

Trial-Type Ceremonies and Defendant Behavior

“Moralizing” and “Cooling In” in an Eviction Setting*

Richard O. Lempert†

This study uses hearing transcripts to examine judge-defendant interaction in a trial-type setting. The setting is a public housing eviction hearing; judges are eviction board members and defendants are tenants facing eviction for non-payment of rent. All tenants in the sample were formally evicted, but in each case the execution of the eviction order was stayed on the condition that the tenant pay his rent. Two forms of verbal interaction are identified. The first, “moralizing” is deemed present when one or more board members directs a degrading remark toward the tenant. The second, “cooling in” is deemed present when one or more board members directs a helping remark toward the tenant and the tenant in some way indicates his receptivity. When moralizing occurs the eviction hearing contains all of Garfinkel’s (1956) requisites for successful status degradation ceremonies. Consequently it was hypothesized that tenants who had been moralized would be less successful in clearing their rent debts than tenants who had not been moralized, but if successful, more likely get into rent payment trouble again. It was also hypothesized that tenants who had been “cooled in” would be more likely to clear their rent debt than tenants who had not been cooled and that, having cleared their rent debt, they would be less likely to recidivate. All predictions except the hypothesized association between cooling in and recidivism are supported by the data. Although cell sizes grow uncomfortably small, the predicted relations persist after controlling for obvious sources of spuriousness. The conclusion discusses the analogy between the housing eviction hearing and the criminal trial.

I. INTRODUCTION

Empirical studies reveal that attitudes which judges manifest toward accused individuals vary with the alleged crime (Mileski, 1971), the characteristics of the accused (Emerson, 1969), and the personality of the judge (Wheeler et al., 1968). We

*I would like to thank Bliss Cartwright, Theodore Newcomb, Albert J. Reiss, Jr., and Stanton Wheeler for their helpful comments on earlier drafts of this paper. Work on this article was supported by Cook Funds of the University of Michigan Law School. In writing an earlier version I benefited from a Russell Sage Foundation residency in law and social science at the Yale Law School.

†Law School, University of Michigan.

know that judges sometimes treat defendants harshly, sometimes sympathetically, and sometimes in a neutral bureaucratic manner. However, we have little empirically based knowledge about the effects which different styles of judicial treatment have on those receiving them.¹

This study does not investigate the relationship between judicial and defendant behavior in the criminal justice setting, but it does report data on such relationships in a trial-type setting bearing substantial resemblance to the courtroom encounter. This setting is the public-housing eviction hearing.

To anticipate briefly, in the jurisdiction studied a tenant brought before the eviction board for nonpayment of rent almost always receives a "suspended sentence"; that is eviction is ordered but the execution of the order is stayed on the condition that the tenant repay his rent debt. It appears from the data that the quality of the interaction between board members and tenants has a significant impact on the probability that the tenant will be able to pay his rent debt and avoid future rent payment problems. Where the board members suggest that a tenant has been morally culpable in failing to pay his rent — a stance I call moralizing — the tenant is less likely to pay the rent owing and, if he does pay, he is likely to fall behind in his rent at some future date. Where the board members advise the tenant on how to deal with his problems or otherwise try to help him, the tenant is particularly likely to repay his rent and avoid eviction. I call this helpful stance "cooling in," a neologism which suggests itself because the process is typically the opposite of that which Goffman (1952) has termed "cooling out." In cooling out people are encouraged to discard valued statuses; in cooling in people are encouraged to remain in statuses they are about to leave. I shall say more about the meaning of cooling in when I discuss the process in the context of the eviction proceeding.

This brief glimpse into what the data show has, no doubt, left the critical reader anticipating a spurious relationship. One would expect those tenants who are most likely to repay their rent regardless of board treatment to evoke a more helpful and less hostile stance than those tenants who are likely to fail to repay their rent regardless of treatment. This does not appear to be the case with these data. If it is not the case, this study may be important as identifying two effects of judge-defendant interaction with substantial theoretical and practical significance.

A. The Setting

Beginning in December 1957, tenants in the jurisdiction studied were given the right to an eviction hearing when the housing authority wished to expel them. For two years these hearings were held before a board of three authority officials; later they were held before a board of five laypersons.² At all times the hearings intentionally

¹I am talking here only about the informal aspects of the interaction between judge and defendant; not about such formal treatment as differential sentencing. I am concerned with interaction which occurs in trials or trial-type hearings. "Trial-type hearing" is a lawyer's term of art that refers to administrative hearings that generally follow the due process model of the judicial trial. While the essentials of due process apply in trial-type hearings, procedures are often more relaxed than in judicial trials as are the rules of evidence, and the judges may be relatively informed about the matter in dispute with a clear commitment to promoting agency policy.

²About 10% of the cases analyzed arose before the board of authority officials. The theory being tested does not depend on the composition of the board, and the results presented do not change when composition is controlled.

followed a judicial model. Tenants were subpoenaed to appear and testimony was under oath; throughout much of the period the authority had a representative who directly examined authority witnesses; and tenants could cross-examine opposing witnesses, call their own witnesses, and tell their stories under oath. Like the defendant in a criminal trial the tenant was the focus of court attention. But, the "court" was typically less concerned with whether a violation had occurred (this was usually undisputed) than with the reasons why it had occurred and the prospects it would occur again. Unlike a judicial hearing, counsel was absent, the spirit and setting were intended to be informal, and the "judges" often actively questioned the tenant and witnesses.

Transcripts available for the first five years of board hearings and sporadically thereafter provide a basis for characterizing the way in which the board members treated tenants before them. The performance of nonpayment tenants, not immediately evicted, provides an objective measure of treatment effects. The eviction board typically voted eviction of tenants behind on their rent but deferred execution of the order on the condition that the tenant clear up the then current rent debts while paying subsequent rent charges as they accrued. In such circumstances three outcomes were possible: the tenant might clear the rent debt and never again fall behind, the tenant might clear the rent debt and after a period of time recidivate, or the tenant might fail to repay the debt and be evicted within a few weeks or months of the hearing. Information on outcomes was retrievable from the authority's files.

B. Moralizing and Cooling In

Transcripts were read, and two kinds of board treatment were coded. The first kind of treatment is called moralizing. Moralizing is said to occur if the tenant was addressed during the hearing in language which suggested that he was morally culpable or that his actions violated rules which were morally correct.

The following remarks by the board's chairman are an example of what was considered a moralistic stance.

