

## **ABSTRACT**

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Drugs and Deterrence

(Under the Direction of DR. MARK COONEY)

People are thought to be deterred from behaviors by sanctions, or punishments, that follow from them. Bentham identifies four types of sanctions: political, moral, religious, and physical. In recent decades, a body of work has emerged that attempts to find a deterrent effect for crimes and how people are punished for committing them. In terms of illegal drugs, these studies are limited to how criminalization affects marijuana use. This thesis examines how drug use and dealing are affected by those four forms of sanctions. Interviews were conducted with fifteen individuals with widely varying histories of drug use and drug dealing. These interviews are used to determine how people's perceptions of various sanctions affect their involvement, or lack thereof, in drug markets. The gathered data show that participants perceive friends and political sanctions as having the greatest deterrent effects on drug activity, although a variety of sanctions must all be applied at once for a person to terminate his or her drug activity usually. The thesis concludes by discussing the limitations of the present work and possibilities for future directions in the study of deterrence and drugs.

**INDEX WORDS:** Deterrence theory, Rational choice model, Drug use, Drug dealing, War on Drugs

DRUGS AND DETERRENCE

by

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## DEDICATION

I dedicate this paper to my parents, Lynn and Tom, and my brother, Scott.

## ACKNOWLEDGEMENTS

I would like to thank Dr. Mark Cooney for his guidance, advice, and support. I approached him during my first semester at the University of Georgia and asked him to serve as my mentor, and he has been a critical influence in directing me how to conduct the research. I would also like to thank Dr. William Finlay for supporting my research by serving as the reader. Thanks goes out to my brother, Scott, for serving as a model on which to base my research off of and giving me advice. Thanks is due for the University of Georgia Honors Program and Center for Undergraduate Research for being extremely helpful in providing me the tools and information I needed to complete this research project.

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## CHAPTER 1 DETERRENCE THEORY: PAST AND PRESENT

The War on Drugs has been a major influence on American criminal justice policy and foreign policy for the past several decades. Mandatory minimum sentences and tough punishments for drug penalties have become a standard strategy in the criminal justice system for minimizing the distribution and consumption of drugs. The logic behind the War on Drugs is grounded in the deterrence, or rationality, perspective (see MacCoun and Reuter, 2001; Miron, 2004; Musto, 1999; National Research Council, 2001; Zimring and Hawkins, 1992).

Simply put, deterrence theory argues that as the penalties, or sanctions, for an action increase, then it is less likely to occur (Bentham, 2007; Cook, 1980; Nagin, 1998; Zimring, 1973). Punishments applied by a government are known as *political sanctions* (Bentham, 2007). Examples include arrest, community service, fines, institutionalization, and the death penalty (see Black, 1976). Deterrence theory predicts that as the prevalence or magnitude of political sanctions associated with drugs increase, then drug-related behavior should become less common.

*Sanctions, however, may also take other forms* (Bentham, 2007; also see Black, 1983; Sampson, 1986). According to Bentham, there are three other kinds of sanctions. *Moral sanctions* are those deriving from the broader community, such as shaming and expulsion. The source of *religious sanctions* is other-worldly, and includes punishments and rewards such as hell and heaven. *Physical sanctions* are the costs of a behavior that result naturally from its occurrence and not attributable to political, moral, or religious

sanctions. Deterrence theory suggests that drug market activity will decrease as the moral, religious, and physical sanctions associated with it increase.

Developing an understanding of the behavioral processes underlying deterrence from drug markets is best accomplished by simultaneously considering all forms of sanctions – political, moral, religious, and physical (see Black, 1976, 1983; Jacques and Wright, 2008). This is true because “[f]acts are never completely independent of each other. They occur either as more or less connected mixtures of separate signals, or as a system of knowledge obeying its own laws”, and, therefore, “[e]very change and every discovery has an effect on a terrain that is virtually limitless.... The less interconnected the system of knowledge, the more magical it appears and the less stable and more miracle-prone is reality” (Fleck, 1979: 102). The implication of this philosophy of science for deterrence theory is that the fullest understanding of any *particular sanction* requires us to study it *in conjunction* with the other sanctions.

This thesis uses qualitative data obtained from unincarcerated people – including drug users, dealers, and law-abiding citizens – to shed light on how their perceptions of how political, moral, religious, and physical sanctions affects their involvement, or lack thereof, in drug markets. After reviewing the deterrence perspective and research on it, the thesis then describes the method and data employed to generate findings. Then the data are used to explore the effect of each sanction on drug dealing and using. The thesis concludes by examining the limitations of the current study and its implications for future work on deterrence, drug markets, and crime.

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Deterrence belongs to the classical school of criminology. One utilitarian philosopher, Jeremy Bentham, is an especially important figure in the formation of deterrence theory. Bentham's theorizing begins with the assumptions – or beliefs – that humans possess free-will, and this free-will is guided, or motivated, by the pleasure-pain principle (see Geis, 1955: 163). This principle holds that behavior will increase as the *pleasures*, or *benefits*, increase or as its *pains*, or *costs*, decrease.

This logic suggests that as crimes such as drug dealing or using become more painful or less enjoyable, then those crimes should decrease. Punishments are thought to reduce crime by adjusting persons' perceptions of its costs and benefits (Paternoster, 1987). The more a person perceives that crime leads to punishment, then, in theory, the less often that crime should occur.

The costs of crime are thought to be learned not only through one's own punishment but also the punishment of others (see Stafford and Warr, 1993; Paternoster and Piquero, 1995). Individuals, for one, learn the costs of behavior by being punished for their own behavior; this is known as *personal experience*. People may also learn about the costs of behavior by obtaining knowledge of how others' behavior is punished; this is known as *vicarious experience*.

In short, deterrence theory suggests the following: (1) people have control over their own actions; (2) they attempt to maximize their pleasure and minimize their pain by weighing their prospective decisions; (3) the pains and pleasures associated with behaviors are ascertained through personal and vicarious experience; and, therefore, (4) crime can be controlled by making its pains too costly and benefits too meager to actually

occur. *To the degree that any behavior is perceived to be followed by more pain or less pleasure, then the less that behavior should occur.*

### *Forms of Sanctions*

Not all punishments are of the same kind. *Qualitatively* speaking, Bentham (2007) suggests there are four unique *forms* of punishments, or what he calls *sanctions*: political, moral, religious, and physical.

Punishments applied by the government are known as *political sanctions* (Bentham, 2007). Examples of formal sanctions include arrest, community service, fines, institutionalization, and the death penalty (see Black, 1976). Deterrence theory predicts that as the prevalence or magnitude of political sanctions increases, the amount of illicit drug market activity will decrease. For instance, as there are more arrests, prosecutions, or institutionalizations resultant from drug using or selling, then those behaviors should occur less often (also see Pratt et al., 2006).

Not all sanctions are meted out by a government, however. When parents, friends, colleagues, or other community members punish drug dealing or using, then this is an increase in the costs of those behaviors. Such punishments are said to be *moral sanctions* (Bentham, 2007). Again, the logic of deterrence theory suggests that drug market activity will decrease as moral sanctions increase. This theory predicts, for instance, that drug selling and using will decrease as parents become more disapproving of drugs, as social peers are more rejecting of those persons who sell or use drugs, as employment becomes more difficult to gain or maintain due to drug-related reasons, or as entire communities

become less accepting of drugs and apply more social control to their users and distributors (also see Giordano, 2003; Fagan and Chin, 1990; Reuter, 1983).

Yet another form of punishment is what Bentham termed *religious sanctions* (Bentham, 2007). Although there is to some degree overlap between moral and religious sanctions, they are distinct in that religious sanctions are meted out by other-worldly beings, in the present- or after-life or the after-life. The prevalence and seriousness of punishment in the after-life is beyond scientific inquiry, but people's *perceptions* of those factors are within science's domain. Empirically, deterrence theory suggests that as people perceive a greater likelihood of penalties in the after-life or that they will be harsher, then the behaviors that are perceived to lead to those other-worldly sanctions should decrease. For example, a person who does not believe there is such a thing as an "after-life" should be less deterred than a Christian, Muslim, or Jew who subscribes to the idea that illicit drug dealing or using may result in eternal damnation (also see Baier et al., 2001; Camp, 2006; Evans, 1995; Giordano et al., 2008).

