



*with a new introduction by
A. Javier Treviño*

The Social Reality of Crime

Richard Quinney

**The Social
Reality of
Crime**

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Introduction to the Transaction Edition

I

Three decades after it was first published, Richard Quinney's *The Social Reality of Crime* remains an eloquent and important statement on crime, law, and justice. At the time of its appearance in 1970, the theory of the social reality of crime—as a critical reinterpretation of criminology—not only liberated the field from being mainly a recitation of the practices of the police, courts, and corrections, it also, and more importantly, represented a marked departure from the traditional analysis of crime that viewed criminal behavior as pathological in nature. Additionally, Quinney renounced the conventional conceptualization of law as an abstract, autonomous body of rules and instead reintroduced into sociology Roscoe Pound's notion of the law in action—that is to say, the law as a dynamic force that is continually being created and interpreted. Quinney's theory not only served to advance criminological and legal thought, it also inspired scores of students of crime, law, and society who had become disenchanted with the customary analyses, to reorient their perceptions of criminal justice.

Upon its publication, *The Social Reality of Crime* received wide acclaim and gave an entire generation of researchers the courage and legitimacy to seriously question definitions of crime and labels of criminality. The book's popularity quickly turned Quinney into a criminologist with an international reputation. Excerpts from the book's first chapter, which is devoted to the

theory of the social reality of crime, are now routinely reprinted in anthologies on criminology and deviant behavior. The theory itself is discussed in most criminology textbooks.

There is no doubt that Richard Quinney has helped shape the course of criminology over the last thirty years. He (along with William J. Chambliss and Austin T. Turk) has contributed greatly to the further development of the conflict approach, placing it at the forefront of criminological theory. Quinney is not only the most prolific of the criminological conflict theorists—having produced over sixty-five articles and some fifteen books including, *Critique of Legal Order: Crime Control in Capitalist Society* (1974), *Providence: The Reconstruction of Social and Moral Order* (1980), *Marxism and Law* (1982), and *Criminology as Peacemaking* (1991)—he is also the most controversial. The controversy stems in part from his having shifted his paradigmatic orientation several times during his long and distinguished career.

Quinney's mark on the field is most apparent in the number of times he is referenced in criminology textbooks. He is, to be sure, the most widely cited of today's criminologists, ranking third in total number of references, exceeded only by the late Edwin H. Sutherland and the late Donald R. Cressey, ranked first and second respectively. Quinney's significance to criminology is perhaps best demonstrated in a 1982 article written by R.E. Hilbert and C.W. Wright for the journal *Deviant Behavior*, comparing Quinney's explanation of the inevitability of crime with that of the great French sociologist, Émile Durkheim.

In 1984, the American Society of Criminology (ASC) awarded Quinney the prestigious Edwin H. Sutherland Award for his contributions to criminological theory. In 1995, he was made a fellow of the ASC and, in 1998, was given the Major Achievement Award by the ASC's Critical Criminology Division. He is the only criminologist who has published two autobiographies, *Journey to a Far Place: Autobiographical Reflections* (1991) and *For the Time Being: Ethnography of Everyday Life* (1998).

II

Quinney first became interested in the American legal system while a graduate student at the University of Wisconsin, Madi-

son (from 1957 to 1962) preparing for his doctoral examination in criminology. At that time, he made three observations about law that would guide his thinking for the next several years: (1) that sociologists had not paid appropriate attention to the formulation of law in their studies of crime, (2) that law-breaking is related in some way to law-making, and (3) that law is not a system based on consensus, but tends to represent the interests of the powerful in society.

Shortly after receiving his Ph.D. and co-authoring *Criminal Behavior Systems: A Typology* (1967) with Marshall B. Clinard, Quinney began to politicize his analysis of crime. He cited such actions as refusing to pay income taxes used for military expenditures and picketing military bases, as evidence that the offenders were pursuing values different from the values of those groups that were formulating and administering law. The result was criminal behavior. Theories attempting to explain this criminal behavior, Quinney concluded, must include a knowledge of the political process.

With the publication of *Crime and Justice in Society* (1969), Quinney turned in earnest to the coercion or conflict-power model of society previously popularized by Ralf Dahrendorf and others. In this volume, Quinney considers the legal scholar Roscoe Pound's theory of interests, which, according to Quinney, provides one of the few starting points for the study of law as a social phenomenon. With the objective of proposing his own sociological theory of law, Quinney revises Pound's theory of interests so that it fits into a power of politics framework.

Quinney begins by rejecting the consensus, or integrative conception of society, that had led Pound to see law as reflecting the needs of a well-ordered society and, as regulating and adjusting people's conflicting claims and desires. In contrast, Quinney's vision of society is characterized by diversity, conflict, coercion, and change. Quinney further regards law not as independent of particular interests, but as a result of having been *created* by those interests. What is more, contrary to Pound who saw law as operating for the good of society as a whole, Quinney sees law as representing the interests of particular segments of society that have the power to translate their interests into public policy. Finally, while Pound's theory of interests is teleological in that he believed that society would create only that law which it

needs, Quinney does not regard society's needs as inherent in the interests involved in formulating particular laws.

Based on the aforementioned suppositions, Quinney's sociological theory of interests maintains that: (1) law, as a form of public policy, is the creation and interpretation of specialized rules by authorized agents in a politically organized society; (2) a politically organized society is structured into different segments, each with its own interests; (3) the interest structure of a politically organized society is characterized by the unequal distribution of power and by conflict between the different segments; (4) within the interest structure of a politically organized society, law is formulated and administered by the segments of society with the power to incorporate their interests into the creation and interpretation of public policy. It follows, then, that by formulating law, some segments are able to control others to their own advantage.

