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CRIMINOLOGY

THE SERIOUS HABITUAL PROPERTY OFFENDER AS "MOONLIGHTER": AN EMPIRICAL STUDY OF LABOR FORCE PARTICIPATION AMONG ROBBERS AND BURGLARS*

Harold R. Holzman**

I. INTRODUCTION

It is generally believed that there exists a sizable number of persistent property offenders who earn their livelihood through criminal activity. Such persons are usually termed "professional" or "career" criminals. The traditional perspective, represented by Sutherland,¹ views the "professional criminal" as a highly skilled specialist. A newer perspective has emerged, however, which views "career" criminals as opportunistic generalists who spend most of their time searching ("hustling") for chances to commit property-related offenses.² While there may be some debate about the degree of specialization present among such criminals, there seems little controversy with respect to the notion that serious habitual property offenders are seldom members of the conventional labor force.

* The paper was derived from the author's doctoral dissertation: "The Persistent Property Offender and the Concept of Professional Criminality: The Case of Robbery and Burglary." University of Maryland, 1979.

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¹ E. SUTHERLAND, *THE PROFESSIONAL THIEF* 3, 197-98 (1937).

² See generally L. GOULD, E. BITTNER, S. MESSINGER, K. KOVAK, F. POWLEDGE & S. CHANELES, *CRIME AS A PROFESSION* 25 (1966); R. WINSLOW, *SOCIETY IN TRANSITION* 133-35 (1970); Inciardi, *Vocational Crime* in *HANDBOOK OF CRIMINOLOGY* 299 (D. Glaser ed. 1974); Staats, *Changing Conceptualizations of Professional Criminals: Implications for Criminology Theory*, 15 *CRIMINOLOGY* 49, 57 (1977); Walker, *Sociology and Professional Crime* in *CURRENT PERSPECTIVES ON CRIMINAL BEHAVIOR* 87 (A. Blumberg ed. 1974).

The traditional perspective represented by Sutherland,³ suggests that the basis for this assumed non-participation in the conventional labor force lies in the offender's value system. The offender is thought to view conventional jobs as demeaning and unproductive. In contrast, proponents of the emerging generalist perspective believe that persistent property offenders simply do not have the time for legitimate employment since they are constantly searching for opportunities to commit property crimes. Winslow characterized the assumptions of the traditional perspective in respect to labor force participation as stemming from a "normative compliance model" while the generalist perspective position emanated from a "utilitarian compliance model."⁴ Regardless of the basis of their positions, however, both perspectives portrayed the "professional" as obtaining his livelihood from crime.

The labor force participation of persistent property offenders has never been a very controversial issue and has seldom been the focus of empirical research. This article presents data, however, which suggest that labor force participation in specified populations of known recidivists is much more extensive than had been previously thought. Over three out of four of the recidivist robbers and burglars whose careers were examined were found to have been employed at the time of their arrest for their latest offense.

II. THE TARGET POPULATION

The target population studied here was drawn from the 1974 *Survey of Inmates of State Correctional Facilities*. This survey was conducted in January, 1974 by the United States Census Bureau under the sponsorship and general direction of the Law Enforcement Assistance Administration, United States Department of Justice.⁵ Most of the data used for the present study have not been previously analyzed.

The target population comprised 29,474 men who had at least two convictions resulting in incarceration for robbery, burglary, or a combination of the two. The average number of adult incarcerations for the

³ See generally E. SUTHERLAND, *supra* note 1.

⁴ See R. WINSLOW, *supra* note 2, at 224-34.

⁵ JUST. DEP'T, SURVEY OF INMATES OF STATE CORRECTIONAL FACILITIES 1974, Advance Report [hereinafter cited as 1974 SURVEY]. The survey involved the drawing of a stratified random sample of 10,359 inmates, based on size of institution. Approximately one out of 18 of the some 191,400 inmates incarcerated in state correctional facilities at the time of data collection were selected for a personal interview of about 20 minutes duration, touching upon their social, economic and official criminal histories. Of the 10,359 selected, 8,869 inmates were interviewed directly. Using the total enumeration of prisoners as determined by the January 31, 1974 Census of State Correctional Facilities, United States Census Bureau personnel performed a series of weighting procedures on the interview sample, which, in effect, generated survey findings for the entire population of 191,400 inmates.

population averaged slightly over three. When juvenile incarcerations were included, each offender had done "hard time" an average of four times. Thus, the target population was composed of persons committed to persistent involvement in property crime.

The present offense of all members of the target population was robbery, burglary, or some other property offense. Since the objective of the 1974 survey was to examine the careers of recidivistic robbers and burglars whose criminal behavior could be reasonably assumed to be rational economic activity akin to conventional income-producing pursuits, individuals with known histories of heroin addiction and sex offenses were excluded from the target population. Similarly, individuals serving time for expressive acts alone, e.g., assault, were excluded from the target population since a person with a history of robbery or burglary could possibly "reform" but, due to factors unrelated to economic objectives, find himself in prison years after his last property crime.⁶ Given the selection criteria used, it can reasonably be assumed that the members of the target population were actively pursuing careers in

⁶ These criteria were used in defining the target population:

(1) *Inmates*: Only individuals who were serving sentences were included in the target population. Individuals who were being held pending trial or sentencing were not included in the target population since data on their present offense was incomplete.

