



# The Maximizer: clarifying Merton's theories of anomie and strain

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## Abstract

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Robert Merton's (1957) theories of anomie and strain are among the most widely examined theories of criminality. Messner and Rosenfeld's (1994) theory of institutional anomie built on Merton's conception of anomie, delineating how specific institutions lead to conditions of anomie and criminality. Cloward and Ohlin's (1961) theory of differential opportunity built upon Merton's strain theory, underscoring the fact that those involved in illegitimate means of opportunity require a set of learned skills as do those involved in legitimate means. In this tradition, the present paper further expands Merton's theories of anomie and strain, suggesting that Merton's categories of conformist and innovator are not mutually exclusive. In fact, some individuals combine both legitimate and illegitimate means of opportunity in pursuit of the American Dream. The Maximizer, the authors suggest, merges elements of both the conformist and the innovator (i.e. legitimate and illegitimate means). The present paper explores the justification for merging legitimate and illegitimate means of opportunity in pursuit of the American Dream.

## Key Words

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American Dream • anomie • Maximizer • Merton • strain

## Introduction

This paper builds on, but attempts to add to, anomie and strain theories as the latter have been conceived by Robert Merton (1938), Steven Messner

and Richard Rosenfeld (1994), and Richard Cloward and Lloyd Ohlin (1961). We provide an additional mode of adaptation to anomie and strain—*maximization*—which refers to the simultaneous utilization of legitimate or institutionalized means and illegitimate means in pursuit of the so-called American Dream.

The *Maximizer*, an extension of Merton's typology and the focus of the present paper, is the inductive product of research which has explored perceived stringency in punishment compared to actual punishment as delineated in the United States Sentencing Commission Guideline Manual. The original research presented respondents with a set of vignettes and queried what the appropriate punishment should be for each criminal act described. These data were then compared to actual punishments as prescribed in the Guideline Manual.

In doing this research, we noted an anomaly in prescribed sentencing as compared to Guideline dictates for a vignette in which a contractor built a bridge—illegally breaking code in pursuit of profit—while simultaneously operating a legitimate business. The outcome of the illegal behavior perpetrated by the contractor was the collapse of the bridge and the death of five motorists. Consistently respondents indicated 'the contractor should have a fine imposed', 'the contractor should have their license revoked', 'perhaps it was the workers' fault and not that of the contractor', and other similar reactions. The researchers were struck by respondents' tendency to justify the illegal activities of the contractor; acts that led to the death of five human beings. This led us to suspect that one reason for this rationalization was that people perceived the contractor as working toward the socially inculcated goal of the American Dream (legitimate means of opportunity), a goal so overweening that it was taken to justify the illegal actions of cutting corners in construction and breaking code (illegitimate means of opportunity). Moreover, the common finding of justification for such actions suggested that varied people in US society are perceived as willing to, or actually engaged in, such combined legal and illegal activities. Thus, we developed the concept of the *Maximizer*, someone who simultaneously uses and incorporates legitimate and illegitimate means of opportunity in the pursuit of profit and/or monetary gain (the American Dream).

In introducing this concept, the present paper also suggests that Merton's categories of conformist and innovator are not mutually exclusive. Rather, the pursuit of the American Dream leads social actors to combine both legitimate and illegitimate means in an effort to 'succeed' within corporate culture. While Merton's theories of anomie and strain have been well supported over the decades, Merton did not explicitly consider utilization of both legitimate and illegitimate means of opportunity in pursuit of the American Dream. On the contrary, though, we suggest that it is possible to utilize both legitimate and illegitimate means in pursuit of goals, as vaguely suggested yet not delineated by Cloward and Ohlin (1961) in their theory of differential opportunity. The goal of the present paper is to advance Merton's ideas regarding anomie and strain by exploring an additional

adaptation—*maximization*—which refers to implementing both legitimate and illegitimate means of opportunity in pursuit of the socially inculcated American Dream.

## Literature review

Merton's anomie and strain theories sought to explain why certain cultures, groups, and individuals were more prone to engage in antisocial and/or illegal behaviors. Merton asserted that members of society receive messages of what is *normal*—including acceptable behaviors—from societal institutions. Normal, according to Merton (1957: 132), is that which is the 'psychologically expectable, if not culturally approved, response to determinate social conditions'. Most people, most of the time, abide by society's rules of behavior, thereby remaining 'normal'. Yet pressures from social institutions, and specifically from expectations associated with the American Dream, can lead some 'to engage in nonconforming rather than conforming conduct'. These pressures should explain not only higher deviance by individuals who experience them, but also higher group deviance by members of the classes that most experience such pressures (Merton, 1957: 132).