Chairman: Now, let's realize that, first of all these chain [sic] of events are started by yourself, when you become arrears in your rent. You signed a contract when you moved into housing to pay your rent on such and such a date each month. To start the thing you reneged on your contract and you have a record which is irrefutable of a continuing renege, continually behind in your rent. You created this poor credit yourself, before we take exception to anybody else. Now I wish you would ask your questions with that in mind. Now the things that the manager of the housing has done are the routine steps in carrying out the responsibilities of his position.³

The following dialogue presents a more extreme example:

Board member: You said it is hard on you. Have you noticed that others have hard times too?

³There are at least two problems with the way moralizing was coded from transcripts. First subjective judgments about the thrust of particular language were at times necessary. Second, there is no attempt to distinguish cases by the amount and kind of moralizing. Thus a sustained attack on the tenant's integrity by a number of board members is coded the same way as one remark by one board member which calls the tenant's integrity into question. While distinctions might have been made, these would have called for even more subjective judgments since no two cases are identical in the amount and kind of moralizing and, more importantly, distinctions would have reduced the *N*'s in some subcategories to such small numbers that analysis would have been impossible without recombination.

Tenant: Yes sir.

Board member: You know others have less money and get by?

Tenant: Yes sir.

Board member: How could you get in such a hole — welfare for two years — even an animal needs a hole to crawl in.

The second kind of board treatment shall be called cooling in. The term is not current in social science and must be defined. Cooling in may be thought of as the process of encouraging an individual to retain or acquire a valued status in a situation where the individual appears likely to forfeit, discard, or fail to acquire that status. In his well-known article on cooling out, Goffman notes in passing that in certain situations it may be necessary to cool individuals in rather than out. He gives the example of an individual who must be made to understand that a promotional change in status is voluntary and that the loss of one's previous role in these circumstances is the ultimate test of having filled it properly (Goffman, 1952, p. 453).

The need for this kind of cooling in will be rare since moves to more valued statuses usually carry sufficient rewards to motivate actors. More common is the situation where the occupant of a particular status appears likely to abandon that status for one that is less valued or carries fewer rewards. The prospective change in status may be either voluntary or for reasons beyond one's control. In such situations a person or an organization may desire to cool the individual back into the status he is in the process of discarding. The cooler may be motivated by altruism or self-interest.

There are a variety of circumstances in which one might be cooled back into a status he is discarding. These circumstances will vary with the motivation of the cooler, the willfulness with which the status is being discarded, and the cooling technique used. The professional football team that rewrites the contract of a star quarterback who threatens to retire faces someone who appears willing to discard a valued status. Because of the team's needs, monetary incentives are used to cool the star into remaining a team member. The marital counselor, trying to cool one spouse back into a marital relationship, may be dealing with someone whose tentative decision to separate from the other may not be clearly voluntary or involuntary. The rewards offered by such cooling agents are typically psychic, while motivations may combine altruism and professional self-interest.

In this study, the targets of cooling in are tenants who may have to forfeit tenant status because of their inability to cope with the associated role demand that they regularly pay their rent. The cooling agent is the eviction board. Board members appear motivated by their desire to help tenants and their concomitant reluctance to evict where it is not absolutely necessary. The usual cooling technique is to advise tenants how to cope with the exigencies of the tenancy role. The board commonly informs tenants how to qualify for public welfare, discusses ways to budget income, and explains how the manager and project staff might be of assistance.

Attempts at cooling in, like attempts at cooling out, are not always successful. In this study, cooling in was coded as having occurred where the board made some effort to advise the tenant on how to cope with his problems and the tenant indicated in some way, even if only through a general "thank you" at the end of the hearing, that he was receptive to the board's efforts. The following is an example of cooling which came at the end of a hearing in which the tenant revealed a diffuse set of problems.

Table 1. Treatment Effects For Nonpayment Cases

Treatment	Evicted or vacated	Recidivists ^a	Total failures ^b
Cooling in; no moralizing (<i>N</i> = 18)	11% (2)	13% (2)	22% (4)
Cooling in; moralizing (<i>N</i> = 19)	16% (3)	50% (8)	58% (11)
No cooling in; no moralizing (<i>N</i> = 33)	39% (13)	25% (5)	55% (18)
Moralizing; no cooling in (<i>N</i> = 20)	50% (10)	40% (4)	70% (14)
All treatments (<i>N</i> = 90)	31% (28)	31% (19)	52% (47)

^aThe percent recidivist equals the total number of instances where tenants who cleared their cases were later brought back before the board for non-payment of rent divided by the total number of cases cleared.

^bPercent total failures equals the total number of deferred tenants evicted or vacating plus the total number of recidivists divided by the total number of cases for each category.

Chairman: What we have done is we have ordered eviction, but since you want to remain we will withhold it if you do certain things . . . [The conditions of deferral are spelled out.]

The board has other recommendations, but they are not conditions. Go to John Howard or A.A. Work closely with your parole officer, see legal aid about workmen's compensation. This pays you when you are sick on the job. [The last recommendation reemphasizes a point the board discussed in more detail earlier in the hearing when the tenant suggested that a job-related injury — for which he had not sought compensation — had kept him from work.] The moment you fail management will issue an order for eviction. Do you understand, we all try to be as fair as possible.

Tenant: I really appreciate it, thank you.

There is no logical association between moralizing and cooling in. The eviction board may moralize a tenant but not cool him in, cool him in but not moralize him, do both, or neither. There are four possible combinations of cooling in and moralizing; I shall refer to these as board "treatments."

C. Basic Relationships

Table 1 presents the data relating treatment to outcome in nonpayment cases deferred by the board. Column one gives the percentage of tenants by treatment who fail to clear their rent debts and are evicted.⁴ Success in repaying rent is apparently

⁴When used in this discussion, the word "evicted" will include cases in which the tenant vacated owing money before the manager could report back to the board for a formal eviction order.

associated with the presence of cooling in and the absence of moralizing. Only 11% of those cooled and not moralized are evicted compared to 50% of those moralized and not cooled. Positive effects associated with cooling in appear to be stronger than negative effects associated with moralizing; 16% of those cooled and moralized fail to repay their rent debt compared to 39% of those neither cooled nor moralized. Although the numbers on which this analysis is based are small, the overall association between treatment and outcome is so pronounced that it is unlikely to result from chance.⁵ However, it may well be that some of the differences within the table, such as the difference between the two treatments involving cooling, do result from chance factors.