A final kind of sanction identified by Bentham is *physical sanctions* (Jacobs, Topalli, and Wright, 2000; Jacobs and Wright, 2006; Topalli, Wright, Fornango, 2002; Wright and Decker, 1994, 1997). When a behavior has its own "natural" costs, meaning those not resulting from political, moral, or religious sanctions, then those inherent punishments are said to be *physical sanctions* (Bentham, 2007). Deterrence theory suggests that as the rate and magnitude of physical sanctions resulting from a behavior increases then it will decrease. "For example, intravenous drug use apparently produces great pleasure, but it also carries with it a large increase in the risk of accident, infection, permanent physiological damage, and death" (Gottfredson and Hirschi, 1990: 6; also see

Bennett, 1986). Moreover, when “a drug dealer...” or user “...is victimized for reasons unrelated to social control, then that dealer has suffered a physical sanction or ‘predatory victimization’” (see Jacques and Wright, 2008). Deterrence theory predicts that as the physical sanctions – such as illness or victimization– of drug market behaviors increase, then the size of drug market activity should be reduced.

### *Sanctions Summary*

When combined, the above concepts and theory suggest the following hypothesis: *illicit drug dealing or using should decrease as sanctions – whether political, moral, religious, or natural – increase.* What is missing from the existing body of deterrence literature is (1) a *simultaneous* focus on all forms of sanctions (political, moral, religious, and physical) combined with (2) a qualitative research design intended to provide new insights into those factors and their effect – or lack thereof – on drug market activity.

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This thesis examines how people’s perceptions of political, moral, religious, and physical sanctions affect their involvement in illicit drug using or dealing. The method employed – namely, qualitative inquiry – provides detailed descriptions of the factors relevant to deterrence theory. The resultant qualitative data – namely, detailed stories of reality and subjective experiences described by participants – facilitate new ideas for future research to test with quantitative data (Ritter, 2006).

### *Qualitative Research*

What differentiates *quantitative* and *qualitative* research is the former's emphasis on numerically describing the real world. If research does not depend on numbers, then it is qualitative. The strengths of qualitative inquiry include "the elucidation of meanings, the in-depth description of cases, [and] the discovery of new hypotheses" (Shadish, Cook, and Campbell, 2002: 478). "Even though they have a small number of cases, qualitative researchers generally unearth enormous amounts of information from their studies" (King, Keohane, and Verba, 1994: 46). Again, the emphasis is on *quality*, not *quantity*.

Qualitative data have several unique properties that make them a useful strategy for social inquiry. First, qualitative data allow for the visualization of the factors being documented and explained (with numbers and statistics). "It is", after all, "pointless to seek to explain what we have not described with a reasonable degree of precision" (King, Keohane, and Verba, 1994: 46).

Second, and perhaps more importantly, qualitative data are useful because they allow for unanticipated findings. "[W]e need not have a complete theory before collecting data nor must our theory remain fixed throughout. Theory and data interact. As with the chicken and the egg, some theory is always necessary before data collection and some data are required before any theorizing" (King, Keohane, and Verba, 1994: 46).

### *The Current Study*

This paper is based on qualitative data from a study of 15 law-abiding or illicit drug-involved persons, who were either using or selling drugs, and between 18 and 23 years of age.<sup>1</sup> *Drug users* were defined as individuals who currently use drugs and have

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<sup>1</sup> It would have been difficult if not impossible to gain approval by the IRB to recruit people who have not yet reached the age of adulthood. Nevertheless, subjects often gave information and details about their

done so on a weekly basis for at least 3 months. *Drug sellers* were defined as individuals who have profited financially from the transportation or sale of drugs for a period of 1 month or longer. *Law-abiding persons* were defined as individuals who have not used or sold drugs (as defined directly above). All participants were recruited from the suburbs of Atlanta, Georgia. All participants were raised in middle-class or upper-middle-class families. All participants are white, except for one drug seller who is multiethnic. Thirteen participants are male. Two participants are female; one is a drug user, and the other is a law-abiding person.

In-depth, semi-structured interviews were conducted with the participants between May, 2008, and May, 2009.<sup>2</sup> The subjects were asked pre-determined questions about their perceptions of how various sanctions and degrees of punishments affect drug-related activities such as consumption and distribution. Throughout the interview, the researcher would ask unplanned questions that arose naturally from conversations that had the potential to provide insight into the research question.

Sellers, users, and law-abiding persons were recruited through the efforts of this thesis' author. Four sellers were recruited. Seven users were recruited. Four law-abiding persons were recruited, although two of them had formerly used and sold drugs. The recruitment strategy was a classic snowball sampling design (Wright et al., 1992; Jacques

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involvement with drugs during high school. Twenty-three serves as the maximum age of subjects recruited since most people who attend college out of high school earn their diploma by that age.

<sup>2</sup> Initially, both quantitative and qualitative data were collected. Surveys were conducted so that they would be statistically analyzed in terms of how great peoples' perceptions are about different sanctions. Interviews were meant to contribute more detail and insight about participant perceptions. After eighteen subjects completed surveys though, the researchers ceased using them for a variety of reasons. First, since the size of this study is small, statistical analysis of the survey data would have little meaning. Second, the length of the surveys often exhausted participants and discouraged them from being willing to be interviewed. Third, participants often rushed through the survey, which hurt the quality of the data. Finally, since participants were usually limited on time, it was decided that the qualitative data would be preferable to gather than the already established low-quality of the survey data. The data that was gained from the surveys is not used in the findings of this study. A total of fifteen interviews were conducted.



and Wright, 2008). At first, the researcher recruited and interviewed persons who he personally knew and that met the participation criteria. Then, those initial participants were used to gain introductions to their contacts who met the participation criteria.<sup>3</sup> Participants were not given any form of compensation for their involvement with the study. Drugs used by this sample include marijuana, cocaine, hallucinogenic mushrooms, LSD, ecstasy, nitrous oxide, methamphetamine, opium, and various pharmaceutical drugs. Drugs sold by this sample include marijuana, cocaine, hallucinogenic mushrooms, LSD, ecstasy, opium, and various pharmaceutical drugs.

Each interview would begin with the researcher giving the participant the interview consent form, which provided information on the person's rights as a human research subject. After informed consent had been obtained, the interview would begin immediately, which was documented with an audio-tape recorder.<sup>4</sup> Following the completion of each interview, the tapes were placed in a secure location until they could be transcribed. During the transcription process, the names of people, groups, and locations were changed in order to maintain the confidentiality of participants and also of the people they discussed during the interview. All of the tapes have been destroyed to protect the privacy of the participants.

Since much of the information gathered in this study involved illegal activities, maintaining participants' confidentiality is essential in convincing them to provide valid information. Risks to the subjects were minimized – and hopefully data quality maximized – by following common practices for maintaining confidentiality, including

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<sup>3</sup> The intimacy of relationships between the researcher and subjects varied; some had never been introduced to the researcher before their involvement with the study, while others were friends or acquaintances of the researcher for many years.

<sup>4</sup> Although all subjects consented to be recorded, the data from one interview had to be recorded manually because of a technical malfunction with the audio recorder.

allowing participants to (1) withdraw from the study completely, (2) refuse to answer any question, (3) ask for the information to be erased, (4) not provide their real name or that of others, (5) avoiding identifying details, (6) confidentially holding inadvertently identifying information, and (7) deleting potentially identifying details from interview transcripts. Despite these safeguards, it is nevertheless possible that the information provided by participants is not wholly true.

Data were analyzed manually, with transcripts being read and hand-coded. The purpose of data used in this paper is to demonstrate the degree to which various degrees (i.e., severity, certainty, and celerity) of various kinds of sanctions (i.e., political, moral, religious, and physical) affect drug market-related behavior. Therefore, the use of interviewee quotes was determined by their empirical detail and ability to illustrate how persons' perceptions of sanctions affect involvement in drug using or dealing.

## CHAPTER 2 POLITICAL SANCTIONS

Bentham defined political sanctions as sanctions “if at the hands of a *particular* person or set of persons in the community, who under names correspondent to that of *judge*, are chosen for the particular purpose of dispensing it, according to the will of the sovereign or supreme ruling power in the state” (2007: 25). In other words, a political sanction is a punishment applied by the law. The quantity of political sanctions increases with every additional act of legislation, arrest, prosecution, fines, probation, or institutionalization.

