perceived to be moderately immoral on average and more consensus (although not much, see next table) over items that are perceived to be either extremely immoral or not very immoral.



Considering the behavior of individual items in Table 6.11 we observe the same pattern. We must also note that the range of variation of the SD is narrow, at least compared to the corresponding range for drug use items (for sex, range of SD = 0.35 [0.90-1.25]; for drugs, range = 0.70 [0.55 -1.25]).

SD Rank	Average Rank	Behavior	Average	SD
1	6	Extramarital Sex	1.79	1.25
2	10	Group Sex	1.47	1.24
3	12	Sex Change Operation	1.13	1.24
4	13	Unmarried M+M Sex	1.00	1.24
5	7	Simultaneous Polygamy	1.66	1.23
6	8	3rd Cousins Sex	1.62	1.23
7	9	Nonsimultaneous Polygamy	1.53	1.22
8	14	Unmarried F+F Sex	0.94	1.20
9	5	Working as Prostitute	1.84	1.17
10	11	Playing in Porno	1.37	1.17
11	4	2nd Cousins Sex	1.92	1.16
12	15	Unmarried F+M Sex	0.71	1.07
13	3	1st Cousins Sex	2.26	1.06
14	2	Sex With Dog	2.46	0.97
15	16	Masturbation	0.55	0.95
16	1	Siblings Sex	2.54	0.90
Average			1.55	1.14

B MULTIVARIATE ANALYSIS

One of the conclusions of the literature review on perceptions of crime seriousness was that these perceptions are the outcome of a number of considerations people make about the nature of the behaviors. Warr's (1989a) model with "harmfulness" and "wrongfulness" as two independent dimensions affecting seriousness ratings was presented as very informative and very promising for further research. In the light of these evaluations, this study has

explored attitudes toward the control of pleasure (PCA) in the domains of drug use and sex as well as perceptions of self-harmfulness (PSH) and immorality (PI) of these behaviors. In this part of the analysis, PCA is modeled as an outcome and PSH and PI as independent variables. The paternalistic and moralistic hypotheses will be tested.

1 EQUATIONS MODELING

The large number of drug use and sex items used in this study allows for multilevel analysis at this point. These levels correspond to the specification of domains and subdomains of pleasure, in addition to the single items (variables) measured in the survey. Table 6.12 presents these items, subdomains, and domains. Each column represents a level of analysis (labeled Pleasure Items, Pleasure Subdomains, and Pleasure Domains). The variables used to represent the subdomains and domains are index variables that resulted by simple addition of the corresponding items. The reliability coefficients for these constructs are also reported in Table 6.12. Without exception, the reliability coefficients are very high or high enough to statistically justify the use of these indexes.

Table 6.12 Pleasure Items, Pleasure Subdomains, Pleasure Domains, and Reliability Statistics for Pleasure Control Attitude (PCA), Perception of Self-harm (PSH), and Perception of Immorality (PI) for Drug Use and Sex Behaviors		
Pleasure Items	Pleasure Subdomains and Reliability α (PCA, PSH, PI)	Pleasure Domains and Reliability α (PCA, PSH, PI)
Alcohol Occasionally Alcohol Daily Sober Alcohol Daily Drunk	Alcohol (0.75, 0.74, 0.73)	Drugs (0.95, 0.92, 0.98)
Cigarettes 5/day Cigarettes 20/day Cigarettes 40/day	Cigarettes (0.91, 0.80, 0.94)	
Cocaine Occasionally Cocaine 1/week Cocaine Daily	Cocaine (0.95, 0.77, 0.96)	
Heroin Occasionally Heroin 1/week Heroin Daily	Heroin (0.96, 0.69, 0.97)	
LSD Occasionally LSD Regularly	LSD (0.93, 0.71, 0.92)	
Marijuana 1/month Marijuana 1/week Marijuana 1/day Marijuana 2+/day	Marijuana (0.96, 0.91, 0.96)	
Siblings Sex 1st Cousins Sex 2nd Cousins Sex 3rd Cousins Sex	Incest (0.93, n/a, 0.92)	
Unmarried F+F Sex Unmarried M+M Sex Unmarried F+M Sex	Pre-marital (0.94, n/a, 0.95)	
Nonsimultaneous Polygamy Simultaneous Polygamy Extramarital Sex Group Sex	Polygamy (0.89, n/a, 0.93)	
Working as Prostitute Playing in Porno	Instrumental (0.66, n/a, 0.83)	
Sex Change Operation Sex With Dog Masturbation	Unclassified	

a Pleasure Items Equations

On the items level, each behavior has been modeled on its own:

$$PCA_i = b_{PSH_i}PSH_i + b_{PI_i}PI_i + \text{controls}$$

The index “i” in the above formula takes values from the list of behaviors on the questionnaire (18 drug use and 16 sex behaviors, first column in Table 6.12). The coefficients b_{PSH_i} and b_{PI_i} (for PSH and PI respectively) will be estimated.

b Pleasure Subdomains Equations

The drug use domain contains items measuring pleasure control attitudes for six drugs. For each drug, different frequencies of use were specified. In this part, all items for the same drug will be added up to form index PCA, PSH, and PI for that particular drug (see reliability statistics for these scales in Table 6.12). This will produce equations of the general formula:

$$PCA_j = b_{PSH_j}PSH_j + b_{PI_j}PI_j + \text{controls}$$

Where “j” takes values from the set of drugs measured in this study (alcohol, cigarettes, cocaine, heroin, LSD, marijuana).

With respect to the sex subdomain, four substantive subdomains have been identified. These are (see the second column of Table 6.12) *incest* (sex between siblings, sex between 1st cousins, sex between 2nd cousins, and sex between 3rd cousins), *pre-marital sex* (between female and female, male and male, and female and male), *polygamy* (nonsimultaneous polygamy, simultaneous polygamy, extra-marital sex, group sex), and *instrumental sex* (prostitution, playing in porno movies). Items in each of these subdomains have been added up to form subdomain indexes (see reliability statistics in Table 6.12). The general formula for sex subdomains is:

$$PCA_k = b_{PIk}PI_k + \text{controls}$$

Where “k” takes values from the set of subdomains (incest, pre-marital sex, polygamy, instrumental sex). The PSH variable is absent from the equation because it was not measured for sex items.

c ***Pleasure Domains Equations***

Finally, two equations will be estimated one for each domain (drugs and sex, see third column in Table 6.12). All items in each domain (18 for drug use and 16 for sex) were added up to form index variables for each domain (PCA_{drugs} , PCA_{sex} ,

PSH_{drugs}, PI_{drugs}, and PI_{sex}, see reliability statistics in Table 6.12). The equations for each domain are given below:

$$PCA_{drugs} = b_{PSH_{drugs}}PSH_{drugs} + b_{PI_{drugs}}PI_{drugs} + \text{controls}$$

$$PCA_{sex} = b_{PSH_{sex}}PSH_{sex} + b_{PI_{sex}}PI_{sex} + \text{controls}$$

2 VARIABLES

a **Dependent Variable**

(1) **Nominal Assumption**

The dependent variable in this study is Pleasure Control Attitudes (PCA). As presented in Chapter 4, this variable was constructed under either of two assumptions. In a conservative context, the variable is valid only at face value and thus it can be analyzed only at the nominal level (nominal assumption). Under this assumption, the values of the scale used are assumed to represent qualitatively different attitudes: “0” represents an attitude of neutrality (or perhaps a positive attitude) toward the behavior (labeled “OK”), “1” represents attitudes in favor of “discouragement” by non-legal means (labeled “discourage”), and “2” and “3” represent attitudes in favor of formal control of the behaviors

(labeled “nonserious crime” and “serious crime” respectively). The difference between “2” and “3” is of ordinal nature and for the purpose of nominal analysis, these two categories can be merged under the label “criminalize.” The resulting three categories (OK, discourage, criminalize) have been further recoded into two binary variables to allow for logistic regression modeling. When the dependent variable is nominal and has more than two values, it must first be recoded into a set of binary variables which will be the dependent variables in logistic regression equations. A variable with three categories produces 3 binary variables. The variable used in this study produces the binary variables “OK vs. Discourage/Criminalize,” “OK/Discourage vs. Criminalize,” and “OK/Criminalize vs. Discourage.” Of these, only the first two are substantively meaningful comparisons. The first represents the difference between an “OK” attitude and everything else on the discouragement side, from informal control to criminalization as a serious crime. This binary will be labeled *PCA (General Control)*. The second binary distinguishes between criminalization and noncriminalization (either informal discouragement or OK/nothing). It will be used with the name *PCA (Criminalization)*.

Only item equations were estimated under the nominal assumption. The estimation of domain and subdomain equations (using the indexes) is problematic because the indexes are sums of variables and they may get the same value from different addition elements. For example, a value of 3 in the alcohol

subdomain index may be the result of three “1” answers on the three items that constitute the index, or a “0” value on two of the items and a “3” on the third.

(2) Ordinal Assumption

In the context of a more relaxed assumption, the PCA scale can be used in the analysis with its values representing ordinal ranks. An appropriate statistical model in this case is linear regression. Ordinal variables are used in linear regression equations as dependent variables in knowledge of the disadvantages these have as compared to interval and ratio level variables. However, this approach is widely used.

b Independent Variables

The independent variables are perceptions of self-harm (PSH) and perceptions of immorality (PI). These were measured on an ordinal scale (0-3) and they will be included in all models as such (for descriptives of these variables see the first part of this chapter).

c Control Variables

This study was not designed to measure demographic or attitudinal correlates of PCA. Only a small number of control variables were measured in the

questionnaires. Of these, the following “demographic” variables will be used in the equations as controls.

(1) *Age*

The age of the respondent was used as a control as it was recorded (labeled *Age*). The values ranged from 15 to 74, with a mean of 23.81, a median of 22.00, and a standard deviation of 6.48. Although the distribution is positively skewed (skewness = 3.10), regression diagnostics have shown that the original untransformed variable performs very well as compared to other transformations.

(2) *Gender*

Females (N = 155 or 56.2% of all cases—all cases were valid) were coded 0 and males (N = 121 or 43.8%) were coded 1 in a binary variable labeled *Male*.

(3) *Graduate Status*

All undergraduates, two non-matriculated students, and one 15 year old pre-student (N = 186 or 72.1% of valid cases) were coded 0 and all graduate and

professional students (N = 72 or 27.9% of valid cases) were coded 1 in a binary variable labeled *Graduate*.

(4) *Foreign Status*

The distribution of students by country was extremely skewed: 226 respondents or 83.7% of all respondents are from the United States. A binary variable labeled *Foreign* was constructed with all US answers coded 0 and all non-US answers coded 1. The countries grouped together represent a variety of cultures (Western European, Southeast Asian, African, et cetera) but there were too few cases from each to allow for a more precise modeling of this dimension.

(5) *Race/Ethnicity*

In reflection of the UW student composition, whites or Caucasians were the majority of participants (n=186, 68.4% of valid cases) followed by Asians (n = 53, 19.5% of valid cases). There were only 5 Blacks or African Americans (1.8% of valid cases) and 4 Hispanics (1.5% of valid cases). This distribution allows for the modeling of the white and Asian categories separately because each has a substantial number of cases. A binary variable labeled *Asian* was constructed to represent Asians. This variable included all cases who declared full or half Asian identification (a total of 11 cases declared mixed racial identification, such as, half

Asian half Caucasian or half Asian half Pacific Islander). Another variable, labeled Other, was constructed to represent all other remaining races (blacks, Hispanics, American Indians). These two binaries had whites as the reference category. One “human,” one “multiracial,” one “me,” three “I don’t,” one “mix,” and one “yes” were coded as whites in both variables.

3 FINDINGS: DRUGS

a Item Correlations

The correlations between PSH and PI are presented in Table 6.13). The correlations range from 0.16 to 0.69 and the average is 0.44. These correlations are on average respectably high for individual level data. This offers *support for the PSH-PI correlation hypothesis*. As it was explained in Chapter 4, the causal direction of this relationship cannot be determined based on these data.

Table 6.13 is also relevant to the assessment of one of the threats of the power of regression analysis, collinearity (high correlation among independent variables). Drug use models have two independent variables, PSH and PI which, as shown in the table, are generally highly correlated. The effect of these correlations on the estimated coefficients was monitored for each equation, using the tolerance

statistic. The results are reported later by equation. Collinearity did not appear to be a problem.

Behavioral Item	Correlation (PSH, PI)
Marijuana 1/month	0.69
Marijuana 1/week	0.64
LSD Occasionally	0.62
Cocaine Occasionally	0.59
Marijuana 1/day	0.57
Alcohol Daily Sober	0.55
Cigarettes 5/day	0.48
Marijuana 2+/day	0.46
Cocaine 1/week	0.45
LSD Regularly	0.44
Heroin Occasionally	0.42
Alcohol Occasionally	0.41
Cigarettes 20/day	0.38
Heroin 1/week	0.34
Cocaine Daily	0.29
Alcohol Daily Drunk	0.28
Cigarettes 40/day	0.21
Heroin Daily	0.16
Average	0.44

b **Item Equations (Nominal Assumption)**

For each item, two logistic regression models were estimated. The first regressed PSH and PI on the PCA (General Control) binary for each drug and the second regressed PSH and PI on the PCA (Criminalization) binary for each drug. The results are presented in Table 6.14. Initially, only the control variables were entered in each equation. The -2 Log Likelihood improvement statistic (model

χ^2) was used to assess the model. Next, the PSH variable was entered. The improvement in the -2 Log Likelihood due to PSH (model χ^2) as well as the B coefficient are reported. Finally, PI was entered. Model χ^2 and the coefficients for both PSH and PI are reported

Table 6.14 Logistic Regression of PCA (General Control) and PCA (Criminalization) on PSH and PI for Drug Use Items							
Equations	Controls Only	Enter PSH		Enter PI			Final Signif Controls
	Model χ^2	Model χ^2	B (PSH)	Model χ^2	B (PSH)	B (PI)	
Alcohol Occasionally							
General Control	3.30	44.28***	1.79***	8.18**	1.59***	0.90**	none
Criminalization	2.51	16.31***	2.28***	1.72	3.02**	-0.93	none
Alcohol Daily Sober							
General Control	6.53	64.44***	1.59***	15.10***	1.15***	0.88***	none
Criminalization	8.08	18.76***	1.47***	6.86**	0.93*	0.78*	none
Alcohol Daily Drunk							
General Control	5.03	16.82***	1.69***	17.57***	1.52**	2.39*	none
Criminalization	19.12**	6.48*	0.62*	25.41***	0.35	0.68***	(a)
Cigarettes 5/day							
General Control	11.14	48.23***	1.48***	14.58***	1.15***	0.98***	(b)
Criminalization	11.53	20.49***	1.34***	11.51***	0.82*	0.79**	(c)
Cigarettes 20/day							
General Control	8.62	26.78***	1.64***	12.89***	1.30***	1.15**	none
Criminalization	14.20*	11.12***	1.06**	31.74***	0.47	0.92***	(d)
Cigarettes 40/day							
General Control	13.38*	6.92**	1.01*	17.84***	0.84	1.28**	none
Criminalization	15.11*	1.18	0.47	51.93***	-0.04	1.10***	(e)
Cocaine Occasionally							
General Control	14.32*	96.38***	3.22***	4.12*	2.95***	0.77	none
Criminalization	11.53	20.49***	1.34***	11.51***	0.82*	0.79**	(f)
Cocaine 1/week							
General Control	14.67*	38.34***	2.81***	6.00*	2.44***	1.47	(g)
Criminalization	14.20*	11.12***	1.06**	31.74***	0.47	0.92***	(h)
Cocaine Daily							

General Control	9.74	14.25***	2.29**	10.46**	1.75*	9.2	(i)
Criminalization	15.12*	1.18	0.46	51.93***	-0.04	1.10***	(j)
Heroin Occasionally							
General Control	10.16	46.66***	2.03***	20.04***	1.83***	1.95**	none
Criminalization	23.83***	34.15***	1.11***	27.13***	0.83***	0.81***	(k)
Heroin 1/week							
General Control	12.99*	16.62***	2.34**	14.93***	2.27*	12.83	(l)
Criminalization	24.13***	27.22***	1.85***	37.20***	1.50***	0.93***	(m)
Heroin Daily							
General Control	9.74	12.91***	2.43*	12.61***	2.13	6.78	(n)
Criminalization	24.48***	10.67**	7.47	42.77***	7.32	0.94***	none
LSD Occasionally							
General Control	23.85***	65.04***	1.81***	14.98***	1.20***	1.32**	none
Criminalization	16.19*	92.94***	1.63***	22.51***	1.21***	0.83***	none
LSD Regularly							
General Control	16.29*	56.48***	3.22***	12.13***	3.21***	2.32*	(o)
Criminalization	19.04**	32.38***	1.40***	44.29***	0.78**	1.01***	none
Marijuana 1/month							
General Control	21.41**	100.08***	2.20***	22.25***	1.53***	1.51***	none
Criminalization	21.24**	104.95***	1.86***	32.08***	1.26***	1.32***	(p)
Marijuana 1/week							
General Control	28.16***	99.16***	2.18***	36.80***	1.60***	1.86***	(q)
Criminalization	35.05***	85.05***	1.61***	32.01***	1.12***	1.08***	(r)
Marijuana 1/day							
General Control	22.93***	71.10***	2.22***	12.57***	1.78***	1.19**	(s)
Criminalization	35.03***	84.68***	1.87***	50.63***	1.38***	1.24***	(t)
Marijuana 2+/day							
General Control	20.53**	43.84***	1.76***	10.43**	1.32***	1.11**	(u)
Criminalization	24.45***	55.07***	1.65***	60.50***	1.30***	1.19***	(v)
Notes							
Statistical Significance reference: * = $p < 0.05$, ** = $p < 0.01$, *** = $p < 0.001$							
Valid N for all equations was about 250							
Final Significant Controls: These are the control variables that produced statistically significant coefficients after PSH and PI were entered: (a) Asian [0.93*], male [-0.65*]; (b) male [0.95*], graduate [1.19*], foreign [-1.40*]; (c) graduate [1.68*]; (d) Asian [1.01*], graduate [1.13*]; (e) age [-0.11*], graduate [1.49**]; (f) graduate [1.68*]; (g) age [-0.09*], graduate [2.98*]; (h) Asian [1.00*], graduate [1.13*]; (i) age [-0.24*]; (j) age [-0.11*], graduate [1.50**]; (k) foreign [1.64*]; (l) age [-0.42*]; (m) foreign [2.33*]; (n) age [-0.28*]; (o) age [-0.15*]; (p) Asian [2.01***], foreign [-2.11**]; (q) Asian [2.13*]; (r) Asian [1.77**], graduate [1.65**]; (s) age [-0.08*], graduate [1.60*]; (t) Asian [-1.98**]; (u) age [-0.09**]; (v) Asian [1.55**]							

The first general observation is that for the overwhelming majority of equations, both PSH and PI have statistically significant effects on PCA. When entered without controlling for PI, PSH has produced significant improvement in 34 of the 36 equations and significant coefficients to the predicted direction in 33 of the 36 equations. After controlling for PI, 28 of the 36 coefficients for PSH were still significant. Perception of harm to the user is then a significant component of PCA for both specifications (general control and criminalization). These findings offer *overwhelming support for the paternalistic hypothesis*. Then, in the majority of equations, controlling for PSH, PI has a significant effect. The inclusion of the PI as a covariate significantly improved the $-2LL$ in 35 of the 36 equations. The coefficients for PI are statistically significant and to the predicted direction in 30 of the 36 equations. Since these improvements and effects are above and beyond the contribution of PSH, these results *strongly support the moralistic hypothesis*: people believe that drug use is not OK and it should somehow be controlled partly because there is a sense of immorality in drug use.²

c **Item Equations (Ordinal Assumption)**

Linear regression equations were estimated for each of the 18 drug use items. Again, the control variables were entered first, followed by PSH and then by PI. To assess the effects of the independent variables, the unstandardized coefficients

² Large coefficients with no statistical significance resulted largely because there are very few

were estimated. Fit was assessed by the adjusted R square statistic, while improvement in fit was measured by the F_{change} statistic. The results are reported in Table 6.15.