In *The Problem of Crime* (1970), Quinney extended the idea that law is the creation and interpretation of specialized rules in a politically organized society, by formulating a new concept of crime—one that was more attuned to his evolving conception of science. In this work, Quinney contends that crime has meaning only when the concept of crime has first been constructed. Accordingly, his understanding of crime was now not only informed by the conflict-power approach, but also drew heavily from the philosophical tradition of idealism.

Idealism is based on a subjectivist position that sees knowledge as derived from sense experience. Thus, no facts exist independent of our knowledge of them. Reality, in other words, is a state of mind. Idealism is also based on a nominalistic position that posits that there is no reason to believe in the objective existence of anything. Quinney concludes, therefore, that there is no definite way of arriving at conclusions about the social world. Social reality, he maintains, is possible only to the extent that people mentally construct that social reality. For Quinney, the idealist approach promised to be fruitful (much more fruitful, in fact, than the positivistic mode of inquiry which he had relied on in *Crime and Justice in Society* but now rejected) in developing concepts that would be of maximum utility in a sociological analysis of the problem of crime.

Viewing crime as labeled conduct, Quinney focuses on the process of criminal defining, the behavior of the criminally de-

defined, and the social reaction to crime. He then considers these three phenomena within the context of the “politicality of crime”—by which he means, first, that the actions of many criminally defined persons are actually political behaviors and, second, that the actions taken in the labeling of behavior as criminal are political actions.

It seemed only natural that, at this point in time when radical changes were taking place in American society, Quinney should become alert to the increased use of the criminal label in suppressing criminal behavior as well as to the increased politicality of the actions of the criminally defined. For Quinney, acts of conscience—such as the demonstrations outside the Democratic National Convention that took place in Chicago in 1968, and the so-called “Spock case” in which several men (including the famous pediatrician, Benjamin Spock), who opposed the military draft, were put on trial for returning their draft cards to the government—illustrated the politicality of crime.

III

The ontological, methodological, and substantive positions that Quinney presents in *Crime and Justice in Society* and in *The Problem of Crime*—namely, the consideration of the conflict-power model of society, the sociological theory of interests, differentially segmented society, politically organized society, nominalism, and the process of criminal defining—are extended and synthesized in *The Social Reality of Crime*. Simply stated, through the formulation of an integrated theory—the theory of the social reality of crime—Quinney endeavors to explain the politicality of the social construction of crime.

The theory consists of six propositions derived from earlier work in criminology and sociology—most notably, the labeling perspective, George Vold’s group conflict theory, social constructionism, and Edwin Sutherland’s theory of differential association. Sutherland (who a half-century after his death in 1950 continues to be the model of what it is to be a criminologist) served as Quinney’s main guide in developing the theory of the social reality of crime. Indeed, Sutherland’s influence on the theory’s structure (its systematic and integrative formulation and its articulation into propositions) and content (its focus on the con-

cept of criminal definitions, the learning of behavior patterns, and differential social organization) is unmistakable. And just as Sutherland had previously taken the conventional criminological knowledge of the time—the late 1930s—and reformulated it into the theory of differential association, so also does Quinney attempt to reorient the study of crime into a theory that reflects the happenings of the time, the late 1960s.

The theory of the social reality of crime begins with the premise that criminality is not determined by the nature of the behavior itself; rather, crime is a category of human behavior that is created and imposed by authorized political agents (*viz.*, the police, judges, and corrections authorities), through the formulation of criminal definitions. Crime is a judgment made by some persons about the behavior and characteristics of others. What is more, crime is an artificial construct created by the powerful segments of society to benefit their particular interests. In this sense, the formulation of all criminal law is a political matter.

Quinney states that those segments in society that have the power to translate their interests into public policy shape the enforcement and administration of criminal law. He further notes that the probability of powerful segments formulating criminal definitions becomes greater with an increase in the conflict of interests between segments of a society. The substantive and procedural laws that emerge from this conflict reflect the interests of the powerful in protecting themselves from the competing interests of the powerless. Conduct that is perceived to threaten or conflict with the interests of the dominant groups is designated as criminal. The dominant groups see to it that their particular definitions of criminality become enacted as law, ensconced in public policy, and protected by the operation of the criminal justice system.

When the behavior of members of subordinate groups clash with the law, they are less able to resist apprehension, prosecution, conviction, and incarceration for criminal charges. Because society's power segments formulate criminal definitions that reflect their own set of values, members of those segments of society whose behavior patterns are not represented in the development, application, and construction of these criminal definitions engage in actions that have relative probabilities of being labeled as criminal. Structural sources such as age, sex, social class,

ethnicity, and race (as well as ecological areas and general cultural themes), influence who runs the greatest risk of officially being defined as delinquent or criminal. Youth, women, the economically disadvantaged, and minorities—that is to say, those with interests that are likely to conflict with the interests represented in law—will tend to be differentially processed through the criminal justice system.

The more the powerful are concerned about crime, the greater the likelihood that both criminal definitions and criminal behavior itself will increase. Furthermore, because of their reliance on power relations, criminal definitions are constantly changing so that they reflect the politically organized society. Thus, a particular criminal law may be intended for a particular interest at a particular time and then amended, implemented, or abolished at another time for some other interest. “Law,” as Quinney puts it, “has its element of fashion” (p. 85).

