

**SOC 3290 Deviance**  
**Lecture 14: Conflict Theory 1: Liberal Conflict Theory**

Back in the 1930's and 40's, certain sociologists began to point out the pluralistic, heterogeneous and conflictive nature of modern society. While traditional societies share cultural values and have relatively harmonious relationships, this is comparatively absent in modern industrial societies. Social conflict was seen as involving the incompatible interests, needs, and desires of diverse groups such as capital and labour, white vs. black, etc. Cultural conflict has to do with discrepant norms and values that derive from differing definitions of right and wrong (e.g. is killing one's daughter's seducer defending one's family honour or homicide?). Either social or cultural conflict has been said to bring about criminal behavior - which may be seen as an inherent, normal, and integral part of modern society. Sociologists holding such views may be classified as conflict theorists.

Today we begin our look at conflict theories of deviance and crime. Conflict theorists see social conflict as central to any theoretical explanation of crime. Rejecting the idea that societies are based on a shared consensus about important norms and values, they assume that the most important feature of any complex society is conflict between various segments that differ in terms of social power and resources.

There are two broad categories of conflict theory: (i) *Pluralistic* (a.k.a. “liberal” or “conservative”) conflict theorists view conflict as involving a wide variety of groups in society (i.e. social, religious, political, ethnic and economic factions). They see conflicts emerging in response to particular situations or events that bring into sharp relief groups' competition for social or economic advantage.(ii) *Radical* (a.k.a. “critical” or “Marxist”) conflict theorists, largely influenced by Marx, see social conflict mainly in terms of a struggle between social classes in the context of the structured inequalities of capitalist societies. We will deal with theorists from the first group today, and move on next class to deal with Marxist thought.

**Liberal/Pluralistic Conflict Theories:**

We will trace the history of liberal conflict theory by briefly reviewing the work of Thorsten Sellin, George Vold, William Chambliss, and Austin Turk before moving on to elaborate perhaps the most sophisticated of liberal approaches in the work of Richard Quinney.

Likely the earliest individual that we can refer to as a liberal conflict theorist would be Thorsten Sellin (1938). Sellin posited the idea that crime occurred as the result of culture conflict. The idea was that in societies where culture is homogeneous, the values to which people adhere and the norms to which they accede are essentially the same for all. Culture in which this sort of normative consensus reigns, however, were becoming increasingly rare in his time. As a result, he argued that when different cultures come into contact with one another, or when a variety of subcultures exist within a particular society, these different groups will inevitably adhere to different conduct norms. When this happens, groups will inevitably come into conflict

with one another, and each will vie for the right to have its norms recognized by the others as legitimate. The most likely to be successful in this are groups with access to the largest share of resources. Once dominant, the conduct norms of the losing groups are far more likely to be criminalized. Laws, therefore, essentially represent the conduct norms of the dominant cultural group or groups, where dominant cultural groups impose a vision of cultural reality on weaker, deviantizing the behaviors of those with less power.

The next major conflict theorist in the liberal tradition was George Vold (1958). He moved the focus of conflict theory from culture to group. He argued that people are basically group involved. Groups exist because individuals have common interests and needs best met through collective action. However, groups come into conflict as their interests and purposes tend to overlap, encroach on one another, and become competitive. Legislation is one area in which this occurs. Groups with the power to do so will attempt to influence the content of law so that it reflects their interests and preference. Thus, they will likely abide by it. However, those against whom the law is directed will likely be more likely to violate the law. It defends interests and values in conflict with their own. Thus, crime may be the behavior of a group in society that lacks the power to exert its will through the legal machinery of the state. In essence, Vold likened legislatively defined criminals to a minority group, losers in a social struggle for power. As such, criminalization (the process by which behavior comes to be designated as criminal) is an important theme in conflict theory, and the law may be seen as a weapon in social conflict.

Despite the earlier contributions of Sellen and Vold, these early theorists failed to *systematically* develop the notion of conflict as the source of criminal definition rather than behavior. Only in the mid-1960's did a group of conflict theorists emerge to explore criminality systematically as a matter of definition. As such, pluralistic conflict theory really came into its own in the early 1970's when it started becoming particularly attentive to the law as a tool of power. One prime example would be Chambliss & Seidman's Law, Order and Power, a detailed study of the impact of power differentials upon the daily work of lawmakers, the police, prosecutors, defence counsel, judges, and other members of the CJS. They concluded that "the law represents an institutionalized tool of those in power which functions to provide them with superior moral as well as coercive power in conflict." Normative pressures may disguise this "moral" power and conflict behind structural routine.