Table 6.15 Linear Regression of Pleasure Control Attitudes (PCA) on Perceptions of Self-Harm (PSH) and Perceptions of Immorality (PI) for Drug Use Items									
Equations	Controls Only	Enter PSH			Enter PI				Final Signif. Controls
	Adj. R ²	Adj. R ²	F change	B (PSH)	Adj. R ²	F change	B (PSH)	B (PI)	
Alcohol Occasionally	-0.01	0.22	72.24***	0.39***	0.24	8.44**	0.33***	0.16**	none
Alcohol Daily Sober	-0.01	0.21	70.40***	0.39***	0.28	23.50***	0.25***	0.23***	none
Alcohol Daily Drunk	0.06	0.10	12.88***	0.29***	0.24	42.15***	0.16*	0.27***	(a)
Cigarettes 5/day	0.04	0.25	69.43***	0.34***	0.33	28.35***	0.23***	0.20***	(b)
Cigarettes 20/day	0.04	0.14	28.10***	0.32***	0.26	40.93***	0.20***	0.21***	(c)
Cigarettes 40/day	0.05	0.07	18.14***	0.23*	0.26	64.46***	0.14	0.25***	(d)
Cocaine Occasionally	0.08	0.48	190.72***	0.71***	0.54	30.26***	0.54***	0.26***	none
Cocaine 1/week	0.11	0.35	89.25***	0.70***	0.46	50.57***	0.49***	0.29***	(e)
Cocaine Daily	0.11	0.20	18.14***	0.76***	0.39	73.67***	0.48***	0.31***	(f)
Heroin Occasionally	0.06	0.32	92.15***	0.63***	0.44	53.91***	0.46***	0.31***	none
Heroin 1/week	0.08	0.24	51.70***	0.74***	0.38	58.31***	0.52***	0.29***	(g)
Heroin Daily	0.08	0.14	18.14***	0.76***	0.33	69.07***	0.54***	0.31***	(h)
LSD Occasionally	0.05	0.47	196.36***	0.70***	0.56	47.38***	0.46***	0.33***	none
LSD Regularly	0.08	0.29	72.53***	0.68***	0.47	82.84***	0.40***	0.37***	none
Marijuana 1/month	0.08	0.56	269.48***	0.73***	0.64	50.17***	0.47***	0.38***	(i)

cases in the corresponding cells (details available upon request).

Marijuana 1/week	0.13	0.55	231.81***	0.70***	0.65	69.28***	0.44***	0.38***	(j)
Marijuana 1/day	0.12	0.49	175.46***	0.67***	0.60	71.80***	0.42***	0.34***	(k)
Marijuana 2+/day	0.12	0.38	104.85***	0.65***	0.55	88.69***	0.40***	0.37***	(l)

Notes
 Statistical Significance reference: * = $p < 0.05$, ** = $p < 0.01$, *** = $p < 0.001$
 Valid N for all equations was about 250
 Minimum tolerance = 0.475
 Final Significant Controls: These are the control variables that produced statistically significant coefficients after PSH and PI were entered: (a) Asian [0.32*], male [-0.23*]; (b) age [-0.01*], male [0.20**], foreign [-0.31**], graduate [0.32***]; (c) graduate [0.23*]; (d) age [-0.01*], graduate [0.26**]; (e) age [-0.02**]; (f) age [-0.02**]; (g) age [-0.02**]; (h) age [-0.02**]; (i) Asian [0.41**], foreign [0.31*]; (j) Asian [0.52***], graduate [0.22*]; (k) Asian [0.42***], graduate [0.29**]; (l) age [-0.02*], Asian [0.40**], graduate [0.29**]

With no exception, the inclusion of the PSH variable in the equations significantly increased the amount of variation explained in the dependent variable as compared to the controls only model. All coefficients for PSH were significant when PI was not controlled, and after PI was controlled all but one (Cigarettes 40/day) were still significant. These results *support the paternalistic hypothesis* under the ordinal assumption. PI has also performed very well in predicting PCA and improving fit. Fit was improved in all equations, while all coefficients are statistically significant. Since this significance was achieved controlling for PSH, these results offer *support to the moralistic hypothesis*.

Linear regression allows for substantive interpretation of the results. Since under the ordinal assumption the dependent variable is a measure of pleasure control attitude ranging from 0 to 3, and since the independent variables in these equations also range from 0 to 3, unstandardized coefficients are very simple to

interpret, not only individually but also in comparison (between the PSH and the PI coefficients for each equation). A few observations follow. First, looking at the final model (with both PSH and PI in the equation) a unit change in PSH produces a minimum of 0.16 units increase in PCA (for Alcohol Daily Drunk) and a maximum of 0.54 unit increase in PCA (for Cocaine Occasionally and Heroin Daily). A unit increase in PI is associated with a minimum increase of 0.16 units in PCA (for Alcohol Occasionally) and a maximum increase of 0.38 units in PCA (for Marijuana 1/month and Marijuana 1/week). These figures show that the effects reported here are both statistically and substantively significant.³

A second observation is that the legal drugs have generally produced smaller coefficients for both PSH and PI. This observation cannot however be the basis of conclusions since comparison of unstandardized coefficients across equations (vertically in Table 6.15) is illegitimate. To check if this observation is valid, standardized coefficients (not reported, available upon request) we compared. Indeed, the same image was present, but the differences were smaller. The average standardized coefficient for PSH for all legal items was 0.24, while the corresponding coefficient for illegal items was 0.32. For PI, the average standardized coefficient for legal items was 0.33, while for illegal items it was

³ Substantive significance is always subjectively assessed. It could be argued that the smaller coefficients in these equations do not really make a difference (a 0.16 unit change in PCA resulting from a unit change in PSH or PI). However, even these small effects are not minuscule, as the case is with effects found in published studies which many times are statistically significant, yet substantively much smaller than the minimum values reported here. But, even if

0.35. While the difference in PSH is not very large (0.08), the effects of PSH on PCA are larger for illegal drugs; in other words, *PSH affects PCA more when the substance is illegal*. The difference in average betas for the PI equations is too small (0.02) to be evidence for the same conclusion.

Finally, a comparison can be made within each equation between the effects of PSH and PI. For the legal drugs, 3 of the 6 coefficients are higher for PSH and the other 3 are higher for PI. Comparison of standardized coefficients yielded a very similar ratio, 2 of the 6 were higher for PSH and the other 4 higher for PI. For illegal drugs, *all* unstandardized coefficients were higher for PSH, while only 7 of the 12 standardized coefficients were so. The differences in these comparisons are partly due to the fact that PSH has on average produced higher standard deviations than PI. When standardized coefficients are used to control for this, the differences become smaller, but they still exist. Thus, the results lead to the conclusion that *PSH is a stronger predictor of PCA than is PI for illegal drugs*. Still, this does not withdraw support for the moralistic hypothesis, since the effects of PI are both statistically and substantively significant for the vast majority of equations.

these minimum values are rejected by the skeptical reader, most of the effects in the table represent much larger substantive effects.

d Subdomain Variables and Correlations

Subdomain indexes were computed by addition of the corresponding items for each subdomain. The profiles of these indexes are presented in Table 6.16.

Table 6.16 Index Variable Profiles for Drug Use Subdomains								
Subdomain	Variables Indexed	Min.	Max.	Mean	SD	Skewness	Kurtosis	Valid N
Pleasure Control Attitude (PCA)								
Alcohol	3	0	9	2.52	1.62	1.03	1.30	275
Cigarettes	3	0	9	3.26	1.81	0.85	1.67	276
Cocaine	3	0	9	6.27	2.69	-0.54	-0.94	275
Heroin	3	0	9	6.60	2.58	-0.71	-0.70	276
LSD	2	0	6	3.82	1.93	-0.40	-1.07	274
Marijuana	4	0	12	5.79	3.88	0.21	-1.19	276
Perception of Self-Harm (PSH)								
Alcohol	3	0	9	4.46	1.66	-0.08	-0.09	274
Cigarettes	3	0	9	7.16	1.78	-1.37	2.73	273
Cocaine	3	0	9	7.67	1.77	-1.54	2.51	273
Heroin	3	0	9	8.25	1.31	-2.73	11.20	273
LSD	2	0	6	4.64	1.51	-1.16	0.79	271
Marijuana	4	0	12	7.27	3.40	-0.30	-0.78	273
Perception of Immorality (PI)								
Alcohol	3	0	9	2.88	2.18	0.38	-0.48	271
Cigarettes	3	0	9	3.49	3.24	0.37	-1.23	272
Cocaine	3	0	9	5.39	3.52	-0.45	-1.35	272
Heroin	3	0	9	5.69	3.58	-0.61	-1.24	272
LSD	2	0	6	3.32	2.38	-0.23	-1.52	270
Marijuana	4	0	12	5.46	4.52	0.09	-1.50	272

The correlation coefficients between PSH and PI for each subdomain are presented in Table 6.17. As the case was with items correlations, these are generally very high. The *PSH-PI correlation hypothesis is again supported.*

There is also some evidence for possible collinearity and this was checked later in the equations using the tolerance statistic. No serious problems were detected.

Subdomain	Correlation (PSH, PI)
Marijuana	0.65
LSD	0.59
Cocaine	0.51
Alcohol	0.47
Cigarettes	0.40
Heroin	0.35
Average	0.50

e Subdomain Equations (Ordinal Assumption)

Before running regression equations using these indexes as predictors of PCA, all variables were examined individually (see Table 6.16 for descriptives) and as correlates of PCA to determine the best possible transformations. Curve estimation diagnostics were examined for all models with special attention to those with skewed distributions in the dependent variable. The original variables were kept in all models, since they produced either the highest R square or an R square almost as high as those produced by other transformations. Residuals diagnostics showed no signs of heteroskedasticity or nonlinearity.

The results of the final linear regression equations are presented in Table 6.18. PSH was first entered (after the controls only model was estimated). The

inclusion of this variable significantly increased R square in all models. Unstandardized coefficients were also statistically significant and substantively large.⁴ When PI was entered in the equations, R squares increased even more and these increases were statistically significant for all equations. All final coefficients for both PSH and PI are statistically significant. These results offer *strong support for both the paternalistic and the moralistic hypotheses.*

A comparison of the coefficients (between PSH and PI) shows that the conclusions drawn in the previous section can be supported by these models as well. Unstandardized coefficients tend to be larger for PSH for the illegal drugs, while they are of about the same magnitude for legal drugs. Standardized coefficients (not reported) tend to be higher for the PI than the PSH for both legal and illegal drugs with the exception of cocaine (for alcohol $\beta_{PSH} = 0.28$ and $\beta_{PI} = 0.36$, for cigarettes $\beta_{PSH} = 0.24$ and $\beta_{PI} = 0.43$, for cocaine $\beta_{PSH} = 0.44$ and $\beta_{PI} = 0.36$, for heroin $\beta_{PSH} = 0.34$ and $\beta_{PI} = 0.43$, for LSD $\beta_{PSH} = 0.39$ and $\beta_{PI} = 0.45$, and for marijuana $\beta_{PSH} = 0.43$ and $\beta_{PI} = 0.44$).

⁴ The interoperation of the effects of the variables in this part should be done with reference to the ranges of the variables (reported in Table 6.16). Since the ranges are not the same,

Table 6.18 Linear Regression of Pleasure Control Attitudes (PCA) on Perceptions of Self-Harm (PSH) and Perceptions of Immorality (PI) for Drug Use Subdomains									
Equations	Controls Only	Enter PSH			Enter PI				Final Signif. Controls
	Adj. R ²	Adj. R ²	F change	B (PSH)	Adj. R ²	F change	B (PSH)	B (PI)	
Alcohol	0.01	0.21	61.87***	0.44***	0.30	33.31***	0.28***	0.27***	none
Cigarettes	0.03	0.18	43.06***	0.42***	0.33	54.83***	0.25***	0.24***	(a)
Cocaine	0.11	0.43	138.43***	0.90***	0.53	48.82***	0.65***	0.28***	none
Heroin	0.08	0.28	71.33***	0.91***	0.43	65.79***	0.67***	0.31***	(b)
LSD	0.06	0.44	162.41***	0.81***	0.56	67.59***	0.50***	0.36***	none
Marijuana	0.12	0.57	257.31***	0.80***	0.68	81.84***	0.49***	0.38***	(c)

Notes
 Statistical Significance reference: * = $p < 0.05$, ** = $p < 0.01$, *** = $p < 0.001$
 Valid N for all equations was about 250
 Minimum Tolerance = 0.595
 Final Significant Controls: These are the control variables that produced statistically significant coefficients after PSH and PI were entered: (a) age [-0.04*], graduate [0.79**]; (b) age [-0.05*]; (c) Asian [1.70***], graduate [0.82*]

f **Domain Equation (Ordinal Assumption)**

Finally, the drug use domain was examined as a whole. All PCA, PSH, and PI variables were added up to create three indexes. The descriptives of these indexes are presented in Table 6.19. The distribution of PCA is approximately normal while PSH and PI depart more from normality. Curve estimation diagnostics have shown that the relationships between PSH and PI as

unstandardized coefficients should not be compared across models.

independent variables and PCA as dependent variable are captured very well by a linear specification.⁵

Drug Use Domain	Variables Indexed	Minimum	Maximum	Mean	SD	Skewness	Kurtosis	Valid N
PCA	18	0	54	28.22	11.87	-0.25	-0.76	272
PSH	18	0	54	39.44	8.82	-0.93	1.74	274
PI	18	0	54	26.34	17.60	-0.22	-1.29	269

Table 6.20 contains information about the linear regression of PCA on PSH and PI for the drug use domain. When PSH is entered the R square increases from 0.11 (controls only) to 0.49. When the PI variable is entered too, the R square becomes 0.62. In the final model, both PSH and PI are significantly greater than zero (both in statistical and substantive terms). These results *support the paternalistic and moralistic hypotheses in the drug use domain*. Comparing these coefficients, we see that a unit change in PSH is associated with a greater change in PCA (0.54 units) than that produced by a unit change in PI (0.30). Again, this may be misleading due to the difference in the variances. A comparison of the standardized coefficients shows that indeed this is the case. The standardized coefficient for PSH is 0.40 while for PI it is 0.45. Perceptions of immorality then seem to have a stronger effect on PCA than perceptions of

⁵ The linear models produced the higher R squares in comparison to all other candidate models with the exception of the quadratic and cubic models for $PCA = f(PSH)$ which both yielded an R

self-harmfulness. However, this conclusion has been reached only in the drug use domain. Recall that in the item and subdomain equations, PSH did better than PI for the illegal drugs.

Table 6.20 Linear Regression of Pleasure Control Attitudes (PCA) on Perceptions of Self-Harm (PSH) and Perceptions of Immorality (PI) for the Drug Use Domain									
Equation	Controls Only	Enter PSH			Enter PI				Final Signif. Controls
	Adj. R ²	Adj. R ²	F change	B (PSH)	Adj. R ²	F change	B (PSH)	B (PI)	
All Drugs	0.11	0.49	183.54***	0.88***	0.62	79.11***	0.54***	0.30***	(a)
Notes									
Statistical Significance reference: * = $p < 0.05$, ** = $p < 0.01$, *** = $p < 0.001$									
Valid N = 246									
Minimum Tolerance = 0.608									
Final Significant Controls: These are the control variables that produced statistically significant coefficients after PSH and PI were entered: (a) Asian [3.45*], graduate [3.01*]									

These results suggest that the relationship between these three constructs (at any level) may be more complex than the above analysis has shown. This may be due to underspecification of the substantive or the measurement models. Whatever this relationship may be though, the present analysis has shown that beyond reasonable substantive or statistical doubt, perceptions of self-harmfulness and perceptions of immorality strongly affect individual attitudes toward the control drug use.

square of 0.50 as compared to the linear model which produced an R square of 0.49.

4 FINDINGS: SEX

a Item Equations (Nominal Assumption)

The sex items were investigated with respect to the independent dimension of Perception of Immorality (PI) and the dependent dimension of Pleasure Control Attitude (PCA).

Table 6.21 Logistic Regression of PCA (General Control) and PCA (Criminalization) on PI for Sex Items				
Equations	Controls Only	Enter PI		
	Model χ^2	Model χ^2	B (PI)	Final Signif. Controls
Sibling Sex				
General Control	11.92	13.40***	0.83***	none
Criminalization	16.37*	28.04***	0.91***	(a)
1st Cousins Sex				
General Control	11.83	50.27***	1.33***	none
Criminalization	18.43**	35.18***	0.88***	none
2nd Cousins Sex				
General Control	13.26*	84.34***	1.53***	none
Criminalization	20.42**	40.05***	1.05***	none
3rd Cousins Sex				
General Control	15.81*	89.47***	1.39***	none
Criminalization	15.47*	70.12***	1.39***	none
Unmarried F + F Sex				
General Control	24.55***	99.78***	1.47***	none
Criminalization	8.81	26.14***	1.37***	none
Unmarried M + M Sex				
General Control	28.81***	101.65***	1.45***	(b)
Criminalization	12.39	27.52***	1.33***	none
Unmarried F + M Sex				
General Control	8.15	109.16***	1.67***	none
Criminalization	7.38	18.85***	1.26***	none

Nonsimultaneous Polygamy				
General Control	18.15**	100.91***	1.50***	none
Criminalization	12.25	14.86***	1.06**	none
Simultaneous Polygamy				
General Control	14.11***	80.21***	1.18***	none
Criminalization	9.67	6.56*	0.61*	none
Extra-marital Sex				
General Control	16.89**	107.51***	1.41***	none
Criminalization	19.07**	38.87***	1.38***	(c)
Group Sex				
General Control	33.05***	107.01***	1.47***	(d)
Criminalization	8.15	29.03***	1.07***	none
Working as Prostitute				
General Control	36.25***	34.04***	1.11***	(e)
Criminalization	35.47***	84.96***	1.39***	(f)
Playing in Porno				
General Control	21.10**	100.62***	1.43***	(g)
Criminalization	7.37	60.20***	2.21***	none
Sex Change Operation				
General Control	19.58**	97.81***	1.33***	none
Criminalization	4.26	54.83***	1.57***	none
Sex with Dog				
General Control	11.60	35.21***	1.15***	(h)
Criminalization	14.76*	48.46***	1.25***	none
Masturbation				
General Control	13.22*	69.72***	1.62***	none
Criminalization	1.40	12.55***	1.71**	none
Notes				
Statistical Significance reference: * = $p < 0.05$, ** = $p < 0.01$, *** = $p < 0.001$				
Valid N for all equations was about 250				
Final Significant Controls: These are the control variables that produced statistically significant coefficients after PSH and PI were entered: (a) Asian [1.07*]; (b) foreign [1.41*]; (c) Asian [1.21*]; (d) graduate [1.14*]; (e) age [-0.10**], male [-0.93*]; (f) male [-0.68*]; (g) foreign [1.19*], graduate [0.97*], male [-0.72*]; (h) age [-0.08*]				

Under the nominal assumption, two logistic regression models were estimated for each sex item. The first regressed PI on the PCA (General Control) binary for each behavior and the second regressed PI on the PCA (Criminalization) binary. The results are presented in Table 6.21. Without exception, the inclusion of PI in

the equation improved the -2 Log Likelihood of the model significantly. The coefficients for PI are also significant in all equations. This provides *overwhelming support for the moralistic hypothesis*.

b ***Item Equations (Ordinal Assumption)***

Under the ordinal assumption, PCA is modeled as a continuous dependent dimension. When regressed on PI for each of the sex behaviors it behaves in a way that is analogous to its behavior under the ordinal assumption. Table 6.22 shows the results of linear equations for each item. Again, the inclusion of PI increases the R square in all models. The increase is statistically significant and substantively very large. The coefficients are also significant in all cases. Thus, under both the nominal and the ordinal assumptions of the PCA scale, PI has a very large effect on PCA for each individual sex item. Sexual behaviors are associated with individual attitudes of control based on PI.