Quinney further argues that the images of crime and criminals created by the powerful segments are diffused throughout the society in their effort to control the actions of the less powerful segments. Indeed, the term “crime” refers to conceptions of reality held by the powerful that are disseminated through various means of communication, including the news media. A criminal mythology—that is to say, an “official reality” with a common definition of particularly threatening behavior meant to arouse fear and anxiety—is subsequently constructed and those in power get others to believe in their definition of the reality of crime. In other words, criminal conceptions (or stereotypes) are created and communicated as part of the political process of promoting a particular set of values and interests. The end result is that criminal conceptions held by people with a great deal of power are imposed on others in the name of the whole society. Once these stereotypes of crime and criminals become stable, persons labeled as criminal begin to conceive of themselves as such and eventually come to play their role accordingly. This self-fulfillment of others’ criminal definitions, in turn, increases the probability of further criminal definition.

This entire process legitimizes the authority of those in positions of power and allows them to establish official policies, in the name of the common good, that really protect and perpetuate their own private interests. The criminal justice system thus works

to secure the needs of the powerful. In sum, Quinney argues that crime is a process whereby conceptions of crime are constructed, criminal laws are established and administered, and behaviors are developed in relation to these criminal definitions. He refers to this constructivist process as the social reality of crime.

IV

Shortly after its publication, heavy criticisms were leveled at *The Social Reality of Crime*. For example, Taylor, Walton, and Young in *The New Criminology* described Quinney's theoretical orientation as "a confused relativist position" that seemed to be more the product of his existential *angst* than the result of "clear-headed theoretical analysis." Robert K. Merton, in *Sociological Ambivalence*, branded Quinney a total subjectivist and referred to his approach as "sociological Berkeleyanism," in reference to the idealist philosopher, George Berkeley, who doubted that the existence of the physical, objective world could be proved. This charge of total subjectivism is untenable given that Quinney's focus is on the structural origins, increased likelihood, and amount of crime in society. Thus, not only is the underlying conception of his theory the *segmental organization of society*, he is particularly interested in examining the *structural sources* (age, sex, social class, ethnicity, and race) of the *behavior patterns* that have a relative *probability* of being defined as criminal. Moreover, Merton considered Quinney's contention that "we have no reason to believe in the objective existence of anything" (p. 4), an unjust and erroneous distortion of W. I. Thomas's theorem—which, in attempting to explain the construction of subjective reality, states that, when people define a social situation as real, its consequences become real. Here again Merton's critique is wide of the mark because Quinney does not once mention Thomas in his book.

Others have taken the theory of the social reality of crime to task on several grounds: for assuming that the interests of the power segments in society are always in opposition to those of the subordinate groups; for implying that legally prohibited acts are wrong only because they are prohibited, without considering that they could also be objectively harmful to individuals and society; for its inability to specify the conditions under which law would not be simply an instrument of powerful interests; for

proposing a highly abstract conflict model that is too simplistic and ultimately not very helpful in illuminating either the nature of criminal justice or the shape and significance of crime in society. This last criticism, while perhaps overstated, does have some merit. To be sure, Quinney's basic assertions are so self-evident that it is difficult to disagree with them. Who would argue, for example, with his conclusion that we live in a segmented society and that different segments have different interests?

While, on the face of it, the theory of the social reality of crime appears to be based on sound sociological premises, six shortcomings are nonetheless discernible. To begin with, although Quinney is careful to define or detail most of the terms that he employs (e.g., process, conflict, power, social action, interests), he is less than clear on the meaning of one of his most important concepts, that of social "segments." Quinney gives at least four characteristics of segments: (1) that, as types of social groupings, segments may or may not share the same values, norms, and ideological orientations; (2) that segments may or may not be organized in defense of those commonalties; (3) that different segments have different behavior patterns and normative systems, each of which is learned in its own social and cultural setting; (4) that, depending on their position in the political power structure, the various social segments possess varying degrees of influence to shape public policy.

Interesting as these attributes may be, they, neither singly nor collectively, serve as systematic guides for an empirical analysis of social segments. And while Quinney states that the interests power segments pursue "are not distributed randomly in society but are related to one's position in society [following] Marx's theory of economic production and class conflict" (p. 38), at the time that he wrote this, Quinney had little awareness of political economy and did not necessarily identify social segments with social classes.

Second, Quinney's observation that crime is created by criminal law is not particularly new. This notion is reminiscent of St. Paul who, two thousand years earlier, had noted a similar link between sin and law when he stated: "I would not have come to know sin except through the Law" (Romans 7:7). Similarly, during the early 1930s Jerome Michael and Mortimer J. Adler in *Crime, Law, and Social Science* had contended that not only was

criminal law the formal cause of crime, it also gave behavior its quality of criminality. Thus, while Quinney's law-crime correlation is not unique, what is novel is that he extends it to include two interrelated propositions: one sociological, that the greater the amount of crime in society leads to a greater number of people who are defined as criminal; the other social-psychological, that those who are defined as criminal develop criminal self-conceptions.

Third, the theory of the social reality of crime is formulated at a middle-range level of abstraction and, as such, it should be possible to test it directly with empirical data. Yet, despite its middle-range articulation, the theory overreaches as it attempts to account for *all* crime instead of merely some of it. Little wonder that the theory, at times, appears too superficial as it glosses over variations and exceptions.

Fourth, Quinney contends that his theory is systematically constructed, composed as it is of propositions that are internally interrelated. His practice, however, is to shift back and forth between divergent theoretical positions depending on the argument that he wants to make. On the one hand, in explaining the formulation and application of criminal law, he employs the conflict-power conception of interest structure. On the other hand, when addressing the behavior of those defined as criminal, he relies on differential association, labeling, and other variables outside of the conflict-power perspective.