Column two of Table 1 presents the percent recidivist for each of the four treatments. Since only tenants whose cases have been cleared can be recidivists, the base for this percentage is the 62 cases which appeared before the board and were cleared, not the 90 cases which form the base for the other two columns. The cooling-no moralizing treatment again shows the strongest association with successful reintegration into the tenancy status, with a 13% recidivism rate. However, the relative effectiveness of the other treatments differs from what it was when short-term outcomes were examined. The least beneficial treatment for tenants who clear their debts is the moralizing and cooling treatment with a 50% recidivism rate. The next poorest is moralizing-no cooling with a 40% rate. The recidivism rate for the no cooling-no moralizing treatment is 25%. From these data it would appear that the presence or absence of moralizing has important effects on recidivism, but that the presence or absence of cooling is less important. The numbers on which these percentages are based are so small that one cannot safely discard the hypothesis that the apparent differences in treatment effects are due to chance; however, it is instructive to proceed with analysis on the assumption that these differences are attributable to treatments.

Column three of Table 1 presents long-term failure rates based upon the assumption that in the long run recidivism as well as eviction indicates a failure to meet the ongoing demands of the tenant status. Treatment effects appear dramatic. Twenty-two percent of those treated with cooling and without moralizing fail as compared to 70% of those subjected to the opposite treatment. Figures for the mixed treatments suggest that the absence of cooling or the presence of moralizing has about the same

⁵The chi-square statistic indicates that the association between treatment and outcome reported in column one of Table 1 would occur by chance less than two times in 100. However, because of the small numbers involved and other problems with the sample, significant tests shall not be relied upon in analyzing the data. The 90 cases examined are not a random sample of all nonpayment cases heard and deferred by the eviction board. Cases arising between 1958 and 1962 are overrepresented because transcripts were almost always available for these cases but are only sporadically available for cases arising thereafter. There are also problems of independence. Once a tenant cleared his rent debt he could enter the sample again by once more failing to pay his rent debt and being again threatened with eviction. The data on recidivists in Table 1 includes three tenants who are represented twice. The data base for "evictions" and "total failures" includes six tenants who are represented twice and two who are represented three times. In this analysis each case will be treated as an independent event even if the same tenant is in fact involved. The treatment variation between pairs and among triplets of cases involving the same tenant is not noticeably different from what one might expect if he chose six pairs and two triplets of cases at random. In addition certain control factors such as the amount of rent owed at the subpoena date vary as if the cases were independent.

degree of detrimental effect in the long run. However, these long-term failure rates are ambiguous, because it is not unreasonable to interpret the recidivism component as reflecting more upon the short-term success of the various treatments than on their long-term failure.

Nonpayment tenants no doubt differ in the ease with which they may be set straight. Some may be facing clearly temporary setbacks or be testing the system, and the only help they require may be the proverbial kick in the pants; others may be chronically troubled, perpetually wondering where their next rent payment dollar will come from. The latter group would be expected to fail in their efforts to repay their rent, or, if they somehow managed repayment, to fail in future efforts to keep up. Among the chronically troubled, rent repayment, even if followed by recidivism, would be a significant and difficult achievement; among the less troubled, it might be neither.

This perspective suggests that a short-term success rate representing the number of recidivists for each treatment divided by the total number of evictees and recidivists for that treatment would be more meaningful than that given in column one. Short-run success rates for these difficult cases are:

	Percent
Cooling in and no moralizing (<i>N</i> = 4)	50
Cooling in and moralizing (<i>N</i> = 11)	73
No cooling in and no moralizing (<i>N</i> = 18)	28
Moralizing and no cooling in (<i>N</i> = 14)	29

Viewed in this way, the data indicate positive short-term effects for cooling in. There is no indication of negative effects associated with moralizing. This approach precludes conclusions about long-term effects.

A model which treats long-term failures as a reflection on the short-term success of particular treatments is a priori more plausible than one which treats these failures as evidence of long-term effects. The latter model assumes that the treatment which a tenant receives in a 30- to 90-minute hearing will affect his or her behavior for as long as two or three years after the hearing. This assumption is intuitively questionable, particularly since behavior operationalized as moralizing or cooling in may account for but a fraction of tenant-board interaction.

From the perspective of the short term success model, the over-all failure rates presented in column three of Table 1 are better interpreted as the percent of cases, by treatments, involving problem tenants. This interpretation calls the efficacy of what appeared to be the most successful treatment, cooling without moralizing, into question. Only 22% of the cases receiving this treatment involve problem tenants so defined compared with 55% of the cases in the next lower category. In other words, the board chooses to cool in but not moralize those tenants who appear likely to clear their debts, and moralize but not cool in those tenants whose repayment prospects appear worst. The relative success of the treatments is attributable not to the board's treatment of the tenant, but to the different kinds of tenants subjected to the various

treatments. Apparent association between treatment and outcome is, in a word, spurious.

D. Controlling for Spuriousness

To decide empirically whether apparent treatment effects are spurious, it is necessary to identify tenants likely to have trouble in repaying their rent and keeping up with future rent without begging the question by assuming that short- or long-term failure is indicative of chronic inability to cope with the duty to pay rent. Data collected from the authority's case records and its tenant files allows the construction of five indicators which one would intuitively expect to be associated with rent payment problems and which might influence the board's choice of treatment. They are: the size of the rent debt, occupational status, the presence of behavior problems, the presence of financial problems, and the receipt of welfare aid. One problem with most of these control variables is that records were lacking for some tenants, so information on some indicators is lacking for a substantial proportion of the cases.⁶

E. Tabular Analysis

If the relationship between treatment and outcome can be explained by any one of the above variables, that relationship should disappear when the appropriate rival predictor is controlled for. Table 2 gives the association between treatment and clearance rates controlling for each of the five predictors. Cell totals are uncomfortably small. However, there is little in the data to suggest that the basic relationship between treatment and outcome is spurious. Substantial differences between the effects of the two extreme treatments, cooling in without moralizing and moralizing without cooling in, hold for all categories of all predictors, and the original rank-ordering of treatments holds for six of the ten subcategories.