(2) *Males*: Most studies of predatory property offenders involve males. This is traditionally a predominantly masculine area of endeavor—witness the fact that 97% of the inmates of state correctional facilities are men. 1974 SURVEY, *supra* note 5, at 24. Therefore, the present research has been designed to deal only with males.

(3) *N + 1 Incarcerations*: The present research deals with persistent offenders. In this research, a persistent offender has been defined as an individual who, in spite of an initial incarceration, has chosen to continue his criminal behavior. Incarceration is a serious career contingency and represents, in effect, a test of one's commitment to a crime as a vocation.

(4) *Drug Usage*: The survey obtained information about the use of narcotics among respondents. *Id.* at 27. Among other questions was one about "daily or almost daily" use of heroin and methadone. *Id.* at 7. The use of heroin may well have significant effects on an individual's lifestyle, altering his alternatives for income-producing activities and thus putting him quite apart from other workers in both legitimate and illegitimate occupations. Hence, individuals who were heroin users or were recovering from heroin addiction at the time of their present offense were excluded from the target population.

(5) *Sex Offenders*: As with heroin addiction, involvement in sex offenses was seen as possibly representing motivation toward criminality unlikely to be related to economic considerations—considerations which are central to both traditional and the newer generalist concept of professional criminality.

(6) *Latest Incarceration for an Expressive Act*: The last refinement of the population involved selecting out individuals whose latest incarceration involved (a) homicide, (b) assault, (c) minor drug offenses, e.g., possession, not including offenses involving sale, (d) arson, (e) weapons offenses, or (f) drugged or drunken driving and did not include a concomitant conviction for robbery or burglary. The rationale for this procedure was that these offenses alone can be seen as involving expressive rather than instrumental acts. A person with a history of robbery or burglary could possibly "reform" but, due to factors unrelated to economic objectives that might have played a role in his earlier criminal career, could find himself in prison years after his last burglary or robbery. Simply because an individual may renounce crime as an occupation does not mean that he can escape what Wolfgang and Ferracuti called the "subculture of violence." M. WOLFGANG & F. FERRACUTI, *THE SUBCULTURE OF VIOLENCE* (1966).

property crime for essentially rational economic motives, i.e., crime as work.⁷

Table 1 shows the target population by type of offender and race. A "robber" was defined as an individual with at least two incarcerations for robbery and none for burglary. "Burglars" had at least two incarcerations for burglary and none for robbery. "Generalists" had at least one incarceration for each.

TABLE 1
TYPE OF OFFENDER BY RACE FOR THE TARGET POPULATION

| Race of Offender | Type of Offender | | | |
|------------------|------------------|-----------------|----------------|----------------|
| | Total | Burglars | Robbers | Generalists |
| White | 15,601 (100%) | 10,081 (65%) | 2,100 (13%) | 3,420 (22%) |
| Black | 13,873 (100%) | 5,862 (42%) | 3,302 (24%) | 4,709 (34%) |
| Total | 29,474 (100%) | 15,943 (55%) | 5,402 (18%) | 8,129 (27%) |

Property offenses other than robbery and burglary were not uncommon in the criminal history of the target population. Approximately three out of every five of the white offenders and two out of five of the black offenders had been convicted at least once of a property crime other than robbery or burglary. White burglars were most likely to have been convicted of some other property offense, with sixty-five percent having such a conviction. Overall, the criminal histories of the target population were dominated by property crimes (including robbery and burglary) with over four out of five reporting property offenses as their only source of conviction. Along with the population average of four incarcerations, these data further suggest that those in the target population were persistently involved in serious property crimes and therefore clearly "career criminals."

III. THE FINDINGS

Given the widespread notion that serious habitual property offenders tend not to be active in the legitimate world of work, one would expect that the labor force participation for persistent property offenders

⁷ In cases of persons who reported that their present incarceration followed a parole violation, survey respondents were asked if their return to prison was caused by a conviction for a new offense. If so, this new offense became a present offense and was used in determining his eligibility for inclusion in the present study's target population.

would be less than fifty percent.⁸ The data indicate, however, that some seventy-eight percent of target population was, in fact, employed at the time of arrest for their present offense, with approximately ninety-five out of one hundred of those employed having full-time jobs.⁹ Not only were nearly eighty percent of the target population employed, but the members of this group also held their last full-time job, for over one year on the average.

The extent of labor force participation (L.F.P.) by the target population is comparable to the participation of the general population.¹⁰ The L.F.P. of white offenders is 76%, nearly matching the 79.6% for the general population (see Table 2). Blacks in the target population had a higher rate of labor force participation (81.6%) than did non-whites in the United States population (74.9%).¹¹ The analysis of the L.F.P. of the target population which follows suggests that habitual property offenders may be very much a part of the conventional world of work.