Table 6.22
Linear Regression of Pleasure Control Attitudes (PCA) on Perceptions of Immorality (PI) for Sex Items

Equations	Controls Only	Enter PI			
	Adj. R ²	Adj. R ²	F change	B (PI)	Final Signif. Controls
Sibling Sex	0.06	0.18	36.35***	0.38***	(a)
1st Cousins Sex	0.06	0.28	75.16***	0.46***	none
2nd Cousins Sex	0.04	0.35	114.34***	0.47***	none
3rd Cousins Sex	0.04	0.41	154.89***	0.49***	none
Unmarried F + F Sex	0.02	0.39	149.69***	0.34***	none
Unmarried M + M Sex	0.04	0.40	143.06***	0.35***	none
Unmarried F + M Sex	-0.00	0.44	193.55***	0.34***	none
Nonsimultaneous Polygamy	0.05	0.36	121.90***	0.32***	none
Simultaneous Polygamy	0.04	0.26	71.69***	0.29***	none
Extra-marital Sex	0.04	0.37	127.87***	0.40***	none
Group Sex	0.07	0.39	127.56***	0.39***	none
Working as Prostitute	0.13	0.43	124.17***	0.48***	(b)
Playing in Porno	0.03	0.42	164.00***	0.40***	(c)
Sex Change Operation	0.01	0.40	156.29***	0.43***	none
Sex with Dog	0.04	0.27	77.07***	0.54***	(d)
Masturbation	0.00	0.36	137.50***	0.28***	none

Notes
Statistical Significance reference: * = $p < 0.05$, ** = $p < 0.01$, *** = $p < 0.001$
Valid N for all equations was about 250
Minimum Tolerance = 0.593
Final Significant Controls: These are the control variables that produced statistically significant coefficients after PSH and PI were entered: (a) age [-0.02*]; (b) age [-0.02**], male [-0.25*]; (c) graduate [0.22*]; (d) age [-0.03**]

c Subdomain Variables

The sex items were also grouped in indexes, as presented above (see Table 6.12).

The profiles of these indexes are presented in Table 6.23.

Table 6.23								
Index Variable Profiles for Sex Subdomains								
Subdomain	Variables Indexed	Min	Max	Mean	SD	Skewness	Kurtosis	Valid N
Pleasure Control Attitude (PCA)								
Incest	4	0	12	6.00	3.53	-0.88	0.24	275
Pre-marital Sex	3	0	9	1.04	1.86	1.92	3.46	276
Polygamy	4	0	12	3.02	2.70	0.43	-0.46	275
Instrumental Sex	2	0	6	2.11	1.56	0.43	-0.46	275
Perception of Immorality (PI)								
Incest	4	0	12	8.35	3.94	-0.81	-0.58	271
Pre-marital Sex	3	0	9	2.65	3.37	0.86	-0.81	271
Polygamy	4	0	12	6.44	4.46	-0.18	-1.43	271
Instrumental Sex	2	0	6	3.21	2.16	-0.12	-1.36	271

d Subdomain Equations (Ordinal Assumption)

The role of PI in the formation of PCA has been assessed by the equations presented in Table 6.24. As it would be expected based on the previous equations, PI helps explain a considerable amount of variation beyond the control variables. The coefficients are also statistically significant in all four equations.

Table 6.24 Linear Regression of Pleasure Control Attitudes (PCA) on Perceptions of Immorality (PI) for Sex Subdomains					
Equations	Controls Only	Enter PI			
	Adj. R ²	Adj. R ²	F change	B (PI)	Final Signif. Controls
Incest	0.06	0.32	95.55***	0.48***	none
Pre-marital Sex	0.03	0.43	173.42***	0.35***	none
Polygamy	0.07	0.45	163.97***	0.38***	none
Instrumental Sex	0.10	0.50	188.24***	0.45***	(a)

Notes
 Statistical Significance reference: * = $p < 0.05$, ** = $p < 0.01$, *** = $p < 0.001$
 Valid N for all equations was about 250
 Minimum Tolerance Observed = 0.594
 Final Significant Controls: These are the control variables that produced statistically significant coefficients after PSH and PI were entered: (a) age [-0.04**], male [-0.36**]

e **Domain Equation (Ordinal Assumption)**

Finally, an equation was estimated to assess the effects of PI on PCA for all sex acts included in this survey. The descriptive statistics for the dependent and independent variables of this equation are presented in Table 6.25.

Table 6.25 Index Variable Profiles for the Sex Domain								
	Variables Indexed	Minimum	Maximum	Mean	SD	Skewness	Kurtosis	Valid N
PCA	16	0	48	14.67	9.48	0.87	0.75	273
PI	16	0	48	24.76	10.08	-0.02	-1.07	269

The results of the equation are presented in Table 6.26. The inclusion of PI in the equations has increased R square from 0.08 to 0.51. Both this increase and the coefficient for PI are statistically significant. PI then affects PCA significantly at this level of analysis too.

Table 6.26 Linear Regression of Pleasure Control Attitudes (PCA) on Perceptions of Immorality (PI) for the Sex Domain					
Equation	Controls Only	Enter PI			
	Adj. R ²	Adj. R ²	F change	B (PI)	Final Signif. Controls
All Sex	0.08	0.51	211.64***	0.46***	(a)
Notes Statistical Significance reference: * = p < 0.05, ** = p < 0.01, *** = p < 0.001 Valid N = 247 Minimum Tolerance Observed = 0.60 Final Significant Controls: These are the control variables that produced statistically significant coefficients after PSH and PI were entered: (a) age [-0.15*]					

Overall, *the moralistic hypothesis has enjoyed overwhelming support in the above analyses concerning sexual behaviors.*

B SUMMARY OF FINDINGS

The statistical analysis of the survey data presented in this chapter has generally supported all hypothesized relationships as they were specified and modeled in

Chapter 4. In addition, observations were made about the nature of the distributions and relationships of the three central variables of this study.

The univariate distribution of PCA, PSH, and PI was presented as a finding in its own merit. Different substances and sexual behaviors produced different scores, with frequency of use of drugs being positively correlated to all three measures. Univariate analysis has also shown that the empirical distribution of PCA with respect to drug use closely resembles the current legal status of drug use in the United States. This was interpreted with some caution as support for the popularity of law hypothesis. The notable exception to this general observation is marijuana, which was criminalized by the participants of the survey only for frequent use.

Dissensus rather than consensus was the typical finding of dispersion analysis for all three variables. Dissensus seems to increase with PCA and PI, but this may be to some extent due to the statistical properties of the scale used. Moreover, it was found that drugs that are currently illegal produce more dissensus in the PCA ratings.

Multivariate analysis was performed at three levels, pleasure items, pleasure subdomains, and pleasure domains. It was also performed for models specified both based on the nominal and ordinal assumptions of the PCA scale. In all

corresponding analyses, the paternalistic and moralistic hypotheses were substantially supported. It was also found that PSH and PI for drug use are moderately to highly correlated.

ⁱ It is important to note however that the current legal specifications for heroin, cocaine, LSD, and marijuana are of a broad range. They are typically based on the amount and purpose of possession, a variable that is not measured in this study.

CHAPTER 7

Interview Data Analysis and Findings

A METHOD OF ANALYSIS

The discussion in this section is inspired by the work of Howard S. Becker, especially the recent presentation of his methodology of thinking (Becker 1998). The method of analysis used in this study is a variant of analytic induction. It is designed for the handling of non-systematic data sets and particularly for data constructed using the method of unstructured interviews.

The procedure begins with full transcription of the interviews in a word processing file, the *interview text*. What was said by the interviewer is stylized as one heading, and what was said by the participants as another, the latter numbered in Arabic numerals. Each numbered piece of text is one *data unit*.

The second step is opening another word processing file (preferably in list mode view) which will host the *conceptual map* of the analysis. This map consists of hierarchically entered code words that represent concepts likely to be used in the analysis. The map is initially designed deductively based on considerations such

as the scope of the study, theoretical and empirical knowledge, concepts involved in hypothesized relationships, et cetera. The most important contribution to the construction of the conceptual map though is inductive registering of codes that emerge from the study of the interview text (next step).

The interview text is then thoroughly “scanned” and data units are assigned code words. These codes can be derived from the initial conceptual map (data that represent a priori registered concepts) or defined inductively (data that do not fit the initial map). Ideally, each statement is coded under a single code. In many occasions however, one statement may be relevant to more than one concept, or it may be not relevant at all, thus, codes are assigned anywhere in the text of the interviews. This process is interactive between the two files, that is, on the one hand, codes from the conceptual map are assigned to data in the text, and on the other hand, the conceptual map develops according to the empirical career of the concepts. Again, while many of the data units are automatically registered under the a priori specified categories, many other units (of potential importance) are not. Every time that this happens a new category must be created in the map to host the datum (a tactic that clearly reflects the strategy of analytic induction). This usually leads to the expansion of the conceptual map both horizontally (concepts at the same level of abstraction with existing ones are pasted under the same heading) or vertically (concepts of higher or lower level of abstraction are pasted as inclusive or included terms). For example, the conceptual map of the

present analysis initially included the concept of PSH, which was expected to be empirically present, as a single code superior in the hierarchy to “perceptions of harm” with no inferior terms. After the end of the procedure, PSH was inferior to “paternalism” with four inferior subheadings, three of which had several (a total of 25) sub-categories.

After all the text is scanned and all data units are assigned codes which are appropriately mapped, the *prevalence* of each code in the text is measured (using the “find” command set of the word processing application). The number of occurrences is recorded next to the concept in the conceptual map, with a comment or footnote describing the relevant data.

The final version of the conceptual map can directly be used as the table of contents of the analysis, although the final product may differ due to reorganization. Upper level headings will typically represent sections of the analysis dealing with the major themes (here, philosophical principles). Each concept is then studied in the interview text and conclusions (empirical generalizations, results of hypothesis testing, et cetera) are drawn.

One advantage of this method is that the analyst is less likely to “miss data.” Since all data are represented in the conceptual map each use or non-use of each datum is the outcome of deliberate choice by the analyst. A second advantage is

that the method is simultaneously variable (concept) based and case (participant) based. A third advantage is that it can be accomplished both in the presence and in absence of theory. This is again a choice of the analyst that can be accommodated by the structure of the data set to allow, among other things, for both hypothesis-testing-like and empirical-generalization-like procedures.

B DESCRIPTION OF THE DATA

Data units are pieces of text in the responses of the participants. Typically, the answer a participant has given to one question is one data unit and each data unit is assigned one code word. However, as noted above the data units and the codes are not always coupled one to one. In addition, some statements were not considered as data. For example, if there was misunderstanding on an item and a focus question by the interviewer followed, the initial answer by the participant may have not been taken into account.

Essentially, the units of analysis are the data units described thus far. In the present study the final version of the interview text contains 1124 data units (by 17 participants, an average of about 66 statements by each participant). A total of 1268 codes were assigned (about 1.13 codes per data unit). The codes are mapped under five *conceptual domains*. These are briefly presented below.

The first conceptual domain (labeled *substantive themes*) hosts concepts describing the substantive themes of this study, such as pleasure domains (drugs, sex), pleasure subdomains (incest, LSD, et cetera) and pleasure items (using marijuana once a day, using heroin once a week, et cetera). This set includes all themes that guided the construction of the questionnaire (see measurement chapter) plus those that emerged in the course of the interviews. Items such as watching non-pornographic movies and strip tease for money, for example, were not included in the questionnaire but were discussed in some interviews.

The second domain, includes all concepts referring to *philosophical principles*. The set of philosophical principles discussed in this study includes a priori concepts (for example, libertarianism, PSH, and PI) as well as emergent concepts (for example, self-esteem, sacredness, and spiritualism). Philosophical principles are the central organizing terms in the present study.

The third domain of concepts hosts *social psychological processes* of learning the attitudes and perceptions found in the responses. This is the part that this study is not overwhelmingly interested in; however, the interview text was rich in social psychological explanations of why participants hold libertarian views or they think that LSD destroys the brain or incest is immoral, et cetera. A typical explanation of PI for example was familial and religious socialization.

In a few situations, participants made statements at the level of social theoretical explanation or social philosophical rhetoric. These statements were registered as data under the fourth conceptual domain, labeled *theoretical statements*.

Finally, a last domain of concepts was defined to gather information about *methodological issues*, such as validity and operationalization. This category attracted data that offered support to or cast doubt on the appropriateness of the current measurement project.

C FINDINGS

The findings discussed in this section are organized around the two primary aims of the analysis. The first aim is to measure the extent to which the participants' theses and arguments resemble those of the contemporary philosophical debate presented earlier. This design is evident below in the division of the findings into three main and one supplementary sections. The main sections deal with libertarianism, liberalism/paternalism, and moralism, while the supplementary section includes other themes. As normative principles, these philosophical premises were reflected in the participants' words as attitudinal statements constituting the *normative* (deontological) component of PCA. Thus, each section begins with the presentation of such statements to establish the resemblance between normative philosophy and popular culture.

The second aim is to examine the content of participants' perceptions of harm to others, self-harm (PSH), and immorality (PI), that is, to assess the *perceptive* (ontological) component of PCA. Perceptions of harm to others are presented under libertarianism, PSH are presented under liberalism/paternalism, and PI under moralism.

The design of the presentation of findings is also presented in Table 7.1. In addition to the three parts of this chapter (three right columns in the table) a fourth part is presented that includes a number of important findings which could not be classified under the other parts.

Table 7.1 Organization of Findings			
Components of PCA	Normative Philosophy of Social Control		
	Libertarianism	Liberalism/ Paternalism	Moralism
Normative	Free Choice; The law should only prevent harm to others	The law should also prevent harm to self/community (protectivism)	The law should also prevent harm to societal morality
Perceptive	Elements of the behavior that are perceived as harmful to others	Elements in the behavior that are perceived as harmful to the self (PSH) or the community	Elements in the behavior that are perceived as immoral (PI)

1 LIBERTARIANISM

Libertarianism is characterized by an emphasis on the right of individual choice. The only limitation to this otherwise free choice is that in its consequences it should not harm other people. Both the right to choice and its limitation were presented by the participants to support their non-criminalizing answers. These are presented below as libertarian attitudes. In the second part of this section, the content of perceptions of harm to others is presented.

a Libertarian Attitudes

The right to *choice* was a principle that appeared to guide the thinking of *all* participants. The concept was assigned as a code in the interview text to about 45 statements.¹ Most participants expressed their conviction to the principle of free choice by direct statements, such as the following:²

¹ As explained earlier, the prevalence of a concept (code) is the number of times a relevant statement appears in the interview text. In the vast majority of occasions, this number is also equal to the number of data units related to the concept. This is so because typically there was only one reference to one concept per data unit in the interview text. The prevalence of each concept is reported simply to give a general idea of how much that concept was discussed. It will not be used as an argument for the validity of the findings, for two reasons. First, some concepts were discussed more than others simply because the interviews were semi-structured: there was a given core for the discussion from the beginning and this core is more likely to elicit more discussion about some concepts over others. Second, the prevalence is just the number of references, it does not say anything about the content (or quality, or intellectual level, et cetera) of the references.

² Quotes from the interview text are numbered after the serial number they have been assigned as data units. Each participant was also assigned a pseudonym which is reported in the quotations.

- ❖ 856, Kim: I think that ultimately everyone should have the freedom to decide whether they are going to take drugs or not, that's basically a right to decide what you wanna eat what you wanna do.

Sometimes the participants went as far as in the following statement:

- ❖ 976, Wallace: [...] the trauma of being killed while not wearing your seatbelt to the rest of the family and to the driver should be higher than [the trauma caused to the family of] someone who decides that they want to kill themselves because there is always the second guessing, there is always this and that, but, in a way I think that [this] is kind of selfish. To look at someone [who had committed suicide] and say 'could I have intervened, could I have done something, could I...?'; there is a lot of 'I' in that statement, and not enough of 'this person wanted this.' It's too much about 'me' and not enough about what the person individually wanted.

The right to choice was often further refined to include the condition of being informed—people should have the right to choose but also the knowledge about the consequences of their choices. Generalized under the label *informed choice*, the typical content of such statements consists of a desirable (often to the degree of necessity) condition that the right of choice must be granted to knowledgeable or educated individuals. There is a shift here toward paternalism, but the nature of the conditioning signifies the libertarian core of these statements: the right to choice is a priority. The furthest the law should go is to make sure that the potentially undesirable consequences are known to the actors and not as far as to

prohibit any behaviors. The first quote above continues with an example of such a statement:

- ❖ 856, Kim: But I think that there are some drugs that are really bad for the health, and so there should be education out there telling people that it's not good. I don't think that smoking marijuana is that bad.

Another example is the following statement in which the participant clearly rejected any paternalistic flavor:

- ❖ 1091, Bridget: I could agree that it [seatbelt] would save lives but there are so many things, little things like that, that I could say they would save lives in a way. If you get in a car accident, [...] things that you eat, I don't know, I guess it just seems to me that it's just a small item that the law takes charge of sort of like saying 'well, we can make any laws as long as we are doing it in order to protect people, you know from... whether it's other drivers or themselves.' I am not sure if that walks through me, I guess...