Fifth, in explaining how the power segments manipulate the criminal laws (including the enactments of legislatures, court decisions, and administrative rulings) to their own advantage, Quinney relies on a modified (i.e., non-Marxist) "instrumentalist" approach. Accordingly, he sees criminal laws in very rudimentary terms: as instruments or "political weapons" of the powerful. Aside from being overly simplistic, the instrumentalist approach is a static interpretation of law that suggests a deterministic view of society. Moreover, the criminal laws are not always just an instrument for the promotion of the interests of the powerful; indeed, considering that the powerless are more likely to be victimized by crimes of violence, laws against assault, murder, and rape, for example, are more likely to protect and advantage them. Only later, in *Class, State, and Crime* (1977) and during the late-Marxist stage of his career, does Quinney consider a structuralist view of law.

Finally, *The Social Reality of Crime* is so well documented and thoroughly researched that it has prompted one commentator to regard it as one of the most exhaustive collections of references on crime that he had seen since Blackstone's *Commentaries*. Yet, despite—or, perhaps because of—Quinney's footnoted citations of hundreds of case studies used to support his arguments, some of their findings and illustrations give the book as a whole a slightly outdated feel. Such findings have been outrun by numerous events that have transpired since the initial publication of *The Social Reality of Crime*, events that have forever altered the general public's attitudes toward crime, law, and criminal justice. These include Watergate; the Iran-Contra Affair; the impeachment of President Bill Clinton; *Roe v. Wade*; *Furman v. Georgia*, and *McKlesky v. Kemp*; the execution of Gary Gilmore; the enactment of the Racketeer-Influenced and Corrupt Organization Act (RICO), Megan's law, and the "three strikes" law; the abolition of vagrancy laws and the nonenforcement of laws prohibiting "solicitation" by homosexuals; the War on Drugs and the crack cocaine-powder cocaine sentencing differential; the Attica and New Mexico prison riots; the police beating of Rodney King; the popularity of anti-heroes like D. B. Cooper; the O. J. Simpson case; President George Bush's manipulation of Willie Horton as a symbol of the criminal; the Knapp Commission's uncovering of widespread police corruption; the congressional hearings on the tobacco industry; the formation of special interest groups like Mothers Against Drunk Driving (MADD), Handgun Control, Inc., and Partnership for a Drug-Free America; the Savings and Loan scandal; the Cointelpro surveillance operation; the ABSCAM sting operation; the illegal contribution of campaign money to political action committees (PACs); the convictions of televangelist Jim Baker, mob boss John Gotti, investment broker Ivan Boesky, junk-bond king Michael Milken, and "death doctor" Dr. Jack Kavorkian; the popularity of real-life crime shows like "COPS" and "America's Most Wanted"; the crimes of serial killers Ted Bundy, the Son of Sam, John Wayne Gacy, and Jeffrey Dahmer; the bombing of the World Trade Center and the Murrah Federal Building in Oklahoma City; the Unabomber; the attempted assassination of President Ronald Reagan; the school shootings in Jonesboro, Arkansas, Pearl, Mississippi, Springfield, Oregon, West Paducah, Kentucky, and

Littleton, Colorado; and the hate-crime slayings of Matthew Sheppard and James Byrd, Jr.

Other legal and attitudinal changes that have taken place since the initial publication of *The Social Reality of Crime* are apparent from the fact that some actions used as examples in the book, like abortion and vagrancy, are no longer considered crimes. (Quinney anticipated other actions, such as the decriminalization of public drunkenness.) Moreover, while computer crimes were virtually unknown at the time, other events, such as “race riots,” which were not uncommon then, now tend to occur with less frequency. But particular statistics, such as the number of executions and the number of inmates under sentence of death in state and federal prisons, have increased dramatically—with the numbers rising from two (in 1967) to 74 (in 1997) and from 435 (in 1967) to 3,335 (in 1997), respectively.

V

Notwithstanding the many momentous events that, during the past three decades, have transformed American society and its criminal justice system, the theory of the social reality of crime remains as fresh and pertinent today as it was when Quinney first set out “to provide an understanding of crime that is relevant to our contemporary experiences” (p. 3). The theory of the social reality of crime has, at least thus far, had more of an impact on both criminological thought and deviant behavior studies than Quinney’s later Marxist, prophetic, and peacemaking approaches. What is more, the theory has exerted an indelible and direct influence on the development of subsequent criminological theorizing. For example, Thomas Bernard’s “unified conflict theory of crime” presented in *Theoretical Criminology* incorporates variables derived from the social reality of crime. Similarly, Jeffrey Reiman, in *The Rich Get Richer and the Poor Get Prison*, also draws on Quinney’s notion of the construction of the social reality of crime in developing his own “Pyrrhic defeat theory.” Even scholars like Taylor, Walton, and Young, who have been hostile to Quinney’s nominalistic position concerning the formulation and administration of criminal law, proposed their “new criminology” in opposition to it. More generally, the theory of the social reality of crime has also made an impact on sociol-

ogy. The German sociologist, Richard Münch, in the third volume of his *Sociological Theory*, for example, sees Quinney's social reality of crime theory as a conflict approach that has advanced knowledge of the symbolic processes of labeling.

Perhaps the most fitting description of the theory of the social reality of crime is that which Quinney offered of Sutherland's theory of differential association in his assessment of it in 1966. To paraphrase: Although there are shortcomings in the theory, one must keep in mind that it was formulated nearly a third of a century ago. In the end, the theory's truly remarkable feature is its basic logical consistency. This republication of *The Social Reality of Crime* will doubtless renew excitement for Quinney's conflict-social constructionist perspective that has been so significant to the development of theoretical work in the fields of criminology, social problems, and the sociology of law.