⁸ Labor force participation rates rather than unemployment rates were used in the analysis. The definitions of unemployment and labor force participation used in the data analysis were derived from the BUREAU OF LABOR STATISTICS, U.S. DEPT OF LABOR, HANDBOOK OF LABOR STATISTICS 1973 (1974)—the same source from which definitions for the data collection instrument were drawn. Unemployed persons were defined as "all persons who did not work during the survey week, who made specific efforts to find a job within the past four weeks and who were available during the survey week except for temporary illness." *Id.* at 2. Labor force participants included "(1) full-time workers, (2) persons involuntarily working part-time and (3) unemployed persons seeking full-time jobs." *Id.* at 3.

Virtually none (less than .5%) of the offenders who were without a job at the time of their arrest for present offense were seeking work. Therefore, non-workers could not technically be called unemployed—rather they were non-participants in the labor force. Hence, labor participation rates were used.

⁹ Persons involuntarily working part-time are classed as labor force participants. Since it could not be determined if a respondent was working part-time involuntarily when arrested, it was assumed that such was the case and he was accorded the status of a labor force participant. Part-time employment among white offenders was slightly less than four percent. The rate for blacks was nearly eight percent.

¹⁰ The median year of incarceration for the target population was 1971. This year was chosen as the reference year for comparison between the target population and the general population.

¹¹ Labor force participation and occupational data concerning blacks in the United States for 1971 is consistently presented under the heading of "black and other" and "Negro and other races." Data on the racial composition of the United States in 1970 indicate that some 90% of all non-whites in the population were black. U.S. BUREAU OF THE CENSUS, STATISTICAL ABSTRACT OF THE UNITED STATES: 1971. Therefore, the general population data used in comparisons with black offenders in the target population can be assumed to give a reasonably accurate picture of where the offenders stood in relation to blacks as a group in American society.

Furthermore, given the well-documented employment discrimination that blacks face in the United States, inclusion of data from the L.F.P. of other racial minorities, e.g., Chinese or Japanese, with that of blacks might serve to slightly inflate the L.F.P. figure for the aggregate of "non-white" above that which exists for blacks alone. Hence the L.F.P. comparisons presented, if they err at all, do so in a conservative direction—pushing the L.F.P. of the general black population up toward that of black offenders.

A. LABOR FORCE PARTICIPATION: WHITE PERSISTENT OFFENDERS

Table 2 presents labor force participation rates for white males.¹² Significantly, the labor force participation rates for the age groups shown, although less than those of the general population, are well over fifty percent. Labor force participation rates include persons actually working and those seeking employment. Men in the target population between the ages of sixteen and seventeen and between eighteen and nineteen display a higher labor participation rate than individuals in the general population of comparable age.¹³ Given the generally recognized association between persistent involvement in "street crime" and lack of interest in formal education, it might be expected that younger members of the target population would tend not to be enrolled in high school or college and thus be free to participate in the labor market. The data indicate that young offenders were more active in the labor market than their conventional peers. Thus, many young offenders were free to work and in fact chose to do so.

¹² Mean age was 28.8 years for whites. *See supra* note 10 for reference year for comparison.

¹³ The comparisons presented in Tables 2 through 4 were tested for statistical significance. The N's in these comparisons were so large as to assure statistical significance for even the most trivial differences, e.g., 81.5% versus 82.0%. Hence, although virtually all of the comparisons (except those where the percents were actually equal) were significant at the .01 level, these tests are not indicated in the tables themselves.

TABLE 2
 COMPARISON OF LABOR FORCE PARTICIPATION (L.F.P.) FOR
 OFFENDER POPULATION AND MALES IN THE UNITED STATES
 POPULATION BY AGE AND RACE (1971)

| Age | White | | Non-White ^a | |
|-----------------------------|---|--------------------------|---------------------------|--------------------------|
| | L.F.P. Rate U.S. Males ¹⁴ | L.F.P. Rate Offenders | L.F.P. Rate U.S. Males | L.F.P. Rate Offenders |
| | 1971 | | | |
| 16-17 | 49.2% | 75.5% | 32.4% | 73.3% |
| 18-19 | 67.8% | 75.6% | 58.9% | 75.4% |
| 20-24 | 83.2% | 79.4% | 81.5% | 82.0% |
| 25-34 | 96.3% | 74.3% | 92.9% | 84.6% |
| 35-44 | 97.0% | 77.6% | 92.0% | 91.2% |
| 45-54 | 94.7% | 80.9% | 86.9% | 85.5% |
| 55-64 | 82.6% | b | 77.8% | b |
| 65 and over | 25.6% | b | 24.5% | b |
| Total Population | 79.6% | 76.0% | 74.9% | 81.6% |

a. All non-white offenders studied were black. United States data for 1971 for blacks are consistently presented under the heading of "black and other" or "Negro and other races."

b. Population estimates are so low as to be of questionable reliability.

The occupations of the whites in the target population are shown in Table 3. White persistent offenders are much more active in all varieties of manual labor¹⁵ than white men in the general population. Conversely, white offenders are under-represented in white collar jobs. Participation in relatively unskilled service occupations by members of the two populations is the same. Of interest, however, is the fact that white offenders are clearly over-represented in skilled (craft) and semi-skilled occupations; some three out of every five offenders were so employed prior to incarceration.