The data on tenants with rent debts of more than three months and on those with no financial problems (columns two and five of Table 2) are particularly interesting. Differentials between the success of treatments that vary only on the cooling in dimension are less in these subcategories than in any of the eight others. In addition, these are the only subcategories in which tenants subjected to neither cooling in nor moralizing are more likely to repay their rent than those subjected to both. There is an obvious explanation. Cooling in as operationalized occurs where the board advises the

⁶For a detailed discussion of the way in which the control variables were operationalized see Lempert (1971). Generally variables were dichotomized at a point which maximized explained variance in case outcome while still retaining enough cases in each cell for controlled analysis. Some variables were trichotomized at the exploratory stage, but these finer breaks did not appear to increase the utility of the control variables as rival predictors. Job status is coded according to Duncan's (1961) socioeconomic index and welfare aid was coded present only if received during the 3-year period encompassing the hearing date. The financial problems index reflects the presence within the living unit of five problems which can be expected to adversely affect a family's earning or saving potential: mental illness, severe physical illness, abuse of drugs, abuse of alcohol, and the garnishment of wages. Physical illness and garnishment were the only problems that were frequently mentioned. The behavior problems index is based on recorded lease violations. This includes such activity as shacking up, holding noisy parties, getting into fights, child neglect, particularly bad housekeeping, and keeping unauthorized cats or dogs.

Table 2. Percent of Cases Cleared Controlling For Each of Five Rival Predictors

Treatment	1 Debt of 3 mo or less	2 Debt of more than 3 mo	3 High job status	4 Low job status	5 No financial problems	6 One or more financial problems	7 No behavior problems	8 One or more behavior problems	9 Some welfare aid	10 No welfare aid
Cooling in; no moralizing	93 (15) ^a	67 (3)	89 (9)	86 (7)	100 (2)	92 (13)	100 (4)	89 (9)	100 (7)	86 (7)
Cooling in; moralizing	100 (12)	57 (7)	89 (9)	75 (8)	75 (8)	100 (5)	67 (3)	89 (9)	83 (6)	83 (6)
No cooling in; no moralizing	56 (16)	65 (17)	59 (17)	54 (13)	100 (7)	52 (21)	63 (8)	67 (15)	78 (9)	57 (14)
Moralizing; no cooling in	64 (11)	38 (8)	44 (9)	38 (8)	50 (6)	50 (12)	20 (5)	50 (8)	50 (8)	20 (5)
All treatments	78 (54)	57 (35)	68 (44)	61 (36)	78 (23)	67 (51)	60 (20)	73 (41)	77 (30)	63 (32)

^aScores in parentheses are cell totals; *not* the number of cases represented by the percentages given.

tenant on how to deal with his financial difficulties and the tenant is receptive to this advice. Where there are no major financial problems or the rent debt is particularly great, cooling in can be expected to be of limited value since the tenant is likely to be in a situation where he either has little need for financial advice or where advice alone cannot help him.

Table 3 presents the data on recidivism controlling for the same rival predictors. Cell totals are even smaller than in Table 2 which makes conclusions even less certain, but generally there is little to suggest that the relationship between treatment and recidivism is spurious. Cooling in without moralizing is either alone or ties as the most successful treatment for all subcategories of all rival predictors.⁷ The no moralizing, no cooling treatment is more successful than the two treatments involving moralizing in seven of the ten subcategories. In two of the instances where it is less successful than treatments involving moralizing (columns four and six), it is not disproportionately accorded individuals having the favored status (high job status or no financial problems), and the overall association between the variable and recidivism is not in the expected direction. The third exception (column seven) involves very small numbers.

F. Summated Scores

A simple way of summarizing the combined effects of potential rival predictors is to give each case a score of one for every variable which predicts to failure.⁸ If these scores are then summed for each case and the distribution of cases by treatments is presented, one should get a rough indication of whether the aggregate effects of the rival predictors can explain apparent treatment effects. If the less successful treatments tend to be accorded tenants with higher case scores, it is an indication that apparent treatment effects may be explained by the presence or absence of other conditions. This procedure is complicated somewhat by the missing variable problem. This makes the distribution of total scores misleading since a case which has favorable characteristics on two of three variables present would score the same as a case which scores unfavorably on the only variable present. To correct for this, scores will be presented as fractions of the potential maximum score. Table 4 presents the distribution of the cases by treatments and by the three variables most likely to be rival

⁷I am aware that the use of a word like "success" suggests a causal relationship between the treatments and outcomes. While this is indeed the hypotheses being tested, the data presented in these tables do not support any firm conclusions on this question. All that can be said from the data is that the relationship does not appear to be spurious. I am using terms like "success" only as a short and, I hope, clear way of describing the direction of association.

⁸Multiple regression, a more sophisticated and generally preferable method of multivariate analysis, was attempted, and the results are even more strongly suggestive of treatment effects than the results presented in this paper. A presentation of the regression results is not included because it is not clear how meaningful these results are given the untenability of the homoscedasticity assumption when a 0-1 dummy variable (outcome) is dependent, the small number of cases, and the fact enough predicted "y" scores in the uncorrected regression fell outside the range "0-1" to make the two-stage method of correcting for homoscedasticity (Goldberger, 1964) inapplicable. I will be happy to supply the results of an uncorrected regression analysis to any interested reader.

Table 3. Percent of Cleared Cases *Not* Recidivist Controlling For Each of Five Rival Predictors

Treatment	1 Debt of 3 mo or less	2 Debt of more than 3 mo	3 High job status	4 Low job status	5 No financial problems	6 One or more financial problems	7 No behavior problems	8 One or more behavior problems	9 Some welfare aid	10 No welfare aid
Cooling in; no moralizing	86 (14) ^a	100 (2)	88 (8)	83 (6)	100 (2)	83 (12)	100 (4)	75 (8)	100 (7)	67 (6)
Cooling in; moralizing	50 (12)	50 (4)	38 (8)	83 (6)	67 (6)	20 (5)	100 (2)	25 (8)	40 (5)	40 (5)
No cooling in; no moralizing	78 (9)	73 (11)	80 (10)	57 (7)	86 (7)	64 (11)	80 (5)	60 (10)	71 (7)	63 (8)
Moralizing; no cooling in	71 (7)	33 (3)	25 (4)	67 (3)	0 (3)	83 (6)	0 (1)	25 (4)	25 (4)	0 (1)
All treatments	71 (42)	65 (20)	63 (30)	73 (22)	67 (18)	68 (34)	83 (12)	50 (30)	65 (23)	55 (20)

^aScores in parentheses are cell totals; *not* the number of cases represented by the percentages given.