Bentham argued that as the amount of political sanctions applied to a behavior increase, that behavior should decrease. For example, this theory predicts that crime should decrease as there is more legislation prohibiting it or more arrests, prosecutions, and punishments because of it. This paper now examines how people’s perceptions of political sanctions affect their involvement with drugs.<sup>5</sup>

### *Arrest*

Arrest is defined as “the taking or keeping of a person in custody by legal authority, especially in response to a criminal charge” (Garner, 2009: 124). An example of an arrest includes when a person is detained by the police for possession of cocaine. Deterrence theory suggests that as more arrests result from drug-related behavior, then it should decrease.

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<sup>5</sup> This paper does not examine legislation for both brevity and because it is mostly constant in that drugs are either “illegal” or “legal” according to law.

Participants viewed arrest to be a possibility that occurs occasionally and is rarely considered during a person's day-to-day routine. It is thought of as a possibility rather than a probability. Only in certain circumstances, such as going to a drug deal or hearing about a friend's arrest, is it contemplated.

***Logan:** I really didn't think about [getting arrested] at all. It was just you know, it was there, and if it happened if it happened. I remember a couple times when, like further into high school, when I was hanging out with people that were buying larger quantities, it was like sometimes when you'd go places to meet up to buy, it was kind of sketch. Like it was in the back of your mind, but you really didn't think about it.*

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***Nathaniel:** It's in the back of the mind, but you really don't think about it. You get to the point where you just have done it for so long and gotten away with it that [you think] you'll never get caught.*

These quotes show that during the majority of the time in which people are using or selling drugs, the possibility of arrest is not perceived as a major concern or deterrent. Also, the longer the period of time that a person's drug activity remains hidden from the law, the more confident the person will become that he or she will not be caught. This reduces the perception that arrest may result from drug market activity and the deterrent effect of that perception on drug use or dealing.

Participants often gave three reasons for being arrested: 1) being conspicuous, 2) not taking enough precautions, and 3) bad luck. The degree of conspicuousness and the amount of precautions taken against arrest are related to one another. Where people use

and sell drugs is, in part, determined by their access to places that are tolerant of drug activity. For those in high school or living with parents, drug activity occurs at residences where parents are either permissive or absent; if such a place is not available, drug activity occurs in public settings such as streets, parking lots, and neighborhoods. For those who live by themselves or with people tolerant to drug activity, this activity is often secluded within the residence. Drug activity that occurs in public is more conspicuous than drug activity that occurs in private residences.

Participants are aware of the possibility of arrest. Seven participants have been arrested for a drug related crime. Two participants have been arrested for a non-drug related crime. Seven participants have never been arrested. The occurrence of an arrest is perceived by participants to be a chance matter that happens as a result of doing the wrong thing at the wrong time in the wrong place. Simply put: it is a matter of luck. The limited resources and manpower of police departments reduces the amount of places they are able to be. Also, since police are mostly reactive rather than proactive in their effort to control crime, those involved with the drug market usually avoid the sight of the law. The attribution of bad luck as a reason why people are caught for drug violations implies that the certainty of being caught by the police is usually low. In the end, arrests decrease drug activity in terms of where it is done and triggering other sanctions that may have a deterrent effect, but its overall deterrent effect is minimal, at least in the minds of the middle-class participants interviewed for this study.

### *Prosecution*

Prosecution is defined as “a criminal proceeding in which an accused person is tried” (Garner, 2009: 1341). An example of prosecution is when a defendant charged with cocaine possession is brought in front of a judge or jury to have his or her criminal liability ascertained. Deterrence theory suggests that as more prosecutions follow from drug-related behavior, then it should decrease.

Participants viewed prosecution to be a strong probability for those who have faced arrest. Because of the legal process, the overall probability of prosecution is less than the overall probability of arrest. This means that like arrest, participants viewed prosecution as a possibility that occurs occasionally and is rarely dwelled upon. Only one incident that was described by two of the participants was an example of how arrest does not always lead to prosecution:

***Joshua:** I was with two friends of mine, still friends of mine. We were at...a restaurant. Basically what happened was I got pulled over because I didn't have a tail light, and there was marijuana in the car. I was arrested for possession of marijuana and driving under the influence of alcohol. The charge was dropped in court because the person that was with me told or claimed that it was his. Actually, it WAS his, but...*

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***Daniel:** We went out for beers at [a restaurant], and we were drinking up there for a little bit, not that much though, probably had like two or three pitchers. And we had to drive back to a place, so one of my friends is driving, and he had a bad taillight, and he didn't know it. He got pulled over. He smelled the breath on all of us I guess, so we all got pulled out of*

*the car because we were all underage. And then the driver got breathalized, and he was over the legal limit, so they searched the car, found this little nug [of marijuana] that we didn't even know was in there except for one of the guys, not the driver, the guy in the back. But we all got charged with it, but they ended up dropping it from us two because he took it. So I got charged with minor in possession.*

Both of these participants would have faced prosecution for their drug charges had their friend not claimed sole possession of the marijuana. Police encourage individuals to claim possession of drugs by charging everyone with the crime who are found at the crime scene. This increases the perception that prosecution will result from involvement with drugs, and, therefore, such behavior should be reduced.

However, and especially in certain circumstances, such as when the persons charged – both rightly and wrongly – are close friends, the *actual* culprit will often take lone responsibility for possession of the contraband and thereby save the wrongly accused from political sanctions. Such cases will often result in the dropping of charges against other persons accused for the exact same crime. This reduces the perception that prosecution will follow from drug crimes, which, in turn, likely reduces the deterrent effect of political sanctions on drug markets.

Participants are aware of the possibility of prosecution. Five participants have been prosecuted for a drug related crime. Four participants have been prosecuted for a non-drug related crime. Seven participants have never been prosecuted. The overall occurrence of prosecution is less than that of arrest because the former sanction follows the latter. Police tactics (i.e., charging several people for possession of drugs that no one

has claimed) mean several arrests and inevitably fewer prosecutions. This leads to a trade off in political sanctions and their subsequent deterrent effects on drug using and dealing. To a degree, of course, prosecution decreases drug activity by acting as the next greater sanction above arrest and triggering other sanctions that may have a deterrent effect, but, in the end, the participants for this study mostly do not perceive prosecution as a factor that deters them from involvement with drugs, which is in large part attributable to the fact they believe its overall likelihood is low.

### *Fines*

Fines are defined as “a pecuniary punishment or civil penalty payable to the public treasury” (Garner, 2009: 708). An example of a fine includes a \$2000 fine for possession of a gram of cocaine. Deterrence theory suggests that as more fines punish drug-related behavior, then it should decrease.

Participants viewed fines to be a definite outcome for those who are convicted for a drug charge. The nature of the legal process means that the overall probability of fines is lower than that of arrest or prosecution because they come prior to fines in the legal process. This means that like arrest, participants viewed fines as a possibility that occurs occasionally but is not thought of with any regularity. Participants never mentioned any sort of deterrent effect on their drug use or dealing resultant of fines.

Sometimes, the effect of the fines on drug activity is exactly the opposite. One participant reported that fines may actually encourage drug use and dealing rather than deter it. The legal costs associated with criminal charges are high, drug related or not. The incomes of youths are limited, and when a greater financial burden is placed on them



because of the criminal justice system, there are three primary ways in which they are paid: 1) aid from parents, 2) legitimate work, and 3) selling drugs. Most participants are able to depend on the first two sources, but sometimes they are forced to sell drug to pay off their legal costs. A participant for this study, Joel, noted that his friends who had been fined – for both drug related and non-drug charges – began to sell drugs to pay them off:

*Joel: A couple people I know have done that. Yeah. That's what Jack was doing. "Man, I got to pay for these fines. I'm just going to sell weed for a little bit." Yeah. People are dumb.*

Joel said that this phenomenon is not limited to only a couple incidents or people but is prevalent among many in the criminal justice system. What is interesting about this is that a charge not even related to drugs, such as public indecency, may encourage drug dealing.

There appears to be little evidence to suggest that fines decrease drug activity. All 9 of the participants who have been prosecuted had received fines as part of their punishments. No participants reported a deterrent effect as a result of fines. Moreover, when persons are unable to raise money through legitimate avenues, then fines may encourage drug selling (and then presumably using) because it becomes a rational strategy for generating funds to pay off the debt to society

### *Probation*

Probation is defined as “a court-imposed criminal sentence that, subject to stated conditions, releases a convicted person into the community instead of sending the criminal to jail or prison” (Garner, 2009: 1322). An example of probation would include

being punished for possession of a gram of cocaine by being ordered to complete 100 hours of community service, random drug testing, and weekly meetings with a probation officer. Deterrence theory suggests that as probation is more often used to sanction drug-related behavior, then it should decrease.