The second theme in libertarianism is the condition that the choices individuals make do not hurt other individuals in their consequences. Statements specifying potential harm to other people were among the most prevalent in the interviews. Overall, 34 statements were coded under this type. The majority of these statements were of general scope. Typically, the participants would state very early during the interviews that they would criminalize behaviors that hurt other people. With respect to specific behaviors, the single item with the most obvious

perception of harm to others (a “consensus crime” in the conventional sense) was drunk driving. All participants who took a chance to comment on their criminalizing choice made that point clear. For example:

- ❖ 214: Maria: I think overall I didn't think that anything [any behavior on the questionnaire] should be a criminal offense. I only marked one thing [drunk driving] as really being a criminal offense. I think the reasoning is that that's the only thing that affects anyone else besides the individual [who is doing it].

b Perception of Harm to Others

As it was expected, considering the scope of these interviews, statements describing perceptions of harm to other people did not prevail. Most of the behaviors on the questionnaire are “victimless” in a criminological sense. Although popular perceptions may deviate from the criminological definitions, striking examples of false perceptions of harm to others were not found in these interviews. The participants referred to a variety of perceived harms in about 25 statements. These harms included rape, assault, hurting animals (for sex with a dog), demoralizing other people (for being a john), neglecting one's family, killing (for abortion and drunk driving), et cetera.

Of particular interest is the perceived harmfulness for others in the case of drug use. About half of the participants expressed such concerns, predominantly

about drugs in general, with a few statements referring to alcohol and heroin in particular. For example, one participant, said that drugs (in general, and later alcohol in particular) make people more likely to commit acts that hurt others:

- ❖ 261 Irma: [B]ecause whenever you are out of your conscience you probably do things that you wouldn't do if you were in your conscious state. You are shifting yourself from making conscious choices to very... Because, like, if you think about it, if someone is high on some substance and he does something, that's sort of a justification of his behavior, in some way he wasn't really in his conscious state. So you are allowing that...

Another participant raised the issue of indirect harm to others through increasing society's budget:

- ❖ 735, Sophia: In a sense it's a very personal thing, but [...] if [you smoke] and you don't take care of your body and what not, and I end up paying for [you] through taxes or something, which I don't want, [...] I don't have any real control on how we spend the money we spend, especially the way that it's spent now...

Although not of central interest in this study, abortion produced the typical "pro-life" reaction to one participant:

- ❖ 816, Matthew: I find it immoral to have an abortion just to have it, it doesn't matter what circumstances, whether you do it once or twice or a bunch of times, it doesn't matter. I just find it kind of bad the fact that the creation of a child, a life, is being ended.

Sex with a dog was criminalized by some participants on the grounds of hurting the animal, which cannot be consenting.³

- ❖ 87, Vera: You are not giving dogs rights. Dogs can't make the decision 'Yeah, stick a dick in me' you know, I think it's wrong to do that to that poor little doggie.

2 PATERNALISM/LIBERALISM

What are the most pronounced general findings regarding the extent to which the participants in these interviews embraced the paternalistic/liberal attitude? First, there was overwhelming reference to arguments that fall within the liberal/paternalistic normative philosophy. There was concern for the individual actor (the person who is performing the behaviors under consideration) as well as for the community/society in which she/he lives. The second general finding is that the liberal/paternalistic arguments were made more frequently about behaviors that belong to the domain of drugs rather than about behaviors that belong to the domain of sex.

As with libertarianism, there are two components of the liberal/paternalistic thesis. First, there is the normative component (termed "protectivism"), which asks for helping other persons or the community toward happiness, perhaps

³ In this study, animal rights attitudes are considered an extension of libertarianism.

intervening, contrary to the will of the person or the community, to protect the person or the community from harm. The second component is perceptive and consists of the perceptions about what constitutes harm for the person (PSH) or the community.

a **Protectivism**

The answers of participants on the PCA scale on the questionnaire ranged from zero to three with considerable variation.⁴ Since, with a couple of exceptions, the behaviors assessed are not victimizing to others, an attitude toward control of these behaviors (that is, a non-zero answer on the PCA scale) represents either a paternalistic stance (protectivism) or a moralistic stance (moralism, discussed in the next section). In each such situation, an open-ended question was asked to identify what exactly was behind the non-zero answer. In the majority of cases, and particularly for drug use, the participants expressed their concern about the actor. This finding shows that protectivism is one of the attitudes behind the desire for social control. Explicit statements, other than the answers on the PCA were not very common due to structure of the interview. Two of these follow:

❖ 372, Helen (emphasis added): Well it's presumptuous on my behalf to say so but I think that most people who are addicted to heroin would prefer to be able to quit, so the more you don't

⁴ Statistical presentation of these parameters is not useful here because there are too few cases. However, since these interviews have a companion survey, the findings in the survey (presented in Chapter 6) should suffice to deliver a sufficient impression.

get addicted in the first place the more you still have a chance to be freed of that later.

- ❖ 641, Bruce: Cocaine is definitely pretty intense, it's very addictive, and there are those who use it for parties and manage to do it fairly responsibly, but I've seen some people doing terrible things to their lives, like going beyond the party stage, so for that reason I think that it should be enforced from the outside.

b Perception of Self-Harm and Harm to the Community

Of broader interest is the second component of paternalistic/liberal thinking, the perception of harm for the individual who is performing the act or the community in which the individual lives. These perceptions were quantitatively evaluated in the survey by the measurement of the PSH variable. The advantage provided by the ethnographic component of the study is that the answers were further explained and justified by the participants. For example, smoking marijuana once a day has produced an average response of 2.16 on the PSH scale in the survey. The scale ranges from 0 (not harmful at all) to 3 (extremely harmful). A 2.16 average shows that there is a relatively serious concern about the harmful effects of marijuana on the daily user. The survey does not provide the means to know what the participant has in mind. The interviews do.

About 186 statements were coded under three categories representing perceptions of self-harm. These categories were induced from statements that

clearly show a conceptual distinction among these kinds. First, is the category of *physiological harm* (40 statements). This category includes all statements made with respect to the possible adverse effects a behavior has on the actor's body. The second category is *psychological harm* (56 statements). Here, the statements made reference to possible psychological suffering for the individual as a result of the behavior. Finally, the category *social harm* (53 statements) hosts statements that showed concern for the social life of the individual. A statement that shows how these divisions are also meaningful for the participants is quoted below:

- ❖ 14, Vera: You don't wanna get addicted to any of these things [drugs], and... any of these things if you do it beyond moderation, your ass is in some trouble, monetarily speaking, physically speaking, mentally, emotionally, every aspect of your life is in jeopardy. So, I think that society should discourage these drugs. I don't know the specifics about each drug, but I know that some of these drugs can cause... it's like committing suicide.

Note the reference to social harm ("monetarily speaking"), physiological harm ("physically speaking"), and psychological harm ("emotionally speaking" and "mentally speaking").

There were many statements in the text of the interviews that could not be classified under the above scheme. They can be divided however in two categories. First, some statements expressed *general* concern about self-harm

without any clear content. Those statements (N=14) are not quoted in this section, since more precise ones could be used. Second, there were statements about addiction in which the participants did not specify what kind of addiction they were talking about (N=23). In some of these instances, I asked additional specification questions; however, this was not always done, resulting in a number of statements that can only be considered as expressing a general concern about addiction.⁵ This category was labeled *unclassified addiction* and it will be considered first.

(1) *Unclassified Addiction*

The threat of addiction to drugs is perhaps the most widely cited justification for the discouragement or criminalization of the use of drugs. What the participants have to say resembles very much the information and propaganda presented in society by the mass media on a daily basis—although this would take another dissertation to test scientifically. About 23 statements were considered to belong to this analytical category. The most frequently accused substance was cocaine (N=8), followed by heroin (N=5). In fact, even with these small numbers, these two substances were sometimes treated together (N=3). The degree of perceived addictive capacity was higher for heroin. The only other substance that attracted the attention of the participants as addictive was marijuana (N=3).

⁵ In some of these, it can be inferred with some speculation that the participant was referring to physiological addiction. However, strictly speaking these do not constitute legitimate data units

(2) *Perceptions of Physiological Harm*

Forty statements made reference to physiological harm. Sixteen of these statements were made about the *general* risk of physiological harm being the reason for discouragement or criminalization, specifically using terms such as “physical harm,” “harm to the body,” “not healthy,” and “not safe.”

The perceived physiological harms of the use of drugs can be presented in substantive sub-categories. Since we left the previous section with the issue of addiction, let us first review some of the statements that were made in particular reference to *physiological addiction*. Heroin is the drug par excellence targeted by these statements, for example:

- ❖ 968, Wallace: First of all, [...] the physical properties, the physical addiction, what it does to your body, what it starts to produce in your body and actually keeps your body from producing which leads to physical addiction is far beyond more destructive than anything else.

The problem of physiological addiction was in fact connected only to heroin and cocaine in this category.

The sub-category with the most frequent reference within the physiological harm

on physiological addiction.

category was perceived *damage* to the body. Statements classified under this category (N=10) made specific reference to damaging effects (not simply harm to the body as the case was with the general statements mentioned first under this section). The recurrent themes were damage to the lungs as an effect of marijuana and cigarettes and damage to the brain as an effect of LSD. For LSD it was said:

- ❖ 227, Maria: I don't know, it [LSD] fries the brain I guess
- ❖ 521, Julie: I think that LSD can like really screw you up. And it's been scientifically proven that if you have enough of this stuff in your body, your brain gets to a place that it can't come back from.

Death was another feared consequence of some of the behaviors evaluated. Other than drunk driving and seatbelt use, concern about death was expressed for heroin and cocaine. Finally, cocaine was also associated with cardiovascular problems.

(3) *Perceptions of Psychological Harm*

Beginning as we did in the last section with *addiction*, we find a few statements that specified the psychological type. For example, the following statement makes clear that the addiction feared by the participant is of psychological nature [the question was whether the participant thought that marijuana users can quit

or not]:

- ❖ 17, Vera: They act like they can't, cause they try and then two days later they are like 'I can't do it dude' [in funny voice]. And then I think it brings out all other dependencies in people, like people have dependency issues, like I... I get... you know how you think you have an addictive personality and you think you wanna do something all the time, and it can be anything, food... anything that you can get addicted to, and I'm like a creature of habit, that's the kind of person I am.

The most frequently cited psychological harm resulting from drug use was *mental harm*. About 17 statements make direct or indirect reference to adverse effects of drugs on the user's ability to think. These effects include "mental withdrawal" or "being out of consciousness" (for marijuana, alcohol, and LSD). The following statement offers one description of this mental effect (note that it can also be classified under psychological addiction):

- ❖ 954, Wallace: From what I've seen, people who have been using it a lot, say daily [...] usually in the evening they will still go through withdrawal. And it's not physical, it's more of a mental withdrawal. They will feel very uncomfortable. This is what I've seen with marijuana. They say that it doesn't have addictive qualities, but from what I've seen, it does, but it's a mental withdrawal, it's not a physical withdrawal, and people would feel uncomfortable, they would feel a little bit out of sorts, if they don't have that relaxing period as they think of this, it makes [them] edgy [...]

An effect attributed to LSD is recurrent “bad trips” or illusions. One participant referred to an example of some person she knew who after quitting LSD for 4 years, he would still

- ❖ 181, Pamela: jump up on a table in the middle of a nice rich restaurant and go ‘I am George Washington.’

Other mental effects are mind numbing or burdening of complex thinking (for marijuana, alcohol, and LSD), and even mental illness (for LSD):

- ❖ 522, Julie: It’s not real, it’s not founded in reality. LSD is a hallucinogen, so, when someone is on LSD they really don’t know top from bottom, they don’t know what is happening, and I think that if someone uses LSD regularly then they can get to the point where they don’t know top from bottom all the time. They are just living in this weird may-be-land, fantasy land, some sort of weird, different land, and I think that would pose a threat to society in that this person doesn’t really know what’s up. Essentially, they are mentally ill, due to using this drug a lot, and I think that that can pose problems to society. Someone who really can’t function or know what’s going on or really be able to get on life with a regular fashion.

Finally, another type of mental effect, which was classified separately but still belongs in the mental type, is *departure from reality*. Six statements by 3 participants made particular reference to this departure as being harmful. The following conversation includes an example that a participant used to illustrate what he meant when he said that marijuana causes departure from reality and an

explanation.

- ❖ 958, Wallace: Actually, I don't think that under these guidelines there is a difference, you are still living in something that is not real. It's like your child playing little league, and you heard of little league parents how they act sort of out of control, ridiculous to the situation and don't keep respected. They are not living in reality either, they are living through their child and all the failures..., [what] they didn't [do], they want to see in the child
- ❖ Interviewer: Is there something wrong with that?
- ❖ 959, Wallace: Yes
- ❖ Interviewer: What is it?
- ❖ 960, Wallace: Em, again it's not... well, one, it's not good for the child, but, two, you are not living in a reality, I think it's harmful not to live your life in a reality.

Another prevalent category within the psychological harm type is *emotional harm*. Of the 22 statements found, only three referred to drugs, one to alcohol and heroin, the other two, one presented below, to drugs in general:

- ❖ 523, Julie: It seems like on the outside you seem to be functioning OK, you go to work daily, you go to school, whatever it is that this person is doing, on the outside, on the surface, it looks OK, but I think emotionally, internally, mentally, whatever, there's something going on that they feel they have to be using this drug.

The rest of the statements were about prostitution, sibling incest, simultaneous polygamy, playing in a porno movie, and sex with a dog. The majority of statements contained terms directly referring to the concept of emotional harm

such as “emotionally harmful” “traumatic” and “getting hurt.” Reference was also made to the emotional harm caused by the *stigma* attached to the some sexual behaviors, especially prostitution and incest:

- ❖ 388: Helen: So, if we are talking about present day society, the way things are now, I think that it would be awfully hard to eradicate the sense of shame that people already have about these things [sex between siblings], so, I imagine that if this thing happened to most people they would feel so bad afterwards that it would be kind of detrimental to them.

One participant, reacting to an ICQ in which the hypothetical type of the high-class prostitute was used to control for the exploitation and humiliation that accompanies prostitution, said:

- ❖ 68, Vera: I have talked to a lot of them [prostitutes] and they have psychological issues about themselves, self-worth, self-pride, self-esteem, all that, it's just low [emphatically and sustaining the "o"], low, low, low, even if they are very extremely attractively beautiful by mainstream standards. And the porno stars, they even have, I told you, hey have counseling that they make these girls go through before they become part of the movies, because of the psychological aspect. Not because of all the other stuff, [...]

(4) *Perceptions of Social Harm*

The third type of self-harm perceived to result from the deviant behaviors

considered in this analysis is harm to the social life of the individual. About 50 statements were coded under this type. For the purpose of this analysis, these are presented below in two categories, lifestyle issues and economic issues⁶.

About 30 statements were grouped together as *lifestyle issues*. The most prevalent concern here is about *time management*. According to the participants, drug use takes time that could be used for other things, productive (see next section) or expressive, thus, it interferes with the desired lifestyle of the user. It was assumed in most situations that the user's decision to use drugs was not among his/her lifestyle choices. The majority of the statements were about drug use in general; individual references were made once or twice to marijuana, alcohol, cocaine, and heroin. The following statement shows that even participants who did not choose to criminalize any drugs were concerned about this issue:

- ❖ 220: Maria: Again I wouldn't criminalize any of these things. I would just make people aware of the effects of drugs or cigarettes or alcohol [...] but I think I would probably discourage use daily when it ends up taking such a huge part of your life [...]

The same participant continues later:

⁶ A third category of harms that was initially classified as social was later abandoned in the analysis. This was about harms (physical and emotional) resulting from exposure to deviant lifestyles such as that of the prostitute or the stripper. Some reference to these harms was made in the previous section. The risk of actual physical victimization was also mentioned by one participant who had known several women who worked in the sex industry.

- ❖ 225, Maria: If you've got one thing that's demanding that much of your time then you are not free to do other things [...] not that I know many people with addictions like this but definitely you are compromising everything else, relationships, and learning...

Another participant made a similar comment about cocaine:

- ❖ 819, Rosa: [...] If I am like a cocaine user you know shooting up everyday all day long then I'm not doing anything with my life.

Several references were made to a second category within the lifestyle issues theme, *relationships*. One category of such references was about the destruction of primary relationships. The accused substances here were alcohol and marijuana and the accused sexual behavior was simultaneous polygamy. Sexual behaviors such as simultaneous polygamy and incest were also associated with role conflict. The kind of relationship people have with their siblings for example was notably presented as a unique type of relationship in which any sexual element is an element of impurity and destruction⁷.

About 20 statements referred to *economic issues*, that is, the economic problems of drug use. These problems result from two different consequences of drug use, reduced productivity and increased consumption (expenses). The problem of reduced productivity was prevalent.

⁷ The issue of incest has produced much stronger reactions which are discussed later under

- ❖ 25: Vera: You know your work related performance like going to work and actually [successfully performing] the daily activities, like school, you know, social life [...] you know, I mean doing productive activities, I mean productive to what you feel it's productive in your life. I don't know, may be some people don't think that working is productive, and they would rather not work..
- ❖ 270, Irma: To me it's not a good thing being stoned all the time. Because the first thing is that it's really harmful for you [...] because if someone is stoned all the time he probably won't function, he won't have a good life, he won't be able to work properly, he won't be able to be anything, you know what I mean?

It was also present in the form of reduced motivation:

- ❖ 506, Julie: It has to do with the addictive properties of a drug like that. Because people who smoke pot everyday, even if it's just one hit, the amount of motivation if they have to do other things goes down.

With respect to the substances that were associated with reduced productivity and motivation, marijuana and alcohol were the most frequently mentioned, followed by heroin.

The other economic consequence of drug use is the cost of the drugs. In four instances, the participants made direct reference to this problem about heroin, marijuana, and drugs in general.

moralism.

(5) *Harm to the Community*

The communitarian component of liberalism/paternalism places the welfare of society at the focal point of social policy and legislation. The principle of free choice is highly respected, but as with individual level paternalism, the well being of the social group may be safeguarded, if judged to be in danger, with compromises that deviate from the absolute libertarian version of freedom. In other words, a healthy community is a value of higher priority than individual freedom. These two values are typically served together; when they are not, liberal attitudes favor social intervention in various forms, including restrictive legislation.

The perceptive component of liberal PCA is harm to the community. The empirical distinction between PSH and perceptions of harm to the community was not very clear. In many situations, the participant said something that could be coded both as perception of self harm and reception of harm to the community. Furthermore, after the end of the coding, there were only 12 statements under perceptions of harm to the community and more than 180 under PSH. It would have been perhaps appropriate analytically to drop the community harm category and speak only of paternalism and PSH. However, I have decided to keep liberalism and harm to the community and present it as a

less prevalent theme.

A typical reference to the welfare of community as a justification for PCA was in the form of a general statement regarding the welfare of society:

- ❖ 525, Julie: [I]f every one in society was high I think society would be more stagnant than it is now, there wouldn't be much in terms of constantly wanting to improve things or whatever [...]

More specific statements were not very common; again this may have been due to the inclusive statements that were coded above under perceptions of self-harm. Individual references were made to “vice” (defined as behaviors that do not contribute to the welfare of family or society), instrumental crime (for heroin use), and public health (for polygamy).

Finally, although perhaps deserving separate reference, some *feminist* statements were made about sexism. The following are excerpts from two extended discussions on prostitution:

- ❖ 441, Helen: [...] my problem with prostitution is that it makes sex look dirty or like an economic transaction for the purpose of men so that women are some kind of commodity
- ❖ 760, Sophia: I think that prostitution [...] has not been studied enough with gender perspective...
- ❖ 763, Sophia: I think that the laws that are made currently about prostitution are incredibly sexist, and very ignorant [of] the status of

women.