Table 4. Distribution of All Cases by Treatment and Total Score on Three Rival Predictors^a

Fraction of rival predictors predicting eviction	Treatments			
	Cooling in and no moralizing (N = 18)	Cooling in and moralizing (N = 19)	No cooling in and no moralizing (N = 33)	Moralizing and no cooling in (N = 20)
0/3	—	5.3	3.0	5.0
0/2	5.6 ^b	5.3	—	—
0/1	5.6	15.8	12.1	5.0
1/3	38.9	36.8	15.1	20.0
1/2	11.1	5.3	3.0	30.0
2/3	27.8	15.8	42.4	35.0
1/1	5.6	10.5	3.0	5.0
2/2	—	5.3	12.1	—
3/3	5.6	—	9.1	—

^aThe predictors are rent debt, financial problems, and welfare aid.

^bPercentage of column "N."

predictors to initial outcome.⁹ These are the rent debt, financial problems, and welfare aid variables. Where the denominator of the fraction is one, the score is always based on the rent debt variable. Where the denominator is two the score is almost always based on the rent debt and financial problems variables. The table is arranged so that repayment risk as judged by scores on the rival predictors increases as one reads down the columns.

The figures in Table 4 indicate that the relatively poor repayment record of the no cooling-no moralizing treatment may be explained in part by the fact that cases receiving this treatment are poorer repayment risks than tenants subjected to the other treatments. It is also possible that some of the differences between tenants cooled and moralized and those not cooled and moralized may be explained by other factors, since tenants receiving the former treatment have a more favorable pattern of scores on the rival predictors than tenants receiving the latter treatment. The difference in the pattern of scores between tenants cooled but not moralized and those moralized but not cooled is not great. Thus, the very different outcomes associated with the extreme treatments cannot be explained by available rival predictors.

These results suggest that the presence or absence of moralizing is more important in determining short-term failure than was heretofore indicated. If a correction could be made for the characteristics of the tenants subjected to the various treatments, the percentage of tenants evicted in the two treatments without moralizing would be closer to each other, as would the percentage of tenants evicted in the two treatments where tenants are moralized. The presence of cooling in would undoubtedly continue to be related to success in clearing rent debts.

Table 5 presents the same data for cleared tenants, as these are the only tenants who might be recidivist. The scores in Table 5 are based on scores on the financial

⁹Rent debt, financial problems, and welfare aid are chosen as predictors because in the unreported regression analysis occupational status made no contributions to the explained variance (t value > 0.60) while the relation between behavior problems and outcome was not in the predicted direction.

Table 5. Distribution of Cleared Cases by Treatment and Total Score on Three Rival Predictors^a

Fraction of rival predictors predicting recidivism	Treatments			
	Cooling in and no moralizing (N = 15)	Cooling in and moralizing (N = 12)	No cooling in and no moralizing (N = 18)	Moralizing and no cooling in (N = 9)
0/3	—	—	11.1	11.1
0/2	—	8.3	—	—
0/1	6.7 ^b	—	—	—
1/3	26.7	16.7	16.7	11.1
1/2	—	8.3	—	—
2/3	26.7	41.7	38.9	33.3
1/1	13.3	16.7	16.7	44.4
2/2	—	—	—	—
3/3	26.7	8.3	16.7	—

^aThe predictors are financial problems, welfare aid, and behavior problems.

^bPercentage of column "N."

problem, welfare aid, and behavior problems predictors.¹⁰ A denominator of one usually reflects information about financial problems. Where the denominator of the fraction is two, there is usually information on financial problems and welfare aid.

It does not appear from Table 5 that these predictor variables taken together can explain any of the variance in recidivism apparently due to treatment effects. None of the treatments appears to be disproportionately associated with cases favored on the rival predictors. Thus it appears that the association between moralizing and recidivism cannot be explained by the hypothesis that the board tends to be disproportionately moralistic towards tenants who are poor risks because they have a history of financial problems, behavior problems, and no chance of receiving welfare aid.

G. A Final Test

In discussing the uncontrolled relationships I noted the intuitive implausibility of the hypothesis that the treatment received at a hearing would affect behavior two or three years thereafter; thus the association between moralizing and recidivism which the data revealed was regarded as suspect. More detailed analysis indicates that the relationship between moralizing and recidivism persists despite attempts to control singly and simultaneously for plausible rival predictors. The early skepticism suggests a final test. If effects of moralizing cannot be expected to endure over long periods of time, one would predict that the elapsed time between a tenant's initial hearing and

¹⁰The behavior problems variable was included because it had the highest zero-order relationship with recidivism. The rent debt variable was eliminated because its zero-order relationship with recidivism was slight. The financial problems indicator was retained despite its slight negative zero-order relationship with recidivism because regression analysis on this subsample of cases indicated that when other factors were controlled it related more strongly to recidivism in the predicted direction than did the behavior problems index. In this subsample the zero-order association between recidivism and financial problems was in the predicted direction, although it was not as strong as the zero-order relationship between behavior problems and recidivism.

the date he is brought before the board again as a recidivist will be shorter for those who have been moralized than for those who have not been so treated.¹¹ The data support this prediction. The average elapsed time between the initial hearing and the date a tenant is again brought before the board is 21.6 months for seven recidivists who were not moralized and 15.4 months for the 12 recidivists who were. Six of seven cases reopened within ten months or less of the initial hearing involve tenants who were moralized as do ten of 13 cases reopened within 16 months or less.

II. DISCUSSION

A. Cooling In

The presence of short-term effects for cooling in is not very surprising. The treated population is one with a specific need for financial assistance and cooling in as operationalized involves advice on how such assistance may be procured. Very often, however, the tenant has received advice similar to the board's advice from the project management staff or from social workers assigned to them. This raises the question of why the board's advice is apparently followed when earlier advice was apparently ignored or useless.¹² It may be that there are features of the eviction hearing which lead the tenant to be peculiarly receptive to advice rendered in this context. The quasi-judicial setting may be important. This setting is a solemn one and the tenant's financial situation is the focus of serious attention. Furthermore there is no history of antagonism, suspicion, or paternalistic domination to color interaction between board and tenant in the way it might affect the tenant-project manager or tenant-social worker relationship. The board does have considerable power over the tenant in its ability to order eviction, but this power is of a specific and limited kind. Advice from individuals with restricted ability to intrude on one's affairs may be more palatable than similar advice from those claiming authority to interfere more diffusely in one's life.