Merton's central hypotheses regarding deviance and criminality assert that criminality is a function of an overemphasis on the goals associated with the American Dream (e.g. wealth), as well as a disjuncture between the goals valued by society and the means available to people to achieve them (Merton, 1957: 162). Thus, the primary mechanism through which deviance and criminality is fostered has its origin in *goals-means discrepancies* (whether because of an overemphasis on cultural goals or goal blockage). However, Merton did not explicitly consider utilization of both *legitimate* and *illegitimate means* of opportunity in pursuit of the American Dream.

Anomie and strain theories posit that criminality is due to an array of social causes. One explanation is that criminality results from personal states of egoism and selfishness caused by a lack of integration into, and regulation by, society, as in *anomie theory* and *microanomie theory* (Durkheim, 1893, 1897; Konty, 2005). Another is that it results from pressures to achieve at any cost imposed by the American Dream and the relative importance of the economy in our lives, as in *anomie theory* and *institutional anomie theory* (Merton, 1957; Messner and Rosenfeld, 1994). Some relevant theories deal with frustration that arises from increased wants and desires in the context of globalization and neoliberalism, as in *global anomie* and *dysnomie theory* (Passas, 2000). Others focus on discrepancies in cultural goals and the legitimate means to achieve them, as in *strain theory* (Merton, 1957) and on goal blockage, the loss of valued items, negative emotion, and noxious stimuli, as in *general strain theory* (Agnew, 1992, 1999, 2002; Agnew et al., 2002; Baron, 2004; Brezina, 1996; Brezina et al., 2001; Capowich et al., 2001; Eitle, 2002; Gibson et al., 2001; Jang et al., 2003; Mazerolle et al., 2000; Simons et al., 2003; Wright et al., 2001).

Finally, some criminologists have emphasized a shared sense of relative deprivation, as in *macrolevel general strain theory* (Pratt and Godsey, 2003), as well as unlimited desires for wealth in the context of limited means, leading to a problem of adjustment, as in *differential opportunity theory* (Cloward and Ohlin, 1961).

All of these theories, to one degree or another, blame crime on the overpowering influence of the economy on our lives. The theories most relevant for economic sources of anomie and strain, as analyzed here, include Merton's separate but related anomie and strain theories, Messner and Rosenfeld's institutional anomie theory, and Cloward and Ohlin's theory of differential opportunity. Each is reviewed below. We first review Merton's anomie and Messner and Rosenfeld's institutional anomie theories, and then move on to Merton's strain and Cloward and Ohlin's differential opportunity theories. We believe this is the most logical order in which to discuss these theories, given that Messner and Rosenfeld (1994) adapted Merton's theory of anomie, and Cloward and Ohlin adapted Merton's theory of strain.

### *Anomie and strain perspectives*

Before offering a brief review it is important to note that, although most criminological attention has been placed on Robert Merton's theory of strain, his seminal work—*Social Structure and Anomie*—contains within it two related but independent lines of theoretical argument (Bernard, 1987; Featherstone and Deflem, 2003; Messner, 1988). Bernard (1987: 267) refers to one as a 'cultural argument' (dealing with the value of monetary success and the importance of using legitimate means in pursuit of this goal), and the other as a 'structural argument' (dealing with the distribution of legitimate opportunities in society). The former explains criminality as a function of pressures placed on individuals living in a capitalistic American society, the latter as a function of differential opportunities.

Similarly, Messner (1988: 31) asserts that Merton's work relates to both a 'cultural structure' (pertaining to the normative values governing behaviors that are common to society, and which can be broken down into culturally defined goals and culturally defined means to achieve those goals), as well as to the 'social structure' (pertaining to a set of social relationships). Thus, Messner attributes to Merton a theory of social organization (relevant to the components of social systems) and a theory of deviant motivation (relevant to sources of pressure on individuals to violate social norms). Messner lays out the two theories this way: the first attributes criminality to a 'disjuncture within the cultural structure itself ... [due to] an exaggerated emphasis on goals in comparison with the emphasis on means'; the second attributes criminality to 'disjuncture between social structural arrangements and cultural prescriptions [when the] cultural structure extols the common success goals, while the social structure restricts access to the normative means' (Messner, 1988: 37).

Additionally, Featherstone and Deflem (2003: 472) point out that Merton's work developed two separate but related theories. These include

a theory of anomie (positing that there exists in American society a disjuncture in emphasis on culture goals and the means to achieve them), as well as a strain theory (positing that goal blockage leads to pursuing illegitimate means). According to these authors, criminality emerges due to anomie caused by an overemphasis on the goals associated with the American Dream, and due to strain caused by blocked opportunities for those seeking the American Dream.