Participants viewed probation to be a strong likelihood for those who are convicted with a drug charge. Again, the nature of the legal process means the overall probability of probation is lower than of arrest or prosecution. This means that like arrest and prosecution, participants viewed probation as a possibility that occurs occasionally and yet is not often thought about. Participants reported that probation has either no deterrent effect on drug market activity or a short-term effect during the duration of the probation.

In order for a person's term of probation to be terminated, conditions often must be met such as paying a fine, completing a designated number of hours of community service, cooperation with drug testing, attending and paying for classes, and meeting with a probation officer. The practically nonexistent deterrent effect of fines has already been discussed. Participants reported that all of the other possible conditions for probation also lacked a deterrent effect – except for drug testing.

People under probation treat drug testing in two different ways. Some believe that the risk of violating their probation for using drugs is too great, so they quit using drugs at least during the duration of their probation so that they do not fail the drug tests. If a person were to fail a drug test, he or she would receive even more political sanctions (e.g., institutionalization).

Others continue to use drugs and find ways to cheat on the drug tests. Joel explained how some under probation are more willing to take risks to continue their drug activity while others view the potential sanctions that could result as being too great.

*Joel: I don't know. It's kind of like a 50-50 thing. Some people make up their mind at the beginning of what they're going to do. Some people just think of ways to get around it. You got detox, and people can work out, and there's myths about using niacin, which really doesn't work. It's pretty stupid. Some people just have their minds made up they'll smoke for say... they'll give like 2 weeks and then they'll stop smoking weed just so they have like enough period of window where they can pass a drug test, but in the long run... But for some, they're [drug tests] effective though 'cause some people are just really scared and they know they'll be in way worse shit if they get caught, so it's not even worth it.*

Despite greater scrutiny and control from the criminal justice system, participants reported that some of their associates and friends are still compelled to use or sell drugs. Why do people continue such activity? Perhaps the answer is that they view the certainty of failing a drug test to be low. Several techniques have been developed to mask drug use. Fred explained one way in which he was able to cheat a drug test.

*Fred: I just called up one of my buddies who doesn't smoke and had clean piss at the time. Get him to piss in a cup and I'd fill it. I put the pee in some kind of small container: sometimes a Visine bottle, sometimes something around the same size. But at first, I'd have the bottle in between my nut sack and my leg in like the inner part of that area just to get the*

*temperature to the right point. And then I'd... right before I was about to go in, I'd rubber band it to my cock, and the lady would make me go into the restroom, you know, and unscrew it or whatever I had to do: piss in the little cup, screw it back on, leave it rubber-banded, and that was about it.*

It is for risk takers such as Fred that a whole industry of technology has developed in order to help people cheat drug tests. Joel's and Fred's experiences show that some people are confident that they can beat the system and so are undeterred by their perceptions of political sanctions.

Regardless of whether a person quits or continues to use drugs during probation, all 9 participants who have completed probation reported resorting back to drug use once their probation had been terminated, although 1 permanently ended his drug activity two years later. Termination of probation and freedom from drug testing was often treated as a special event in which a large amount of drugs, especially marijuana, would be used. When probation is terminated and an individual is no longer subject to drug tests, individuals often celebrate the occasion by using drugs. Ben explained how he views how probation affected his drug use and what happened once he was freed from the criminal justice system's supervision.

***Ben:** I stopped smoking weed, and I guess I never really... because I always planned on the day I got off probation to smoke again, and I was just like, "I'm going to smoke once when I get off probation just to do it again, but I won't do it a lot." And I did smoke the day I got off probation*

*with Chelsea in her neighborhood. We drove around and smoked a bowl. I got pretty high. It was awesome.*

Drug activity will often rise back up to pre-arrest levels and frequency. None of the 9 participants who have completed probation reported a long-term deterrent effect from probation. Probation is only seen as a short-term obstacle for a person's ability to take part in drug related behavior.

Participants are aware of the possibility of probation, and many reported having had to face probation for a drug related crime. Like prosecution, the occurrence of probation is slightly less than that of the occurrence of arrest overall. When people do face probation, some terminate their drug activity at least for the short term while others use techniques in order to mask their drug use from probation officers. In the end, probation is somewhat effective in deterring drug activity during the duration of the probation and possibly longer for some, and there is no evidence to suggest that probation increases drug activity.

### *Institutionalization*

Institutionalization is defined as "the act of confining a person, especially in a prison" (Garner, 2009: 825). An example of institutionalization includes time spent in jail that follows arrest or, more seriously, confinement to a prison for one year. Deterrence theory suggests that as institutionalization more often punishes drug related behavior, then it should decrease.

Participants viewed institutionalization to be the most severe political sanction that is a possible result of drug activity, although the likelihood of it as a result of a drug

conviction is perceived to be quite low even relative to the other forms of political sanctions. The only institutionalization that occurred among participants was immediately after being arrested. This short period in itself can have some of a deterrent effect among people, even if the reason for the institutionalization is non-drug related.

Katie was arrested for battery at a professional sporting event, and her time in jail was able to deter her drug-related behavior.

*Katie: As soon as I got arrested, that's when it was kind of a wake up call for me and my parents, and they wanted me to just stay on the down low. I was like grounded for a little while to think about things, and it was kind of a wake up call to go to jail with a bunch of crack heads even though I didn't get arrested for drug. Drugs were in my life very dominantly, and I was in jail with a bunch of crack heads, and I realized I didn't want to become like them.*

Before this incident with the law, Katie commonly used hard drugs such as cocaine. Additionally, she spent most of her time with friends who had easy access to such drugs. Afterwards, her own personal experience and observation of others in jail deterred her from as much hard drug use.

No participants were institutionalized as a result of a criminal conviction. This political sanction was only perceived to be a result of selling drugs or being a repeat offender in the criminal justice system. Participants also associated the risk of imprisonment as a significant reason not to use hard drugs.

Participants are aware of the possibility of institutionalization, although no one saw it to be a common punishment from their personal and vicarious experience. In short,

it appears that the deterrent effect of institutionalization is small since people do not view it as a likely punishment for a drug related conviction. However, it is worth nothing that – unlike fines – there is no evidence to suggest that institutionalization increases drug activity.

### *Summary*

Participants viewed political sanctions as occurring occasionally, yet these conceivable deterrent effects are not often thought about. Only during certain situations, such as passing a patrol car, hearing about a friend’s arrest, or being arrested themselves, do participants think about political sanctions. In other words, the deterrent effect of many political sanctions is not significantly perceived until the situation personally arises.

Once involved with the criminal justice system, the various political sanctions that follow arrest – namely prosecution, fines, probation, and imprisonment – have their own relationship with deterrence and drugs. Fines may not only fail to deter drug markets, but they may even increase them by putting persons without money into a situation that makes drug dealing a rational behavior. Probation, on the other hand, may deter drug use or dealing, mainly because of the constant supervision and prospect of heightened penalties if obligations to society – such as passing drug tests – are not met.

Institutionalization comes in two parts, jail and prison, and it appears that the probability of prison is too low to have any significant deterrent effect on the perceptions of this study’s participants, but the relative likelihood of jail may be able to deter subsequent acts of drug using or dealing.

## CHAPTER 3 MORAL SANCTIONS

Bentham defined moral sanctions as sanctions “if at the hands of such *chance* persons in the community, as the party in question may happen in the course of his life to have concerns with, according to each man’s spontaneous disposition, and not according to any settled or concerted rule” (2007: 25). In other words, a moral sanction is a punishment applied by community members (not including the government). Examples of moral sanctions include the inability to acquire a job, avoidance by parents and friends, and retaliation from others in the drug market. The quantity of moral sanctions increases with every additional penalty from employers, friends, family, and retaliation.

Bentham argued that as the amount of moral sanctions applied to a behavior increase, that behavior should decrease. For example, this theory predicts that crime should decrease as there is more avoidance from friends because of it. This paper now examines how people’s perceptions of moral sanctions affect their involvement with drugs.