However, another aspect of the hearing experience probably contributes more to the efficacy of the board's cooling attempts than its limited intrusiveness or the other

¹¹The logic behind this prediction is that tenants could become recidivists for many reasons, one of which is the experience of having been moralized. One would expect most factors which lead to eviction to be randomly distributed over time, but the moralizing factor should affect behavior — if it does — rather close to the time of the hearing. Thus, a group containing some tenants whose recidivism is attributable to moralizing and some whose failure is attributable to other factors should on the average recidivate sooner than a group consisting only of those whose failure is attributable to factors other than moralizing.

¹²The assumption that any earlier advice that the tenant received was ignored or useless is probably a safe one because if the advice had helped the tenant overcome existing financial problems he or she would probably not have been brought before the board. The assumption that cooling in works because the board's advice is followed is somewhat more tenuous. While it is a reasonable and obvious assumption, this study presents no direct evidence on what tenants who are cooled in do to clear their rent debts and how, if at all, this differs from the behavior of tenants who are not cooled in. The fact that cooling in appears unrelated to success in clearing rent where there are no financial problems and where rent debts are large suggests that cooling in is effective because tenants follow the advice given, since these are the only two of the ten control conditions where advice on how to solve financial problems could be expected to be irrelevant or insufficient.

factors mentioned above. This is the way in which the board exercises its power. I have already noted that the board routinely orders tenants evicted but then defers execution of the order on the condition that the tenant repay the accrued rent debt. This procedure has three characteristics likely to promote cooling in. The first is that in exchange for deferral the board elicits a promise from the tenant to clear the rent debt according to some schedule. Often the tenant's promise will explicitly or implicitly include a commitment to seek the kind of help which the board has suggested. Second, the deferral procedure makes the threat of immediate eviction upon failure to pay rent clear, thus emphasizing both the precarious and the contingent nature of the tenant's position. The message seems to register with tenants who, apparently unaware that the deferral procedure is routine, react as if they have had a narrow and perhaps lucky escape when they learn they are not to be evicted. At the same time they are usually told that any failure to meet their rent repayment schedule will result in the execution of the deferred order without any further board appearance. The fact that the tenants are contesting the manager's eviction decision indicates that they value their housing status,¹³ so the threat that the order may be executed can be expected to provide a strong incentive to comply with the board's payment demands. Advice from the board as to how these demands may be met may achieve particular salience in these circumstances. Finally, the deferral procedure gives the tenant an apparent victory over the project manager. The tenant achieves his primary objective — avoiding eviction — while the project manager has his request for immediate eviction formally denied. Since hostility between the tenant and manager often exists by the hearing stage, the tenant's formal victory may lead to favorable attitudes toward the board and to receptivity to board advice.¹⁴

B. Moralizing

The association between moralizing and adverse outcomes, particularly the association between moralizing and recidivism, exhibits the kind of dynamic which

¹³Before starting eviction proceedings managers usually send tenants formal notices telling them that they must vacate their units for nonpayment of rent. Many tenants leave upon receiving such notices. Those who do not leave at this point and who fail to make some effort to clear their rent debt are subpoenaed to attend an eviction hearing. Most tenants served with a subpoena will attend the hearing, but some leave without taking advantage of their right to appear before the board.

¹⁴The commencement of an eviction action suggests that there is a strained relationship between the tenant and the manager, since managers almost never bring eviction actions when they feel that they are able to "work with" a tenant to develop a program to clear the tenant's rent debt. One might expect that managers as insiders and as repeat users of the eviction tribunal would view the hearing process and the routine deferral decisions very differently from the tenants, perhaps regarding the decision to defer as a kind of "con" in which the tenant is given the feeling of victory in order to promote management's ends. But this is not the case. Managers regard the eviction hearing as an adversary process between them and the tenants and view decisions to defer as at least temporary "losses." One reason for this is that most managers pride themselves on not bringing eviction actions except as a last resort. When the board through a decision to defer treats the tenant as potentially salvageable, the managers feel that their professional competence is being called into question. This feeling was particularly acute after the composition of the board was changed from a group of housing authority officials to an independent group of laypeople. The managers are unaware of the extent to which those deferred by the board succeed in repaying their back rent.

social psychologists in the tradition of Cooley, Mead, and Blumer — the symbolic interactionist school — would predict. The board in moralizing expresses its doubt of the tenant's ability to meet the role demands associated with tenant status, and the tenant responds by "living up" to the board's doubt, i.e., failing to repay the rent debt. According to the theory one must presume an unmeasured intervening variable, a change in the tenant's self-concept, which results from the board's moralizing and leads to subsequent failure (Kinch, 1963).

The symbolic interactionist perspective is supported by experimental evidence that negative evaluations will cause people to think less of themselves (Videbeck, 1960) and will lead them to act in ways which reflect a diminished view of their own competence (Webster et al., 1972). There is also evidence that self-concept predicts to behavior in nonlaboratory settings (McPartland et al., 1961). Nevertheless, even the committed symbolic interactionist might find the association between moralizing and recidivism reported in this study surprising. Board-tenant interaction appears too brief to cause the kind of fundamental change in self-concept which would endure over a substantial length of time and lead to such a significant failure as not paying one's rent. Yet if the experience of being moralized contributes to the inability to clear a rent debt or to recidivism once the debt is cleared, the effects associated with the hearing must be powerful indeed.

For such powerful effects to occur there must be something about the eviction hearing which makes it a particularly propitious occasion for the transformation of the tenant's identity. An article by Garfinkel (1956) suggests a reason why this might be the case. When, but only when, moralizing is present the eviction hearing is characterized by all of Garfinkel's requisites for successful status degradation ceremonies.¹⁵ It may be that the seriousness of the setting and the ceremonial trap-

¹⁵Garfinkel's conditions necessary for successful degradation ceremonies described in language applicable to the eviction process are:

1. The lease violation must appear to be an uncommon occurrence, and the tenant must be seen as one who has acted out of the ordinary.
2. The tenant should be held responsible for the violation without regard to any of the peculiar circumstances which led him to violate the lease in the particular manner. The image of the tenant should be opposed to the image of the virtuous conformer, and the witnesses must feel compelled to acknowledge that action which would not have led to a violation is morally superior to the action which constituted the violation.
3. The denouncer (in the eviction setting this is typically a board member, but in some circumstances may be the housing authority's representative), must identify himself to the witnesses as acting as a public representative. What he says must be accepted by the witnesses as true because they realize that he and they are the same with respect to the issues involved.
4. The denouncement must be made in the name of community values.
5. The denouncer must be denouncing the wrong because it violates the community values, not because of harm done to him personally.
6. The denouncer must be seen by the witnesses as one who supports the values.
7. The denouncer must emphasize the way he, as a supporter of community values, differs from the tenant and must lead the witnesses to see themselves as differing in the same way.
8. The tenant must be defined as one outside the legitimate order, as an aberrant person.