A. Javier Treviño
Wheaton College
October 2000



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Preface

My purpose in this book is to provide a reorientation to the study of crime. I have attempted to accomplish this task by developing a theoretical perspective by means of which research and writing in criminology can be reinterpreted.

The nominalistic position is my starting point: a thing exists only when it is given a name; any phenomenon is real to us only when we can imagine it. Without imagination there would be nothing to experience. So it is with crime. In our relationships with others we construct a *social reality of crime*. This reality is both conceptual and phenomenal, a world of meanings and events constructed in reference to crime.

This theoretical approach to crime consists of several related processes: (1) how criminal definitions are formulated; (2) how criminal definitions are applied; (3) how behavior patterns develop in relation to criminal definitions; and (4) how criminal conceptions are constructed. The social reality of crime is constantly being created.

I have felt it necessary to reinterpret criminology for more than academic reasons. Much of our criminology lacks a sense of the contemporary. I seek a sociology of crime that fits into our own times. I am, also, explicitly interested in the ideals of justice and individual freedom. When we find ourselves able to examine crime as a human construct, then we can raise questions about the justice of criminal law. It is my hope that the theory of the social reality of crime has the power of forcing us to consider libertarian ideals. I

contend that a relevant criminology can be attained only when we allow our personal values to provide a vision for the study of crime.

Richard Quinney

1

A Theory
of Crime



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CHAPTER ONE

The Social Reality of Crime

The history of contemporary sociology is characterized by a progressive loss in faith — faith that anything exists beyond man's imagination. We are consequently being led to new assumptions about our craft and the substance of our labors. New ways of attacking old problems are making this a dynamic period for sociology.

Perhaps in no other sociological realm is intellectual revisionism more apparent than in the study of crime. In these pages I will indicate how current thoughts and trends in the sociological study of crime can culminate in a theory of crime. The theory that I will present — *the theory of the social reality of crime* — rests upon theoretical and methodological assumptions that reflect the happenings of our time; it is meant to provide an understanding of crime that is relevant to our contemporary experiences.¹

ASSUMPTIONS: EXPLANATION IN THE STUDY OF CRIME

Until fairly recent times studies and writings in criminology were shaped almost entirely by the criminologist's interest in "the crim-

¹ An earlier version of the theory of the social reality of crime was contained in a paper I presented at the 63rd annual meeting of the American Sociological Association, August 28, 1968. This chapter is a revision of my later paper, "The Social Reality of Crime," in Jack D. Douglas (ed.), *Crime and Justice in American Society* (Indianapolis: Bobbs-Merrill, 1970).

inal.” In the last few years, however, those who study crime have realized that crime is relative to different legal systems, that an absolute conception of crime — outside of legal definitions — had to be replaced by a relativistic (that is, legalistic) conception. Many criminologists have therefore turned to studying how criminal definitions are constructed and applied in a society.

Two schools of thought have developed. Some argue that crime is properly studied by examining the offender and his behavior. Others are convinced that the criminal law is the correct object: how it is formulated, enforced, and administered. The two need not become deadlocked in polemics. The long overdue interest in criminal definitions happily corrects the absurdities brought about by studying the offender alone; the two approaches actually complement one another. A synthesis of the criminal behavior and criminal definition approaches can provide a new theoretical framework for the study of crime.

The theory I am proposing rests upon certain assumptions about theoretical explanation: these assumptions are in regard to (1) ontology, (2) epistemology, (3) causation, and (4) theory construction.

Ontology. What is the world really like? I mean, what is it we pretend to separate ourselves from when we go about our observations? I adopt a nominalistic position contrary to that of the positivists. Accordingly, I can accept no universal essences. The mind is unable to frame a concept that corresponds to an objective reality. We cannot be certain of an objective reality beyond man’s conception of it. Thus, we have no reason to believe in the objective existence of anything. We must, instead, formulate theories that give meaning to our experiences.²

Epistemology. Implied in the ontological assumption is the epistemological assumption that we as observers cannot “copy” anything that may be regarded as an objective reality, since we are skeptical of the existence of such a reality. Our observations, instead, are based on our own mental *constructions*, not on essences beyond our

² I have developed this position in *The Problem of Crime* (New York: Dodd, Mead, 1970), chap. 3.

experiences. Expressed in a more romantic way: "Beauty is in the eye of the beholder." Thus, our concern is not with any correspondence between "objective reality" and observation, but between observation and the utility of such observations in understanding our own subjective, multiple social worlds.

Causation. Much of criminological theory, based on positivistic assumptions, has sought to explain the "causes" of crime. That search continues, but the modern concept of causation employed in the philosophy of science is considerably different from that used by criminologists.³ The strategy toward causation that I propose for a theory of crime is consistent with the above assumptions about the world and the way in which we understand it, as well as with current usage in the philosophy of science. This strategy has three parts.

First, causal explanation need not be the sole interest of criminologists.⁴ The objective of any science is not to formulate and verify theories of causation, but to construct an order among observables. Explanations as generalized answers to the question "why?" may be presented in other than causal form. For example, explanations in terms of probability statements, functional relationships, and developmental stages can be formulated into propositions that do not depend upon causal explanation. A science of human social behavior is obviously possible without the notion of causation.

Second, a statement of causation does not necessarily state the

³ For a discussion of the usage of causation in modern philosophy of science and in the physical sciences, see Percy W. Bridgman, "Determinism in Modern Science," in Sidney Hook (ed.), *Determinism and Freedom in the Age of Modern Science* (New York: Collier, 1961), pp. 57-75; Mario Bunge, *Causality: The Place of the Causal Principle in Modern Science* (New York: The World Publishing Co., 1963); Werner Heisenberg, *Physics and Philosophy: The Revolution in Modern Science* (New York: Harper & Row, 1958).