### *Anomie and institutional anomie*

Beginning with Merton's first theory—anomie theory—one of Merton's main points is that the so-called '*American Dream*' is both criminogenic and the overriding institutionalized goal in our country. Stated simply, the American Dream means 'making it', 'winning the game', or achieving independence and wealth. When these goals are so emphasized that they get far more attention than the institutionalized means to achieve them, the result is anomie and criminality. When discussing a hypothetical poorly integrated culture, Merton explained that it is possible for culturally prescribed goals to overcome and completely dominate consideration of culturally prescribed means. In his words, 'there may develop a very heavy, at times virtually exclusive, stress upon the value of particular goals, involving comparatively little concern with the institutionally prescribed means of striving toward these goals' (Merton, 1957: 132). According to Merton, American institutions of the 1950s placed greater emphasis on culture goals than upon institutional or legitimate means to achieve them. This resulted in an overwhelming focus on the cultural goals of American institutions with relatively little emphasis on the institutionalized means. When emphasis on institutionalized means relax and goals are overemphasized, criminality is permissible.

As Merton asserted, 'an extreme cultural emphasis on the goal of success attenuates conformity to institutionally prescribed methods of moving toward this goal' (Merton, 1957: 169). Thus, the American Dream itself may be viewed as criminogenic.

Essentially, Merton was asserting that our focus on the American Dream is too strong because 'emphasis on the goal has so attenuated the satisfactions deriving from sheer participation in the competitive activity that only a successful outcome provides gratification' (Merton, 1957: 135). In other words, 'winning' or 'making it' according to the rules becomes secondary to 'winning' or 'making it' by *any means necessary*.

Merton's analysis meant that he recognized crime as to be expected, given the prevalence of messages related to pursuing wealth in the US. Relatedly, Bernard (1987: 266) called this a 'uniform cultural value on monetary success'. In Merton's words again:

In some large measure, money has been consecrated as a value in itself, over and above its expenditure for articles of consumption or its use for the enhancement of powers. Money is particularly well adapted to become a

symbol of prestige ... However acquired, fraudulently or institutionally, it can be used to purchase the same goods and services.

(Merton, 1957: 136)

Perhaps this is one reason why even the rich seek more. According to Merton:

in the American Dream there is no final stopping point. The measure of 'monetary success' is conveniently indefinite and relative. At each income level ... Americans want just about twenty-five percent more (but of course this 'just a bit more' continues to operate once it is obtained).

(Merton, 1957: 136)

Passas underscores the never-ending pressure inherent in the motives of capitalism toward consumerism and an insatiable drive for *more*:

Regardless of whether people strive for more; due to natural drives or because of cultural encouragement, the point is that market economies cannot perform without lofty aspirations, consumerism, emphasis on material/monetary goals, and competition. All this leads to the pursuit of constantly moving targets and systematic sources of frustration.

(2000: 19)

Such frustration is one form of what Merton (1957: 139) referred to as *strain*. Hence, Merton's conclusion that the American Dream is criminogenic.

An important part of the mantra of the American Dream is the ethos that success and monetary achievement result from 'personal' strengths, that is, from hard work and determination of people with strong wills. Thus, failure in the United States is generally perceived as a 'personal' failure rather than a systemic flaw (Merton, 1957: 138). Assuming all failures are personal/moral failures rather than system failures, the threat or fear of defeat may serve to motivate people to succeed, to attain the American Dream, by any and all means necessary. According to Merton, 'The moral mandate to achieve success ... exerts pressure to succeed, by fair means if possible and by foul means if necessary' (Merton, 1957: 169). This is precisely what the Maximizer tries to accomplish.

Thus, Merton understood that quitting is the only option that is not acceptable in America:

Americans are admonished not to be a quitter or in the dictionary of American culture, as in the lexicon of youth, 'there is no such word as fail'. The cultural manifesto is clear; one must not quit, must not cease striving, must not lessen his goals, for not failure but low aim is crime.

(1957: 139)

Merton also stated that the American Dream emphasizes 'penalizing ... those who draw in their ambitions' (Merton, 1957: 138), as does the ritualist.

Nearly 40 years later, Steven Messner and Richard Rosenfeld (1994) put forth their institutional anomie theory which expanded on Merton's theory

of anomie. Institutional anomie theory also attributes high crime rates in the US to our allegiance to the American Dream. For Messner and Rosenfeld, this 'dream' is defined as the 'broad cultural ethos that entails a commitment to *the goal of material success*, to be pursued by everyone in society, under conditions of open, individual competition' (Messner and Rosenfeld, 1994: 6, emphasis added).

Similar to the claims of Merton, these authors asserted that the American Dream 'encourages an exaggerated emphasis on monetary achievement while devaluing alternative criteria of success, it promotes a preoccupation with the realization of goals while de-emphasizing the importance of the ways in which these goals are pursued' (Messner and Rosenfeld, 1994: 10). The American Dream thus creates pressure to achieve, but minimizes the pressure to play by the rules. Under these circumstances, people become more likely to use the 'most technically efficient means necessary in reaching their goals. The result is a higher rate of predatory crime' (Bernburg, 2002: 732).

