
Conflict Theory of Crime

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A theory that helps us begin to examine the legal order critically is the one I call the *social reality of crime*. Applying this theory, we think of crime as it is affected by the dynamics that mold the society's social, economic, and political structure. First, we recognize how criminal law fits into capitalist society. The legal order gives reality to the crime problem in the United States. Everything that makes up crime's social reality, including the application of criminal law, the behavior patterns of those who are defined as criminal, and the construction of an ideology of crime, is related to the established legal order. The social reality of crime is constructed on conflict in our society.

The theory of the social reality of crime is formulated as follows.

- I. The Official Definition of Crime:** Crime as a legal definition of human conduct is created by agents of the dominant class in a politically organized society.

The essential starting point is a definition of crime that itself is based on the legal definition. Crime, as *officially* determined, is a *definition* of behavior that is conferred on some people by those in power. Agents of the law (such as legislators, police, prosecutors, and judges) are responsible for formulating and administering criminal law. Upon *formulation* and *application* of these definitions of crime, persons and behaviors become criminal.

Crime, according to this first proposition, is not inherent in behavior, but is a judgment made by some about the actions and characteristics of others. This proposition allows us to focus on the formulation and administration of the criminal law as it applies to the behaviors that become defined as criminal. Crime is seen as a result of the class-dynamic process that culminate in defining persons and behaviors as criminal. It follows, then, that the greater the number of definitions of crime that are formulated and applied, the greater the amount of crime.

- II. Formulating Definitions of Crime:** Definitions of crime are composed of behaviors that conflict with the interests of the dominant class.

Definitions of crime are formulated according to the interests of those who have the power to translate their interests into public policy. Those definitions

are ultimately incorporated into the criminal law. Furthermore, definitions of crime in a society change as the interests of the dominant class change. In other words, those who are able to have their interests represented in public policy regulate the formulation of definitions of crime.

The powerful interests are reflected not only in the definitions of crime and the kinds of penal sanctions attached to them, but also in the *legal policies* on handling those defined as criminals. Procedural rules are created for enforcing and administering the criminal law. Policies are also established on programs for treating and punishing the criminally defined and programs for controlling and preventing crime. From the initial definitions of crime to the subsequent procedures, correctional and penal programs, and policies for controlling and preventing crime, those who have the power regulate the behavior of those without power.

III. Applying Definitions of Crime: Definitions of crime are applied by the class that has the power to shape the enforcement and administration of criminal law.

The dominant interests intervene in all the stages at which definitions of crime are created. Because class interests cannot be effectively protected merely by formulating criminal law, the law must be enforced and administered. The interests of the powerful, therefore, also operate where the definitions of crime reach the *application* stage. As Vold has argued, crime is “political behavior and the criminal becomes in fact a member of a ‘minority group’ without sufficient public support to dominate the control of the police power of the state.” Those whose interests conflict with the ones represented in the law must either change their behavior or possibly find it defined as criminal.

The probability that definitions of crime will be applied varies according to how much the behaviors of the powerless conflict with the interests of those in power. Law enforcement efforts and judicial activity are likely to increase when the interests of the dominant class are threatened. Fluctuations and variations in applying definitions of crime reflect shifts in class relations.

Obviously, the criminal law is not applied directly by those in power; its enforcement and administration are delegated to authorized *legal agents*. Because the groups responsible for creating the definitions of crime are physically separated from the groups that have the authority to enforce and administer law, local conditions determine how the definitions will be applied. In particular, communities vary in their expectations of law enforcement and the administration of justice. The application of definitions is also influenced by the visibility of offenses in a community and by the public’s norms about reporting possible violations. And especially important in enforcing and administering the criminal law are the legal agents’ occupational organization and ideology.

The probability that these definitions will be applied depends on the actions of the legal agents who have the authority to enforce and administer the law. A definition of crime is applied depending on their evaluation. Turk has argued

that during “criminalization,” a criminal label may be affixed to people because of real or fancied attributes: “Indeed, a person is evaluated, either favorably or unfavorably, not because he *does* something, or even because he *is* something, but because others react to their perceptions of him as offensive or inoffensive.” Evaluation by the definers is affected by the way in which the suspect handles the situation, but ultimately the legal agents’ evaluations and subsequent decisions are the crucial factors in determining the criminality of human acts. As legal agents evaluate more behaviors and persons as worthy of being defined as crimes, the probability that definitions of crime will be applied grows.