William Chambliss argues that there are two kinds of law: the law on the books and the law in action. One is the ideal, the other is what really goes on. The former asserts that the law ought to be fair, just, and treat all persons equally; the latter shows that legal authorities are actually unfair, unjust, favoring the rich and powerful over the poor and weak.

Many blame the discrepancy here on the evil character of lawmaking, but Chambliss shows how lawmakers are heavily influenced by the historical and organizational background of the law. Contemporary Anglo-American law stems from the legal system of early England. This held that personal wrongs are transgressions against the state, and that only the state has the power to punish the offenders. To carry out this principle, private forms of solving problems and disputes became supplanted by force and coercion, and lawmakers and enforcers were appointed

to settle such matters rather than the parties themselves.

This viewpoint still prevails by and large in contemporary North American society. Yet the specific content of the laws and the specific manner of enforcing them has often changed to reflect the interests of the ruling groups. While the vagrancy laws of 14th century England reflected powerful landowners' need for cheap labour - prohibiting them from travelling to seek better wages or begging, these were changed in the 16th century to protect the needs of merchants transporting goods (applied against highwaymen). Today, vagrancy laws are applied against the homeless, criminals, nuisances, thereby reflecting the desire of the upper classes to have their streets safe and peaceful. Historically, criminal law has, in effect, served the interests of the rich and powerful rather than those of the poor and powerless.

Under this view, law enforcers such as police and the courts tend to become the tools of power and privilege. This tendency is mostly the result of organizational imperative - it's in the nature of any organization to perform tasks that will maximize reward and minimize trouble for the organization (e.g. to have public support). It is thus rewarding for law enforcement agencies to go after powerless people like drunks, vagrants, robbers, etc., but support would quickly evaporate if such agents start going after "respectable" middle and upper class people for "white collar crimes." Thus, enforcement personnel are likely to make the law serve the interests of the rich and powerful.

Another pluralistic theory of note was presented in Austin Turk's Criminality and the Legal Order (1969). In this book Turk argues that conflict is the inevitable result of universal distinctions between those in authority and those subject to authority. Yet, rather than utilize inefficient coercion, persons in authority strike a balance between consensus and coercion, "conditioning" their subjects to accept and live with existing authority relations. Yet, despite such efforts, authority relations are always in a state of tension, and one way those in charge may use to keep an upper hand is to criminalize restive subjects.

The early work of Sellin, Vold, Quinney and Turk paved the way for perhaps the best known and most sophisticated example of liberal conflict theory. For pluralistic conflict theory really came into its own with the 1970 publication of Richard Quinney's Social Reality of Crime. Quinney saw the enactment and enforcement of criminal law as more than legal victories, but struggles to control social reality: "the reality of crime that is constructed for all of us by those in a position of power is the reality we tend to accept as our own...this is the politics of reality."

This view emerges out of Quinney's conflict theory of criminality, which he refers to as the "social reality of crime." His theory consists of six interrelated propositions:

(1) *Crime is a definition of human conduct that is created by authorized agents in a politically organized society*: This fundamental definition suggests that crime is itself a definition of behaviour that is conferred upon some persons by others. Agents of the law, representing segments of a politically organized society, are responsible for formulating and administering criminal law. Persons and behaviours become criminal because of this formulation and

application of criminal definitions. Thus, crime is created.

Such a definitional approach helps us to avoid falling into the clinical perspective which leads one to concentrate on the quality of the act and assume that criminal behaviour is an individual pathology. Crime isn't inherent in behaviour, but a judgement made by some about the actions and characteristics of others. This approach helps us to focus on the formulation and administration of the criminal law. Thus, the greater the number of criminal definitions formulated and applied, the greater the amount of crime.

(2) *Criminal definitions describe behaviours that conflict with the interests of the segments of society that have the power to shape public policy:* Basically, this proposition asserts that those who have the ability to have their interests represented in public policy regulate the formulation of criminal definitions. This is one of the most obvious manifestations of conflict within society: by formulating criminal definitions certain segments are able to control the behaviour of people in other segments. Hence, the greater the conflict in interests between the segments of a society, the greater the probability that the power segments will formulate criminal definitions.