- ❖ 764, Sophia: Oh, of course, you would take gender into consideration, you may want to write different laws for like male prostitutes and female prostitutes.

3 MORALISM

Moralism goes beyond libertarianism and liberalism/paternalism to ask for the restriction of social behavior that violates the moral standards of a community. We will first see how this attitude was expressed by the participants and then examine the content of their perception as to what constitutes an immoral behavior (PI).

a Moralistic Attitudes

- ❖ 92, Vera: Well, first of all I didn't put anything for those because I don't look at drug use from a moral perspective. I look at it separately, you know. Or, may be I look at drug use from a moral perspective [...] may be there is some moral aspect in me that thinks that it's wrong [...].

As this quote shows, moralistic attitudes are not always easily detected, even by the person who holds them. More so for the person who studies them. The task of identifying moralistic attitudes in the interviews was the most demanding.

Although in several occasions the participants made initial clear statements about their moral beliefs, those were typically of the paternalistic or libertarian types. To fully interrogate the participants, control questions (ICQ) were used to push their thinking beyond these principles. In a few cases, the participants changed their minds (on PCA) after a few control questions that (re)specified that the behavior would not harm the actor or other people. In those cases, it was clearly stated that the only concern the participant had with that behavior was harm to the actor or other persons—if these concerns were eliminated, then they would not think that the behavior should be controlled. Those situations were interpreted in this analysis as libertarian or paternalistic statements (included in the data used in previous parts).

(1) *Declared Moralism*

In several occasions, the participants stated (with or without ICQ) that they objected a behavior because it is immoral, or because it was wrong according to their moral principles. The evidence for this category is somewhat limited. It includes 8 statements made by 4 participants regarding sibling sex, group sex, prostitution, drugs in general, and heroin. The statements included terms such as “moral perspective,” “morality,” “set of ideals,” “morals,” and “values.” The following two statements were made by the same participant, the first refers to prostitution and playing in a porno movie, the second refers to sex between

siblings:

- ❖ 105, Vera: To me, the way I look at morality, sin is equal. That's one good thing I learned in church and I really believe it, all sin and everything that is deviant or bad that you are told you can't do is equal in the eyes of God, and because of that I feel that [...] everything is bad equally.
- ❖ 106, Vera: That's exactly why I would discourage it. I can't think of any other reason but morality.

(2) *Implied Moralism*

In the majority of situations, after the harms were controlled by ICQs, the participants insisted that there is still “something wrong” with allowing this behavior. The behavior that most typically attracted such comments was incest, predominantly between siblings. Strong reactions to the act of having sex with one's sibling were expressed by almost all participants. Their reactions were to some extent based on concerns that that behavior would create a psychological hazard (liberal/paternalistic argument). When I insisted, in several situations using hypothetical scenarios, that the encounter would be psychologically safe, sometimes adding more controls, such as no one else would know, it would be a one time event, et cetera, some participants dropped their objections, yet others did not. In this latter case, the typical conclusion of the discussion was that there is something wrong with the behavior that the participant could not identify or express. Those cases were considered as representing a moralistic standpoint,

that is, an attitude that a behavior is inappropriate beyond causing harm⁸.

Elements representing this category were more commonly found. About 16 statements were coded under the code "*just wrong*" and about 11 under the code "*something wrong*." The essence of these two categories is the same: the participant thought that the behavior was undesirable and that it should be discouraged or criminalized because there was some element in it that (a) they did not like, and (b) they could not identify.⁹ The vast majority of these statements were about sexual behaviors. Heroin and alcohol were in fact the only drugs to produce a moralistic reaction of this kind. The following conversation should both show this point and illustrate the use of ICQ:¹⁰

- ❖ Interviewer: So, say I'm your friend and I tell you, 'you know I tried this new thing and it's really cool, and I am not gonna use it, I just tried it a couple of times and may be I will try it a few more times.' And that's about heroin. How would you react to this, what would you say?
- ❖ 122, Lola: That you are dump. I would never ever touch drugs like that.
- ❖ Interviewer: Why? You know, I tried it a couple of times, I know I will not get addicted, I know

⁸ It must be emphasized that these statements were very strictly chosen. It was not enough for the participant to say that something was immoral. There are immoral behaviors for the libertarians and the paternalists but that immorality is based on a consequentialist criterion. Something is immoral in a moralistic sense when regardless of the consequences, there is something wrong about its essence (see discussion in Chapter 2). During the interviews and especially during the analysis, I tried to make sure that these elements were clearly separated. Since the quotes that follow are pasted here out of context, this methodological processing is not obvious.

⁹ Note how these resemble slogans used in anti-drug campaigns, such as "Just Say No."

¹⁰ Note that the participant does use the term "morally wrong," thus, this conversation could have also been coded under "declared moralism"

- that for sure, I have self-control, I can handle that.
- ❖ 123, Lola: You know you can't have control over that.
 - ❖ Interviewer: Yes I can, you know, I'll use it may be a couple of times a year, when it happens, I am not gonna buy some and start using it, I will just be open to the occasion that if I am somewhere and they offer me I will say yes. And that will not happen more than two or three times a year. Why not?
[No answer for a few seconds]
 - ❖ Interviewer: And you know what, I will stay home when I do this. I am not going out, I am not doing anything to someone else, I am not getting involved in an accident, I am just doing it and staying home.
 - ❖ 124, Lola: I guess I would tell [you] that that's your personal choice but... that's not good for you, [she laughs], I would say that.
 - ❖ Interviewer: Would you join me?
 - ❖ 125, Lola: No [emphatically, then laughing]
 - ❖ Interviewer: Why not?
 - ❖ 126, Lola: Because, it's just... me, my morals and my values or whatever, that's just unacceptable.
 - ❖ Interviewer: Talk to me about that, in what sense is it unacceptable?
 - ❖ 127, Lola: It just is. I don't know, I don't think that anyone would make a conscious choice and go out and do that... I just don't think it's right... morally right I guess, I don't know. I really have no justification for it, I don't know all the consequences of it, I don't know much about it, it's just morally...

It must be noted that this excerpt is from the initial stage of the interview, before the participant was introduced to the PI items. The following example is about

gambling and alcohol:

- ❖ 417, Helen: I think that if I went gambling I would feel a little bit immoral about it, you know, not terribly ashamed or anything, but I would feel a little bit like I would feel if I got really drunk [...] every day for a week or something [...] a little bit off my moral standards. I don't know, I mean gambling isn't bad, I might go gambling some time, but I guess I have a sense in my head that it's a little bit... I never thought about that actually.

The following example is about the most prevalent behavior targeted, sex between siblings:

- ❖ 1121, Bridget: Just the fact that they are siblings... I can't really find any grounds for it being immoral. I mean if I was a believer I would say that the reason that children may turn out deformed when siblings have sex was God was trying to tell us something.

Similarly, for extramarital sex, the immoral element was sometimes equally unidentifiable:

- ❖ 335, Irma: [...] I really can't think of anything because you have this aspect of cheating someone else and that's like the main point that you stress, but when you say consenting partners you really... It's so shocking because I really can't see... I can see it as socially unacceptable and false out of my basic cultural ideas about how people function, but I can't really find a specific thing that's wrong with it, you know what I mean?

b Perceptions of Immorality

As we have seen in the survey analysis, many of the behaviors included in this study were perceived as immoral according to the participants' personal moral standards. Why? What are the immoral elements in a behavior? The interviews addressed this question extensively. Typically, there was a general question asked by the interviewer about what the participant would consider immoral. The usual answer included the element of harm to others (libertarian morality). Then, focusing on individual items that the participant marked as non-zero on the PI scale, I insisted that there must be other elements present, since, with a couple of exceptions (drunk driving, abortion, et cetera), no claim could be made for harming other individuals. In about 10 occasions the answers given by the participants turned to a paternalistic kind of morality, that is, it is immoral to harm your self. In these occasions, and in all others that did not go through paternalism, I insisted, by either refocusing attention or by ICQ, that there must be some other element involved. In a few occasions, the participants dropped the non-zero PI rating. Usually though, the participants did present additional elements that make a behavior immoral. These elements are presented below.

(1) Antipleasurism

The extreme form of antipleasurism is the rejection of all pleasures as immoral.

The antipleasurism found in these interviews is of moderate nature, its target is not pleasure per se but too much of it. This was expressed in about 25 statements. About 80% of those referred to drug use. The participants typically said that for some drugs (predominantly marijuana, but also LSD, heroin, and cocaine) their concern was with very frequent use.¹¹

The following conversation is quoted to show how the value of *moderation* was first expressed and then withdrawn. Even if in the final outcome of this conversation moderation was dropped, the fact that it was brought up shows that moralistic principles may be present in the individual as unquestionably internalized feelings representing values. The conversation is also an example of the use of ICQ. The question that set off this conversation was an ICQ in reaction to the participant's distinction between using marijuana occasionally and frequently.

- ❖ Interviewer: How about a couple having sex 5 times a day?
- ❖ 36, Vera: Shit, if they want to have sex 5 times a day...
- ❖ Interviewer: Would you discourage it?
- ❖ 37, Vera: No, I wouldn't. But if they don't do anything, if they don't go to work, if their life is just a wreck, then yeah.
- ❖ Interviewer: No, we resolved that. So, work, social life, career, everything is working fine...
- ❖ 38, Vera: If they do it five times a day and they still have time for that, yeah [emphatically,

¹¹ Note that this category of arguments was distinguished from addiction and self-harm resulting from too much use (see paternalism).

claps her hands], yeah, go ahead, get yours.

- ❖ Interviewer: OK, so say this couple now tells you 'you know we now have sex just once a day, it was really cool when we did it five times a day, but we just do it once now. And you know, the time that it took us for the other four times, we just get stoned and we have a nice time together.' Would you discourage them?
- ❖ 39, Vera: [laughs] Oh, God, would I discourage them? No, I wouldn't. With the variables, you've given me, no, I wouldn't.
- ❖ Interviewer: So, the question again is: would you discourage frequent marijuana use, if it didn't hurt you and if it didn't intervene with your life?
- ❖ 40, Vera: Then, no.
- ❖ Interviewer: So you are kind of dropping you moderation argument.
- ❖ 41, Vera: To me it just sounds like, yeah, I believe in moderation but, may be it's more of a personal thing. If everyone else doesn't believe in it then it's their issue and that's something that they feel that they need to do. I believe in personal choices, people need to make their own personal choices.

Other relevant terms were used in the spirit of moderation. One participant insisted that there are some things that are *extravagant*, like a shopping spree, spending a million dollars in casino gambling (even if one can afford it), and engaging in group sex, which

- ❖ 451, Helen: [a]gain, it's kind of extravagant and more than people really need..

At various points participants also used the terms "greed," "just for the fun of it,"

and “low level pleasure” to refer to non-moderated chemical and sexual pleasures.

(2) *The Sacred and the Profane*

The next type of perception of immorality incorporates the metaphysical connection. In about 25 statements the participants talked about *religious morals* and God as well as about *sacredness*. With the exception of cocaine and marijuana, statements in this category focused on sexual pleasures or were general. It is interesting that there were also several occasions in which the participants rejected the religious basis of morality. Even the same participants in two cases rejected the idea that religion should guide the law but at the same time they said that they have serious trouble getting rid of their religious morals. In general, religion and the sacred type seem to play an ambiguous role in the shaping of individual morality. For some, it is a clear and rational system of thought while for others it operates as an internalized normative filter, which is not sufficiently understood.

When I insisted on separating the church from her personal morality, one participant said:

- ❖ 95, Vera: It's hard for me to separate it. Cause when I think of morality I think of it in terms of my religious mores.

Another participant, responding to my question why she is opposed to simultaneous polygamy, noticed something that Freudian analysis may have classified as belonging to the realm of the subconscious:

- ❖ 199, Pamela: I think it's that Christian thing coming in again, dude, I can smell it. But no, I would tell you, honestly dude, I would tell you 'you are a horny bastard.'

More confusion characterizes what another participant said about extramarital sex:

- ❖ 1042, John: It's not really a religious sense, but it may have been a form of religious sense. From my standpoint, it's just more of a contractual... I guess it's more of the religious context of being married, even if it's stated in the freedoms you agree [...] to me it isn't proper...

Still, other participants had more clear explanations about adopting religious morals. For bestiality, one participant said:

- ❖ 131, Lola: God didn't create us to have sex with animals.

And for sex between siblings, the following rationalization was offered:

- ❖ 793, Rosa: [...] I think that even though it's protected [...] the idea [...] why people have sex? This is a multiple topic, but some say it's procreation [...], the baby will come retarded and I think that's God's sign of saying that sex between siblings is not natural. And so even though the [act] may be protected, it's a man made way [...] it's a personal way to control

becoming pregnant and having a baby, but still that doesn't get rid of the underlying reason if it would happen if they didn't have a child. You know what I'm trying to say?

Finally, a general presentation of the rationality of religion was offered in juxtaposition to the rationality of modern thought:

- ❖ 172, Kurt: I'm kind of two trains of thought. One train of thought is kind of modern, analytical, rational Western teaching, you know empirical evidence blah, blah, blah kind of thing. The other train of thought is I was brought up in the church and I went to Sunday school when I was a little kid and go to church every Sunday and I believe in God and I believe in faith and I believe in heaven and stuff like that, and usually most things, em, day to day things, like religion and faith[;] and[,] science and rationality are two totally different things but religion can help you make choices [...] and faith can make you make rational choices, it sounds contradictory because faith is irrational but no, faith can help you look into directions to go when you are making a rational choice. [...] Like the ten commandments and religious principles helped people stay out of trouble, just basically, and without them arguably people would have engaged in more counterproductive behaviors, it's kind of productive for society, it's kind of productive for the human kind, and it's just clear, it's rational you can see it, so religion helped mankind stay out of trouble.

With respect to sacredness (without reference to other religious terms), the participants said among other things that "sex is sacred," "marriage is sacred,"

“love is sacred,” and “family is sacred.” Here is one of the explanations of what “sacred” means (referring to simultaneous polygamy):

- ❖ 198, Pamela: Sex is sacred as in ‘you have sex with someone only if you love them’ [...]. So if you take my belief that sex is sacred and you only have it when you really really care about someone, shit, that must mean that you care about *this* woman as much as you care about your girlfriend, and you care about *this* woman as much as you care about your girlfriend, you know what I mean? You are spreading your affection all around.

(3) *Departure from Reality*

Another issue raised by the participants was departure from reality caused by drug use, particularly the use of LSD and marijuana. Departure from reality was discussed earlier as being associated with PSH, here it is associated with PI. Two examples follow. On LSD:

- ❖ 828, Matthew: So, when I came off the high I guess, I realized how it altered my mindset and I felt morally wrong because of the extent I felt outside of my original ground.

And on marijuana:

- ❖ 1012, Wallace: Because, again I think that it’s immoral to not be living in a reality.

(4) *Virtue/Denial*

Two themes that appeared in the interviews but did not produce convincing evidence were *virtue* and *denial*. Only two participants raised the issue of virtue and one of them in the discussion of virtue referred to the denial that is psychologically associated with deviation from the virtuous life. Some of the content of this virtue is revealed in the following quotes:

- ❖ 432, Helen: [...] [P]eople should try to get the most out of their lives, you know, they should try to think and learn and understand and educate themselves and think deeply and complexly about whatever they can and when you are doing something like drinking or smoking pot everyday I think that's time away from the time you can spend examining the world and getting most out of your life [...].
- ❖ 167, Kurt: Say you spent your time doing that [smoking marihuana] when there is always something more productive you can do even after you do everything you have to do. It's like video games. You know I have this Nitendo and after I finish my work for the week, after everything has been taken care of... it's like a denial of all this, like now is the time to play video games.

(5) *Noncompliance*

One of the most difficult issues to classify was that of compliance. Contrary to the issue of virtue, which was clear but not evident, the issue of noncompliance was evident but not clear. About 20 units were classified under this code with three

subcategories of about equal prevalence. First, about one third of the statements advanced the argument that violating the norms of the community is something people should simply not do. This may sound tautological and in a way it is: norms are rules of behavior and by definition rules are to be followed. However, it is one thing to believe in the legitimacy of a norm on the basis of its utility or even morality and another to believe in compliance to a societal norm on the basis of conviction to tradition or some kind of Durkheimian pre-contractual second order morality. The second type of statements was similar and equally prevalent to the first but this time violating the norms was said to be immoral. The difference between these two types was very hard to tell for several units. The third type of statements referred to certain norm violations (marijuana use and incest) as “rebellious” behaviors. It was not clear however in the text of the interviews whether rebellion is inappropriate because it goes against society (and is therefore harmful, therefore immoral) or because it is simply immoral to be rebellious.

(6) *Desirable and Undesirable Qualities of Sexual Behaviors*

Finally, a relatively long list of terms was detected which described, prescribed, or proscribed sexual behaviors. These characteristics differ from earlier types in that they do not relate explicitly to harmfulness or immorality. They are classified as perceptions of immorality because the vast majority appeared in the

part of the interview during which morality was discussed. Beyond this methodological justification, the nature of these terms was such that they are closer to moral principles than to consequentialist arguments. These data were divided in three categories of terms, those that described *desirable* elements of sexual behavior, those that described *undesirable* ones, and those that contained other relevant terms.

The desirable characteristics with the frequency of occurrence and the number of participants that made relevant statements are the following: Sexual relationships must (a) be “exclusive,” that is, monogamous (7 units by 4 participants), (b) be “spiritual” (5 by 1), (c) involve high levels of attachment (5 by 2), (d) be intimate (5 by 2), (e) be characterized by “completeness,” which can be granted only in a monogamous design (4 by 2), (f) involve “love” (2 by 2), (g) involve “caring” (2 by 2), (i) be personal (1), and (j) have commitment (1). Undesirable characteristics are (a) commodification or commercialization of sex (11 by 2, predominantly on prostitution), (b) “cheapness” (10 by 2, predominantly on instrumental sex), and (c) polygamy¹² (8 by 5). Finally, some sexual behaviors were said to be “degrading” (4 by 2, on prostitution and sibling sex) or likely to evoke jealousy (5 by 2 on simultaneous polygamy). One participant made a moral distinction between “fuck” and “make love.”

¹² These statements made the particular argument that a relationship involving sex must be monogamous because it is not right for someone to divide their loving among a plurality of lovers.

4 OTHER FINDINGS

a ***Uncertainty, Ignorance, and Confusion***

Although the participants in these interviews were generally clear and articulate about their ideas, there have been occasions in most of the interviews where a participant would explicitly state that his/her mind was in confusion about the questions. Some times, this was only a matter of understanding the scale used or the questions asked. In many situations however, the participants expressed uncertainty, ignorance or confusion about their own thinking.¹³

Coded under *uncertainty* are 21 data units, about one half of which refer to drug use and the other half to sexual behaviors (the remaining are 3 on suicide and 2 general). About half of these statements show uncertainty over PCA, and slightly less than half uncertainty about PI. The typical content of these was an equivalent of "I don't know" said after persistent attempts to finalize or justify an answer. The most pronounced case of uncertainty was changing the PCA or PI ratings. There were only 5 such occasions, in 4 PCA was diminished, and in 1 PI was increased. The following are examples of these kinds of statements.