⁴ Alternatives in causal explanation in criminology have been suggested in Hermanus Bianchi, *Position and Subject Matter of Criminology: Inquiry Concerning Theoretical Criminology* (Amsterdam: North Holland, 1956); Nathaniel Cantor, "The Search for Causes of Crime," *Journal of Criminal Law, Criminology and Police Science*, 22 (March-April, 1932), pp. 854-863; Peter Lejins, "Pragmatic Etiology of Delinquent Behavior," *Social Forces*, 29 (March, 1951), pp. 317-321; David Matza, *Delinquency and Drift* (New York: John Wiley, 1964); Walter C. Reckless, *Criminal Behavior* (New York: McGraw-Hill, 1940). Acceptance of causal analysis in contemporary criminology is found in Travis Hirshi and Hanan C. Selvin, *Delinquency Research: An Appraisal of Analytic Methods* (New York: The Free Press, 1967).

nature of reality, but is a *methodological construction* of the observer: "Causes certainly are connected by effects; but this is because our theories connect them, not because the world is held together by cosmic glue."⁵ The scientist who defines a causal relationship has to see that it is a construct imposed by himself in order to give meaning to a significant theoretical problem. Confused, we often inadvertently turn the causal construct into a description of reality.⁶ Initially a heuristic device, a methodological tool, causation does not necessarily describe the substance of our observations.

Third, we must not use the causal construct as it has often been applied in physical science. Causative explanations of crime have tended in particular to be based on the mechanistic conception of causation. What is required in the explanation of crime, *if* a causative explanation is formulated, is a conception of causation that is attuned to the nature of social phenomena.

The world of social phenomena studied by the social scientist has meaning for the human beings living within it. The world of nature, on the other hand, which the physical scientist studies, means nothing to the physical objects. Therefore, the social scientist's constructs have to be founded upon the *social reality* created by man: "The constructs of the social sciences are, so to speak, constructs of the second degree, that is, constructs of the constructs made by the actors on the social scene, whose behavior the social scientist has to observe and to explain in accordance with the procedural rules of his science."⁷ As social scientists we may well conceive of a *substantive causal process*, as part of a social reality that is constructed by man, and distinct from the causal constructs formulated as methodological devices by the physical scientist. Thus, causation could be used substantively to explain crime in the special sense of *social causation*. To the extent that man defines situations, that is, con-

⁵ Norwood Russell Hanson, *Patterns of Discovery* (Cambridge: Cambridge University Press, 1965), p. 64.

⁶ On the confusion between nominal and real constructs in general, see Robert Bierstedt, "Nominal and Real Definitions in Sociological Theory," in Llewellyn Gross (ed.), *Symposium in Sociological Theory* (Evanston, Ill.: Row, Peterson, 1959), pp. 121-144.

⁷ Alfred Schutz, "Concept and Theory Formation in the Social Sciences," in Maurice Nathanson (ed.), *Philosophy of the Social Sciences* (New York: Random House, 1963), p. 242.

structs his own world in relation to others, the student of social life may conceive of a social causation as part of a social reality.

Theory Construction. The appropriate structure of a theory is far from certain in sociology. Many have worked toward establishing a research methodology, but little has been done about developing theoretical methods. Since we lack criteria for building theories, Homans has suggested that a theory must consist of propositions that state relationships and form a deductive system.⁸ But we cannot ignore explanations that may be formulated in forms other than the deductive. These may contain propositions which are not deductive, but which are probabilistic, functional, or genetic.⁹ Such propositions need not necessarily be deductive, in the sense that another set of propositions must be deduced from them in order for the original set of propositions to be regarded as a theory.

More important, propositions must be consistent with one another and must be integrated into a system.¹⁰ The conclusions drawn from one proposition must not contradict those derived from another, and any conclusions obtained from the theory must be derivable within the system. Other standards to be adhered to in constructing theories are: the propositions must be testable; their validity must be determined by subsequent research; and they must be useful, enabling us to understand the problem that inspired us to formulate the theory.

Within the theory that I am constructing are several propositions that are consistent and integrated into a theoretical system. One or more specific statements express in probability form the relationships within the proposition. Further, the propositions are arranged according to a *system of proposition units*. The propositions express relationships that are both coexistent and sequential. The theory

⁸ George Casper Homans, "Contemporary Theory in Sociology," in Robert E. L. Faris (ed.), *Handbook of Modern Sociology* (Chicago: Rand McNally, 1964), pp. 951-977.

⁹ See Robert Brown, *Explanation in Social Science* (Chicago: Aldine, 1963); Morris R. Cohen and Ernest Nagel, *An Introduction to Logic and Scientific Method* (New York: Harcourt, Brace, 1934), pp. 197-222; Abraham Kaplan, *The Conduct of Inquiry: Methodology for the Behavioral Sciences* (San Francisco: Chandler Publishing Co., 1964), pp. 327-369.

¹⁰ David Miller, *Scientific Sociology: Theory and Method* (Englewood Cliffs, N.J.: Prentice-Hall, 1967), pp. 9-10.

thus assumes that patterns of phenomena develop over a period of time.¹¹ Each proposition unit within the theoretical model requires explanation, and each unit relates to the others. Ultimately, the theoretical system provides the basis for an integrated theory of crime.