Messner and Rosenfeld asserted that the needs and health of the economy in modern America take precedence over other important social institutions like the family, schools, and even places of worship. This is due to the fact that the 'primary task for noneconomic institutions such as the family and schools is to inculcate beliefs, values, and commitments other than those of the marketplace' (Vold et al., 1998: 176). Thus, we should not expect these types of institutions to control antisocial and criminal behaviors when they are weakened. Instead, 'when other institutions such as polity, religion, education, and the family are unable to regulate human impulses generated by the economy, criminality and deviance are more likely' (Robinson, 2004: 227; citing Chamlin and Cochran, 1995).

According to Messner and Rosenfeld (1994), the economy takes precedence in capitalism when: (1) non-economic institutions are devalued; (2) norms and values of non-economic institutions give way to norms and values of economic institutions; and (3) non-economic institutions make accommodations to economic institutions (also see Chamlin and Cochran, 1995; Maume and Lee, 2003; Piquero and Piquero, 1998; Savolainen, 2000). Criminal behavior is most likely when 'the value-orientation of the market economy, that is, the pursuit of self-interest, attraction to monetary rewards, and competition, become exaggerated relative to the value-orientations of institutions such as the family, education, and the polity' (Bernburg, 2002: 732). There are at least two reasons criminality results from this arrangement: 'The emphasis on the American Dream leads to both intense cultural pressures for monetary success and an increase in anomie [and the] dominance of the economy in the social structure ... weakens the regulatory efficacy of noneconomic institutions' (Maume and Lee, 2003: 1140).

The phenomenon of cultural pressures pushing toward monetary success is explained by Savolainen, who writes:

An institutional balance of power in which the economy dominates other institutions is assumed to be the most conducive to high rates of serious

crime because such an arrangement is the least capable of restraining criminal motivations stimulated by the logic of egalitarian market capitalism. At the level of culture, institutional imbalance of this description generates value orientations that emphasize efficiency norms at the expense of moral considerations ... the 'mood' of the society becomes more predatory. At the level of social structure, weak noneconomic institutions are less capable of providing stakes in conformity in the form of meaningful social roles.

(2000: 1022)

Thus, the theory 'sees crime rates as a function of the American Dream's cultural emphasis on economic success in combination with an institutional structure dominated by the economy' (Pratt and Godsey, 2003: 615).

### *Strain and differential opportunity*

Robert Merton's second theoretical idea—strain theory—holds that a disjuncture between *goals* and *means* is responsible for criminality. According to Merton (1957: 132), 'culturally defined goals, purposes and interests' are comprised of 'a frame of aspirational reference. They are the things "worth striving for".' These goals are institutional in that they arise from, and are reinforced by, social institutions including informal sources of culture goals such as families and schools (Merton, 1957: 137). The 'acceptable modes of reaching out for these goals' are the institutionalized or legitimate means. They are 'regulations, rooted in the mores or institutions, of allowable procedures for moving toward [cultural objectives]' (Merton, 1957: 132). Certain means are required, some are allowed, others are preferred, while illegitimate means are prohibited. Merton's terms for these, respectively, are *prescriptions*, *permissions*, *preferences*, and *proscriptions* (Merton, 1957: 132).

Living in a 'culture-bearing society' (especially under the pressures produced by the American Dream) causes great difficulty for individuals including strain (Merton, 1957: 139). Merton developed five modes of adaptation to cultural strain: Conformity, Innovation, Ritualism, Retreatism, and Rebellion. These adaptations to strain are depicted in Table 1. Each of the five categories refers to 'role behavior in specific types of situations, not to personality ... types of more or less enduring response, not types of personality organization' (Merton, 1957: 140).

*Conformity*, 'the most common and widely diffused' adaptation refers to acceptance of both cultural goals, and institutional means to achieve them (Merton, 1957: 141). *Innovation* describes 'the individual [who] has assimilated the cultural emphasis upon the goal without equally internalizing the institutional norms governing ways and means for its attainment' (Merton, 1957: 141). Merton (1957: 144–145) thus asserted that not only do the poor accept the American Dream but also that 'the avenues available for moving toward this goal are largely limited by the class structure to those of deviant behavior'. *Ritualism* 'involves the abandoning or scaling down of the lofty cultural goals of great pecuniary success and rapid social mobility to the



**Table 1** Merton's modes of adaptation to anomic strain

| <i>Modes of adaptation</i> | <i>Cultural goals</i> | <i>Institutional means</i> |
|----------------------------|-----------------------|----------------------------|
| Conformity                 | Accept                | Accept                     |
| Innovation                 | Accept                | Reject                     |
| Ritualism                  | Reject                | Accept                     |
| Retreatism                 | Reject                | Reject                     |
| Rebellion                  | Reject/Replace        | Reject/Replace             |

point where one's aspirations can be satisfied'. *Retreatism*, the least common adaptation according to Merton, involves a rejection of both the goals of the culture, and the institutionalized means to achieve them; the Marxist construct of the lumpen proletariat would fit under the aegis of this adaptation. Merton's final adaptation to strain, *Rebellion*, also involves rejection of both the culture goals and institutionalized means. But those who pursue rebellion develop their own substitute goals and means that often conflict with those endorsed by societal institutions such as the family and schools.