¹⁴ GOV'T PRINTING OFFICE, EMPLOYMENT AND TRAINING REPORT OF THE PRESIDENT 232 (1976).

¹⁵ Manual labor in Table 3 is comprised of the occupations "craft and kindred," "operatives" and "unskilled labor (non-farm)."

TABLE 3

COMPARISON OF OCCUPATIONAL DATA FOR OFFENDER POPULATION AND MALES IN THE UNITED STATES POPULATION BY RACE (1971)¹⁶

| Type of Occupation | White | | Non-White ^a | |
|--|-----------------------|----------------------|------------------------|----------------------|
| | Percent of U.S. Males | Percent of Offenders | Percent of U.S. Males | Percent of Offenders |
| Professional, tech., administrative and managerial | 29.9% | 10.1% | 13.2% | 5.7% |
| Sales and clerical | 12.9% | 4.5% | 9.3% | 5.7% |
| Craft and kindred | 20.6% | 34.6% | 13.2% | 20.2% |
| Operatives | 17.4% | 25.2% | 26.5% | 28.8% |
| Unskilled labor (non-farm) | 6.6% | 15.0% | 17.5% | 22.8% |
| Service (except private hh) | 7.4% | 7.4% | 15.2% | 15.5% |
| Other | 5.2% | 2.8% | 4.1% | 1.3% |
| Total | 100% | 100% | 100% | 100% |

a. All non-white offenders studied were black. United States data for 1971 for blacks are consistently presented under the heading of "black and other" and "Negro and Other."

Table 4 compares income levels in the target population with those in the general population. The average income of the white offender is well below that of conventional white workers. However, as the table shows, income levels for offenders age sixteen to nineteen and twenty to twenty-four exceed those of comparable conventional groups by a sizable margin. This may be explained by the fact that young persistent offenders are less likely to be in low paying activities such as military service or work/study lifestyles as would their conventional peers. Like the labor participation rates, these data indicate that young persistent offenders are participants in the conventional work force.

¹⁶ BUREAU OF LABOR STATISTICS, U.S. DEP'T OF LABOR, HANDBOOK OF LABOR STATISTICS (1977).

TABLE 4
COMPARISON OF ANNUAL INCOME FOR MALES IN UNITED STATES
POPULATION WITH OFFENDER POPULATION BY AGE
AND RACE (1971)¹⁷

| Age | White | | Black | |
|---------------------|------------|-----------|------------|------------------------|
| | U.S. Males | Offenders | U.S. Males | Offenders ^a |
| 14-15 | \$377 | b | \$430 | b |
| 16-19 | \$1,403 | \$4,080 | \$1,159 | \$2,867 |
| 20-24 | \$4,614 | \$5,887 | \$3,613 | \$3,968 |
| 25-34 | \$9,271 | \$7,006 | \$6,192 | \$4,875 |
| 35-44 | \$11,488 | \$7,090 | \$6,465 | \$5,650 |
| 45-54 | \$11,503 | \$7,335 | \$6,525 | \$4,480 |
| 55-64 | \$9,755 | b | \$5,329 | b |
| 65 and over | \$5,221 | b | \$2,937 | b |
| Total Population | \$8,203 | \$6,117 | \$4,888 | \$4,240 |

a. Income for offenders was calculated as the average income for the twelve months prior to incarceration.

b. Population estimates are so low as to be of questionable reliability.

B. LABOR FORCE PARTICIPATION: BLACK PERSISTENT OFFENDERS

In examining labor participation data for black persistent offenders¹⁸ in Table 2, one is struck by the fact that the labor force participation of black offenders more closely resembles that of the general non-white population than the participation of white offenders resembles that of whites in conventional society. The differences in labor force participation rates are of a lesser magnitude with some younger age groups displaying more activity in the labor market than conventional peers. The labor force participation rate for black offenders sixteen and over appears greater than that for the general black population (81.6% versus 74.9%). While this no doubt is, in part, due to the very much higher rate of participation in the target population's sixteen to seventeen age group and also the higher rate for the eighteen and nineteen age group, which together constitute almost half of black offenders, it is evidence of the similar position of black offenders and non-offenders in the labor market. This impression of similarity is reinforced when average income by age is considered.¹⁹

Furthermore, a comparison of occupational involvement²⁰ indicates yet another area of similarity between black offenders and the general non-white population. In four out of seven occupational categories

¹⁷ U.S. BUREAU OF THE CENSUS, CURRENT POPULATION REPORTS, SERIES P-60, NO. 85, CONSUMER INCOME (1972).

¹⁸ Mean age of black persistent offenders was 25.9 years.

¹⁹ See *supra* Table 4, at 1782.

²⁰ See *supra* Table 3, at 1781.

there is less than a five percent difference between offenders and conventional citizens. A very slight difference was found between the two populations in the area of service jobs. Black offenders do lag considerably behind the general non-white population in "white collar" jobs. The black offenders are somewhat more active than the general non-white population in "blue collar" occupations, showing greater participation at all skill levels. The two groups seem, in general, to resemble one another occupationally. Occupational data, then, appear to support previously discussed indicators of black offenders' involvement in the labor market, creating the impression that the position of the persistent black offender as a worker is not radically different from his non-offender counterpart.