ASSUMPTIONS: MAN AND SOCIETY IN A THEORY OF CRIME

In studying any social phenomenon we must hold to some general perspective. Two of those used by sociologists, and by most social analysts for that matter, are the *static* and the *dynamic* interpretations of society. Either is equally plausible, though most sociologists take the static viewpoint.¹² This emphasis has relegated forces and events, such as deviance and crime, which do not appear to be conducive to stability and consensus, to the pathologies of society.

My theory of crime, however, is based on the dynamic perspective. The theory is based on these assumptions about man and society: (1) process, (2) conflict, (3) power, and (4) social action.

Process. The dynamic aspect of social relations may be referred to as "social process." Though in analyzing society we use static descriptions, that is, we define the structure and function of social relations, we must be aware that social phenomena fluctuate continually.¹³

We apply this assumption to all social phenomena that have duration and undergo change, that is, all those which interest the sociologist. A social process is a continuous series of actions, taking place in time, and leading to a special kind of result: "a system of social

¹¹ For discussions of sequential theories, see Howard S. Becker, *Outsiders: Studies in the Sociology of Deviance* (New York: The Free Press of Glencoe, 1963), pp. 22-25; Clarence Schrag, "Elements of Theoretical Analysis in Sociology," in Llewellyn Gross (ed.), *Sociological Theory: Inquiries and Paradigms* (New York: Harper & Row, 1967), pp. 242-244.

¹² See Robert A. Nisbet, *The Sociological Tradition* (New York: Basic Books, 1966); Reinhard Bendix and Bennett Berger, "Images of Society and Problems of Concept Formation in Sociology," in Gross, *Symposium on Sociological Theory*, pp. 92-118.

¹³ Howard Becker, *Systematic Sociology on the Basis of the Beziehungslehre and Gebildelehre of Leopold von Wiess* (New York: John Wiley & Sons, 1932).

change taking place within a defined situation and exhibiting a particular order of change through the operation of forces present from the first within the situation.”¹⁴ Any particular phenomenon, in turn, is viewed as contributing to the dynamics of the total process. As in the “modern systems approach,” social phenomena are seen as generating out of an interrelated whole.¹⁵ The methodological implication of the process assumption is that any social phenomenon may be viewed as part of a complex network of events, structures, and underlying processes.

Conflict. In any society conflicts between persons, social units, or cultural elements are inevitable, the normal consequences of social life. Conflict is especially prevalent in societies with diverse value systems and normative groups. Experience teaches that we cannot expect to find consensus on all or most values and norms in such societies.

Two models of society contrast sharply: one is regarded as “conflict” and the other, “consensus.” With the consensus model we describe social structure as a functionally integrated system held together in equilibrium. In the conflict model, on the other hand, we find that societies and social organizations are shaped by diversity, coercion, and change. The differences between these contending but complementary conceptions of society have been best characterized by Dahrendorf.¹⁶ According to his study, we assume in postulating the consensus (or integrative) model of society that: (1) society is a relatively persistent, stable structure, (2) it is well integrated, (3) every element has a function — it helps maintain the system, and (4) a functioning social structure is based on a consensus on values. For the conflict (or coercion) model of society, on the other hand, we assume that: (1) at every point society is subject to change, (2) it displays at every point dissensus and conflict, (3) every element contributes to change, and (4) it is based on the coercion of some of its members by others. In other words, so-

¹⁴ Robert MacIver, *Social Causation* (New York: Ginn, 1942), p. 130.

¹⁵ Walter Buckley, “A Methodological Note,” in Thomas J. Scheff, *Being Mentally Ill* (Chicago: Aldine, 1966), pp. 201–205.

¹⁶ Ralf Dahrendorf, *Class and Class Conflict in Industrial Society* (Stanford: Stanford University Press, 1959), pp. 161–162.

ciety is held together by force and constraint and is characterized by ubiquitous conflicts that result in continuous change: "values are ruling rather than common, enforced rather than accepted, at any given point of time."¹⁷

Although in society as a whole conflict may be general, according to the conflict model, it is still likely that we will find stability and consensus on values among subunits in the society. Groups with their own cultural elements are found in most societies, leading to social differentiation with conflict between the social units; nonetheless integration and stability may appear within specific social groups: "Although the total larger society may be diverse internally and may form only a loosely integrated system, within each subculture there may be high integration of institutions and close conformity of individuals to the patterns sanctioned by their own group."¹⁸

Conflict need not necessarily disrupt society. Some sociologists have been interested in the *functions* of social conflict, "that is to say, with those consequences of social conflict which make for an increase rather than a decrease in the adaptation or adjustment of particular social relationships or groups."¹⁹ It seems that conflict can promote cooperation, establish group boundaries, and unite social factions. Furthermore, it may lead to new patterns that may in the long run be beneficial to the whole society or to parts of it.²⁰ Any doubts about its functional possibilities have been dispelled by Dahrendorf: "I would suggest . . . that all that is creativity, innovation, and development in the life of the individual, his group, and his society is due, to no small extent, to the operation of conflicts between group and group, individual and individual, emotion and emotion within one individual. This fundamental fact alone seems to me to justify the value judgment that conflict is essentially 'good' and 'desirable.'"²¹ Conflict is not always the disruptive agent in a

¹⁷ Ralf Dahrendorf, "Out of Utopia: Toward a Reorientation in Sociological Analysis," *American Journal of Sociology*, 67 (September, 1958), p. 127.

¹⁸ Robin M. Williams, Jr., *American Society*, 2nd ed. (New York: Alfred A. Knopf, 1960), p. 375.

¹⁹ Lewis A. Coser, *The Functions of Social Conflict* (New York: The Free Press, 1956), p. 8.