¹³ In some occasions, the statements implied a moralistic standpoint, that is, applying rules of behavior or moral evaluation on the basis of an internalized set of ideas about the essence of an act. In fact, although not formally hypothesized, it was expected that participants would run out of arguments (this was also presented in earlier parts) and in some cases reach a point of admitting that their answers may not be justifiable on consequentialist grounds. In this sense, uncertainty and confusion may arguably be interpreted as intellectual defenses for the sake of

- ❖ 178, Kurt: [for premarital sex] You know that's something I am working on right now... I am struggling with this myself.
- ❖ 237, Maria: But I don't know if I quite agree with my answers though. You see now I'm thinking that I say these things because of the education that I've been given about this. I have experience about these other things but I don't have experience of being a heroin addict or a cocaine addict, so I don't know, may be that's what affects me, my education.
- ❖ 327, Irma: But then again working as a prostitute isn't harming anyone else. It's so funny how... I just marked 3 [extremely immoral] and I just didn't think about it, because to me... it's immoral. That's funny...

Ignorance was admitted by 6 participants in 10 statements. With the exception of one reference to the statistical results of the seatbelt laws, all statements expressed lack of knowledge about the effects of drugs, predominantly cocaine and heroin.

Finally, in a few occasions participants were simply *confused*. One of them stated that thinking about these things was confusing because for some of these issues she did not think about before. The other did not state that he was confused but, as the following excerpt (discussing his rating of LSD as immoral and suicide as not immoral) shows, he was.

- ❖ 1054, John: Because it [LSD] can cause big harm to the individual.

avoidance of outright moralistic statements of the "just is" type.

- ❖ Interviewer: How about suicide?
- ❖ 1055, John: You got me... That also causes great harm to the individual.
- ❖ Interviewer: Yeah... There must be some answer [...]
- ❖ 1056, John: Oh, there must be, but... em... May be what was going through my mind is that it may not be right for someone to kill themselves, but I don't see how it is immoral. Cause they made that decision that they don't wanna be here anymore, and as far as I am concerned that's their decision. Comparing that with my view on LSD is a contradiction; it's a complete contradiction.
- ❖ Interviewer: Why is it so? [...]
- ❖ 1057, John: May be the reason I think that suicide is not immoral is because the person who is committing suicide is in great pain and it may be the best to commit suicide, whereas a person who is using LSD on a regular basis, is perhaps trying to avoid... well, the suicide person is trying to avoid pain too... em...

b ***Estheticism***

Accumulated in a small category of terms, labeled "estheticism," are about 15 statements made by 8 participants. Typically, these statements contained adjectives such as "gross," "disgusting," and "repulsive." In some occasions, the participants also used exclamations such as "yuck," or "ugh." The majority of these statements were about sex with a dog (8) followed by sex between siblings (3). This type may be taken as representing some kind of "esthetic moralism," but there is not enough evidence to justify this concept empirically. In fact, two of the references to "disgust" were antithetical in this respect, one participant

said that grossness is not a sufficient condition for immorality, while another said that it is.

c Other Descriptive Terms

A similar category consists of about 15 references by 8 participants that used descriptive, yet non-neutral, terms to describe some behaviors (predominantly sex between siblings and sex with a dog, and secondarily prostitution). These terms include the adjectives “horrible” (4 statements by 4 participants), “inhumane” (5 by 1), “abnormal” (1 by 1), and “unnatural” (5 by 3). Again, this may be a kind of moralism but this conceptual connection is not sufficiently supported in the data. In at least one case however, one participant said that maintaining a zoo (among other behaviors that were posed in the ICQ on sex with a dog) is immoral because it is unnatural.

The following statements provide the most articulate explanations I could find of the terms “inhumane” and “unnatural.”

- ❖ 299, Irma: Because if you look at it from the human perspective, sex is part of human life, [...] for me it probably falls in the context of being with someone and being in love with someone, and it’s a sort of an intimate relationship and that’s how you humanize it, but If you get out of this and it’s just something that you acquire for your own pleasure you probably dehumanize it.
- ❖ 802, Rosa: Basically with all these questions I

was playing like either it will be 1 or 2 [to be discouraged or to be criminalized as a non-serious crime], it's your life [...] but I didn't feel comfortable putting a 0 [OK] for sex between siblings, I just didn't feel it's right, because in my opinion I think that's not right, I feel it unnatural and the only backing, the only facts that you wanna hear to support my opinion is that.

***d* A Note on Social Psychological Processes**

The exploration of how individuals develop PCA, PSH, and PI is outside the scope of the present analysis. The coding of the interview text offers data to deal with this issue in another study. It can be noted here that *socialization* was the most frequent source cited for attaining knowledge and attitudes. About 35 statements were made of which the majority consisted of general references to socialization, and more particular references to the family and religion. Excluded from this category and coded separately were references to *experience*. About 33 statements were identified. Most (21) referred to self-experience, while friends' and other people's experiences were also frequently mentioned.

D CONCLUSION

With respect to the relationship between normative philosophy and popular culture, the participants presented in their answers arguments reflecting all three

normative philosophical systems discussed in this study. With no exception, *each* participant made statements that directly represent one or more of these deontologies. Based on the ethnographic assumption that participants are informants of culture, this conclusion may be further extended to say that the culture that these participants represent contains these normative elements as part of its discourse on the control of pleasure. No claim has been made for the prevalence or status of these elements.

Participants' perceptions of the characteristics of certain behaviors contain a variety of elements. Based on the conceptualization of this study, these perceptions were divided into perceptions of harm to others, perceptions of self-harm (PSH), and perceptions of immorality (PI).

Perceptions of harm to others was the category with the lowest prevalence in these interviews because the behaviors of interest are predominantly victimless. Still, some participants stated that they consider certain drugs to be causally related to victimization of other people.

Perceptions of self-harm (PSH) were the most extensively cited theme. The vast majority of behaviors perceived to cause harm to the actor belong in the domain of drug use. Three types of harm were discussed. Physiological harm was associated with all substances and was the least prevalent category. Alcohol,

marijuana, and LSD were the substances mostly associated with psychological harm. Social harm was perceived as a result of drug use in general with specific references to all substances with the exception of cigarettes and LSD. Heroin was particularly associated with classified and unclassified addiction, followed by cocaine.

The investigation of the third type (PI) was the most difficult methodologically. Commonly, the participants' PI was initially based on perceptions of harm to others (an irrelevant argument for almost all behaviors in this study) and PSH (an argument that was then controlled by the interviewer by the use of ICQ). In the final content of PI (after all interrogative efforts by the interviewer) the most prevalent themes were antipleasurism (too much is immoral), sacredness (including religious morality), and departure from reality (living outside conventional reality is immoral).

CHAPTER 8

Conclusions and Implications

In this dissertation, I have studied a few aspects of the moral structure of social control. In particular, I have outlined the contemporary philosophical discourse around the issue of the appropriate use of law. I have also investigated the popular manifestations of this discourse in a sample of university students. The most important conclusions were presented in the corresponding chapters. In this concluding chapter, I will summarize these conclusions and discuss some ramifications.

A CONCEPTUALIZATION

The review of the literature on perceptions of crime seriousness that was presented in Chapter 3 has shown that “crime seriousness” is a popular and analytically useful concept. At the same time, based on the review, the revision or substitution of this concept was suggested. The connection between research on crime seriousness and other areas or theories has not been very strong. It was suggested that this may have been partly a consequence of the local nature of the concept of crime seriousness. One of

the concerns of the present study has been the introduction and initial test of a new measure of undesirability of behavior in a society, the concept of pleasure control attitudes (PCA). The performance of this concept in both quantitative and qualitative designs in the present study has generally been encouraging. Participants in the e-survey and interviews rarely expressed discomfort with this concept. The results provided evidence that they understand its meaning very well. It is proposed that PCA or other measures of undesirability that are directly related to the perception of social control be used in social research in this area. Some thoughts regarding the connection of this concept to sociological theory are presented later in this chapter.

Two other concepts that were highlighted in the review of the literature on crime seriousness are the perceived wrongfulness and perceived harmfulness of an act. These were first formally presented by Warr (1989a) who modeled them as independent dimensions affecting perceived seriousness. In a parallel design, the present study has modeled these dimensions as independent elements of PCA. They were defined and operationalized under the names PSH (perception of self-harm) and PI (perception of immorality). These names contain some important information about the concepts. First, it is emphasized that they refer to perceptions, that is, mental reflections of some reality, images depicting

what is “out there.” As such, these reflections help understand the cultural environment in which the people who hold them live. PSH and PI are indicators of culture. Another thing that is obvious in the name PSH is that the harms are limited to self-harms. This is because this work is predominantly interested in victimless behaviors, which by definition do not harm anyone else—the only possible harms are those suffered by the actor.

B EMPIRICAL INVESTIGATION

The above concepts were investigated empirically through an electronic survey and in-depth interviews. The conclusions regarding the empirical performance of these concepts are very encouraging. All three concepts produced considerable variation in each of the items used. This was expected because the items were chosen based on the research interest of the study (victimless behaviors). These behaviors typically produce various reactions in the public (thus, the term conflict crimes). Dissensus rather than consensus was the typical finding of dispersion analysis for all three variables.

These variables were also analyzed together using linear and logistic regression equations. They were very highly intercorrelated for each of

the items used. Correlations were also strong for groups of behaviors (pleasure domains and subdomains). These results were interpreted as supportive of the central hypotheses of this study. The paternalistic hypothesis states that behaviors that are perceived to harm the person who is doing them will tend to produce higher PCA scores. This was indeed the case in the survey data. The moralistic hypothesis states that behaviors that are perceived as immoral will also be high on PCA. This was again observed. These observations are based on results that are highly significant in both statistical and substantive terms.

Another dimension explored in this study has been the frequency of use of drugs. It was found that this is positively correlated to all three measures. In addition, with respect to drug use, the PCA construct was found to resemble closely the current legal code on drug use in the United States. With the exception of marijuana, all other currently illegal substances were criminalized regardless of frequency of use. This was interpreted as support for the popularity of law hypothesis, which states that the judgements of the participants as expressed on the PCA scale will resemble the judgements of the legislative bodies as expressed in the law.

The purpose of the e-survey was to test the correlations between the three constructs (PCA, PSH, and PI). The survey did not investigate the

participant-constructed meaning of the items used. This meaning was partly assumed, in the sense of having certain expectations about the ability of university students to communicate in every-day English. It was also empirically investigated in the interviews. The results of the interviews were generally consistent with the survey results with respect to the validity of the constructs. In general, there has not been evidence of serious misunderstanding among participants on any of the variables or items. The findings of the interviews have generally shown that there is a variety of elements/meanings that participants consider when they answer the questions regarding PCA.

The primary purpose of the interviews was to investigate the elements that constitute the opinions expressed on the variables of the e-survey questionnaire. This is necessary to verify that my interpretations of the survey data are within legitimate inferential space. In this respect interview data appeared in general to be consistent with the quantitative interpretations.

Based on the conceptualization of this study, there are three categories of elements that affect PCA: perceptions of harm to others, perceptions of self-harm (PSH), and perceptions of immorality (PI). The first category (harm to others) was not among the focal points of this study. The study was

rather interested in the other two categories, which are relevant to victimless behaviors. With respect to PSH, drug use was very commonly perceived as being harmful to the user. This harmfulness was the primary reason cited for the criminalization or informal discouragement of drug use. The paternalistic hypothesis was very strongly supported in the interview data. The perceived harms of drug use are of 3 types: physiological, psychological, and social. Physiological harm was associated with all substances but was the least prevalent category. Psychological harm was predominantly associated with alcohol, marijuana, and LSD. Social harm was perceived as a result of drug use in general.

PI was the dominant element in sexual behaviors. PSH was not expected to arise as relevant to sexual behaviors anyway (it was also omitted from the e-survey). PI was not as prevalent or strong in the perceptions of the participants about drug use. It must be concluded at this point that with respect to drug use, the moralistic hypothesis was supported by the data, but the paternalistic hypothesis received much stronger support. The survey data did not show a dramatic difference between paternalistic and moralistic coefficients. It may be the case that the PI ratings on the e-survey were partly reflections of the participants' deliberate or unintended attempt to produce consistent answers, or to reduce cognitive

dissonance (Festinger 1957). Indeed, if there were no PI evidence for drug use in the interviews, there would be little that I could argue in favor of the moralistic hypothesis. This is another reason that the interviews have played an essential role in this study. The case is that the interviewees did express moral concerns for drug use. These were classified in the analysis in the categories of antipleasurism (too much is immoral), and departure from reality (living outside conventional reality is immoral). A third moralistic argument appeared primarily for sexual behaviors: sacredness (messing with the sacred is immoral).

Another direction this research has pursued is the investigation of the philosophical principles that compose the prevalent deontologies of legislation. The formal sides of the debate were first presented in Chapter 2 and then explored empirically in the e-survey and the interviews. This was in a sense a juxtaposition of formal philosophy and popular culture. The results show that the participants use in their thinking arguments from all three normative philosophical systems.

In conclusion, the empirical investigation of the analytical constructs of this study has shown that popular perceptions and attitudes are reflections of formal philosophical arguments. A complementary investigation should explore the nature of the connection between formal philosophy

and popular culture. A few hypotheses can be tested, for example, that the connection that produces this similarity goes through political (in the narrow sense) debates that are communicated to the public by the mass media.

C THEORETICAL CONSIDERATIONS

The concept of social control occupies a central position not only in the sociology of deviance but in sociology as a whole. The study of any aspect of social control then should be expected to involve relevant theories and theses from the core of sociological discourse. In this study, my primary concern was with the *moral* structure of social control and the primary emphasis was on the philosophical discourse. At this point I will turn to the *social* structure of social control and draw some connections with the core sociological paradigms. Although this aspect of the subject matter has not been investigated in the present study, a presentation of some basic ideas is necessary to highlight the sociological nature of this investigation.

Sociologically speaking, morality concerning the pursuit of pleasure is a social fact to be explained as a dependent variable (Black 1998). Under this conceptualization, the question to ask is one of etiology: *why morality?* Below, the answers given to this question by the major sociological

traditions are briefly outlined. The purpose of this brief presentation is to show how the concepts and models used in this study can be useful in the connection between the study of the content of normative culture and sociological theory.

1 THE RATIONAL CHOICE PARADIGM

The central concept in rational choice theory is utility. The model of cost-benefit analysis is applied in all aspects of human behavior. The fundamental assumption is that the individual person is a rational, self-interested, hedonistic agent. Micro level behavior and the social arrangements that accommodate it are the outcomes of the coexistence of more than one rational selfish hedonists. Normative culture is the aggregation of these micro level arrangements. Since the interest of the whole is the sum of the interests of individual participants, normative culture is a rational aggregate arrangement, which is stabilized depending on the extent to which it serves the interest of the whole.

How are the arguments presented in the previous chapters consistent with rational choice theory? It follows from rational choice theory that each of the arrangements at the legal level should somehow be rational for society. For some of these arguments, it seems obvious that the collective

utility is served. In liberal terms, for example, it is rational to keep heroin out of reach because heroin use is associated with increased social costs. The one approach that is hard to explain in rational choice terms is moralism, which is based on a priori specified principles that are not subject to utilitarian evaluation. For example, homophobic attitudes and legislation are often counterproductive. Yet, even in societies such as the United States that have glorified formal rationality, they have not been abandoned based on utility. Rational choice needs some auxiliary theoretical device to explain the prevalence of non-utilitarian norms. One such path is the model of second order norms. Axelrod (1984) for example has argued that first order norms emerge as outcomes of a rational discourse while the enforcement of these leads to the creation of second order norms (rules that require punishment of those who deviate from first order norms), and so on, to reach the point where a normative culture of cooperation is present. At this point, the utility of the norms may not be obvious; yet, the norms are still utilitarian in an indirect way. In this respect, some indirect path between moralistic norms and social utility may exist. Another path is to allow norms to serve long term indirect utility, or, in formal terms, to extend the concept of instrumentality of norms to the concept of functionality of norms. If we do this, we are entering another sociological paradigm.

2 THE FUNCTIONALIST PARADIGM

In functionalism, normative culture is a societal creation. Values and norms emerge and survive if they are functional for the survival and well being of the social system. In one sense, norms are solutions to problems people face (Sumner 1906). According to this view, normative culture is generated through a problem solving process. Every custom, folkway, or law is the product of successful dealing with a problem. A norm can be functional in a number of (direct and indirect) ways, including its contribution to what Durkheim called collective consciousness—the glue that holds society together. The law is then just a written and formally enforced code that reflects the best solutions to social problems, as these have been invented and established in popular consensus.

There are two functionalist theses that may be distinguished with respect to the etiology of morality and social control. These can be termed here instrumental and symbolic functionalist theses (following the critical discussion of Garland 1990, 1991; also see Tyler and Boeckmann 1997). The *instrumental functionalist thesis* is the position that society uses social control for material maintenance (avoidance of material deterioration—human bodies and property). For example, with respect to punishment, this thesis captures very well some of the functions of

punishment identified by deterrence theorists (Gibbs 1975), especially incapacitation and deterrence. This aspect of functionalism can be modeled in rational choice terms—it is indeed not “true functionalism.” On the other hand, the *symbolic functionalist thesis* refers to the theory that society generates and maintains a moral structure and expresses it in social control policies for symbolic maintenance—enhancement of moral cohesion by projection of consensual values through punishment. In the example of punishment, this thesis does not need the incapacitation argument or the assumption of deterrence, since the function of punishment is served regardless of the subsequent practical/material situation. With respect to the functions of punishment, it is safe to say that this approach relies only on the idea of retribution (Gibbs 1975).

The connection between these theoretical theses and the findings of the present study is indirect but clear. All three philosophical principles presented in this study can be explained based on the functionalist assumption of normative consensus. This states that each society creates and maintains a system of norms which is necessary for the (material and symbolic) maintenance of some workable social structure and which is accepted by all members of society. Libertarian and liberal/paternalistic laws are in principle effective for the survival of individuals (in instrumental terms) and the well being of society. Moralism can be

explained based on the symbolic thesis. Durkheim (1893, 1895) spent some time to explain the type of laws (retribution, restitution, et cetera) that would be produced in different societal types. Although later empirical work failed to support his predictions (see Vold et al 1998), he was right about one thing: that moral cohesion is an essential part of each normative environment. This cohesion needs (symbolic) maintenance; thus, the functionalist explanation of moralism—it is normal and functional for society to have moralistic legislation (even at the cost of utility).

If we assume that is possible to measure the extent to which normative culture is the outcome of these societal processes, it is essential that we investigate the actual content of normative culture. This content includes the investigation of the prevalence of the deontological principles that this study has dealt with. If these are indeed manifestations of societal needs is another question. It could be, as the next paradigm argues, manifestations of social oppression.

3 THE CONFLICT PARADIGM

The central concept in conflict theory is social domination. Under conflict assumptions, what holds society together is not collective consciousness

but effective oppression of some segments by others. Society is possible to the extent that the powerful groups are able to suppress opposition to their dominance. Morality and social control policies are projections of the interests of powerful groups. The assumption of normative consensus (functionalism) is confronted in conflict criminology by the assumption of normative conflict: the position that the criminal law is a product of the conflict of definitions of right and wrong held by social groups of unequal power. The powerful groups have their way in legislation.