IV. DISCUSSION OF FINDINGS

A. "MOONLIGHTING" IN CRIME

This study's findings fail to support the prevailing view that professional criminals are not active participants in the legitimate world of work. The persistent property offenders under study here may be characterized as "moonlighters" in crime.

While the sociological school of criminology has always maintained that crime and criminals are in general "normal," it has not yet come to hold the view that legitimate workers may also be predatory criminals such as robbers and burglars. For either practical or ideological reasons, e.g., the respective positions of the traditional and generalist perspectives on the issue,²¹ the two roles seem to be viewed as somewhat antithetical. When crime is associated with workers in conventional occupations, it is almost always white collar crime, e.g., fraud, occupational crime, or larceny by workers against their employer or fellow employees. In the following excerpt from an article entitled "Avocational Crime," Gilbert Geis notes the failure of criminologists to deal objectively with moonlighting in crime, but he also conveys an unwillingness to accept predatory crime as moonlighting:

The matter does not concern only the proportional amount of time devoted to law-abiding and criminal activity, however, but also involves those aspects of a person's being and behavior which come to define all of him. A man who commits armed robbery offenses, and who also spends much of his time as a factory worker, sandpapering furniture, will be defined most fundamentally as an "armed robber." A streetwalking prostitute who devotes most of her nonworking hours to seeing to it that her children are well raised will be called a "whore," not a "mother." Conversely, a man who violates tie-in agreement laws or who carries on outlawed insider transactions will be defined as a "businessman" or as a "stockbroker," and a woman from Oak Park with four children who steals regularly at Marshall Field's will be identified as a "suburban housewife."

²¹ See *supra* notes 1-4 and accompanying text.

The anomalous and seemingly discordant nature of the legal and illegal activities may be regarded in part as the reason for the varied identifications. Suburban housewives who shoplift (and are caught at it) are relatively rare. But this hardly stands up logically; furniture sandpaperers who are armed robbers are not very common either.²²

Several authors, however, have recognized the fact that moonlighting in crime might be fairly common. In the field of sociology, Ned Polsky²³ was among the first to discuss such activity. He briefly mentions this phenomenon in his occupational study of pool hustlers. Polsky argues that there should be more research on patterns of criminal activity, suggesting that crime is ideal for moonlighting because it requires little time, is highly profitable, and has flexible working hours.²⁴ Similarly, Bluestone²⁵ suggests in his analysis of the participation of poor people in urban labor markets that economists have tended to overlook widespread but unconventional means by which persons in the lower socio-economic strata of society supplement their legitimate income, e.g., by various forms of criminal activity. Like Polsky,²⁶ he emphasizes the positive features of moonlighting: (1) higher wages than conventional jobs; (2) better working conditions; and (3) a sense of independence.²⁷ Levitan²⁸ saw criminal activity by the urban poor as a means of acquiring the much needed income that their conventional jobs in semi/unskilled occupations could not provide. Clearly, these researchers are suggesting that multiple jobholding routinely reaches beyond the boundaries of the conventional world of work into the realm of predatory criminal activity.

B. MULTIPLE JOBHOLDING IN THE CONVENTIONAL LABOR MARKET

Understanding patterns of multiple jobholding that occur within the conventional labor market may help one better understand the phenomenon of crime as a second job. Multiple jobholding or secondary employment (moonlighting) has been defined as (1) having jobs as a wage or salary worker with two employers or more; (2) being self-employed and also holding a wage or salary job; or (3) working as an unpaid family worker but also having a secondary wage or salary job. The primary job is that job at which one works the greatest number of

²² Geis, *Avocational Crime* in HANDBOOK OF CRIMINOLOGY 275-76 (D. Glaser ed. 1974).

²³ N. POLSKY, HUSTLERS, BEATS AND OTHERS 91-92, 101-03 (1967).

²⁴ *Id.*

²⁵ Bluestone, *The Tripartite Economy: Urban Labor Markets and the Working Poor*, 5 POVERTY AND HUMAN RESOURCES 15, 26 (1970).

²⁶ See *supra* text accompanying note 23.

²⁷ See *supra* note 25.

²⁸ See generally S. LEVITAN, G. MANGUM & R. MARSHALL, HUMAN RESOURCES AND LABOR MARKETS 133-34 (1976).

hours.²⁹

Moonlighting is common among both white and blue collar workers; the principal objective in secondary employment being the acquisition of additional income.³⁰ Multiple jobholding is especially critical for unskilled workers and some segments of the semi-skilled labor force who do not earn enough from their primary job to provide subsistence for themselves and their families.³¹ These persons are commonly referred to as the "working poor."³² Furthermore, many blue collar workers have been viewed as being caught in an "economic squeeze" in which, although earning an income which provides well for their basic needs, they cannot afford the "middle class" style of life which they very much desire.³³ The jobs of these semi-skilled workers do not provide fast promotions and in some cases fail to provide any promotion opportunities at all; hence, if one is without overtime work, savings, and/or a working spouse, moonlighting is the only means of acquiring desired material goods.³⁴