### *Employment*

Employment refers to having a job where one exchanges labor for another form of wealth, such as money. The loss of employment is a kind of moral sanction for drug using and selling. Deterrence theory suggests that as more employment is lost due to drug market activity, then it should decrease.



Participants viewed losing employment opportunities as one of the most severe consequences of drug use. Many participants treated academic achievement and employment opportunities similarly, so some participants perceive drugs as being able to reduce employment because they reduce academic achievement. Drug activity affects employment opportunities in two additional ways: criminal history and drug testing.

The criminal history of people is open to the public in the form of criminal background checks. There is usually a large pool of applicants when a position becomes available. The job market is competitive, and any advantage counts. A person's criminal history reduces their chances of employment because there may be other applicants just as qualified without such a criminal history. Although a person may have terminated his or her criminal activity, the stigma from his or her criminal history continues. The way in which drug activity and political sanctions affect employment opportunities is usually not dwelled upon since it is a consequence that will not take effect until well into the future.

If a person has no criminal history, employment prospects may force them to alter their drug habits because of potential drug testing. It has become standard among employers to claim the right to test their employees for drugs, especially at the application stage. If a person fails such a drug test, he or she may be penalized and possibly lose their job. Participants in the study are aware of this, and they plan to change their drug habits in the future once this issue becomes an immediate concern. Rob said that he plans on quitting his drug activity once he faces the possibility of drug tests by employers.

*Rob: Once I go into like the real world with job security and drug tests and stuff so it would like cost me my job or something like that. That's a point where I would stop using.*

Participants such as Rob perform a cost-benefit analysis in which the risks to their employment chances and job security are more important than their involvement with drugs. Most people are unwilling to sacrifice their employment prospects for drugs.

Participants are aware of the possibility that their drug activity may affect their employment opportunities. Whether or not this is able to deter them from drug activity is largely related to how immediate a concern employment opportunities are to a person. If a person does not need to be worried about employment opportunities well into the future, then he or she does not think about employment opportunities and how his or her drug activity affects it. If employment opportunities are an immediate concern, such as when applying for a job, employment is able to deter drug activity if drug tests are part of company policy. In the end, losing employment opportunities decreases drug activity when being employed is relevant to the person at the time and companies implement drug tests, and there is no evidence to suggest that employment opportunities increases drug activity.

### *Parents*

A parent is defined as a person who brings up and cares for another person. There are a number of punishments applied by parents to children, including grounding, shaming, and reducing allowance. Deterrence theory suggests that as more parents apply more sanctions to their children's drug market activity, then it should decrease.

Participants viewed their parents as having more authority over them when they were younger (e.g., in high school), but they say that their authority over them decreases with age. There were three reasons given for this. First, all of the participants were at least eighteen years of age at the time of their interview. This means that parents no longer have legal authority over them. Second, most of the participants live in separate households from their parents. This reduces the amount of supervision that parents have over their children. Third, most of the participants are less dependent financially, either through work or student loans, than they were when they were younger. Since many participants are still financially dependent on their parents to pay for many expenses in their life (e.g., car insurance and cell phones), participants perceived that their parents would still be able to sanction them if they wish to do so. Nathaniel was being supported by his parents to go to college out-of-state, but his parents made him come back to their home after they caught him selling drugs (e.g., marijuana and cocaine) and after he had developed an addiction to the pharmaceutical drug Xanax.

*Nathaniel: They brought me home from college. [They] put me more or less on house arrest for awhile. Then [I] didn't go back to school until just recently, and [I am] more or less on a tighter leash. [It] didn't really prove effective.*

Despite being sanctioned by his parents and facing other types of sanctions (e.g., harm to his health and academic achievement), Nathaniel continued to use and sell drugs afterwards.

All of the participants said that their parents, at least at some point or currently, regarded drugs negatively and tried to deter them from being involved with drugs. A

parent with a permissive attitude about their child's drug use is seen negatively by other members of the community. Parents actively tried to avoid such a stigma and deter their children from using drugs through a variety of means such as grounding, chores, and less of an allowance. As some of the participants have gotten older though, they report that their parents have become more permissive of drug activity even to the point of smoking marijuana with their children. For those whose parents are not permissive, participants try to hide their drug activity from their parents rather than terminate their drug activity.

Reactions of parents to their child's drug use varies and depends on the age of the child, the child's history with drugs, the parent's history with drugs, the type of drugs being used, and the amount of involvement with the law. The number of penalties varied inversely with the age of the child. For example, a 23 year old receives lesser penalties from his parents from smoking marijuana than a 16 year old. The number of penalties varied inversely with greater parental knowledge of their child's drug use. For example, parents who had caught their child 7 times before using marijuana are more tolerant of it than parents who had caught their child once before using marijuana. The number of penalties varied inversely with the amount of personal experience parents had with drugs. For example, a parent who had used marijuana 100 times before is more tolerant than a parent who has never used marijuana. The number of penalties varied directly with the perceived dangerousness of the drug being used by the child. For example, a parent is more tolerant of a soft drug such as marijuana than a hard drug such as methamphetamine. The number of penalties varied directly with the amount of involvement of the police. For example, a parent is more tolerant of a child's marijuana

use with no involvement of the law than if the child was arrested by the police for marijuana use.

Participants are aware of the possibility of sanctions from their parents regarding their drug activity, and many reported having faced punishment from their parents before for drug activity. Since most of the participants are no longer under the legal authority of their parents, live in a different household than their parents, and are less financially dependent, participants perceived it was difficult for their parents to know of their drug activity. When participants are caught, parents either try to terminate some of their financial support or do not try to apply any sanctions if they are permissive. No participants stated that their parents have a large deterrent effect on their drug use or dealing. Participants develop precautions instead so that their parents do not find out. This may be due partly to the egalitarian structure of American families. Family members commonly move, and if a parent wants to remain in his or her child's life, then he or she must give enough freedom to his or her child. In the end, parents decrease drug activity slightly among those who are financially dependent on their parents, and parents increase drug activity if they are permissive of such activity.

### *Friends*

A friendship is defined as two people with mutual affection or esteem for each other. Friends may punish each other in a number of ways, including expulsion and humiliation. Deterrence theory suggests that as more friends apply more sanctions to their friends' drug market activity, then it should decrease.

Participants viewed their friends to be an important part of their life that are able to influence their behavior and thoughts greatly. All participants reported that their first experience with drugs was with friends, and it is through friends that people continue to acquire and use drugs. Friends act to support or deter drug activity based on their own involvement with drugs. For example, friends that do not use drugs will deter a person from using drugs, while friends that do use drugs will support a person's drug activity. People seek other friends who have similar drug habits to themselves.

How friends influence drug activity follows a common pattern. A person will gain access to drugs, which is usually marijuana initially, through the help of a friend. The more friends that have already become involved with drugs, the less deterrence there is from friends to begin using drugs. Friends that are not involved with drugs may not approve at first and raise concerns, but they typically end up tolerating the drug use or begin to become involved with drugs themselves. A person will then continue to use drugs and seek others who are also involved with drugs to befriend. Either because a person comes to value associating with others who use and sell drugs or because a non-drug using friend decides to not associate with someone who frequently uses drugs, friendships may weaken. These weakened friendships are replaced by other friendships in which drug use acts as a common interest between two people. After awhile, a person involved with drugs may still have a few friends who are not involved with drugs, but they primarily associate with drug users. These groups of friends reinforce the drug habits of group members.

Once a person becomes part of a group that is commonly involved with drugs, it is often difficult to maintain the relationships unless the person continues to use drugs.

Friends that use drugs encourage other friends to use drugs as well. Also, friends that use drugs encourage other friends to sell drugs. People give better prices for drug exchanges to their friends than they do to more relationally distant individuals (see Jacques and Wright, 2008). Because of this and greater access to drugs, people will encourage their friends to begin to sell drugs.

Participants not involved with drugs said that their primary group of friends, who also are not involved with drugs greatly, deter them from drug activity. Although they may not immediately terminate a friendship, friends will often raise concern if a friend begins to use drugs. Eventually, a person may lose his or her friends and be forced to associate with people that also use drugs as James explains.