Because this oppression may be physical or moral, a distinction can be made between two theses springing from conflict theory. Following the terminology used in the presentation of the two functionalist theses above, the *instrumental conflict thesis* postulates a direct oppressive relationship between the powerful and the powerless. This ontology has been present in fact in the works of instrumental Marxist theorists¹ such as Richard Quinney. According to this view, the criminal law is a user-friendly instrument in the hands of the hitherto dominant groups in their struggle for domination and maintenance of the status quo (Quinney 1970, 1974). The (capitalist) state (including all its institutions and primarily the criminal justice system) is an instrument in the hands of the hitherto

¹ Instrumental Marxist theory has been identified as a variant of Neo-Marxist theory as distinguished from less "hardcore" conflict theories which have been described as dialectical (Chambliss and Seidman 1982).

ruling class. The operations of the criminal justice system directly (and often overtly) serve the material interests of the political, economic, and cultural elite. These interests may include income (such as in the case of profits in the tobacco industry resulting from the noncriminalization of tobacco and the criminalization of marijuana) or political advantage such as the control of problem populations (Spitzer 1976). The *symbolic conflict thesis* is based on more relaxed assumptions about social conflict allowing for a pluralistic process in which material and symbolic interests clash on a variety of levels without necessarily an a priori given winner. This position refers indeed to what Gusfield (1963) has termed “symbolic crusade,” the endeavor carried out by “moral entrepreneurs” (Becker 1963) and particularly by the proponents of the dominant culture, or those who want to make their “symbolic universe” (Ben-Yehuda 1990) dominate all other universes. The conflict in this conceptualization is not over material resources but over morality: “A successful, and enforceable, social construction of a particular label of deviance depends on the ability of one, or more, groups to use (or generate) enough power so as to enforce *their* definition and version of morality on others” (Ben-Yehuda 1990: 6, emphasis in original). Considering both versions, we see that laws may be oppressive either directly or indirectly. The direct and indirect oppression of drug users is one illustration of this.

Conflict theory can explain the endorsement of all three philosophical principles. For the critical category of conflict crimes whose illegal status is justified on paternalistic and moralistic bases, conflict theory substitutes collective consciousness with false consciousness. In pluralistic democratic societies, where the instrumental thesis seems to enjoy less support, it is the ideological manipulation of people that holds society together. This manipulation is consciously performed by the more powerful groups and agents but it is also present in everyday discourse, through language and the microstructure of social relationships. When people believe that certain pleasures should be restricted because, as some of my interviewees said, they are "just wrong," it is because people have internalized the manipulative instructions of successful moral entrepreneurs.

One of the empirical findings of the present study is the support for the popularity of law hypothesis. This finding has some interesting ramifications in the debate among conflict theorists regarding the role of the legislative authorities in the maintenance of the status quo and the promotion of the interests of the powerful segments of society (the instrumental versus the symbolic conflict theses). It seems that the instrumental thesis is not supported in these data on drug use. The views of the people are not in conflict with the views of the lawmakers. However, this finding is not inconsistent with the pluralist conflict model in which

oppression and the promotion of some interests over others is done in more sophisticated ways. Under these more relaxed assumptions, the state and its agents may achieve some surface consensus and may even appear to serve the interests of the oppressed. The state may even go as far as to really serve the interests of the oppressed, but this is done as part of a more sophisticated business of oppression. Thus, in the case of drug use, the fact that the opinion of the people resembles the law does not mean that the law is democratic, it means that it is popular (thus, the name of the hypothesis I have used). It may be the case that it is ideological manipulation and not popular sensibility that has produced these results in public opinion.

4 SYMBOLIC INTERACTIONISM AND POSTMODERNISM

In functionalism and conflict theories, morality is conceived as a societal construct, that is, a system of meaning generated by the social structure. A central point that the two traditions have in common is the assumption that there is no set of intrinsic or natural characteristics that make a social behavior immoral. It is social structure that moralizes or demoralizes social behavior. The moral structure of cultural elements is a reflection of the social structure. The social construction of morality is a subset of the social construction of existence, or as the more conventional term has it, of reality (Berger and Luckmann 1967). The “constructors”

are located along a theoretical continuum from individuals to discourses. A fundamental aspect of this image is the communication of meaning through symbols, predominantly language. This aspect has been the primary concern of symbolic interactionism. Instead of juxtaposing symbolic interactionism to the other sociological traditions, we can specify the complementary character of their relationship. In a simplified conceptualization, we can say that societies generate moralities that reflect and maintain their social structure and they legitimize these moralities through the communication of favorable meanings. The construction of these meanings has been theoretically elaborated by functionalist and conflict sociology, while the communication of this meaning has been taken on by symbolic interactionism predominantly in the United States and by postmodernism predominantly in Europe.

The central concept in symbolic interactionism is *meaning*. Meaning refers to the definition attached to an object, activity, or situation and it is both a necessary and a sufficient condition for social reality. This was captured eloquently in one of the most famous quotes in sociology, known as the Thomas Theorem: "If men define situations as real, they are real in their consequences." Symbolic interactionism has been formalized in the 1960s by Herbert Blumer. In the sociology of deviance, symbolic interactionism sprung out of the Chicago school, in the subsequent work of

Sutherland (1947), Lemert (1951), Becker (1963) and others. These contributions have provided the conceptual tools (meaning, definition of the situation, dramatization, ritual enforcement of meaning, labeling, et cetera) necessary to understand the central proposition of this section: that morality is socially constructed in a process of defining social situations and communicating these definitions.²

The intellectual turbulence of the second half of the twentieth century in the United States was paralleled in Europe by postmodernism. Postmodern thought—which has not yet “infected” criminology in devastating ways (Schwartz and Friedrichs 1994)—typically reaches more extreme, almost quasi-nihilistic, theses. Concepts such as the “hyperreal” or “simulacra,” for example, are, according to Baudrillard (1983) the essence of postmodern existence. To the extent that it can be summarized at all, the central thesis of this critical postmodernist stance is that, in contemporary social realities the traditional concepts (lay and academic) as well as the traditional meanings are no longer valid. Reality cannot be conceptualized as such, because it cannot be distinguished as reality vis a

² More recently, a postmodern awareness has produced yet another offspring of this tradition, termed by some of its proponents as *constitutive criminology* (Barak 1995). Constitutive criminology draws from symbolic interactionism and labeling and combines these elements with postmodernism and cultural Marxism. Constitutive criminology is “concerned with identifying the ways in which the interrelationships between human agents and their social world constitute crime, victims, and control as realities. It is oriented to how we may deconstruct these realities, and how we may

vis un-reality. However, more moderate versions of the postmodernist thesis allow work with traditional concepts (such as the concepts used in this study). The conception of symbolic interactionism on which this work is based is one that allows for a postmodernist ramification. If we do not become disillusioned with trendy articulations that are part of the postmodern deal, we may extend the “symbolic” to capture the “hyperreal.” Moreover, the conceptual beauty of symbolic interactionism is enhanced by a time-general relevance (from the time that the first symbols were used to well into the imaginable future) as opposed with the time-specific claims of hyperreality (present time). The central concept in this more moderate postmodern analysis of power and control is *discourse domination*. Compared to the conflict approach which is centered on social domination, discourse domination is more holistic and it predominantly involves meaning rather than material domination. There is in every society a variety of systems of meaning of which one is dominant. This study has assumed that this dominant system of meaning (discourse) is reflected in attitudes.

The normative principles of the moral structure of social control can be explained as part of discourse domination. The dominant morality, such as religious morality in a homogenous community, is a procrustean

reconstruct less harmful alternatives” (Henry and Milovanović 1994: 110, quoted in

measure of appropriateness of behavior. If the communication of this morality is successful, the moral rules are internalized and they become part of the world taken for granted (note the similarity between this explanation and the symbolic functionalist and conflict theses). In fact, it follows that, if this internalization is successful, the endorsement of moral rules will sometimes defy rational justification. In the interviews performed in this study this phenomenon was present in the form of the "it's just wrong" types of statements. In general, moralism can be explained as part of discourse domination.

5 DOMINANT IDEOLOGIES AND DOMINANT EPISTEMOLOGIES

In the introductory chapter, a distinction was made between two essential elements of the social construct of morality. These elements are values/attitudes and perceptions/knowledge. In the empirical part of this study, this distinction was used to analyze participants' opinions. Let us now attempt an integration of these elements into the critical theorizing presented above, predominantly the symbolic functionalist and conflict theses, symbolic interactionism and postmodernism. Values constitute ideologies; thus, the dominant system of values may be termed the *dominant ideology*. The production of knowledge constitutes epistemology;

thus, the dominant system of knowledge production may be termed the *dominant epistemology*. Both values and knowledge shape meaning. The manipulation of meaning is possible by the combination of domination of values and the power of knowledge.

Dominant values related to pleasure control in the United States include personal happiness (note that happiness is very different from pleasure), health, virtue, productivity, achievement, material success, individualism, et cetera. (Williams 1965, Messner and Rosenfeld 1994). The prevalence of these values empowers the endorsement of the moralistic view by deeming deviations from behavior that promotes these values immoral. Let us consider the value of productivity as an example. Pleasure at the expense of productivity has been condemned in the interviews. It was suggested that substances like marijuana and alcohol make the individual less productive in various ways; thus, these substances should be controlled. The dominant ideology of which productivity is one component is manifested here in pleasure control attitudes that reflect this domination. Similar illustrations can be made using arguments about the value of health. The usual arguments against certain sexual behaviors are about unwanted pregnancies and sexually transmitted diseases. But what happens when sex is protected? In this case, there is space only for the moralistic argument. The interviews have

shown that, when stripped of potential harmfulness, certain sexual behaviors are still condemned on moralistic grounds.

Dominant epistemology is the other component. Presently the dominant epistemology in popular and scientific discourse is positivism. Scientific information is an essential part of the construction of meaning. The authority of positivistic research makes the use of scientific information possible in a variety of ways, some benign, some deceptive. When information is presented as “scientific,” there is little doubt that it is “true.” When statistics are presented in the media for example, the power of knowledge is at work. A moralist advancing an argument for the restriction of pleasure can use libertarian and paternalistic style justifications based on “value-free” scientific information. In fact, as traditional and religious principles become less convincing, this type of argumentation is becoming modal. It makes more sense, for example, to discourage youth from using drugs by telling them that drugs “fry their brain” than by telling them that a lifestyle of drug use may be inconsistent with American values. This paternalistic façade of moralism has been identified in the interviews by the use of interview control questions that controlled the harms of sex and drugs use. An extension of this discussion is the study of the validity of scientific findings that are used to support arguments for or against the criminalization of drugs.

This direction gains more attention as pharmacological research accumulates. In a metastudy on the effects of marijuana, for example, Zimmer and Morgan (1997) have argued that almost without exception all alleged adverse effects of marijuana (amotivational syndrome, brain cell damage, et cetera) are of mythological nature.

These two components (dominant ideology and dominant epistemology) constitute theoretical links between the study of the moral structure of social control and the study of the social structure of social control. I finish this presentation by highlighting the importance of these links. I suggest that the sociology of morality and more broadly the sociology of culture have much to gain in pursuing this path of research. The present work has been a small step in this direction.

References

- Abrams, J. Keith and Richard L. Della-Fave 1976 "Authoritarianism, Religiosity, and the Legalization of Victimless Crimes" *Sociology and Social Research* 61 : 68-82
- Akman, Dogan and André Normandeau 1967 "The Measurement of Crime and Delinquency in Canada: A Replication Study" *British Journal of Criminology* 7 : 129-149
- Akman, Dogan and André Normandeau 1968 "The Measurement of Crime and Delinquency in Canada: A Replication Study" *Acta Criminologica* 1 : 135-260
- Altemeyer, B. 1981 *Right Wing Authoritarianism* Winnipeg, Manitoba: University of Manitoba Press
- Al-Thakeb, Fahed and Joseph E. Scott 1981 "The Revitalization of Islamic Penal Law: An Examination of Its Opponents" *International Journal of Comparative and Applied Criminal Justice* 5 : 65-80
- Axelrod, Robert M. 1984 *The Evolution of Cooperation* New York: Basic Books
- Barak, Gregg 1995 "Media, Crime, and Justice: A Case for Constitutive Criminology" in *Cultural Criminology* edited by Jeff Ferrell and Clinton R. Sanders Boston: Northeastern University Press
- Baudrillard, Jean 1983 *Simulations* New York: Semiotext
- Becker, Howard S. 1963/1973 *Outsiders* (second edition) New York: Free Press
- Becker, Howard S. 1998 *Tricks of the Trade* Chicago: University of Chicago Press
- Beirne, Piers 1999 "For a Nonspeciesist Criminology: Animal Abuse as an Object of Study" *Criminology* 37 : 117-148

- Ben-Yehuda, Nachman 1990 *The Politics and Morality of Deviance: Moral Panics, Drug Abuse, Deviant Science, and Reversed Stigmatization* Albany: State University of New York Press
- Berger, Peter L. and Thomas Luckmann 1967 *The Social Construction of Reality* Double Day: Anchor
- Black, Donald J. 1976 *The Behavior of Law* New York: Academic Press
- Black, Donald J. 1998 *The Social Structure of Right and Wrong* San Diego: Academic Press
- Blum-West, Stephen R. 1985 "The Seriousness of Crime: A Study of Popular Morality" *Deviant Behavior* 6 : 83-98
- Blumstein, Alfred 1974 "Seriousness Weights in an Index of Crime" *American Sociological Review* 39 : 854-864
- Boaz, David (editor) 1997 *The Libertarian Reader: Classic and Contemporary Readings from Lao-tzu to Milton Freedman* New York: Free Press
- Bridges, George S. and Nancy S. Lisagor 1975 "Scaling Seriousness: An Evaluation of Magnitude and Category Scaling Techniques" *Journal of Criminal Law and Criminology* 66 : 215-221
- Cantrell, Roslyn G., and Douglas H. Sprenkle 1989 "Increasing the Response Rate in Court Record Divorce Studies: A Practical Approach" *Journal of Divorce* 13 : 113-121
- Carlson, James M. and Tricia Williams 1993 "Perspectives on the Seriousness of Crime" *Social Science Research* 22 : 190-207
- Carss, Brian W. and R. M. Whitrod 1974 "A Study of the Relative Seriousness of Criminal Offences as Viewed by Selected Groups in Australia and Papua-New Guinea" *Australian and New Zealand Journal of Sociology* 10 : 96-100

- Chambliss, William J. and Robert B. Seidman 1982 *Law, Order, and Power*
Reading: Addison-Wesley
- Cohn, Steven F., Steven E. Barkan, and William A. Halteman 1991 "Punitive
Attitudes toward Criminals: Racial Consensus or Racial Conflict?" *Social
Problems* 38 : 287-296
- Cullen, Francis T., Bruce G. Link, and Craig W. Polanzi 1982 "The Seriousness of
Crime Revisited: Have Attitudes toward White-Collar Crime Changed?"
Criminology 20 : 83-102
- Cullen, Francis T., Bruce G. Link, Lawrence F. Travis, III, and John F. Wozniak
1985 "Consensus in Crime Seriousness: Empirical Reality or
Methodological Artifact?" *Criminology* 23 : 79-118
- Curry, Theodore R. 1996 "Conservative Protestantism and the Perceived
Wrongfulness of Crimes: A Research Note" *Criminology* 34 : 453-464
- Deschner, Jeanne P., Michael D. Plain, Gerald K. Terhune, and Celia Williamson
1981 "Development of the DDI: A Seriousness Scale for Delinquency"
Evaluation Review 5 : 788-809
- Devlin, Patrick 1965 *The Enforcement of Morals* London: Oxford University
Press
- Durkheim, Emile 1893/1933 *The Division of Labor in Society* (Translated by
George Simpson) New York: Free Press
- Durkheim, Emile 1895/1964 *The Rules of Sociological Method* (Translated by
Sarah A. Solovay and John H. Mueller and edited by George E. G. Catlin)
New York: Free Press
- Durkheim, Emile 1897/1951 *Suicide* New York: Free Press
- Erikson, Kai T. 1966 *Wayward Puritans* New York: Macmillan

- Evans, Sandra S. and Joseph E. Scott 1982 "Effects of Item Order on the Perceived Seriousness of Crime: A Reexamination" *Journal of Research in Crime and Delinquency* 21 : 139-151
- Evans, Sandra S. and Joseph E. Scott 1984 "The Seriousness of Crime Cross-Culturally: The Impact of Religiosity" *Criminology* 22 : 39-59
- Feather, N. T. 1996 "Reactions to Penalties for an Offense in Relation to Authoritarianism, Values, Perceived Responsibility, Perceived Seriousness, and Deservingness" *Journal of Personality and Social Psychology* 71 : 571-587
- Festinger, Leon 1957 *A Theory of Cognitive Dissonance* Stanford: Stanford University Press
- Figlio, Robert M. 1975 "The Seriousness of Offenses: An Evaluation by Offenders and Nonoffenders" *Journal of Criminal Law and Criminology* 66 : 189-200
- Fishman, Gideon, Vered Kraus, and Ben-zion Cohen 1986 "A Multidimensional Approach to the Problem of Crime Seriousness" *International Journal of Comparative and Applied Criminal Justice* 10 : 177-189
- Fleming, Suzanne 1981 "The Closed Mind and the Judgement of Crime: A Replication of the Sellin-Wolfgang Index" *International Journal of Comparative and Applied Criminal Justice* 5 : 51-64
- Fox, Richard J., Melvin R. Crask, and Jonghoon Kim 1988 "Mail Survey Response Rate: A Meta-Analysis of Selected Techniques for Inducing Response" *Public Opinion Quarterly* 52 : 467-491
- Foucault, Michel 1967 *Madness and Civilization* London: Tavistock
- Foucault, Michel 1977 *Discipline and Punish: The Birth of the Prison* London: Allen Lane

- Garland, David 1990 "Frameworks of Inquiry in the Sociology of Punishment"
British Journal of Sociology 41 : 1-15
- Garland, David 1991 "Punishment and Culture: The Symbolic Dimension of
Criminal Justice" *Studies in Law, Politics, and Society* 11 : 191-222
- George, Robert P. 1993 *Making Men Moral: Civil Liberties and Public Morality*
Oxford: Oxford University Press
- Gibbs, Jack 1975 *Crime, Punishment, and Deterrence* New York: Elsevier
- Green, Josephine M. 1996 "Warning That Reminders Will Be Sent Increased
Response Rate" *Quality and Quantity* 30 : 449-450
- Gruen, Lori and George E. Panichas 1997 "Preface" in *Sex, Morality, and the
Law* edited by Lori Gruen and George E. Panichas New York: Routledge
- Gottfredson, Stephen D., Kathy L. Young, and William S. Laufer 1980 "Additivity
and Interactions in Offense Seriousness Scales" *Journal of Research in
Crime and Delinquency* 17 : 26-41
- Gusfield, Joseph 1963 *Symbolic Crusade: Status Politics and the American
Temperament Movement* Urbana: University of Illinois Press
- Hagan, John, Edward Silva, and John Simpson 1977 "Conflict and Consensus in
the Designation of Deviance" *Social Forces* 56 : 320-340
- Halman, Loek 1995 "Is There a Moral Decline? A Cross-National Inquiry into
Morality in Contemporary Society" *International Social Science Journal*
145 : 419-439
- Hawking, Stephen W. 1988 *A Brief History of Time* Toronto: Bantam Books
- Henley, James R., Jr. 1976 "Response Rate to Mail Questionnaires with a Return
Deadline" *Public Opinion Quarterly* 40 : 374-375
- Henry, Stuart and Dragan Milovanovic 1994 "The Constitution of Constitutive
Criminology: A Postmodern Approach to Criminological Theory" in *The
Futures of Criminology* edited by David Nelken London: Sage