In mid-1971,³⁵ a United States Labor Department survey revealed that four million people, or 5.1% of all employed workers, were multiple jobholders.³⁶ Almost eight out of ten multiple jobholders were male. Secondary employment was highest among teachers and protective service workers (e.g., policemen and firemen); eighteen and sixteen percent, respectively.³⁷ In general, workers in jobs with flexible hours were found to be more apt to have second jobs.³⁸ Secondary jobs tended not to be in the same major occupational group as primary jobs.³⁹

Patterns of moonlighting differed for non-whites and whites. Nearly half again as many whites as non-whites were multiple jobholders (5.3% versus 3.8%).⁴⁰ While one of every three whites was self-employed in his or her second job, only a quarter of blacks moonlighted in their own businesses.⁴¹ The racial differences among multiple jobhold-

²⁹ Hayghe & Michelotti, *Multiple Jobholding in 1970 and 1971*, 94 MONTHLY LAB. REV. 38 (1971).

³⁰ S. WOLFBEIN, EMPLOYMENT AND UNEMPLOYMENT IN THE UNITED STATES 264-67 (1964).

³¹ S. LEVITAN AND R. TAGGART III, EMPLOYMENT AND EARNINGS INADEQUACY (1974).

³² See S. LEVITAN, G. MANGUM & R. MARSHALL, *supra* note 28, at 340.

³³ ROSOW, *The Problem of the Blue-Collar Worker*, in AN ANTHOLOGY OF LABOR ECONOMICS: READINGS AND COMMENTARY 941, 942-45 (R. Marshall & R. Perlman ed. 1972).

³⁴ See generally B. MABRY, ECONOMICS OF MANPOWER AND THE LABOR MARKET 217 (1973).

³⁵ See *supra* note 10.

³⁶ See Hayghe & Michelotti, *supra* note 29, at 40.

³⁷ *Id.* at 40.

³⁸ *Id.*

³⁹ *Id.* at 41.

⁴⁰ *Id.* at 40.

⁴¹ *Id.* at 41.

ers are perhaps reflective of general racial differences in labor force participation. It has been noted that professional and skilled workers find it easier to moonlight because their specialized experience and training are more valuable to prospective employers.⁴² Since minorities tend to be underrepresented in these groups, they may be at a disadvantage in finding second jobs. The nature of the secondary employment market may be structured so as to minimize the participation of lower income individuals who may need this source of additional income the most.

There is some evidence to suggest that skilled workers who are unable to obtain secondary employment as wage workers may attempt to earn additional money by starting their own businesses. In 1971, blue collar workers were two and one half times as likely to operate farms (a form of self-employment) than other occupational groups.⁴³ Nearly a quarter of all blue collar moonlighting involved agricultural entrepreneurial activity. In attempting to explain the dramatic rise from 166,000 to 728,000 between May, 1970 and May, 1971 in the number of self-employed persons in non-agricultural industries with little concomitant rise in the total number of moonlighters, Michelotti and Hayghe⁴⁴ state "it may be that some persons who wanted but could not find a wage or salary job turned to self-employment in order to earn additional income."⁴⁵

C. ROBBERS AND BURGLARS AS SELF-EMPLOYED MOONLIGHTERS

The rates of labor force participation by members of this study's target population were so high as to indicate that conventional jobholding was much more the rule than the exception among these persistent property offenders.⁴⁶ Given the relatively brief time periods in which both robberies and burglaries can be committed, as opposed to the roughly forty hour weekly schedule that characterizes most conventional work, it is reasonable to view such criminal activity by an employed person as a secondary rather than a primary job. In the context of multiple jobholding, robbers and burglars can be looked upon as *self-employed* since their activities are usually not conducted on a salary or wage basis but rather involve a profit and loss structure akin to conventional entrepreneurial endeavors. In essence, then, the target population was moonlighting as self-employed businessmen and their business was crime.

The decision of members of the target population to seek secondary

⁴² See S. WOLFREIN, *supra* note 30, at 267.

⁴³ See Hayghe & Michelotti, *supra* note 29, at 41-42.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ See *supra* Table 2, at 1780.

employment as entrepreneurs rather than salary or wage earners may be partly a function of their position in the conventional labor market. Table 5 shows the occupational status scores for the members of the target population in comparison to the mean scores by occupational grouping for the male population of the United States. Based on data gathered in the 1970 decennial census, Nam, LaRocque, Powers and Holmberg⁴⁷

TABLE 5

OCCUPATIONAL STATUS SCORES FOR UNITED STATES MALES (1970)
WITH AVERAGE OCCUPATIONAL SCORES OF TARGET POPULATION BY
RACE AND OFFENSE

| Occupational Status Scores for Males in U.S. by Job Category ⁴⁸ | Average Occupational Status Scores for Whites in Target Population | Average Occupational Status Scores for Blacks in Target Population |
|--|---|--|
| Professional and technical | 84 | |
| Managers, officials, and proprietors (except farm) | 75 | |
| Sales and clerical | 53 | |
| Craftsmen | 49 | |
| | Robbers | 44.5 |
| | Generalists | 42.9 |
| | Burglars | 41.1 |
| | | Robbers 37.4 |
| | | Generalists 37.2 |
| | | Burglars 35.1 |
| Operatives | 35 | |
| Service (except private hh) | 32 | |
| Laborers (except farm) | 15 | |

derived these scores using average levels of education and income for incumbents of 589 occupations. Hence, these scores allow one to compare the socioeconomic position of the target population with that of other men in the conventional world of work. On the basis of their oc-