*James: Some of the friends I have right now think pretty sourly of people that do drugs. Like I would probably lose some friends, but when you look at it like that, I'm guessing I would gain some friends 'cause I know a bunch of people that do drugs that love other people that do them. A lot of my friends right now, yeah, I think I would lose.*

Even though people are aware that they are likely to gain friends from drug activity even if they lose friends who do not use drugs, people are generally unwilling to risk such friendships. In a similar way, people that use drugs are aware that they are likely to gain friends that do not use drugs even if they lose friends who do use drugs, and they are generally unwilling to risk such friendships.

Participants are aware that they associate with people that have a similar level of involvement with drugs as they do, and many reported having lost and gained friends because of drugs. Groups of friends encourage or deter drug activity within the group

based on whether the norm in the group is either to be involved with drugs or not be involved with drugs. People who use drugs may encourage friends to sell drugs in order that they have better access to the market. In the end, friends that are not involved with drugs may decrease drug activity for some individuals, but friends that are involved with drugs may increase drug use and encourage drug selling for their own self-benefit.

### *Drug Market Retaliation*

Retaliation is defined as “the handling of a grievance by unilateral aggression” (Black, 1998: 74). An example of retaliation would be a person shooting another for taking cocaine. Deterrence theory suggests that as more drug market retaliation follow from drug-related behavior, then it should decrease.

Participants viewed retaliation to be uncommon and of low severity when it does occur. Participants typically reported using toleration when they are victims of drug market predation. Since retaliation requires resources and time, most people would rather just avoid the conflict and accept their losses. Confrontation may also lead to an escalation of conflict and violence that may endanger the health and safety of a person.

By definition, for retaliation to occur, there must first be a grievance, or conflict. If the person desires vengeance rather than toleration, then they will usually seek their vengeance secretly to avoid escalating the conflict. A person may not even know that they have been retaliated against for a past action. Because Joel felt that the prices that Joe was selling marijuana as were too high, Joel stole some of Joe’s marijuana without his knowledge.



*Joel: I've taken some of his [Joe's] weed. I think it was justifiable in my case 'cause he's made a lot of money off me. I know, and I don't trust him, and he was barred out at my house and had a big jar of weed, and so I could take advantage of him at that point when he took advantage of me all those times making a profit, and I knew he couldn't prove anything, especially when he's on bars, so yeah I took a little bit. Not even that much. I probably took a gram, maybe less, when I could have took a lot more than that, and he would've had no fucking clue, so I think it was okay.*

Because Joel felt like he had been wronged by his friend, he retaliated when an opportunity was presented to him to steal marijuana. Because this was done when Joe was absent and under the influence of pharmaceutical pills, Joel was able to retaliate secretly and feel that his desire for vengeance had been satisfied. Typically, retaliation will happen through non-violent means. Violence incurs too much risk in terms of protecting their physical health and the possible involvement of the law. Within the social networks of the participants, this is the dominant view that is consistent with the moral order of suburban communities (see Baumgartner, 1988). Nonviolence prevails.

Participants do not view the possibility of retaliation as a common concern. For the most part, participants did not view any of their actions as worthy of retaliation. In addition, people try to avoid violence and confrontation and instead implement toleration. Suburbia in general values toleration to handle conflicts, and this is also how those involved with drugs in suburbia handle conflicts (see Jacques, 2009). In short, there is no

evidence to suggest that drug market retaliation either decreases or increases drug activity.

### *Summary*

Participants viewed moral sanctions as occurring frequently and be a major concern. Friends, family, and employment are often the most important parts of peoples' lives, so they are able to greatly influence a person's behavior. Some moral sanctions, such as penalties from friends, come independently from other sanctions. Other moral sanctions, such as from parents and employment opportunities, also can come independently from other sanctions but are made much more severe in response to political sanctions. In conclusion, the high value that people place on employment, friends, and family and the high certainty of friends finding out about drug behavior means that moral sanctions have a significant deterrent effect on drug activity, although friends are able to reinforce drug activity if a person's friends are involved with drugs.

## CHAPTER 4 RELIGIOUS SANCTIONS

Bentham defined religious sanctions as sanctions “if from the hands of a superior invisible being, either in the present life, or in a future” (2007: 25). In other words, a religious sanction is any sanction from a metaphysical being that may happen even after death. Examples of religious sanctions include karma, Purgatory, and Hell. The quantity of religious sanctions increases with every additional punishment perceived to occur from a supernatural force. Religious sanctions are peculiar among the types of sanctions because they are perceived by each individual and unknowable since there is no evidence for a supernatural being’s existence, but religious sanctions will be treated as reality by those in the study that believe in their existence. The two categories that generally define peoples’ perceptions of religious sanctions are 1) atheist/agnostic and 2) theist.

Bentham argued that as the amount of religious sanctions applied to a behavior increase, the behavior should decrease. For example, this theory predicts that crime should decrease as there is greater punishment by a supernatural being associated with a certain behavior (e.g., eternity in Hell for selling methamphetamine). This paper now examines how people’s perceptions of religious sanctions affect their involvement with drugs.

### *Atheists & Agnostics*

An atheist is defined as one who believes that there is no deity. An agnostic is defined as a person who holds the view that any ultimate reality (as God) is unknown and

probably unknowable. Atheists and agnostics are similar in that they do not believe there is evidence in the existence of a supernatural being; because of this, they also do not believe in the existence of religious sanctions as they relate to drugs or anything.

Deterrence theory suggests that a lack of belief in a supernatural being would mean no effect on drug related behavior in terms of religious sanctions.

Atheist and agnostic participants viewed religious sanctions to not exist and have no deterrent effect on their drug activity. Eight out of the fifteen participants interviewed, including the two participants with no involvement with drugs ever, identified themselves as being atheist or agnostic. All of those who identified themselves as being atheist or agnostic said religious sanctions have the lowest deterrent effect on them in terms of using or selling drugs. Since these participants do not believe in a higher being to exist or at least to have sway on the course of human events, they do not believe a higher being to exist that concerns itself with drug use and selling. As Joel explains, not only does a higher being (i.e., God) not hand out punishments for those who use or sell drugs, “God just has nothing to do with anything.” As a whole, it appears religious sanctions for atheists and agnostics neither decreases nor increases drug activity.

### *Theists*

A theist is defined as a person with a belief in the existence of gods or goddesses. Examples of theists include Christians, Jews, Muslims, and Hindus. Theists hold the common belief of an invisible, supernatural being. All theistic participants in this study identified themselves as Christian. Deterrence theory suggests that more religious

sanctions concerning drug related behavior should decrease it among people who believe in its existence.

Christian participants viewed religious sanctions as being possible, although there was much disagreement about how severe the sanctions are. As a result, the deterrent effect of religious sanctions among the Christians varies greatly. Most Christian participants involved with drug activity said that religious sanctions do not deter them either because they do not believe that a supernatural being concerns itself with drugs or because they believe that they are exempt from sanctions because of their religious beliefs. For those who believe the latter, they believe that God forgives all the sins of those who accept him as their God. Since they hold such a belief, they need not worry about any religious sanctions that may result otherwise.

Logan and Michael are unique among the participants of the study because they are the only two that have had a history of drug use, even dealing, but have completely quit. A major reason that they both attribute to quitting is being “saved” by accepting Jesus as an alternative. Michael and Logan have been friends since high-school and currently are roommates as well. Both are leaders and mentors in Christian organization with the goal of teaching Christian beliefs to teenagers. The relationship and friendship between Michael and Logan is quite close. Michael, after being present when Ben was ticketed for possession of marijuana and getting caught by his parents several times, quit using drugs. As Michael explains, Jesus “offered a better life to me than drugs could.”

Logan’s story about his involvement with drugs and how he decided to end using drugs illustrates how religious guidance rather than religious sanctions can deter drug activity. During the 10<sup>th</sup> grade, Logan used methamphetamines for the 1<sup>st</sup> time. When he

was picked up from school one day, his friends had been snorting “ice.” Logan asked to try it, so his friends gave him some. He continued using it throughout the day and several weeks afterwards.

*Logan: I guess you could just say [I was] addicted to ice when like, I had pawned off my electric guitar, my amp. I would take like every bit of money I could find from the house, and like, we’d go into our friends’ houses, and we’d just like take jewelry and stuff and like pawn it off just so we could get ice.*

The money that they were able to gain from this eventually was spent, and Logan became desperate. Logan, who is diagnosed with ADHD, is prescribed to Adderall. Logan thought, “Methamphetamines are inside Adderall, so it’s like the same thing.” He then took a total of 13 pills; he later found out that the normal amount considered to cause an overdose is 6. In desperation, Logan called his Christian mentor, Paul, for help. Paul called poison control and rushed to his house to bring him to the hospital. Logan resisted this idea even while facing possible death since he knew that he would be drug tested, which would result in trouble with his parents and possibly the police, but Paul put him in the car and drove him there.