Richard Cloward and Lloyd Ohlin (1961: 85) concurred with Merton's central thesis concerning strain. They discussed how people's desires for wealth are virtually unlimited. As they asserted, 'There is every reason to think that persons variously located in the social hierarchy have rather different chances of reaching common success-goals despite the prevailing ideology of equal opportunity.' The variants of success in pursuit of the American Dream lead to feelings of strain in individuals, or what Cloward and Ohlin called 'a major problem of adjustment'. Strain not only can lead to criminality among individuals, but can also lead to shared feelings of oppression and thus a subculture:

The disparity between what lower-class youth are led to want and what is actually available to them is the source of a major problem of adjustment. Adolescents who form delinquent subcultures ... have internalized an emphasis upon conventional goals. Faced with limitations on legitimate avenues of access to these goals, and unable to revise their aspirations downward, they experience intense frustrations; the exploration of nonconformist alternatives may be the result.

Some barriers to success discussed by Cloward and Ohlin include educational, cultural, and economic obstacles that lead to incorporation of illegitimate means of opportunity.

Cloward and Ohlin were among the first to explicitly state that both legitimate and illegitimate opportunities can vary among people and places. Other anomie and strain theories were incomplete, Cloward and Ohlin (1961: 145) argued, because they ignored 'the *relative availability* of illegal alternatives to various potential criminals'. Just as there is a differential distribution of legitimate means, there also is a differential distribution of illegitimate means.

In sum, Cloward and Ohlin delineated the reality that an *Innovator* needs to learn the skills of, and have opportunities for, illegitimate behavior, just as the *Conformist* needs to learn the skills requisite in, and have opportunities for, the socially acceptable pursuit of the American Dream. It seems logical that, for many individuals, groups, types of occupational roles, and subcultures, opportunities will exist for simultaneously engaging in legitimate and illegitimate behaviors, or both Conformity and Innovation, and that in some circumstances, regularly engaging in conforming and innovative behaviors is actually expected of people.

### A gap in the literature

Although Merton's theories posit modes of adaptation as ideal types rather than types of personality—meaning that the modes of adaptation are not mutually exclusive since individuals can behave in ways consistent with more than one mode of adaptation—to date no anomie or strain theory has explicitly recognized the possibility that individuals simultaneously and regularly hold norms consistent with more than one mode of adaptation.

In this paper, we present a new mode of adaptation—Maximization—referring to simultaneously and regularly accepting the norms of Conformity and Innovation (i.e. law-abiding and law-breaking behaviors). We assert that the American Dream contains within it situations that encourage and even sometimes mandate violating the criminal law as a component or codicil of legitimate activity in pursuit of the American Dream.

It is clear from the work of Cloward and Ohlin (1961: 150) that 'each individual occupies a position in both legitimate and illegitimate opportunity structures'. This means, of course, that it is possible to simultaneously implement legitimate and illegitimate means in pursuit of goals. Yet, neither Merton nor Cloward and Ohlin explicitly explored this adaptation to strain, nor has any anomie or strain theorist since.

Our assertion, to be developed in the remainder of this paper, is that some individuals, groups, occupational roles, and subcultures regularly accept (and engage in) both legitimate and illegitimate means of opportunity in pursuit of the American Dream. These people abide by the law and the rules of the game as well as break them, often simultaneously, in order to achieve the consecrated value of money, to overcome goals-means discrepancies, and/or to win the game.

We are not saying that Maximization is a unique personality type, any more so than Conformity or Innovation (or other modes of adaptation). As noted earlier, Merton explained that a mode of adaptation also refers to 'role behavior in specific types of situations, not to personality ... types of more or less enduring response, not types of personality organization' (Merton, 1957: 140). We assert that since people regularly and simultaneously pursue legitimate and illegitimate means of opportunity in pursuit of their goals, Merton's characterization of the Conformist and Innovator is incomplete.

**Table 2** Merton's modes of adaptation to anomic strain, expanded to include non-institutionalized means

| <i>Modes of adaptation</i> | <i>Cultural goals</i> | <i>Institutional means</i> | <i>Criminality</i> |
|----------------------------|-----------------------|----------------------------|--------------------|
| Conformity                 | Accept                | Accept                     | Reject             |
| Innovation                 | Accept                | Reject                     | Accept             |
| Ritualism                  | Reject                | Accept                     | Reject             |
| Retreatism                 | Reject                | Reject                     | Accept             |
| Rebellion                  | Reject/Replace        | Reject/Replace             | Accept             |
| Maximization               | Accept                | Accept                     | Accept             |

### An expanded typology

When one explicitly considers illegitimate means in pursuit of the American Dream, a new adaptation to strain emerges. Our Table 2 depicts this new mode of adaptation. Table 2 illustrates that Merton's five modes of adaptation are left intact. Since we have already defined those modes of adaptation, we will only focus here on the one we have added: the Maximizer. Note that we have added a third column to Merton's typology. The new column represents acceptance or rejection of utilization of illegitimate means (i.e. criminality) in pursuit of one's goals.

