

METHODOLOGY

FOLK OUTLAWS: VOCABULARIES OF MOTIVES

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This paper investigates poaching. Based on ethnographic data from interviews with 36 poachers and 31 game wardens the authors describe the rationalizations of poachers for continuing their illegal activity. Extensive quotes from interviews with poachers and game wardens are presented to support the categories of rationale; others are worst; our own code guides us; and we are good folk. The key sensitizing concepts are cultural conflict and folk crime, while learning theory offers a theoretical explanation.

INTRODUCTION

Sociologists have sought to explain crime mainly through socio-economic factors such as modernization, opportunity, unemployment, relative deprivation and culture. This paper explores the deviant/criminal practice of poaching. The criminal act of poaching can be explained through several of these traditional factors. Modernization fostered both the need for extensive laws to protect game (Palmer and Bryant 1985), and the urban mentality to preserve it (Jasper and Nelkin 1992). Economic factors created the need to hunt year around and/or in illegal areas. Opportunity exists for only a few rural residents to access this resource and/or to acquire the skills necessary to use it. Finally local rural cultures can support the violation of game laws (Bryant 1990). Folk crime combines elements of this sundry of causal factors into a unique sensitizing conceptual focus (Ross 1961; 1973), while learning theory offers a more theoretical efficient explanation of poaching (Akers 1985; Sutherland and Cressey 1978).

The authors of this study used an ethnographic approach (Agar 1988). Interviews with poachers ranged from 1 to 4 ½ hours. A total of 36 poachers were interviewed. Poachers were identified through the personal contacts of one of the authors, who is a lifetime resident of the area. Additional poachers were identified through a snowball method (Babble 1992). Respondents were interviewed in their homes or in the rural home of one of the authors. Each respondent was questioned as to the reasons they engage in poaching; what type of game do they hunt and how they started poaching. Additional questions were intended to elicit responses regarding the rationalizations and motivations used by poachers for their continuance in these illegal activities, and their confrontations with residents, game wardens, other hunters. A total of 31 both current and retired game wardens were also interviewed these interviews ranged from 1 to 3 hours and took place in the homes of the game wardens. All these respondents had been or were Louisiana state game wardens in the areas in which the poachers interviewed hunted. Both the game wardens and the poachers interviewed for this research are an available sample, we interviewed all persons who would allow us and who had the time. All questions were intended to be guides for gleaning information, rather than specific responses. All of the poachers interviewed for this project were primarily hunters of alligator, deer and water fowl. All data were collected between January 1991 and June 1992.

CULTURE CONFLICT

Culture refers to the values, behavior patterns, material objects and attitudes that people employ to cope with both their social and physical environment. It is the embodiment of ways of thinking, acting and feeling and of a group (Bertrand and Baird 1975). The cultural history of a group must be addressed in order to understand any group behavior. Indeed, there is no way to understand the problem of poaching in southwestern Louisiana without some understanding of the cultural history of this region.

The cultural history of the French Acadian people who settled southwest Louisiana is one of exclusion from the mainstream (Gramling, Forsyth and Mooney 1987). Indeed, it is only within the last fifty years that social integration began to occur (Clarke 1985; Gilmore 1933, 1936; Parenton 1938; Smith and Parenton 1938). The French who settled this area remained separate due to several factors; solitary occupations, a working class heritage,

language, and Catholicism (Gramling, Forsyth and Mooney 1987). This forms the basis of a still existent cultural conflict between the French-Acadian culture and the American culture which was a relative newcomer to the area. A relatively recent example of this conflict is the naming of the sports arena/civic center "The Cajun Dome." A reaction emerged from those not of Acadian descent. Typical of this conflict is a bumper sticker, "THEIR CAJUN DOME IS OUR CIVIC CENTER."

Sellin (1938) offered three situations in which conflict between cultures is likely to emerge: when the norms of cultural groups are significantly different and the groups occupy adjacent territories; when the norms of one cultural groups are extended to cover the territory of another and when members of one cultural groups migrate to another area occupied by another cultural group. This latter circumstance represents the cause of the cultural conflict in the group here studied.