This relationship goes beyond the content of criminal definitions and their sanctions, but is also manifested in the legal policies stipulating how those who come to be defined as criminal are to be handled. Criminal procedures, legal rights, crime prevention programs, correctional policies, and so on all reflect the power and interests of those segments of society that have the power and interest in regulating the behaviour of those with conflicting interests and less power.

Finally, laws and procedural rules change with modifications in the interest structure. When the interests that underlie a criminal law are no longer relevant to groups in power, the law will be reinterpreted or altered to incorporate the dominant interests. The odds of such new formulations or changes are thus increased by such factors as (1) changing social conditions; (2) emerging interests; (3) increasing demands that political, economic and religious interests be protected; and (4) changing conceptions of the public interest. The social history of law reflects changes in the interest structure of society.

(3) *Criminal definitions are applied by the segments of society that have the power to shape the enforcement and administration of criminal law:* The interests of the powerful are not only involved in the formulation of the criminal law. The interests of the powerful operate in applying criminal definitions through enforcement and administration. Crime is political behaviour and the criminal becomes in fact a member of a minority group without sufficient public support to dominate the police power of the state. Those whose interests conflict with the interests represented in the law must either change their behaviour or possibly find it treated as 'criminal.' The probability that criminal definitions will be applied varies according to the extent to which the behaviours of the powerless conflict with the interests of the powerful. Fluctuations and variations in the application of criminal definitions reflect shifts in the relations of the various segments in the power structure of society.

Of course, the law isn't applied directly by the powerful segments, but are delegated to authorized legal agents who, all the same, represent their interests - and whose jobs may be in peril if they do not.

Because of this separation between the powerful groups behind the laws and those with authority to enforce them, local conditions also affect the way in which criminal definitions are applied. Thus, the probability that criminal definitions will be applied is influenced by such community and organizational factors as: (1) community expectations of law enforcement and administration; (2) the visibility and public reporting of offences; and (3) the occupational organization, ideology and actions of the legal agents to whom the authority to enforce and administer criminal law is delegated. These affect how the dominant interests of society are implemented in the application of criminal definitions.

But there is more than just these background factors involved. Within specific situations the odds that a criminal definition will be applied depends on an evaluation by enforcement personnel. This involves not so much actions or actual attributes, but perceptions of a person as offensive or inoffensive. Hence, the more legal agents evaluate behaviours and persons as worthy of criminal definition, the greater the probability that criminal definitions will be applied.

*(4) Behaviour patterns are structured in segmentally organized society in relation to criminal definitions, and within this context persons engage in actions that have relative probabilities of being defined as criminal:* While behaviours vary, all represent the behaviour patterns - or normative systems - that segments of society learn in their relative social and cultural settings. Since it isn't the quality of the behaviour but the action taken against it that renders it criminal, that which is seen as criminal in any society is relative to the behaviour patterns of the segments of society that formulate and apply criminal definitions. Persons in the segments of society whose behaviour patterns are not represented in formulating and applying criminal definitions are more likely to act in ways that will be defined as criminal than those in the segments that formulate and apply criminal definitions.

In general, people in various segments of society are provided with a framework for developing personal action patterns, which then continually evolve and are personally constructed by each person as they move from experience to experience with participating others. Thus, the probability that a person will develop action patterns that have a high potential of being defined as criminal depends on the relative substance of (1) structured opportunities; (2) learning experiences; (3) interpersonal associations and identifications; and (4) self-conceptions. Each individual creates a personal conception as a social being, behaving according to the anticipated consequences of his/her actions. In experiences shared between criminal definers and the criminally defined, personal action patterns develop among those defined as criminal as a result of such definitions. 'Criminals' learn to manipulate the application of criminal definitions. Once, however, they begin to conceive of themselves as criminal, they learn to play the role of criminal. Because of others' reactions, people may develop personal action patterns that increase the likelihood of their being defined as criminal in the future. Hence, increased experience with criminal definitions increases the probability of developing actions that may be subsequently

defined as criminal. Such reciprocal action patterns bind the fate of definers and defined to each other.

(5) *Conceptions of crime are constructed and diffused in the segments of society by various means of communication:* If the “real world” is a social construction, “social reality” is the world a group of people create and believe in as their own. This reality is constructed according to the kind of knowledge they develop, the ideas they are exposed to, the manner in which they select information to fit the world they are shaping, and the manner in which they interpret these conceptions. Among the constructions that develop in a society are those which determine what is regarded as crime (i.e. its relevance, offenders' characteristics, and the relation of crime to the social order). All of these are constructed by communication. Indeed, the construction of criminal conceptions depends on the portrayal of crime in all personal and mass communications. In these media, those conceptions held by the power segments of society are most certain of becoming incorporated into the social reality of crime. The more the power segments are concerned about crime, the greater the probability that criminal definitions will be created and that behaviour patterns will develop in opposition to criminal definitions. These are all joined by the construction of criminal conceptions.