#### *The Maximizer*

Those involved in *Maximization*, like those involved in *Conformity*, accept culture goals and therefore are in pursuit of the American Dream. The difference is that those who utilize strategies of *Conformity* pursue legitimate or institutionalized means to achieve their goals of 'making it' or 'winning' the game, whereas those who utilize strategies of *Maximization* pursue legitimate or institutionalized means as well as illegitimate or non-institutionalized means in pursuit of culture goals. Thus, *Maximization* involves a combination of *Conformity* and *Innovation*. *Maximization*, we believe, refers to a role behavior that emerges in specific types of situations and that it is a form of enduring response to strain found in those specific types of situations.

An example of *Maximization* might better illustrate our intended meaning. A building contractor involved in legitimate business is, by definition, using legitimate or institutionalized means in pursuit of the American Dream. This is *Conformity*. Those contractors who also regularly accept norms that allow criminal behavior as part of the job and thus commit deviant acts and/or break the law to achieve even greater profit/wealth would be characterized as *Maximizers*. The *Maximizer* is one who utilizes both legitimate and illegitimate means in pursuit of the American Dream. He or she must have the knowledge, skills, and opportunities necessary to engage in a legal trade, as well the knowledge, skills, and opportunities necessary to successfully commit criminal behavior aimed at maximizing the American Dream.

In America, it appears that chief executive officers (CEOs) and chief financial officers (CFOs) of large and small businesses are often willing to commit deviant acts and/or break the law to achieve even greater wealth (Huffington, 2003; Reiman and Leighton, 2003). These too are Maximizers. In fact, it appears that to no small degree, in the business world, Maximization is *the* preferred strategy used to increase profits and wealth. Because of this, criminality within corporations appears quite normal within many corporate subcultures.

### *The Maximizer: contemporary examples*

Research shows Maximization to be a mode of adaptation regularly used in the business world to adapt to strain in the workplace. For example, in his study of heavy electrical equipment antitrust cases, Geis (1996) illustrated how high-ranking business figures in two major corporations charged with antitrust violations justified their violations. To some, their crimes were justified by the altruistic purpose of economic improvement. Others rationalized their illegal behaviors as law-abiding since their behaviors led to reward. Still others acknowledged their actions as illegal but asserted they were not harmful and thus were acceptable. Some saw the behavior as so normal that it could not be seen as illegal.

Most important to the concept of Maximization is that many corporate executives asserted that their behaviors were *normal* in the context of big business. Geis suggested that, for some individuals, the illegal behaviors were just part of a way of life entered into like other parts of the job. For example, antitrust violations were not only acceptable but also an expected way of doing business, especially for those who were team players and who wanted to advance to higher positions within the corporation. Many illegal acts committed in this context can be seen as a form of Conformity, one that might not be generally appropriate for 'free society' but that is actually expected in the realm of big business. Consider again Merton's point that failure to succeed in America is perceived as a personal failure. This is strong motivation to succeed by any means, including illegal ones if necessary. Given that high-level corporate executives made it clear that price fixing was 'normal' and to be expected, and since quitting is not an option, it is not surprising that some executives engaged in these illegal activities.

Executives in the Geis study said that their illegal acts were an inevitable part of business, caused by the nature and extent of competition within and between businesses. Thus, some executives justified their acts with the belief that if they did not do it, someone else would. Here, executives were likely offering some after-the-fact excuses—or 'techniques of neutralization'—for their criminal behaviors (Sykes and Matza, 1958).

But our main interest here is not the excuses offered by offenders after they are apprehended and are likely trying to avoid serious consequences for their acts of wrongdoing. Rather, we assert that maximizing strategies correspond to many situation in US society (especially within the business

world) where groups and individuals are expected to pursue illegal acts in the context of legal acts in order to ‘get ahead’, to ‘win the game’.

More recent cases of corporate crime support this notion. For example, studies of both defective products and the tobacco industry illustrate the concept of Maximization. Many of the most well-known cases deal with automobiles. Automobiles are typically found to be defective in one of two ways. First, there are design defects that are discovered by corporations and not fixed. Secondly, corporations routinely resist safety devices until forced to adopt them by public demand (Robinson, 2006). Examples of the latter include resisting putting in safety windshields and air bags.