FOLK OUTLAWS

Outlaws is a colloquial term that refers to game poachers in southwestern Louisiana. They are considered by the state and federal governments to be criminals; nevertheless, outlaws are not necessarily considered as such within their home communities in Louisiana. The first full-time Louisiana Wild life enforcement Officers (game wardens) were hired in 1953. Previously, this type of position was a part-time or seasonal job. Traditionally rural communities in Louisiana used what are now considered game animals to supplement their diet. Urbanization created a different view of game, bringing recreational hunters and conservationalists, hence, creating a conflict over game use. An example is the open season with a 25 bird per day limit on grosbecks¹, which was in effect during the 1920s. Grosbec hunting is now illegal. A mandatory jail sentence is now imposed upon conviction of possession of a single grosbec at any time. Traditional game animals became illegal to hunt due to the ever widening scope of conservation laws. Those who did not desist, but persisted in the old ways, were called outlaws.

There exists a deep seated resentment among some Acadians, who settled the area, held against the Americans who destroyed their way of life by destroying the environments and making many game animals illegal to hunt.

¹ Most of these species of water fowl mentioned in this paper are found in the Atchafalaya Basin area of Louisiana. Grosbecks, Branshoos, Flamons, Beccrosches and Chalks are all water fowl.

Game outlaws are a sort of cultural hero among traditional Acadians, a member of a "resistance."

Old traditions persisted well into the 20th century in southwest Louisiana (Gilmore 1933; Parenton 1938; Smith and Parenton 1938). The diet which consisted mainly of fruits and vegetables grown in gardens was supplemented seasonally by various wild fruits, nuts, and game. Fish also supplemented the diet seasonally, and were important source of protein. Wild game was not exploited till the advent of refrigeration. If a deer or other large animal, such as a calf, was killed the whole community shared the meat. Game was only killed in sufficient quantity to "make a plate." Refrigeration had an adverse effect on game animal populations because now meat could be stored. This led to over kill and populations decreased substantially within the 20th century. Red meat became increasing by incorporated into daily diet because of the availability presented by refrigeration. The advent of refrigeration, and improvements in transportation systems, also made it economically feasible to supplement income with game animals. The poacher who hunts for big profits is the most sought by Wildlife Enforcement Agencies and is also looked down upon by most Acadians².

POACHING AS FOLK CRIME

Poaching has received little focus from mainstream criminologists and only scant attention has been given by researchers in deviance (Bryant 1990; Calkins 1971; Curcione 1992; Green 1990; Palmer and Bryant 1985; Reisner 1991; Wilson 1990). Most of this literature has either implicitly or explicitly placed poaching within the criminological category of folk crime (Ross 1961; Ross 1973). Ross (1961, p. 236) offered several speculative propositions concerning folk crime, some of which are descriptive of poaching.

- (a) Major increments to the complexity of a society...create a need for regulation where none was previously necessary.
- (b) Legislation to regulate the conditions brought about by increasing complexity reclassifies certain prevalent non-criminal behavior as crime.
- (c) ...where the harmful effect of the proscribed behavior is indirect or improbable in most instances, the novel legislation may not be related to previously existing norms.
- (d) Criminal behavior in folk

² Much of the history of game use and other dietary facts here were gotten in the interviews with retired game wardens.

crime is rooted...in the culture of groups most affected by the legislation...

These propositions are similar to Sellin's (1938) origins of cultural conflict. The violation of gambling, traffic, hunting and game laws, and woods burning are examples of folk crimes. Woods burning like poaching is deeply rooted in some rural cultures (Bankston and Jenkins 1982); Bertrand and Baird 1975; Doolittle and Lightsey 1979).

Woods burning is a custom that has been predicated upon the assumption that timber is either an undesirable barrier to land use or, at best, an expendable commodity secondary in importance to other land uses. In the course of time...it has become accepted as normal behavior...It is only in recent times that woods burning has come to be defined by some people as deviant behavior (Bertrand and Baird 1975, p. 6)

Bankston and Jenkins (1982) comment on the similarity between folk crimes.

Some types of behavior which are approved, tolerated, or even encouraged in a low population density area with bountiful resources may be less accepted or even outlawed when the population increases or the competition for resources escalates. Research results indicate that the increased demand for wood products has led to legal restrictions on and disapprobation of woods burning. We might well anticipate that the problems associated with reducing woods burning and dealing with the structural and cultural apparatus which sustains this behavior would very likely be repeated in attempts to deal with other folk-type crimes, such as trespassing water rights, and access to places to hunt and fish (Bankston and Jenkins, pp. 234-235).