²⁰ Lewis A. Coser, "Social Conflict and the Theory of Social Change," *British Journal of Sociology*, 8 (September, 1957), pp. 197-207.

²¹ Dahrendorf, *Class and Class Conflict in Industrial Society*, p. 208. The importance of conflict in society is also discussed in, among other works, George

society; at certain times it may be meaningful to see it as a cohesive force.

Power. The conflict conception of society leads us to assume that coherence is assured in any social unit by coercion and constraint. In other words, *power* is the basic characteristic of social organization. "This means that in every social organization some positions are entrusted with a right to exercise control over other positions in order to ensure effective coercion; it means, in other words, that there is a differential distribution of power and authority."²² Thus, conflict and power are inextricably linked in the conception of society presented here. The differential distribution of power produces conflict between competing groups, and conflict, in turn, is rooted in the competition for power. Wherever men live together conflict and a struggle for power will be found.

Power, then, is the ability of persons and groups to determine the conduct of other persons and groups.²³ It is utilized not for its own sake, but is the vehicle for the enforcement of scarce values in society, whether the values are material, moral, or otherwise. The use of power affects the distribution of values and values affect the distribution of power. The "authoritative allocation of values" is essential to any society.²⁴ In any society, institutional means are used to officially establish and enforce sets of values for the entire population.

Simmel, *Conflict*, trans. Kurt H. Wolff (New York: The Free Press, 1955); Irving Louis Horowitz, "Consensus, Conflict and Cooperation: A Sociological Inventory," *Social Forces*, 41 (December, 1962), pp. 177-188; Raymond W. Mack, "The Components of Social Conflict," *Social Problems*, 12 (Spring, 1965), pp. 388-397.

²² Dahrendorf, *Class and Class Conflict in Industrial Society*, p. 165.

²³ Max Weber, *From Max Weber: Essays in Sociology*, trans. H. H. Gerth and C. Wright Mills (New York: Oxford University Press, 1946); Hans Gerth and C. Wright Mills, *Character and Social Structure* (New York: Harcourt, Brace, 1953), especially pp. 192-273; C. Wright Mills, *The Power Elite* (New York: Oxford University Press, 1956); George Simmel, *The Sociology of George Simmel*, trans. Kurt H. Wolff (New York: The Free Press, 1950), pp. 181-186; Robert Bierstedt, "An Analysis of Social Power," *American Sociological Review*, 15 (December, 1950), pp. 730-738.

²⁴ David Easton, *The Political System* (New York: Alfred A. Knopf, 1953), p. 137. Similar ideas are found in Harold D. Lasswell, *Politics: Who Gets What, When, How* (New York: McGraw-Hill, 1936); Harold D. Lasswell and Abraham Kaplan, *Power and Society* (New Haven: Yale University Press, 1950).

Power and the allocation of values are basic in forming *public policy*. Groups with special *interests* become so well organized that they are able to influence the policies that are to affect all persons. These interest groups exert their influence at every level and branch of government in order to have their own values and interests represented in the policy decisions.²⁵ Any interest group's ability to influence public policy depends on the group's position in the political power structure. Furthermore, access to the formation of public policy is unequally distributed because of the structural arrangements of the political state. "Access is one of the advantages unequally distributed by such arrangements; that is, in consequence of the structural peculiarities of our government some groups have better and more varied opportunities to influence key points of decision than do others."²⁶ Groups that have the power to gain access to the decision-making process also inevitably control the lives of others.

A major assumption in my conception of society, therefore, is the importance of interest groups in shaping public policy. Public policy is formed so as to represent the interests and values of groups that are in positions of power. Rather than accept the pluralistic

²⁵ Among the vast amount of literature on interest groups, see Donald C. Blaisdell, *American Democracy Under Pressure* (New York: Ronald Press, 1957); V. O. Key, Jr., *Politics, Parties, and Pressure Groups* (New York: Thomas Y. Crowell, 1959); Earl Latham, *Group Basis of Politics* (Ithaca, N.Y.: Cornell University Press, 1952); David Truman, *The Governmental Process* (New York: Alfred A. Knopf, 1951); Henry W. Ehrmann (ed.), *Interest Groups on Four Continents* (Pittsburgh: University of Pittsburgh Press, 1958); Henry A. Turner, "How Pressure Groups Operate," *Annals of the American Academy of Political and Social Science*, 319 (September, 1958), pp. 63-72; Richard W. Gable, "Interest Groups as Policy Shapers," *Annals of the American Academy of Political and Social Science*, 319 (September, 1958), pp. 84-93; Murray S. Stedman, "Pressure Group and the American Tradition," *Annals of the American Academy of Political and Social Science*, 319 (September, 1958), pp. 123-219. For documentation on the influence of specific interest groups, see Robert Engler, *The Politics of Oil* (New York: Macmillan, 1961); Oliver Garceau, *The Political Life of the American Medical Association* (Cambridge: Harvard University Press, 1941); Charles M. Hardin, *The Politics of Agriculture: Soil Conservation and the Struggle for Power in Rural America* (New York: The Free Press of Glencoe, 1962); Grant McConnell, *Private Power and American Democracy* (New York: Alfred A. Knopf, 1966); Harry A. Millis and Royal E. Montgomery, *Organized Labor* (New York: McGraw-Hill, 1945); Warner Schilling, Paul Y. Hammond, and Glenn H. Snyder, *Strategy, Politics and Defense* (New York: Columbia University Press, 1962); William R. Willoughby, *The St. Lawrence Waterway: A Study in Politics and Diplomacy* (Madison: University of Wisconsin Press, 1961).

²⁶ Truman, *The Governmental Process*, p. 322.