The most well known case of a defective product involved a car that was known by its manufacturer to be defective—the Ford Pinto—but was not recalled for the purpose of saving the company money (Henry, 1982). This automobile was manufactured in the 1970s despite the findings of pre-crash tests showing that fuel lines regularly ruptured as a result of rear-end collisions. Ford learned that it would cost only \$11 per car to fix the automobiles. Yet, in a cost–benefits analysis, Ford calculated that it would still save \$87.5 million by not fixing the cars (Robinson, 2006). This was based on the assumption that hundreds of people would be killed and injured and thousands of cars burned, at minimal costs to the company. Unfortunately for Ford and the driving public, Ford underestimated the prevalence of the crashes and the size of the civil judgments against it. In actuality, it would have been cheaper to fix the cars before they rolled out onto the nation’s streets (Becker et al., 2002).

Examination of the Ford Pinto case supports the construct of maximization. Ford Engineer Dennis Gioia says that engineers knew the

hazard existed in the Pinto [and that] managers made a cost–benefit decision that the cost of fixing the problem outweighed the human cost of accidents it might cause. Bad moral choices were made because [I] was following schematized scripts prevalent in the decision environment of the company. In this case, ethical [and] moral considerations were not part of the preferred scripts ... so [they] did not influence the decision-making process to any great extent.

(1996: 139)

In other words, Maximization took precedence over morality.

More recently, the ‘Ford/Firestone fiasco’ led to dozens of deaths as consumers died when their Ford Explorers rolled over after their Firestone tires exploded (Karr, 2001, 2002). Ford Explorers, like other SUVs with a high center of gravity, are prone to rollovers. Further, Firestone tires, when under-inflated, are prone to tread separation. Apparently, the combination leads to deadly results. CEOs of both Ford and Firestone denied any wrongdoing or fault, and each pointed the finger at the other. Firestone tires on Ford Explorers were replaced in more than 10 other countries almost two years earlier than in the United States, and the Ford Explorer was subsequently redesigned for ‘a smoother ride’ (Robinson, 2006).

Documents internal to the companies show that they were aware of the problems and kept them secret. This is typical in defective products cases, including other automobiles such as General Motors (GM) approved conversion vans, defective seat belts and seat belt buckles in some GM and Ford cars, faulty back-door latches in Chrysler minivans (that open when struck from the rear or side and cause passengers to be thrown out on to the street), and GM sidebag and sidesaddle gas tanks located on the side of trucks outside of the protective frame that easily rupture when struck from the side. In 1992, NHTSA asked GM to voluntarily recall pickup trucks with such gas tanks but GM refused. The Department of Transportation Secretary found in 1994 that GM had known about the defect since the 1970s. General Motors entered into a deal with the Department of Justice to avoid a recall and paid hundreds of millions in settlements to victims instead.

In at least some companies of the automobile industry, Maximization thus appears to be the norm. The companies make a legal product in pursuit of the American Dream (Conformity) while simultaneously and regularly cutting corners and failing to follow required safety regulations (Innovation) in order to save money and be more successful than the competition. The fact that people are injured and die as a result—including their own customers!—appears to be irrelevant. Clearly, some major American car companies accept and promote norms in favor of Conformity as well as Innovation, simultaneously. And they regularly use both in producing, advertising, and selling their products.

Another example of Maximization can be found in the tobacco industry. Tobacco use is the leading cause of preventable death in the United States, making cigarettes the most commonly recognized defective product in the United States. Simply stated, cigarettes—a delivery device for the addictive drug of nicotine—contain thousands of chemicals and more than 60 known and suspected carcinogens (Centers for Disease Control and Prevention, 2006). Studies of tobacco activities and internal documents of tobacco companies show that major tobacco corporations purposely misled the public and Congress for more than 40 years with regard to the dangers of smoking cigarettes. Research has also documented: intentional marketing to children and adolescents through misleading product advertisements in magazines, movies, and popular hang-outs; making products increasingly addictive by adding nicotine and chemicals that heightened the effects of nicotine; attacking and attempting to discredit anti-smoking advocates and whistle-blowers; and lying under oath to Congress when asked about the addictiveness of their products. As if this were not bad enough, companies have also been shown to financially coerce other companies which make smoking-cessation products and to intentionally fund and produce faulty science through a 'Tobacco Institute' that clouds over significant issues (Glantz et al., 1998; Lovell, 2002; Mollenkamp et al., 1998; Orey, 1999; Wolfson, 2001). Civil juries in some states have found tobacco companies liable for reckless disregard for human life, outrageous conduct, negligence, misrepresentation of the facts, fraud, and even selling a defective product.

