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# THE PETTY OFFENDER: A SOCIOLOGICAL ALIEN<sup>1</sup>

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Through want of a better term, the type of criminal under discussion is referred to as a "Petty Offender." Unfortunately this term may carry implications which are not intended, and should therefore be carefully defined at the outset. The petty offender is a person who is defined legally as a criminal because his behavior involves the persistent breaking of certain laws—usually city ordinances. He is arrested on such charges as being drunk in public view, committing a public nuisance, disturbing the peace, loitering, trespassing, vagrancy, family disturbance, and so on. It should be clear that we are not referring here simply to misdemeanants. A misdemeanor may involve any one of many kinds of criminal behavior and is a much broader classification than petty offender. In addition, the misdemeanor is a legal category, defined in terms of the seriousness of the offense and the penalty and varying from one legal jurisdiction to another and from one time to another. The petty offender is a sociological category defined in terms of the kind of behavior involved and identifiable regardless of legal jurisdiction.

## IMPORTANCE OF THE PETTY OFFENDER

Much emphasis has been placed by the press, by public spirited citizens and by criminologists upon the more spectacular and socially menacing types of crime and criminals, but little or no attention has been paid to what is here referred to as the petty offender. The study being reported on here was conducted in a midwestern college town with a population of about 30,000. In 1949 the police in this town made 782 arrests (exclusive of minor traffic violations). Four hundred and eighty six (62 percent) of these arrests were for petty offenses. If this figure is typical of the small city in the United States, the petty offender represents a serious, costly, and highly neglected type of deviant behavior—one which outnumbers all other kinds of offenses combined. And there is evidence to support the contention that this is not an isolated problem. In 1948—the year prior to this study—461 cities of

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1. \*Paper read at the annual meeting of the American Sociological Society, Berkeley, California, August 30—Sept. 1, 1953. A report suggesting rehabilitative and control measures for the petty offender was published under the title "The White Petty Offender in The Small City" in *SOCIAL PROBLEMS*, Vol. 1, No. 2 (October 1953), pp. 70-73.

about the size of that in which the study was made, reported to the Federal Bureau of Investigation that approximately 64 percent of all charges made were for offenses of this nature.<sup>2</sup> An important characteristic of the petty offenders which perhaps tends to minimize the alarm caused by them in any particular community, is that they are not conceived of as a threat or a menace by the larger community; they are not dangerous. They are simply an annoyance or a nuisance. The community thinks of them as pests who are tolerated because no one knows what to do about them.

### THE SAMPLE STUDIED

There were two general categories of offenders eliminated from this study at the outset: Negroes and college students. Even a superficial examination of the Negro petty offender and the student petty offender immediately reveals striking differences between these and the white (non-student) petty offenders. Differences in terms of motivation, patterns of behavior, the reaction of the larger community, and of their own self-conceptions are manifest. There were 124 white persons who were arrested a total of 218 times for these offenses during 1949. Because it is possible that any citizen may sometime during the course of his lifetime find himself picked up by the police for being drunk in public view (or one of the related offenses), we arbitrarily set three arrests during the twelve month period as the criterion which enabled an individual to fall into our sample. Thus, we studied only those petty offenders who persistently engaged in this type of behavior. There were twenty such individuals in the city studied. They were responsible for ninety-one of the 218 arrests made that year for these offenses. Although these twenty comprise only 16.1 percent of all white petty offenders, they account for 41.7 percent of all arrests in this group.

After the selection of these twenty persons, the next step was to gather all possible information about them from the records of local casework agencies and police files, through conversations with policemen, public health officials, neighbors, relatives, friends, bartenders, poolhall operators, etc., and finally through personal interviews with the offenders themselves. The latter, which lasted from one to four hours, were conducted in parked cars, in cafes, on streetcorners, in yards and homes, and on the county courthouse lawn which is the favorite summertime hangout of the petty offender in this city.

All but one of the offenders are males and all but one are local people

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2. UNIFORM CRIME REPORTS, Vol. 20, No. 1, Washington, D. C.: U. S. Department of Justice, Federal Bureau of Investigation, 1949, pp. 53,54.