Many law violations in and community fall in a category commonly called folk crime by criminologists (Bankston and Jenkins 1982). These laws have little moral restraint associated with them and although their violation is not generally approved, such crimes are "relatively numerous, unstigmatized and differentially treated in the legal process" (Ross 1961, p. 237).

FINDINGS

The following responses were from poachers when asked questions regarding their reasons for their illegal actions. Most of these reasons can be categorized as either need or greed.

I have never been what you would call an outlaw but I have resorted to hunting game out of season occasionally in time of need. (INTERVIEW).

I outlaw to make side change. I never killed a deer that I didn't have sold already. (INTERVIEW).

I like to eat fresh meat. (INTERVIEW).

I like to eat grosbecks and I like the money. That's not too bad if you make \$50 or \$100 dollars a day cash every now and then. (INTERVIEW).

I hunt whatever is illegal because what is illegal is good to eat. I like deer but I will shoot anything that is good to eat. (INTERVIEW)

I sell deer at \$2.00 a pound dressed. I get \$100.00 for a fawn, they are the best. (INTERVIEW).

Money was scarce. (INTERVIEW).

I outlaw when ever I get a chance so I can eat. (INTERVIEW).

Typically poachers gave more elaborate justifications or rationalizations for their illegal hunting. These can be cruelly categorized into three types: others are worst; our own code guides us; and we are good folk. Although we have created this typology there still exists some overlap, indeed elements of all three types existed in almost every case. Our purpose was not to create typology, but to describe the responses under the guise of types. In justifying and rationalizing their actions they also state how they started poaching and their family's background in learning the skills necessary for success in poaching.

I. Others Are Worst.

The following comments describe attempts to justify actions by showing how the actions of others are worst, in doing so he tries to neutralize the negative impact and accountability of his actions.

Well you know that everybody who hunts or fishes is an outlaw at one time or another. When our people came over from France they mingled with the Indians in Nova Scotia; sometimes they even got married. The Acadians picked up a lot of stuff, well they learned a lot from the Indians. There are records of that. The same thing happened when they moved to Louisiana. It was survival, so Acadians have an inherent right to hunt just like the Indians. My grandfather was pure Indian, so were a lot of other Acadians, but they hid their heritage. If it's good to eat, I shoot it. People need to get away from the TV sets and wake up. The oil companies, big farmers, and chemical companies messed up everything. Then there are the sportsmen who just about do anything, making ruts with three-wheelers, and dropping beer cans all over. (INTERVIEW).

...now squirrels are even under federal jurisdiction. If they get you with more than 8 per day or 18 in your possession that's your ass. So you see why I outlaw? I can take you right now to leases that rich people have with automatic feeders full of corn and barrels of molasses hanging in the trees, but its okay for them they have money. People who have money can do no wrong; you don't believe that those game wardens will go check on the leases for the sheriff or any of the judges. The law is for poor people but when rich people break laws it's alright but its poor people who pay for everything (INTERVIEW).

Just before refrigeration became popular they outlawed ducks...out there around Crowley they used to make a cage with chicken wire about a hundred feet square about 6 inches above the water. They would throw a lot of feed all around there and the ducks would swim in the cage. They would never even pick up their heads. When the cage was full they would come out from hiding and close off the opening. Then they would go and catch the ducks alive and put them up in a barn. They would feed them and let's say someone

needed 10 they would go and get 10 live or cleaned like you wanted. They wiped out some areas that way. (INTERVIEW).

II. Our Own Code Guides Us.

These poachers also attempted to show that they have norms of their own. Which they follow.

I hunt ducks but branshoo's mostly, squirrels, rabbits, grosbec's, beccrosh but only the breast, flamon's...I never hunt deer because people pay too much to hunt on leases and I don't want to interfere with what they do. I destroy owls and hawks because they eat little rabbits. (INTERVIEW).

I outlaw because I'm low on my funds. I only outlaw enough to make a dinner. I never sell or freeze illegal game. You can't eat wild game every day because it's too rich. I never used to outlaw but I didn't mind if others did. (INTERVIEW).

I would never do that (shoot at a game warden) because he is doing his job, and besides that a rabbit is not worth a man's life or cripple him. (INTERVIEW).

I shot some frogs the other day there were six but I killed only four. (INTERVIEW).

I don't think that (to shoot at a game warden) is worth it. I run away... (INTERVIEW).

I'm proud to outlaw and I don't advise anyone to do it but when you're hungry and you got to have some meat on the table, I outlaw and that's a fact. (INTERVIEW).