Probably more than any other industry, actions by executives at large tobacco companies best represent the concept of Maximization. The culture of big tobacco—referring to the beliefs, values, and norms that dictate its corporate practices and the behaviors of its employees—is criminogenic. Although the companies make a legal product in pursuit of the American Dream (Conformity), they simultaneously and regularly engage in reckless, negligent, and knowing behaviors that lead to the deaths of hundreds of thousands of Americans every year (Innovation). That 430,000 Americans die every year from tobacco-related illness, millions more are ‘injured’ by smoking, and that \$75 billion is spent on direct-health care costs treating tobacco-related illnesses is irrelevant to the behaviors of the ‘Maximizers’ in the tobacco industry. Instead, like car companies, tobacco companies accept and promote norms in favor of Conformity and Innovation simultaneously. And they regularly use both in producing, advertising, and selling their products.

Some of the most recent research on corporate and white-collar crimes also finds evidence consistent with Maximization as a mode of adaptation to strain associated with the business world. For example, research on occupational fraud (Holtfreter, 2005), corporate accounting fraud (Pontell, 2004), environmental crimes (Wolf, 2006), so-called ‘accidents’ of the chemical industry (Pearce and Tombs, 1998), the manipulation of the natural environment which exacerbates natural disasters (Green, 2005), creating global hunger through monopolization of bio-technology (Walters, 2006), and even the awarding of post-war construction contracts in Afghanistan and Iraq (Hogan et al., 2006) finds that such acts are normal and expected parts of the business world. That some of these acts are not ‘criminal’ is irrelevant (Passas, 2005). Given the harms they cause and the intentional, reckless, negligent, and knowing character of the acts, they can easily be considered ‘criminal’ in the sense of involving actions that are fundamentally wrong (Robinson, 2005).

## Conclusion

There are at least two reasons to expect that those who have money and power—those who have already made it—will continue to experience anomie and strain. First, as Merton, Messner and Rosenfeld, Cloward and Ohlin, and other anomie and strain theorists have pointed out, one can never have enough in the US. Someone always has more, giving us all something to strive for so that keeping up with the Joneses has escalated to keeping up with Warren Buffet and ultimately Bill Gates. Secondly, to some degree, deviance and criminality are widespread among powerful elites, especially corporate CEOs and CFOs (Reiman and Leighton, 2003; Robinson, 2005). This means wealthy individuals often debate whether to abide by the law (because it is the right thing to do for society) or to abide by the expectations imposed on them to abide by the rules of the game

which sometimes call for violating the law (because it is the right thing to do for the company). We assert that it is very likely that within the American corporation (legitimate means), deviance (illegitimate means) is no longer deviant but rather normal among corporate leaders (Clinard and Yeager, 2005; Friedrichs, 2008; Geis and Pontell, 2006; Mokhiber and Weissman, 1999; Rosoff et al., 2002; Simon, 2006; Simon and Hagan, 1999). That is, Maximization is widespread in the corporate world.

In the contemporary US, the reluctance to see white-collar and corporate offenders as criminals (Friedrichs, 2003) may be due to the fact that they are viewed as important men and women (mostly men) who are in pursuit of the American Dream—often at any and all costs. Rather than labeling such actors as criminals, we accept them as ‘shrewd, smart, and successful men’ harking back to the robber barons of times past (Merton, 1957: 142).

Anomie and strain theories blame crime on the overpowering influence of the economy on our lives. In particular, Merton’s theories of anomie and strain, Messner and Rosenfeld’s theory of institutional anomie, and Cloward and Ohlin’s theory of differential opportunity assert that criminality is a function of factors such as: goals–means discrepancies; the consecration of money itself as a value; internalizing the goals of the American Dream while failing to internalize legitimate means of opportunity; an overemphasis on the goal of the American Dream; an exaggerated emphasis on monetary gain and pursuit of self-interest; and impulses unregulated by non-economic institutions.

Merton created five modes of adaptation to such sources of anomie and strain, but failed to consider utilization of legitimate and illegitimate means of opportunity in pursuit of one’s goals. Cloward and Ohlin suggested that, as means of legitimate opportunity vary, so too do means of illegitimate opportunity. Yet, in their work on subcultural responses to strain, they also did not consider utilization of legitimate and illegitimate means of opportunity in pursuit of one’s goals.

Thus, in this paper, we expanded Merton’s typology by adding explicit consideration of the utilization of illegitimate means simultaneously with legitimate or institutionalized means in pursuit of goals subsumed within the American Dream. The result is a new mode of adaptation to strain. We focused on the adaptation to strain implemented by the *Maximizer*, who merges both legitimate and illegitimate means in pursuit of the socially inculcated American Dream. Maximization is an adaptation whereby individuals simultaneously and regularly accept and utilize legitimate and illegitimate means of opportunity in pursuit of the American Dream. As argued here, we believe the manufacture of defective products, as well as the actions of big tobacco companies, represent the adaptation of Maximization. If so, pressures to achieve at any cost imposed by the American Dream are a significant reason why much corporate crime occurs in the United States.



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