⁴⁷ C. Nam, J. LaRocque, M. Powers & G. Holmberg, Occupational Status Scores: Stability and Change, Proceedings of the Social Statistics Section, American Statistical Association 570-75 (1975).

⁴⁸ *Id.*

cupational status scores, the members of the target population can best be characterized as semi-skilled workers. Since semi-skilled workers tend to (1) have fewer marketable skills than other better trained and better educated occupational groups and (2) have less flexible working hours than some other occupational groups, they are at a disadvantage in obtaining secondary employment as wage earners. Hence, entrepreneurial activity might have been the only secondary employment available to the semi-skilled workers of the target population.

D. MOONLIGHTING AND CRIMINAL CAREERS IN ROBBERY AND BURGLARY

In light of the income level and occupational status of the target population, i.e., as semi-skilled workers, one could reasonably assume that a substantial proportion of these individuals could be classified as either the "working poor" or victims of the "economic squeeze"; the latter condition seen as being endemic among blue collar workers.⁴⁹ Obtaining secondary employment in wage jobs is relatively difficult for such persons. Moonlighting in entrepreneurial activity then may not only be desirable—it may be necessary.

While perhaps not possessed of conventionally marketable skills, the target population was not without other personal resources. To varying degrees, they possessed experience and perhaps skill as burglars and/or robbers. As Polsky⁵⁰ and Bluestone⁵¹ note, participation in criminal activity as secondary employment is of such character as to quickly provide one with income without interfering with one's conventional occupational responsibilities. Since these men are already convicted felons, they are not likely to be dissuaded from criminal activity by fear that apprehension and conviction will damage their prospects for legitimate employment; the damage is already done. More importantly perhaps, these men have already made a considerable investment in their criminal careers. It would seem that when they are in need of economic assistance, they draw upon this investment, i.e., they continue to pursue a criminal career.

E. A NOTE ON THOSE NOT IN THE LABOR FORCE

Virtually all (99.5%) of those offenders without a job indicated that they were not seeking employment.⁵² This finding is itself of some sig-

⁴⁹ See generally Rosow, *supra* note 33, at 942-45; Wool, *What's Wrong with Work in America?—A Review Essay*, 96 MONTHLY LAB. REV. 38, 39 (1973).

⁵⁰ See N. POLSKY, *supra* note 23.

⁵¹ See Bluestone, *supra* note 25.

⁵² H. Holzman, *The Persistent Property Offender and the Concept of Professional Criminality: The Case of Robbery and Burglary* 137-39 (1979) (dissertation).

nificance to the study since it suggests that some twenty-two percent of the target population may have had no interest in legitimate employment. This would indicate that some persistent offenders, although a minority, may conform to the existing conceptions of the "professional criminal." Two out of three of those not in the labor force reported that they *did not want to work*.⁵³ Furthermore, only about one in twenty of those who did not want a job reported that their age or participation in school and/or training influenced their decision not to seek work.

The finding that a sizable minority of the target population did not have nor want a job at the time of their arrest for present offense is not unexpected. Both the generalist and specialist conceptions of the professional criminal are based on empirical research, although this research has used rather small samples that were not as rigorously defined as the target population in the present study. It is interesting to note, however, that Petersilia, Greenwood and Lavin,⁵⁴ who studied a sample of forty-nine incarcerated armed robbers with at least one prior prison term, found employment rates roughly comparable to those presented here. Furthermore, some of the individuals studied by Petersilia and her associates may have been similar to this study's generalists, since over one out of every three⁵⁵ stated that they were burglars who had switched to robbery.⁵⁶ It thus appears that as one better defines the population of "career" criminals under study, previously unnoticed behavior patterns emerge.

V. MOONLIGHTER OR CRIMINAL?—IMPLICATIONS FOR CRIMINOLOGICAL THEORY

The findings of this study pose a question quite germane to criminological theory: are persistent robbers and burglars to be viewed as criminals who also have conventional jobs or as semi-skilled workers who moonlight as criminals? Since most criminological theories focus upon an attempt to explain deviance rather than conformity, the prevalence of conventional work force participation among "hard core" criminals is theoretically intriguing.

Among the major schools of contemporary criminological thought,

⁵³ *Id.*

⁵⁴ J. PETERSILIA, P. GREENWOOD & M. LAVIN, *CRIMINAL CAREERS OF HABITUAL FELONS* (1977).

⁵⁵ *Id.* at 23.