III. We Are Good Folk.

These poachers felt that if they were hard working individuals and good family men, then that should compensate for any illegal activity on their part.

My first job away from home we worked logging...We had grits for breakfast, lunch, and dinner. WE would shot grosbecs for meat. Sometimes we ran out of everything rafting down to Patterson, so we were forced to eat anything we could kill if we wanted to eat. I hate grits or grosbecs now. I would never kill one to save my life, but I tell you this much if I went hunting I would not pay attention to all that shit that says you kill one of this or two of that, bullshit, I'll shoot what I can and be done with it. (INTERVIEW).

One year when I was a little kid during WWII there was a snow on the ground for a few days; only a few trees had any food, the robins would pile up in them, and I killed 700 robins. My brothers and I would hunt deer, robins, and ducks. I don't believe that there was an open season on them except doves. (INTERVIEW).

When I was young and growing up there was a lot of times when the only meat we got was something that we scrounged up ourselves. We would hunt grosbecs and beccrosches during the summer. In winter we would hunt grives (robins) and chawks during the winter in the roosts, especially the roost by Millers Lake. We would use sarbacanes (blowguns) and place them right on their breasts, we would kill a good mess and then clean them by the fireplace, and cook a gumbo. We would salt and dry game also, making jerky and such for summer...I don't feel a bit bad about what I did then I'm proud of it. We had to work hard to make it. I hope that my children and their children don't have to go through what I went through. Every now and then if someone gives me a mess of birds I will cook them up and have an old time supper reminiscing les vieux temps³³. If I get a chance I will get me a mess of birds if I think the coast is clear. (INTERVIEW).

When I was a young boy we moved to the country to live with my grandparents. My grandfather had been a woodsman all his life...I learned a lot from the old man even though he could hardly speak two words of English...My grandfather's favorite dishes were woodducks and squirrels, so I would take his old crackbarrel Iver Johnston .410 and I would go kill a pair of squirrels and woodducks

every now and then. I learned how to walk in the swamp without making waves in front of me, how when woodducks were coming in to remain still and look at their reflections in the water. I would only take five shells because I was outlawing and you had to make every shot count. I never attracted much attention or really disturbed the patterns of the wildlife I was taking. (INTERVIEW).

I raised my family on the money I made hunting. What ever I had to do to get the job done I did it. (INTERVIEW).

Interviews with some law enforcement officials reveal that they also attempted to lessen the crime of poaching by saying that other things are more destructive to game.

I believe that activities such as logging and farming which destroy habitat have a more adverse effect on wildlife than hunting. There are exceptions though...deer and squirrel...which I believe out of season hunting has a big effect on because there are more deer now than when I started. Due to conservation laws even while habitat is reduced the population is growing. The hunting clubs are very cooperative with Wildlife and Fisheries. (INTERVIEW).

DISCUSSION

The poachers in this study are generally motivated by either need and/or greed. There were those that supplements their diet occasionally, this includes both the hungry and the gustatory poachers. These two different needs are not exclusive because, among all our respondents, their taste preference for wild game originated out of need. In short, their economic circumstances may change, but their "need" for wild game does not.. For others their reason for poaching was to sell the game, although the skills required developed out of response to need. Similar to burglars (Repetto 1974) Most of these poachers began their activity out of financial need and similar of these burglars all these poachers did not abandon their illegal activities after their financial needs are met.

The sociological concept socialization refers to the process through which individuals inherit their culture, that is, they obtain a knowledge of the ways and things which are approved in that society. One's view of poaching is acquired as part of this socialization process. The primary agent of so-

³ Les vieux temps (the good times).

cialization is the family, but other contacts contribute to behavior patterns. Poaching is continually reinforced and thus perpetuated by cultural supports and belief systems. Children formed their basic beliefs about poaching quite early. Subjective beliefs about the credibility of a law, rather than the objective probabilities of apprehension and prosecution, will determine citizen response to the law (Shover, Bankston and Gurley 1977). Families, as well as significant others, services as examples of justifications for and facilitators of poaching. All of the respondents were introduced to poaching by a family member. All continue to receive support from family and/or friends. In addition most continue to poach with these same significant others. Research on woods burning supposed the idea of a cultural background for crime (Bertrand and Baird 1975). Much like the places where woods burning occur, the rural communities where these poachers live are resistant to change. They are oriented toward the past, remain isolated pockets of traditionalism and are in conflict with the codes of the larger culture (Doolittle and Lightsey 1979). Most of the poachers interviewed or described by others during this research were acting within roles that to them were completely justified by local standards. AS such poaching fits in nicely with the concept of folk crime, but still it offers little theoretical cement on which to base a foundation of explanation.