- Hindelang, Michael, Travis Hirschi, and Joseph G. Weis 1981 *Measuring Delinquency* Beverly Hills: Sage
- Ho, Taiping 1992 "Morality and Legality of Human Behavior: A Cross-Cultural Examination of Perceptions of Criminal and Deviant Events" Doctoral Dissertation, Florida State University, Tallahassee
- Hospers, John 1982 "Libertarianism and Legal Paternalism" in *The Libertarian Reader* edited by Tibor R. Machan Totowa, NJ: Rowman and Littlefield
- Hsu, Marlene 1973 "Culture and Sexual Differences on the Judgment of Criminal Offenses" *Journal of Criminal Law, Criminology, and Police Science* 64 : 348-353
- James, Jeannine M. and Richard Bolstein 1990 "The Effect of Monetary Incentives and Follow-Up Mailings on the Response Rate and Response Quality in Mail Surveys" *Public Opinion Quarterly* 54 : 346-361
- Kvalseth, Tarald O. 1980 "Seriousness of Offenses: An Experimental Study Based on a Psychophysical Scaling Technique" *Criminology* 18 : 237-244
- Lemert, Edwin M. 1951 *Social Pathology* New York: McGraw-Hill
- Levi, M. and S. Jones 1985 "Public and Police Perceptions of Crime Seriousness in England and Wales" *British Journal of Criminology* 25 : 234-250
- Lewis, Dan and Michael M. Maxfield 1980 "Fear in the Neighborhood: An Investigation of the Impact of Crime" *Journal of Research in Crime and Delinquency* 17 : 160-189
- Lynch, James P. and Mona J. E. Danner 1993 "Offense Seriousness Scaling: An Alternative to Scenario Methods" *Journal of Quantitative Criminology* 9 : 309-322
- Manis, Jerome G. 1974 "Assessing the Seriousness of Social Problems" *Social Problems* 22 : 1-15

- Martin, Warren S., W. Jack Duncan, and Jesse C. Sawyer 1984 "The Interactive Effects of Four Response Rate Inducements in Mail Questionnaires" *College Student Journal* 18 : 143-149
- McCleary, Richard, Michael J. O'Neil, Thomas Epperlein, Constance Jones, Ronald H. Gray 1981 "Effects of Legal Education and Work Experience on Perceptions of Crime Seriousness" *Social Problems* 28 : 276-289
- Meier, Robert F. and Gilbert Geis 1997 *Victimless Crime? Prostitution, Drugs, Homosexuality, Abortion* Los Angeles: Roxbury Publishing Company
- Mentor, Kenneth W. and Clifford K. Dorne 1998 "The Association Between Right-Wing Authoritarianism and Perceived Seriousness of Deviant Acts: A Research Note" *Deviant Behavior* 19 : 73-87
- Merton, Robert K. 1938 "Social Structure and Anomie" *American Sociological Review* 3 : 673-682
- Messner, Steven F., and Richard Rosenfeld 1994 *Crime and the American Dream* Belmont: Wadsworth
- Miethe, Terance D. 1982 "Public Consensus on Crime Seriousness: Normative Structure or Methodological Artifact?" *Criminology* 20 : 515-526
- Miethe, Terance 1984 "Types of Consensus in Public Evaluations of Crime: An Illustration of Strategies for Measuring Consensus" *Journal of Criminal Law and Criminology* 75 : 459-473
- Miethe, Terance D. 1991 "Social Psychophysical Measurement: A Comparison of the Measurement Properties of Magnitude and Categorical Scaling of Social Perceptions" *Social Science Quarterly* 67 : 195-204
- Mill, John Stuart 1859/1978 *On Liberty* (edited and introduced by Elizabeth Rapaport) Indianapolis: Hackett Publishing Company

- Narveson, Jan 1994 "Drugs and Responsibility" in *Drugs, Morality, and the Law* edited by Steven Luper-Foy and Curtis Brown New York and London: Garland Publishing
- Newman, Graeme R. 1976 *Comparative Deviance: Perception and Law in Six Cultures* New York: Elsevier Scientific Publications
- Normandeau, André 1966 "The Measurement of Delinquency in Montreal" *Journal of Criminal Law, Criminology, and Police Science* 57 : 172-177
- O'Connell, Michael and Anthony Whelan 1996 "Taking Wrongs Seriously: Public Perceptions of Crime Seriousness" *British Journal of Criminology* 36 : 299-318
- Parton, David A., Mark Hansel, and John R. Stratton 1991 "Measuring Crime Seriousness: Lessons from the National Survey of Crime Severity" *British Journal of Criminology* 31 : 72-85
- Pease, Kenneth, Judith Ireson, Jennifer Thorpe 1974 "Additivity Assumptions in the Measurements of Delinquency" *British Journal of Criminology* 14 : 256-263
- Quinney, Richard 1970 *The Social Reality of Crime* Boston: Little, Brown and Company
- Quinney, Richard 1974 *Critique of Legal Order* Boston: Little, Brown, and Company
- Rauma, David 1991 "The Context of Normative Consensus: An Expansion of the Rossi/Berk Consensus Model, with an Application to Crime Seriousness" *Social Science Research* 20 : 1-28
- Rawls, John 1971 *Theory of Justice* Cambridge, MA: Harvard University Press
- Reiman, Jeffrey 1994 "Drug Addiction, Liberal Virtue, and Moral Responsibility" in *Drugs, Morality, and the Law* edited by Steven Luper-Foy and Curtis Brown New York and London: Garland Publishing

- Riedel, Marc 1975 "Perceived Circumstances, Inferences of Intent and Judgments of Offense Seriousness" *Journal of Criminal Law and Criminology* 66 : 201-208
- Rokeach, M. 1960 *The Open and Closed Mind* New York: Basic Books
- Rossi, Peter H. and Richard E. Berk 1985 "Varieties of Normative Consensus" *American Sociological Review* 50 : 333-347
- Rossi, Peter H. and J. Patrick Henry 1980 "Seriousness: A Measure for All Purposes?" in *Handbook of Criminal Justice Evaluation* edited by Mark W. Klein and K. S. Teilmann Newbury Park: Sage
- Rossi, Peter H. and S. L. Nock 1982 *Measuring Social Judgments: The Factorial Survey Approach* Beverly Hills: Sage
- Rossi, Peter H., Jon E. Simpson, and JoAnn L. Miller 1985 "Beyond Crime Seriousness: Fitting the Punishment to the Crime" *Journal of Quantitative Criminology* 1 : 59-90
- Rossi, Peter H., Emily Waite, Christine E. Bose, and Richard E. Berk 1974 "The Seriousness of Crime: Normative Structure and Individual Differences" *American Sociological Review* 39 : 224-237
- Schrager, Laura S. and James F. Short, Jr. 1980 "How Serious a Crime? Perceptions of Organizational and Common Crimes" in *White-Collar Crime* edited by Gilbert Geis and Ezra Stotland Beverly Hills: Sage
- Schur, Edwin M. 1985 "Crimes without Victims: A 20-Year Reassessment" Society for the Study of Social Problems Paper
- Schur, Edwin M. and Hugo Adam Bedau 1974 *Victimless Crimes: Two Sides of a Controversy* Englewood Cliffs: Prentice-Hall
- Schwartz, Martin D. and David O. Friedrichs 1994 "Postmodern Thought and Criminological Discontent: New Metaphors for Understanding Violence" *Criminology* 32 : 221-246

- Sebba, Leslie 1984 "Crime Seriousness and Criminal Intent" *Crime and Delinquency* 30 : 227-244
- Sellin, Thorsten and Marvin Wolfgang 1964 *The Measurement of Delinquency* [Reprinted in 1978 with an Introduction by Stanley Turner] Montclair: Patterson Smith
- Sheley, Joseph F. 1980 "Crime Seriousness Ratings: The Impact of Survey Questionnaire Form and Item Context" *British Journal of Criminology* 20 : 123-135
- Smith, Lynn N., and Gary D. Hill 1991 "Perceptions of Crime Seriousness and Fear of Crime" *Sociological Focus* 24 : 315-327
- Spitzer, Steven 1976 "Toward a Marxian Theory of Deviance" *Social Problems* 22 : 638-651
- Stevens, S. S. 1975 *Psychophysics: Introduction to its Perceptual, Neural, and Social Prospects* New York: John Wiley
- Sumner, William Graham 1906/1960 *Folkways* New York: Mentor
- Sutherland, Edwin H. 1947 *Principles of Criminology* (fourth edition) Chicago: J P Lippincott
- Tyler, Tom R. and Robert J. Boeckmann 1997 "Three Strikes and You Are Out, But Why?: The Psychology of Public Support for Punishing Rule Breakers" *Law and Society Review* 31 : 237-265
- University of Washington 1998 *University of Washington Student Directory, 1998-1999*
- Velez-Diaz, Angel and Edwin I. Megagree 1971 "An Investigation of Differences in Value Judgments Between Youthful Offenders and Nonoffenders in Puerto Rico" *Journal of Criminal Law, Criminology, and Police Science* 61 : 549-553

- Vold, George B., Thomas J. Bernard, and Jeffrey B. Snipes 1998 *Theoretical Criminology* (fourth edition) New York: Oxford University Press
- Wagner, Hugh and Kenneth Pease 1978 "On Adding up Scores of Offense Seriousness" *British Journal of Criminology* 18 : 175-178
- Walker, Monica A. 1978 "Measuring the Seriousness of Crimes" *British Journal of Criminology* 18 : 348-364
- Warr, Mark 1982 "The Accuracy of Public Beliefs About Crime: Further Evidence" *Criminology* 20 : 185-204
- Warr, Mark 1989a "What is the Perceived Seriousness of Crimes" *Criminology* 27 : 795-814
- Warr, Mark 1989b "Fear of Victimization: Why are Women and the Elderly More Afraid?" *Social Science Quarterly* 65 : 681-702
- Warr, Mark and Mark C. Stafford 1983 "Fear of Victimization: A Look at the Proximate Causes" *Social Forces* 61 : 1033-1043
- Wellford, Charles F. and Michael Wiatrowski 1975 "On the Measurement of Delinquency" *Journal of Criminal Law and Criminology* 66 : 175-188
- Wertheimer, Alan 1977 "Victimless Crimes" *Ethics* 87 : 302-318
- Williams, Robin M., Jr. 1965 *American Society: A Sociological Interpretation* (second edition) New York: Knopf
- Wolfgang, Marvin E., Robert M. Figlio, Paul E. Tracy, and Simon I. Singer 1985 *The National Survey of Crime Severity* Washington: US Government Printing Office
- Yu, Xiao Qing Olivia 1993 "Comparing Perceptions and Cultural Orientations of Students in China and America: A Cross-Cultural Study of College Students' Judgement of Crime Seriousness" Doctoral Dissertation, State University of New York, Buffalo

Zimmer, Lynn and John P. Morgan 1997 *Marijuana Myths Marijuana Facts: A Review of the Scientific Evidence* New York: Lindesmith Center

APPENDIX 1

Questionnaire

Good afternoon,

My name is Stelios Stylianou, I am a PhD candidate at the UW Department of Sociology, and I am inviting you to participate in an e-mail survey that I am conducting as part of my dissertation research. The questionnaire is included in this message and it should take no more than 10 minutes to answer it.

Your e-mail address has been chosen at random from the UW Student Directory and your responses will be kept strictly confidential.

To complete and return the questionnaire, press "R" and then "Y" on your keyboard. This way you will be replying to me including this original message on which you will mark your answers. Comments of any kind are welcome--insert them anywhere. After you are done, press "CONTROL" + "X" to send the completed survey to me.

If possible, please reply by Wednesday, May 12th (a week from today).

I hope you will accept the invitation to participate and I cordially thank you in advance.

Stelios Stylianou

Department of Sociology/University of Washington-Seattle

PART I

In this part, I would like to know your opinion about how society should react to certain acts by individuals. Please think about the ESSENCE of each act ignoring special circumstances (such as whether it is a one-time act or repeated). Think that you are stating the GENERAL RULES and if these rules were applied/enforced, individual circumstances would be taken into account in each case. Also note that the options below refer to the SOCIAL/LEGAL STATUS of the behavior and not to how the actors should be processed. For example, if a behavior is criminalized, the kind of punishment may vary (community work, fines, incarceration, et cetera). The survey is not interested in this.

All actors in the following scenarios (for all parts of the survey) are CONSENTING ADULTS and there are no

victims, losses, or damages involved other than those specified.

For each act you have a choice among four options:

- 0 = The behavior is OK (society need not be concerned)
- 1 = The behavior is undesirable and society ought to
DISCOURAGE it through means other than the law
(e.g., education and the media)
- 2 = The behavior is undesirable and should be a NON-
SERIOUS CRIME
- 3 = The behavior is undesirable and should be a
SERIOUS CRIME

For each behavior listed below, declare your opinion by typing 0, 1, 2, or 3 (referring to the codes above) next to the ":" which appears by the number for each act:

- 1: Driving on a freeway without seatbelt on
- 2: Suicide (unsuccessful attempt)
- 3: Casino Gambling
- 4: Consuming alcohol occasionally
- 5: Consuming alcohol daily: being sober most of the time
- 6: Consuming alcohol daily: being drunk most of the time
- 7: Using LSD occasionally
- 8: Using LSD regularly
- 9: Smoking Marijuana (about once a month)

- 10: Smoking Marijuana (about once a week)
- 11: Smoking Marijuana (once a day)
- 12: Smoking Marijuana (two or more times a day)
- 13: Smoking 5 cigarettes per day
- 14: Smoking 20 cigarettes per day
- 15: Smoking 40 cigarettes per day
- 16: Using cocaine occasionally
- 17: Using cocaine about once a week
- 18: Using cocaine daily
- 19: Using Heroin occasionally
- 20: Using Heroin about once a week
- 21: Using Heroin daily
- 22: Drunk driving
- 23: Protected sex between two unmarried persons (Female + Female)
- 24: Protected sex between two unmarried persons (Female + Male)
- 25: Protected sex between two unmarried persons (Male + Male)
- 26: Working as a prostitute
- 27: Engaging in group sex
- 28: Having multiple sexual relationships one after another
- 29: Having multiple sexual relationships simultaneously (consenting partners)
- 30: Masturbating (privately)
- 31: Playing in a porno movie

- 32: Protected extra-marital sex (consenting spouse)
 33: Protected sex between siblings
 34: Protected sex between first cousins
 35: Protected sex between second cousins
 36: Protected sex between third cousins
 37: Sex change operation
 38: Engaging in sex with a dog
 39: Getting an abortion
 40: Assisting a person who wishes to die to do so
 41: Not helping a person in a dangerous situation

 PART II

In this part, I would like to know to what extent you think that each of the following behaviors is HARMFUL TO THE PERSON WHO IS DOING IT. Express your answer in terms of the following scale:

NOT HARMFUL AT ALL				EXTREMELY HARMFUL
	0	1	2	3

- 3: Casino Gambling
 4: Consuming alcohol occasionally
 5: Consuming alcohol daily: being sober most of the time

- 6: Consuming alcohol daily: being drunk most of the time
- 7: Using LSD occasionally
- 8: Using LSD regularly
- 9: Smoking Marijuana (about once a month)
- 10: Smoking Marijuana (about once a week)
- 11: Smoking Marijuana (once a day)
- 12: Smoking Marijuana (two or more times a day)
- 13: Smoking 5 cigarettes per day
- 14: Smoking 20 cigarettes per day
- 15: Smoking 40 cigarettes per day
- 16: Using cocaine occasionally
- 17: Using cocaine about once a week
- 18: Using cocaine daily
- 19: Using Heroin occasionally
- 20: Using Heroin about once a week
- 21: Using Heroin daily

PART III

In this part, I would like to know to what extent you think each of the following behaviors is IMMORAL (or, if you like, MORALLY WRONG) according to your PERSONAL MORAL STANDARDS. Do not consider the current legal status of these behaviors. Answer the question as if they were all

legal. Express your answer in terms of the following scale:

NOT IMMORAL AT ALL				EXTREMELY IMMORAL
	0	1	2	3

- 1: Driving on a freeway without seatbelt on
- 2: Suicide (unsuccessful attempt)
- 3: Casino Gambling
- 4: Consuming alcohol occasionally
- 5: Consuming alcohol daily: being sober most of the time
- 6: Consuming alcohol daily: being drunk most of the time
- 7: Using LSD occasionally
- 8: Using LSD regularly
- 9: Smoking Marijuana (about once a month)
- 10: Smoking Marijuana (about once a week)
- 11: Smoking Marijuana (once a day)
- 12: Smoking Marijuana (two or more times a day)
- 13: Smoking 5 cigarettes per day
- 14: Smoking 20 cigarettes per day
- 15: Smoking 40 cigarettes per day
- 16: Using cocaine occasionally
- 17: Using cocaine about once a week
- 18: Using cocaine daily
- 19: Using Heroin occasionally
- 20: Using Heroin about once a week

- 21: Using Heroin daily
- 22: Drunk driving
- 23: Protected sex between two unmarried persons (Female + Female)
- 24: Protected sex between two unmarried persons (Female + Male)
- 25: Protected sex between two unmarried persons (Male + Male)
- 26: Working as a prostitute
- 27: Engaging in group sex
- 28: Having multiple sexual relationships one after another
- 29: Having multiple sexual relationships simultaneously (consenting partners)
- 30: Masturbating (privately)
- 31: Playing in a porno movie
- 32: Protected extra-marital sex (consenting spouse)
- 33: Protected sex between siblings
- 34: Protected sex between first cousins
- 35: Protected sex between second cousins
- 36: Protected sex between third cousins
- 37: Sex change operation
- 38: Engaging in sex with a dog
- 39: Getting an abortion
- 40: Assisting a person who wishes to die to do so
- 41: Not helping a person in a dangerous situation

PART IV:

What is your gender?

How do you identify your self in terms of race/ethnicity?

What country are you from?

How old are you?

What is your academic major?

What is your religious orientation?

Do you believe that God exists?

Do you believe that the Devil exists?

Do you believe in life after death?

Do you believe in the existence of heaven?

Do you believe in the existence of hell?

BIOGRAPHICAL NOTE

Stylianos Stylianou has received a Diploma in Education from The Pedagogical Academy of Cyprus, Lefkosia, Cyprus (1989). He studied sociology at Hofstra University, Hempstead, New York, USA (Bachelor of Arts, 1993) and at the University of Washington, Seattle, Washington, USA (Master of Arts, 1996; and PhD, 2000). He has specialized in the sociology of deviance/criminology with emphasis on methodology. He is interested in the study of the social construction of deviance and crime, particularly drug use and sexual deviance. He has taught criminology, research methodology, and introduction to sociology as a graduate lecturer at the University of Washington (1997-2000).