Even without moralizing conditions 1, 4, 5, 6 and parts of 2 and 3 inhere in the structure of the hearing as it has been described. The subpoena and oath-taking ritual emphasize that lease violations are unusual and that tenant violators are acting in an extraordinary fashion. The moral superiority of conform-

pings which pertain lend a force to the board's moralizing (the equivalent of Garfinkel's denouncement) which would not otherwise exist. It may be much more difficult to dismiss the implications of a denouncement for one's self when it is rendered by authoritative officials in a trial-type ceremony than when it is rendered in less formal circumstances.

It should be noted that the expectation that moralizing in the course of an eviction hearing will have powerful identity-transforming effects follows not directly from Garfinkel's exposition of his theory, but by analogy. As presented by Garfinkel, the goal of degradation ceremonies is the transformation of the identity of the accused in the eyes of those who are *witnesses* to the ceremony. Such transformation is sufficient for degradation because social status is defined by Garfinkel in terms of the way one is perceived by those with whom one interacts.¹⁶ But defining degradation in terms of the reaction of witnesses ignores the possibility that a degradation ceremony sufficient to convince witnesses of the accused's lowered identity might not be witnessed by individuals occupying social positions which enable them to convince relevant others that a lowered conception of the accused's identity is appropriate.

The eviction hearing is such a situation. Witnesses to the ceremony rarely if ever enter the tenant's life space again. Garfinkel's exclusive concern with third-party witnesses is a gap in theory and not merely an inconvenience to one wishing to apply his ideas to eviction hearings, for the same analysis applies to the criminal trial, the accepted archetype of the degradation ceremony in modern society. Here too most witnesses to the ceremony proper will not enter the accused's life space again. As many have noted (e.g., Lemert, 1951, 1967; Becker, 1963) and Schwartz and Skolnick (1962) have so nicely demonstrated, it is the label applied and the way knowledge of the label is disseminated which matters. No independent degrading effect may be attributed to a trial-type ceremony unless it changes the accused's conception of self apart from any postceremonial experience.

The extension of Garfinkel's theory so that it applies to the criminal trial and the eviction hearing is straightforward. All one must postulate is that the process of identity transformation has a psychological dimension. To key this extension to established theory one must merely note that the accused is not only the subject of the degradation ceremony, he is also a witness to it. Mead's (1934) conclusion that individuals tend to see themselves as others see them and the symbolic interactionist

ing action is evidenced by the fact that the law allows stringent penalties for nonconformity. The eviction board is clearly acting as a public body. To the extent it denounces it is doing so in the name of community values, board members are not redressing personal grievances, and, in its role of enforcer, the board supports the values which have been violated.

Even if moralizing means that all of Garfinkel's requisites for successful degradation are present and even if one fully accepts Garfinkel's theoretical argument, one can only speak of a probability that the tenant will be degraded for Garfinkel introduces his conditions as necessary but not necessarily sufficient. There is, however, a certain circularity inherent in Garfinkel's analysis. Success is defined by transforming the witnesses' conception of the denounced person's social identity. Some of Garfinkel's conditions relating to the effects which the ceremony must have on witnesses almost amount to this.

¹⁶To the extent that social status is the sum of what others think of one, the accused's status by definition is degraded when his identity is degraded in the eyes of others. To the extent that social status reflects behavior, the accused's behavior can be expected to change so as to accord with a degraded status in response to the behavior of others who treat him as if he has such degraded status (Lemert, 1967).

conception of self which incorporates this conclusion suggest that a ceremony which can convince witnesses that an individual is of lower social status should have some power to convince the individual who witnesses both the ceremony and the reaction of other witnesses.¹⁷

Garfinkel's theory as extended would explain the apparently powerful effects which moralizing has in the eviction setting. However, the theory has never received the empirical grounding which would allow one to be confident that it can explain observed relationships.¹⁸ The most one can say is that Garfinkel's ideas and the symbolic interactionist perspective provide a reasonable and theoretically consistent explanation of the data reported in this article.

The possibility of certain atheoretical explanations must also be acknowledged. The observed relationship may be due to chance factors which affect the rent-paying ability of public-housing families.¹⁹ The number of cases analyzed is not so large that one can be reasonably confident that such effects will cancel out. The chance hypothesis is rendered somewhat less plausible by the data supporting the prediction that moralized tenants would become recidivists closer to the time of the hearing than those not moralized, but even the implausible occasionally occurs. There is also the possibility that the relationships revealed may be spurious. There may be something about the tenant's personality or history which leads both to board moralizing and tenant failure. This is the situation which I expected to find when I examined the controlled relationships. The fact that none of the control variables alone or in combination explains the outcomes attributable to moralizing suggests that the association between moralizing and outcome is not spurious, but the analysis is hampered by the small number of available cases. Although one may think of other control variables which might be applied, the ones used cover a large portion of the information available to the board during its dealings with the tenant. Demeanor, a crucial missing variable, is assumed to correlate highly with the tenant's history of trouble at the project level. If it does not, there is no apparent reason why it should correlate with the tenant's future inability to pay rent.

III. CONCLUSION

This study is limited enough in scope that its findings must be taken as tentative. If replication demonstrates that these results hold in administrative settings similar to the eviction settings, the finding would have important practical implications. The eviction board, for example, might have tried cooling in techniques in all cases had they known that such techniques provide real aid to tenants. Steps might also be taken

¹⁷Mead's (1934) perspective on the bifurcated self is a helpful way to think about this. When one is seeking to change psychic identity by degradation, he is trying to reach the accused's "me" as a witness in the way he would try to reach other witnesses if he were seeking a change in social identity. If reached, the "me" can be expected to exert new controls over the "I" just as external witnesses can be expected to exert new controls over the person if they are persuaded that he has a new and deviant identity.