Learning theory offers a foundation upon which to continue to interpret the behavior of this group of poachers. Several of the central statements in Sutherland's (Sutherland and Cressey 1978, pp. 80-83) differential association theory of norm violation offer considerable strength to our explanatory attempt.

Sutherland's theory states that norm violating behavior is learned during interaction with others principally in intimate groups. These intimate groups present the individual with a set of skills, techniques, motives, and definitions which are favorable to violating the legal norm. The greater the duration of these contacts as compared to contacts unfavorable to the violation of these norms, the greater the likelihood that the person will violate the norms. What is learned in this interaction includes both skillful techniques (how to hunt, hide game and go to places where game wardens are not likely to be and psychological defenses to reduce or eliminate guilt, often referred to as rationalizations or neutralizations (Sykes and Matza 1957).

Akers (1985) has extended Sutherland's theory with a differential association-reinforcement theory of deviance. He explains deviance on the basis of principle of learning, claiming that deviance results from the learning of definitions that portray some behavior as desirable, even though it is deviant.

Definitions are the normative meanings of behavior, which means they define as action as right or wrong. These definitions of behavior are what is learned and this is what makes the deviant willing to violate the norms. The concept of socialization is central to the learning perspective. Indeed, learning theory is a theory of socialization.

Our findings support those of Curcione (1992). Meanings which are acquired early in the personal histories of these poachers gave rise to a more general orientation which favorably disposed them toward certain violations of game laws. The opportunity for their violation includes both social and environmental factors. Significant others, particularly fathers and grandfathers served as models for skills, as well as sources of justifications. Behavioral choices do not occur in a social lacuna. Culture provides actors with an array of behavioral options (Mooney; Grambling and Forsyth 1991; Swindler 1986). Culture provides actors with a tool kit of sorts from which they construct strategies of action. This array of options are limited, resulting in intracultural similarities or as Curcione (1992) points out, a future generation of poachers is in the making.

A NOTE ON THE INVESTIGATION OF CULTURE CONFLICT

Of particular interest to conflict theorists is the origin of norms that define certain acts as deviant. Strong negative attitudes toward or opposition to certain behaviors such as homosexuality, drunkenness, prostitution, nudity, pornography and the use of marijuana rests with certain religious groups or other moral entrepreneurs who attempt to impose their views on other (Greenberg 1988; Gusfield 1963). Conflict theorists stress the pluralist form of American society perspective, deviance represents behavior which is in conflict with the interests of the powerful segments of society, which have the ability to shape public opinion, social policy and legal norms (Clinard and Meier 1992).

The drilling of oil offshore in Louisiana began to change the southwestern area of the state from a rural agricultural based society to a more urbane one dominated by oil (Forsyth and Gauthier 1991). Oil brought a middle class with a need for recreation. These past0times included hunting and fishing, which now necessitated more conservation laws to ensure that there would be wild game and fish for which to spend their leisure upon. The result was a gradual intrusion on a way of life. Behaviors which were previously acceptable became unacceptable and vice versa. Poaching is only one example of this clash of cultural codes. But this conflict of cultures fails to

give the investigator more than a point of reference for research (Sellin 1938). This research has attempted to look beneath the not so obvious conflicts that are the basis for a subculture. It has attempted to examine this subculture by using the vocabularies of motives the actors use. As Mills (1940, p. 910) indicated,

...there is an empirical way in which we can guide...investigations of motives. That is by the construction of typical vocabularies of motives that are extant in types of situations and actions. Imputations of motives may be controlled by reference to the typical constellation of motives which are observed to be societally linked with classes of situated actions. Some of the "real" motives that have been imputed to actors were not even known to them. As I see it, motives are circumscribed by the vocabulary of the actor. The only source of a terminology of motives is the vocabularies of motives actually and usually verbalized by actors in specific situations.

This research has used the vocabularies of poachers in attesting to the existence of cultural conflict and the motives which support it. Hopefully our research will also facilitate the answering of a much larger and more important quest, to find out why people are deviant.

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