After waking up in the hospital bed and averting death, the doctor said to him, “There must be someone out there praying for you, an angel over you, because you should be dead right now.” Logan’s response and how religion led him to quit follows:

*Logan: It hit me in the hospital. I had been going to Youth Living. I had gone to camp with them. I heard about Jesus and stuff, and I was like, “Dude, I can’t keep living my life like this,” and I really looked up to*

*Paul. Like he was like a father figure for me because my dad was never at home, and we had a horrible relationship. I had questions, and I was just like, "Paul, man, I want to become a Christian. Like what does it take? I don't want to live the life I'm living anymore." And he like, he smiled and like asked me a couple of questions, and like I told him what I thought it meant to be [a Christian], and he's like, "Dude, you have it all. You're a Christian." And then from then on like, I became a Christian.*

He continued to smoke marijuana for a short period of time afterwards, but he eventually quit once he became more involved with his church group and began associating with others who do not use drugs more often.

Theistic participants do not have consistent perceptions on what form religious sanctions would take and how severe they would be. Despite this, they are confident that if they do exist, then they will not face them because of their faith. All of the above suggests that religious sanctions for theists may decrease drug activity if other sanctions are also present and some sort of religious guidance is offered, and there is no evidence to suggest that religious sanctions increases drug activity.

### *Summary*

Participants viewed religious sanctions differently according to their religious beliefs. Atheists and agnostics are not deterred at all by religious sanctions since they do not believe them to exist. Theists are not deterred by religious sanctions since they believe that they do not exist in regards to drug activity or that they are exempt from them because of their faith. Religious sanctions that are believed to possibly occur and

religious guidance were able to deter two participants' drug activity completely. In summary, the lack of belief or lack of exact knowledge of religious sanctions in general means that religious sanctions have a nonexistent or extremely low deterrent effect on drug activity.



## CHAPTER 7 PHYSICAL SANCTIONS

Jeremy Bentham defined physical sanctions as sanctions “if it be in the present life, and from the ordinary course of nature, not purposely modified by the interposition of the will of any human being, nor by any extraordinary interposition of any superior invisible being, that the pleasure or the pain takes place or is expected” (2007: 25). In other words, a physical sanction is any “natural” cost that is inherent to a behavior that does not result from political, moral, or religious sanctions. Examples of physical sanctions include decreased academic achievement, detriments to health, fraudulent predation, violent predation, and stealthy predation. The quantity of physical sanctions increases with every additional penalty from schools, detriments to health, fraudulent predation, violent predation, and stealth predation.

Bentham argued that as the amount of physical sanctions applied to a behavior increase, that behavior should decrease. For example, this theory predicts that crime should decrease as there are more detriments to health, fraudulent predation, violent predation, and stealth predation because of it. This paper now examines how people’s perceptions of physical sanctions affect their involvement with drugs.

### *Academics*

Academics refer to the achievement of a person in terms of their grades from classes, success in comprehensive exams, and their progression through the academic hierarchy (e.g., elementary vs. middle vs. high school). For example, academic

achievement and grades could be reduced because of using cocaine if it is too great a distraction. Deterrence theory suggests that as there are greater negative consequences for academic achievement that result from drug related behavior, then it should decrease.

Participants viewed the effect that drug activity has on academics as depending on the motivation and discipline of a given person, although some participants attributed drugs to having a negative effect on their academic performance. Generally speaking, drugs are seen to reduce academic performance since they can be a distraction from studying or decrease the mental ability of people to study and be academically successful.

Some people have enough discipline though to control their drug use so that it does not negatively affect their academics much or at all. Although a few participants said that drugs negatively affected their grades, some said this may be due more to their long-term study habits or lack thereof that exists regardless of drug use. Ben said that despite his drug activity, he does enough work to get by, which is how his academics have always been performed.

*Ben: It [drugs] doesn't help it [academics] by any means. It [marijuana] just makes me a little lazier, but my study habits are bad anyways. They've always been bad, and I always get by with my grades. I guess I'll have the HOPE Scholarship and everything, so I always do what I need to do. Do I do as much as a need to do? No, but I get the minimum amount done.*

Ben treats drugs like any other distraction, such as television, that may decrease the amount of time committed to studying. Those that view grades as important and a priority have enough discipline to know when they need to study and when they are able to use drugs recreationally in their leisure time.

Selling drugs may reduce academic achievement, but it does so in a different way from using drugs. Selling drugs requires time like any other job. Instead of studying, a drug dealer must handle phone calls and drug exchanges. This distraction is likely to reduce academic achievement generally.

Participants are aware of the possibility that drug activity may reduce their academic achievement. For most participants though, this is not a concern and does not deter them from drug activity. At most, participants said that a concern with their own academic achievement may deter them from drug activity when they should dedicate their time to studying. In the end, academic achievement can sometimes decrease drug activity for those who value it and have the discipline to focus on their studying, and there is no evidence to suggest that concerns with academic achievement increase drug activity.

### *Health*

Detriments to health are defined as any physical or mental negative consequences of drug use. Examples of detriments to health include when a person overdoses on cocaine and dies or a person's addiction to methamphetamine. Deterrence theory suggests that more detriments to health because of drug related behavior should decrease it.

Participants viewed detriments to health as a result of drug use to be an unavoidable consequence of drug activity. The severity of health consequences varies depending on the drug, and participants often categorized drugs along such lines. Soft drugs are drugs, such as marijuana and hallucinogenic mushrooms, that are considered "natural," do not have significant refining processes, are not addictive as other drugs, and

do not have significant consequences for a person's health. Hard drugs, such as cocaine, LSD, ecstasy, methamphetamine, and various pharmaceutical drugs (e.g., benzodiazepines) require a manufacturing process and can have significant consequences for a person's health; some are also highly addictive. Participants are less concerned about the detriments to their health that may be caused by soft drugs than they are by the detriments to health that may be caused by hard drugs. The perceived potential consequences that a drug may have to a person's health is effective in deterring what drugs a person chooses to use and how often. Rob usually uses only soft drugs.

***Rob:** For the most part, I like try to stick for what you would call the more safer drugs, just like weed and like mushrooms, just like natural shit that's not really like touched and that isn't like you know chemically enhanced or they're putting something on it that might like really fuck you up or kill you or something like that.*

Participants such as Rob are able to accept any negative side effects of marijuana use since they perceive the consequences to be not severe. Drugs that are perceived to be less addictive encourage trial since the chance of forming a habit of use with them is less. Additionally, people are less willing to sell drugs that have more detriments to health because selling often leads and even necessitates use of the given drug.

Participants are aware of the inherent detriments to health that drug abuse creates. For those that value their physical health greatly, this is able to deter at least frequent drug use. For other participants, the detriments to health created by a drug, especially hard drugs, may be able to deter a person from trial or continued use of such drugs. Other participants, especially those that have already become addicted to a certain drug, simply

do not try to think about how their drug use affects their mental and physical health and are not deterred. Detriments to health are able to deter drug activity involving hard drugs for those who are not addicted and value their health, and there is no evidence to suggest that detriments to health increase drug activity. .

### *Fraudulent Predation*

Fraudulent predation is defined as “trade with false premises, in which the facts of the exchange do not match the communication surrounding the trade, and violence or coercion is absent from the interaction” (Jacques and Wright, 2008: 229). Examples of fraudulent predation include exchanging fake money, fake drugs, and drugs of a different quantity or quality than agreed upon. Deterrence theory suggests that more fraudulent predation resulting from drug related behavior should decrease it.

Participants viewed fraudulent predation as extremely common in the drug market, although several different variables of a given drug exchange may reduce the chance and severity of its occurrence. Fraudulent predation can take four different forms: 1) the exchange of a lesser quantity of drugs, or “shorting, 2) the exchange of fake or lower quality drugs, 3) false payment, and 4) nonpayment. The first two are a concern among both drug buyers and dealers, while the last two are a concern only to drug dealers. Factors that affect the chance of being a victim of fraudulent predation are the intimacy of the seller and buyer, the drug knowledge of the buyer, the drug that is exchanged, and the quantity of drugs that are exchanged.