¹⁸From one perspective this study may be seen as a test of Garfinkel's theory as extended. Tenants are divided naturally into two groups, those moralized and those not. Only where tenants are moralized are all of Garfinkel's requisites for successful status degradation present. Where these requisites are present tenants later behave in accord with a degraded status much more than when they are not present. The data are consistent with the theory.

¹⁹I am thinking here of illness, theft, layoffs, marital problems, and the like.

to ensure that administrative adjudicators avoid moralizing in their interaction with those before them.

Similar research on criminal trials would be particularly interesting. My results suggest that such research could lead to findings of both theoretical and practical importance. Treatment effects could be measured by such readily available statistics as parole revocation, rearrest, reconviction, or recommitment to an institution. In addition, measures uncontaminated by the enforcement process could be developed for such things as attitudes toward the trial, adjustment to prison, or success on probation. Treatment would be more difficult to measure, but this might be done effectively by systematic observation of trials over time. Subjective measures of treatment, requiring substantially less time, could be acquired by interrogating convicts.

Even if the treatment effects reported in the eviction setting are real and strong, similar effects might not be found in the criminal justice setting since there are important differences between the two areas. One important difference is the nature of the confounding intervening experience. The only formal sanction which the housing board has is eviction and this has been withheld in the cases studied. The court, on the other hand, may apply a variety of sanctions; fines, suspended sentences, probation, and imprisonment. Informal judicial treatment as an independent variable may interact with the formal sanction imposed, so the effects of court treatment may vary with the formal sanctions they accompany. One would expect that the effects of court treatment would be most visible where formal sentences were relatively unintrusive, as is the case with suspended sentences, unsupervised probation, and fines. However, even in these instances the dissemination of the label "convict" might have criminogenic effects which would outweigh or disguise effects attributable to court treatment.

There is also a basic difference in what eviction boards and courts are trying to do. The board is trying to get the tenant to do something he has not been doing, i.e., pay his rent. The court is trying to get the convict to refrain from doing something he has been doing, i.e., committing crimes. This difference may have important implications for the effects of informal judicial treatment. Cooling in, for example, might be much more effective when it is directed toward a specific goal such as paying rent than when it is directed toward a diffuse goal such as staying out of trouble. Degradation effects, on the other hand, might be more pronounced with respect to a particular goal when the thrust of the denouncement is directed to the ability of the one denounced to accomplish that goal than when it is directed at total moral character. In measuring such differences, it is necessary to control for effects that arise from the dissemination of the label deviant. In the housing setting it appears that very little stigma is associated with having been brought before the eviction board; in the criminal justice setting substantial stigma attaches to one's having been brought before a court, even where the result is an acquittal (Schwartz & Skolnick, 1962).

Finally, it is possible that degradation ceremonies will be accompanied by immediate psychological effects only where those subject to them bear some allegiance to the norm which they have allegedly violated.²⁰ Most tenants, if asked, would admit the legitimacy of the requirement that they pay rent. Criminals are likely to differ

²⁰In the language of Mead and Garfinkel, there may be no value in reaching the subject's "me" as a witness unless it can be convinced that it differs from the subject's "I" in the same way that the denouncer tries to emphasize his and the community's distance from the subject denounced.

markedly in the legitimacy which they ascribe to the norms whose commands they have violated. If this is so, one can test the interesting prediction that there will be a direct relationship between the detrimental effects of degradation ceremonies on character and the extent to which the defendant ascribes legitimacy to the norm he is accused of violating. Ironically, those processes by which society labels its deviants may have their greatest potential for negative impact on individuals who initially are least disaffected from the prevailing normative structure.

Because of the differences between the eviction hearing and the criminal trial, a failure to replicate the results reported here would not necessarily mean that the effects associated with moralizing and cooling in will not apply in some spheres. However, a failure of replication would make it more likely that the relationships I have found are an artifact of chance or of some unexamined variables. Even if this were not the case, the theoretical and practical utility of these findings would be limited if the results could not be generalized to the criminal justice setting.²¹

REFERENCES

- Becker, H. S. *Outsiders: Studies in the Sociology of Deviance*. New York: Free Press, 1963.
- Duncan, O. D. A sociometric index for all occupations. In Reiss, A. J., Hatt, P. K., & North, C. C. (Eds.) *Occupations and Social Status*. New York: Free Press, 1961.
- Emerson, R. M. *Judging Delinquents*. Chicago: Aldine, 1969.
- Garfinkel, H. Conditions of successful degradation ceremonies. *American Journal of Sociology*, 1956, **16**, 420-424.
- Goffman, E. On cooling the mark out. *Psychiatry*, 1952, **15**, 451-463.
- Goldberger, A. S. *Econometric Theory*. New York: Wiley, 1964.
- Kinch, J. W. A formalized theory of the self-concept. *American Journal of Sociology*, 1963, **68**, 481-486.
- Lemert, E. M. *Human Deviance, Social Problems and Social Control*. Englewood Cliffs, New Jersey: Prentice-Hall, 1967.
- Lemert, E. M. *Social Pathology*. New York: McGraw-Hill, 1951.
- Lempert, R. O. Evictions from public housing: A sociological inquiry. Unpublished doctoral dissertation, University of Michigan, 1971.
- McPartland, T. S., Cummings, J. H., & Garretson, W. S. Self-conception and word behavior in two psychiatric hospitals. *Sociometry*, 1961, **24**, 111-124.
- Mead, G. H. *Mind, Self and Society*. Chicago: University of Chicago Press, 1934.
- Mileski, M. Courtroom encounters: An observation study of a lower criminal court. *Law and Society Review*, 1971, **5**, 473-536.
- Schwartz, R. & Skolnick, J. Two studies of legal stigma. *Social Problems*, 1962, **10**, 133-142.
- Videbeck, R. Self-conception and the reaction of others. *Sociometry*, 1960, **23**, 351-359.
- Webster, M., Roberts, L., & Sobieszak, B. I. Accepting "significant others": Six models. *American Journal of Sociology*, 1972, **78**, 576-598.
- Wheeler, S., Bonacich, E., Cramer, M. R., & Zola, I. S. Agents of delinquency control: A comparative analysis. In Wheeler, S. (Ed.) *Controlling Delinquents*. New York: Wiley, 1968.

²¹If the results of this study could not be generalized to the criminal courts but did apply to less formal administrative hearings, the practical implications of this research would still be great; many important benefits are, in the first instance, handed out or withdrawn by administrative agencies.