—either born in the county or having lived there for the greater part of their lives. Most have never been arrested for any charge other than petty offenses. All are heavy drinkers and have long arrest records ranging up to a total of 96 arrests over the last 15 years in one case—all for petty offenses. All of them are or have been married at least once, but none seems to have a compatible home life. Almost all are over forty years of age and every one of them is at or near the bottom of the occupational ladder.

#### SELF-CONCEPTIONS OF THE PETTY OFFENDER

The petty offenders were found to be making a mode of adaptation to their society which has been described by Robert K. Merton<sup>3</sup> as "retreatism." In his well known essay Merton describes several possible modes of adaptation in terms of the prevailing norms and goals of the society. Concentrating on the economic success goal and the acceptable norms to be utilized in the achievement of success, Merton notes that the "conformist" mode of adaptation is that which tends to accept both goals and norms; the "ritualist" that which accepts the goals but abandons the norms; "innovation" is the mode involving acceptance of goals coupled with rejection of norms; and the "retreatist" that which abandons both norms and goals. There is not space here to chronicle the evidence gathered which points to the existence of this mode of adaptation on the part of the petty offenders. We will attempt to illustrate only how the petty offender conforms to Merton's description of the retreatist in one respect:

People who "adapt" (or maladapt) in this fashion are, strictly speaking, *in* the society but not *of* it. Sociologically, these constitute the true "aliens." Not sharing the common frame of values, they can be included as members of the *society* (in distinction from the population) only in a fictional sense.<sup>4</sup>

As Merton suggests, the petty offender was found to be making a strictly individualistic mode of adaptation. There was no sign of the formation of a new sub-culture or of their integration into other deviant groupings. Although they did gravitate toward centers where they came into contact with each other and came to know one another, they never came to identify with each other or to establish anything resembling *esprit de corps*. All evidence leads to the conclusion that these men are rapidly becoming socially isolated. In spite of the fact that they are often found together, fight together, drink together, and get arrested

3. ROBERT K. MERTON, *Social Structure and Anomie*, in R. K. MERTON, *SOCIAL THEORY AND SOCIAL STRUCTURE*, Glencoe, Illinois: The Free Press, 1949, pp. 125-149.

4. *Ibid.*, p. 142.

together, whatever solidarity they exhibit is found after careful analysis to be of the most superficial nature. One of the offenders when questioned about his contacts with one of the others remarked, "I'm around him a lot, sure, but I wouldn't call him a friend." Referring to other offenders, one claimed "I wouldn't turn 'em down but I just don't get too close to them [when I'm sober]. When I'm working I walk the long way around that courthouse."<sup>5</sup> Another offender feels that the whole concept of friendship is a fiction—a phenomenon of bygone days: "You don't find friends nowadays like you used to. Even my brothers go off and leave me when I've been drinking."

An elderly female county official who has an office on the ground floor of the courthouse knew all twenty cases. She laughingly referred to them as her "boyfriends" and spoke freely about them:

There's one thing I've heard almost every one of these fellows say in some way or another—"You don't know what it is not to be wanted." They just have the feeling that they don't belong. At this point the interviewer asked her if they did not perhaps feel that they belonged with each other—that they were "wanted" by the others in the same boat—if they weren't "buddies"? "Oh, they'll buddy together against you and me," she replied. "They won't squawk on each other, but they aren't friends like we have friends. I remember talking to one of those fellows out here in front of the courthouse one day and the way he put it was: 'they'll buy me a drink but not a ham sandwich.' No, they aren't friends."

This narrative describes the isolated individual—the true sociological alien, as Merton calls him. The essence of our hypothesis is contained in the offender's statement that "They'll buy me a drink but not a ham sandwich." No better statement could be made to indicate the consciousness on the part of the offender that the "friendship" of his colleagues lies only in that segment of his life associated with his drinking behavior. In all other aspects of his existence he finds himself in a shell isolated from the rest of the world—"You don't know what it is not to be wanted." It would not be inconsistent for the retreatist, in spite of the fact that he rejects the normal goals and values of the society, to feel a lack of close human companionship. Even the sociological alien remains a social animal.

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5. Although the county courthouse happens to be the gathering place for petty offenders in this particular community, in others it might be a park, square, "skid row," or any other spot which offers some immunity from complaints by middle-class citizens or interference from police.