The risk and severity of a fraudulent predation varies inversely with the intimacy of a buyer and seller. For example, a short is less likely between close friends than

between two people that have never met. People are more willing to con strangers than friends since intimacy acts as a buffer. Joel expressed his view on fraudulent predation among friends.

*Joel: I mean I think that if you're friends with somebody, you shouldn't be trying to make money. I think it should just be however much you pay for it, and you just try to make your money back that you paid for it should be alright, but... especially after doing him favors and shit. Yeah, I think that's pretty shitty if you're ripping off your friends.*

To Joel and the other participants, taking advantage of a friend in a drug deal for money is likely to cause conflict and perhaps termination of a friendship. When a dealer sells to a stranger though, the relationship is purely motivated by business and making money, which will make a dealer more willing to con a buyer.

The risk and severity of a fraudulent predation varies inversely with the drug knowledge of the buyer. For example, a person who has used cocaine once is more likely to be shorted than a person who has been a weekly cocaine user for three years. Obviously, people that do not know the normal price of a drug exchange are more easily taken advantage of.

The risk and severity of a fraudulent predation varies depending on the drug that is exchanged. Drugs are either weighed or counted. Examples of drugs that are weighed include marijuana, hallucinogenic mushrooms, cocaine, and methamphetamine. Examples of drugs that are counted include LSD, ecstasy, and pharmaceutical pills (e.g., benzodiazepines). Counted drugs are less easy to short since they must only be counted,

while weighed drugs are easier to short because a scale is needed to accurately confirm the quantity of drugs is correct.

The risk and severity of a fraudulent predation varies directly with the quantity of drugs that are exchanged. The amount of money or drugs that a person is able to con with a large quantity of drugs is much greater than for a lesser quantity of drugs. The increased opportunity and increased reward from a fraudulent predation is enough incentive for a drug dealer to con.

Participants are aware of the strong likelihood of being a victim of fraudulent predation, and many reported being both offenders and victims of stealth predation. Rather than deter these individuals from drug market activity, participants use their personal experience and the vicarious experience of friends to develop precautions so that they are not victimized. No participant said they were ever deterred from drug activity because of fraudulent predation. Fraudulent predation is an expected part of drug exchanges that can only be reduced and accepted. In short, there is no evidence to suggest that fraudulent predation either decreases or increases drug activity.

### *Violent Predation*

Violent predation is defined as “the use of force in the acquisition of wealth or other resources” (Jacques and Wright, 2008: 227). An example of violent predation would include a person with a gun threatening another to hand over an eighth of cocaine. Deterrence theory suggests that more violent predation concerning drug related behavior should decrease it.

Participants viewed violent predation as uncommon in the drug market and likely to only occur among people who have more resources and between people with low intimacy. Participants universally saw violence as being risky and ultimately not worth its potential benefits. This explains why no participants reported to have ever been an offender in a violent predation, although one participant said he planned an act of violent predation with a distant acquaintance against another distant acquaintance. All reported acts of predatory violence occurred during drug transactions of a large size, which increases the benefits from such predation. Predatory violence is more likely to occur between people with low intimacy than those with high intimacy. A specific demographic group perceived as increasing the likelihood of predatory violence was African Americans. Rob explained why he views contact with African Americans as increasing the risk of being victimized and why he has since avoided contact with African American drug dealers.

*Rob: Just in my personal experiences though 'cause all my friends that sold drugs were all white and they were my friends pretty much. I don't know. Every time I went to like a black person, it was always really sketchy, and then I got a gun pulled on me once. I don't know. I have more of like... me and my like white drug dealer friends or whatever, we would like talk and have conversation. But this, it wasn't even really... it was just he gave me the weed, and I gave him the money.*

Rob shows that the riskiness of contact with African Americans is likely to come from the great relational distance between participants and black drug dealers in which the



relationship only exists for business; also, the differences in the moral orders between the suburbs of Atlanta and inner-city of Atlanta is recognized.

Participants are aware of the low likelihood of being a victim of stealth predation, and none reported being an offender of violent predation. Violent predation is seen as not likely to occur at all in most people's day-to-day drug activity. Rather than deter these individuals from drug market activity, participants use their personal experience and the vicarious experience of friends to develop precautions so that they are not victimized, such as not having large amount of drugs or money and not dealing with relationally distant individuals, especially relationally distant African Americans. In the end, then, it appears violent predation neither decreases nor increases drug activity.

### *Stealth Predation*

Stealth predation is defined as “resource exchange without interaction between the offender and the victim, and in which the receiver is responsible for the actual transfer of the resource” (Jacques and Wright, 2008: 231). Examples of stealth predation include stealing marijuana from a person without them noticing or breaking into a drug dealer's house to take their money or drugs. Deterrence theory suggests that more stealth predation concerning drug related behavior should decrease it.

Participants viewed stealth predation as common in the drug market, although intimacy acts to reduce the chance and severity of its occurrence. Stealth predation may happen between total strangers who have never met. For example, a person may steal a bag of cocaine whose owner is unknown at a party. Stealth predation may happen between close friends. For example, a person may steal a gram of marijuana from his best

friend when the owner is not around. A characteristic of all stealth predation is that resources are exchanged initially without the knowledge of the victim. The victim may not even ever know that stealth predation has occurred. For example, after taking marijuana from Nathaniel without Nathaniel's knowledge, Logan was able to convince him that no predatory act had occurred.

*Logan: The dumbass would leave his shit laying right there in the center console, and sometimes I'd just be like, "I want a little something to smoke on when I get home," and I'd just take a little nug [of marijuana] out and just walk away. And then he'd be like, "Dude, my sack looks short." I'd be like, "Don't you remember? We smoked all day." I think I did that like once or twice.*

Despite being intimate with Nathaniel, Logan victimized Nathaniel when such an opportunity for access occurred. This shows that a person increases his or her chances of being victimized by stealth predation by leaving their resources out in the open and unguarded.

Participants are aware of the likelihood of being a victim of stealth predation, and many reported being both offenders and victims of stealth predation. Rather than deter these individuals from drug market activity, participants use their personal experience and the vicarious experience of friends to develop precautions so that they are not victimized, such as hiding drugs and controlling who are around their drugs at all. In the end, stealth predation neither decreases nor increases drug activity.

*Summary*

Participants viewed physical sanctions as a common and accepted part of drug activity. People learn either through personal experience or vicarious experience the inherent dangers of drug activity. Rather than deter people from drug activity though, people usually rather develop precautions to reduce the likelihood and severity of physical sanctions. Participant concerns about academic achievement are able to deter some from drug use when there is a need to study, but others continue to use drugs while grades suffer. Detriments to health are able to deter people from harder drug use, but the detriments to health of softer drugs are usually accepted. In summary the unavoidable risks of drug markets – i.e., their physical sanctions – are widely ignored or tolerated and therefore they have a lower deterrent effect on drug activity.

## CHAPTER 8 CONCLUSION

Despite the wealth of information that this study found, there are limitations to this paper. There is no way to know whether the findings of this study can be generalized to other populations. One reason for this is that the number of participants in this study is less than optimal. Future studies on sanctions on drug market activity may want to examine (1) different regions of the United States or world, (2) older or younger populations, or (3) distinct classes, such as low- versus upper-class. Additionally, this study covers only *perceptions* of deterrence. Depending on perceptions to measure deterrence may be flawed. People may be deterred although they do not realize it, or they may perceive that they are deterred, when in fact, they are not deterred.

The results of this study suggest that people involved with drugs tend to accept sanctions or develop precautions against them rather than be deterred by them. Political sanctions often act as a catalyst for other sanctions to be implemented. For example, an arrest may cause a person's drug activity to come to the attention of parents, and parents would provide further sanctions on their child's drug activity. Moral sanctions, especially those from friends, create the greatest deterrent effect since they influence goals and community members that are of a high value to participants and since they are a day-to-day concern. Religious sanctions are largely ignored, although they can reinforce other sanctions. Physical sanctions are prevalent in drug activity, but participants tolerate them or create precautions to avoid them usually. Sanctions are most effective when they are applied at the same time as other sanctions rather than individually. Friends are the

strongest predictor of drug activity and also are able to apply the greatest deterrent effect, although they are also able to reinforce drug activity the greatest. Even if all sanctions are applied to a person to deter drug activity, success is by no means assured or even likely.

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