⁵⁶ The examination of the criminal histories of the generalists in the target population indicated that the last incarceration for over four out of five of these men was for robbery. This would suggest that these men were first active in burglary and then switched to robbery. This supposition is supported by the findings of a recent study by Peterson, entitled "Doing Crime: A Survey of California Prison Inmates," in which it was found that recidivists do tend to be apprehended for those offenses in which they are most active.

only control theory takes the position that conformity, not deviance, must be explained.⁵⁷ Control theorists believe that crime, delinquency and other forms of deviance are not caused by forces which motivate people to transgress norms but rather are simply not prevented by internal and external controls.⁵⁸ Reckless sees criminal behavior as the product of a series of struggles between countervailing forces involving what he calls inner containment and outer containment of deviance. The individual is pushed toward deviance by internal drives and impulses (e.g., discontent), and also pressured or pulled toward deviance by environmental factors, (e.g., delinquent peers or poverty). Conversely, inner controls (e.g., good self concept, ego, or strength), work to minimize deviance as do outer controls (e.g., parents or official agents of social control). Matza⁵⁹ sees juveniles as "drifting" in and out of delinquency due to situational factors, e.g., peer pressure, which join to push the youngster into deviance in a specific instance.

Advocates of control theory stress the situational nature of the personal decision to commit crime and suggest that commission of a proscribed act may indeed seem appropriate to an individual at "time A" and inappropriate at "time B." It is this flexibility that was characterized by Matza as "drift" in his discussion of the etiology of juvenile delinquency. Hence, the control perspective views the offender as a subjective human being who occasionally indulges in brief episodes of criminality rather than viewing him as simply an object to be feared, rehabilitated, or punished. Control theorists would therefore not be surprised that the persistent burglar spends his days as a factory worker.

The earlier discussion regarding multiple jobholding, the nature of blue collar secondary employment, and the conventional and criminal economic activities of the target population are consistent with control theory. Semi-skilled workers with prior criminal histories are subjected to economic pressures. Having already "served time," they do not fear the stigma of criminalization. Their experience in successfully committing property crime suggests that an individual can indulge in many lucrative but illegal episodes before being caught, i.e., the risk of apprehension is low. They possess skills which they believe will enhance the possibility of profit while reducing the risk of being caught. The forces of inner containment are temporarily suppressed. A semi-skilled worker thus comes to moonlight in crime. The worker's position in the marketplace, his entire repertoire of skills, his financial situation and his fund of

⁵⁷ T. HIRSCHI, *CAUSES OF DELINQUENCY* (1969).

⁵⁸ See generally F. NYE, *FAMILY RELATIONSHIPS AND DELINQUENT BEHAVIOR* 3-4 (1958); Reckless, *A New Theory of Delinquency and Crime* 25 *FED. PROBATION* 42 (1961).

⁵⁹ D. MATZA, *DELINQUENCY AND DRIFT* 42-46 (1964).

personal experiences conjoin not only to make him a multiple jobholder but a recidivistic property offender as well.

VI. CONCLUSION

Twentieth century criminologists have tended to make much of the relationship between crime and unemployment. Even with the renewed popularity of deterrence and incapacitation justifications for long term incarceration, rehabilitation still has very wide currency in the United States. Traditionally, rehabilitation depends heavily on occupational training and job placement. The results of the present study suggest that known recidivists in robbery and/or burglary are very likely to be legitimately employed while continuing to pursue their criminal careers. Furthermore, when one examines the occupational status of these recidivists in light of the literature on moonlighting, it seems reasonable to view their continued involvement in property crime as secondary employment of an entrepreneurial genre.

In respect to their political implications, the findings of this study might be interpreted in several very different ways. The opponents of rehabilitation might suggest that this study represents further evidence of the ineffectiveness of traditional correctional treatment. Expensive vocational education programs in prison could be depicted as merely sharpening the skills of would-be careerists in burglary. Why not simply opt for more use of lengthy incapacitation with the hope that it would chasten the offender while it protected society?

The interpretation of radical criminologists might be quite different. They might suggest that the underclasses of a capitalist society are forced to participate in "underground" economies, stealing, or purchasing the fruits of crime simply to survive. These criminologists might declare that the rising unemployment among America's middle class will finally teach liberals and conservatives alike what the term "working poor" really means. The critical criminologist might see moonlighting in crime by habitual offenders as perhaps foreshadowing more part-time criminal activity by the so-called law-abiding majority of workers as the general economic situation worsens.

This study's findings can also be interpreted as providing evidence that the central focus of the criminal justice system's rehabilitative efforts needs to be changed. Although the average age of the offender in the target population was only twenty-seven, the average number of incarcerations—not convictions—was four. Taken with the evidence of moonlighting, these data suggest that the solution to career criminality might rest with a program of correctional intervention before that crimi-

nal career is well established. In essence, perhaps it is time to take another serious look at "childsaving."

This study's results also have important implications for the study of criminal careers of persistent property offenders. The finding of an unexpectedly high rate of labor force participation in the target population suggests that both traditional and newer conceptions of the professional criminal need to be reexamined with regard to their perspective on the position of the serious habitual property offender in the world of work. Any new theoretical hypotheses concerning "crime as work" must account for conventional labor force participation among serious habitual property offenders.