(6) *The social reality of crime is constructed by the formulation and application of criminal definitions, the development of behaviour patterns related to criminal definitions, and the construction of criminal conceptions:* The five propositions above can be looked at as a composite: a theory that describes and explains phenomena increasing the probability of crime in society, resulting in the social reality of crime.

The four middle propositions (after the initial definition of crime) form the body of the theory, which can be represented diagrammatically as a theoretical system. Each proposition is related to the others in a system of developmental propositions interacting with one another. The phenomena denoted in each and their relationships culminate in what is regarded as the amount and character of crime in society at any given time: the social reality of crime.

This theory, argued Quinney, was inspired by current social changes (in the 1960's/early 70's) altering older conceptions of the world. This has to do with the world that we all construct and, simultaneously, pretend to separate ourselves from in assessing our experiences. Sociologists, sensing the problematic nature of existence, had begun to revise their earlier theoretical orientations along with their methods and subjects of investigation.

For the study of crime these changes are directing attention to the process by which criminal definitions are formulated and applied. Quinney has attempted to show how a theory of crime can be consistent with some revisionist assumptions about theoretical explanation, the individual and society. This theory accumulates and incorporates diverse findings from criminology.

Quinney's synthesis conceives of crime as a constructive process and formulates a theory according to a system of propositions. This integrates all relevant phenomena into the process of

creating criminal definitions, the development of behaviours among those involved in criminal defining situations, and the construction of criminal conceptions. The result is the social reality of crime that is constantly being constructed in society. This theoretical perspective can be useful in organizing a considerable amount of material into a coherent framework - a perspective for the sociological study of crime. It can be useful to the extent that it helps us to understand crime as we experience it today.

### **Critiques:**

The pluralistic conflict theories above have been extremely influential and paved the way for more historically and structurally informed critical perspectives. In particular, they did away with the earlier, generally accepted view that law was consensually created and implemented with “value-neutrality.”

Of course, such conservative conflict theory is rejected by the radicals. They feel that the emphasis placed on interest groups diverts attention from how the study of social conflict is rooted more fundamentally in the economic structure of society. For example, they argue that material resources, human population and technical know-how are socially - and unequally - organized according to the mode of production. Capitalist forms of economic production contain the elements of a conflict between a capitalist class (which controls the mode of production), and a laboring class (which must sell its labour in order to survive). All other social relations are dependent on this - including law and social control. Hence, Marxian criminologists (including the later work of Quinney himself) have attempted to understand the relationship between crime, social control, and the structured inequalities of capitalist societies.

As a result, pluralistic conflict theories are said to fail to adequately examine the historically based structural context in which power struggles occur. They imply that the human struggle for power inevitably results in the universal triumph of the mighty and the perpetual deviantization of the powerless. This involves little more than a description of the way in which contemporary social life is hierarchically structured - equating the way things are with the way things naturally have to be. Yet, structures are themselves historical creations - they don't exist naturally but are produced and reproduced by the concrete struggles of people in history. This awareness is what separates the critical (Marxist) perspective from the more limited confines of pluralistic conflict theory. Critical theorists recognize that under certain, historically structured conditions, power relations can be those of reciprocity rather than domination.

While guided by this goal of reciprocal power relations - those based on mutual respect, generosity, along with forms of social exchange and social control that mutually enrich all - critical theorists are well aware of their rarity in today's world. Yet, they see nothing natural about existing hierarchies - seeing them merely as the ritual legacy of the unjust exercise of power in history. This historical structuring of hierarchical power, along with its reproduction, are thus of great interest to critical theorists. Thus, their emphasis on a diverse array of everyday activities in which we either reproduce or resist the hierarchical structures that have surrounded us since birth - rituals in which we either “naturalize” or challenge the continuance of controlling

hierarchies. As long as such reproduction of hierarchy continues, there is little chance that deviance and social control will be more than an endless battle over who controls whom. The question is how to find our way out.

In the next class, we will thus move on to consider Marxist variants of conflict theory in relation to deviance and crime.