IV. How Behavior Patterns Develop in Relation to Definitions of

Crime: Behavior patterns are structured in relation to definitions of crime, and within this context people engage in actions that have relative probabilities of being defined as criminal.

Although behavior varies, all behaviors are similar in that they represent patterns within society. All persons—whether they create definitions of crime or are the objects of these definitions—act in reference to *normative systems* learned in relative social and cultural settings. Because it is not the quality of the behavior but the action taken against the behavior that gives it the character of criminality, that which is defined as criminal is relative to the behavior patterns of the class that formulates and applies definitions. Consequently, people whose behavior patterns are not represented when the definitions of crime are formulated and applied are more likely to act in ways that will be defined as criminal than those who formulate and apply the definitions.

Once behavior patterns become established with some regularity within the segments of society, individuals have a framework for creating *personal action patterns*. These continually develop for each person as he moves from one experience to another. Specific action patterns give behavior an individual substance in relation to the definitions of crime.

People construct their own patterns of action in participating with others. It follows, then, that the probability that persons will develop action patterns with a high potential for being defined as criminal depends on (1) structured opportunities, (2) learning experiences, (3) interpersonal associations and identifications, and (4) self-conceptions. Throughout the experiences, each person creates a conception of self as a human social being. Thus prepared, he behaves according to the anticipated consequences of his actions.

In the experiences shared by the definers of crime and the criminally defined, personal-action patterns develop among the latter because they are so defined. After they have had continued experience in being defined as criminal, they learn to manipulate the application of criminal definitions.

Furthermore, those who have been defined as criminal begin to conceive of themselves as criminal. As they adjust to the definitions imposed on them, they learn to play the criminal role. As a result of others’ reactions, therefore, people may develop personal-action patterns that increase the likelihood of their being defined as criminal in the future. That is, increased experience

with definitions of crime increases the probability of their developing actions that may be subsequently defined as criminal.

Thus, both the definers of crime and the criminally defined are involved in reciprocal action patterns. The personal-action patterns of both the definers and the defined are shaped by their common, continued, and related experiences. The fate of each is bound to that of the other.

V. Constructing an Ideology of Crime: An ideology of crime is constructed and diffused by the dominant class to secure its hegemony.

This ideology is created in the kinds of ideas people are exposed to, the manner in which they select information to fit the world they are shaping, and their way of interpreting this information. People behave in reference to the *social meanings* they attach to their experiences.

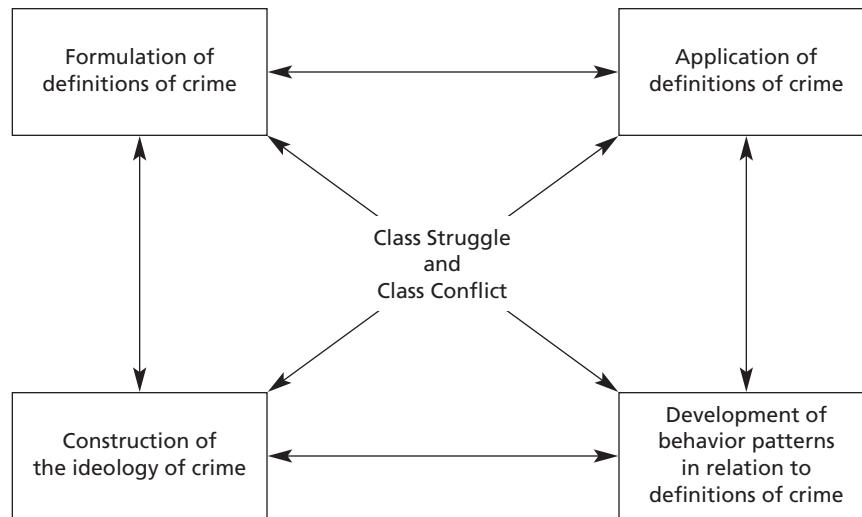
Among the conceptions that develop in a society are those relating to what people regard as crime. The concept of crime must of course be accompanied by ideas about the nature of crime. Images develop about the relevance of crime, the offender's characteristics, the appropriate reaction to crime, and the relation of crime to the social order. These conceptions are constructed by communication, and, in fact, an ideology of crime depends on the portrayal of crime in all personal and mass communication. This ideology is thus diffused throughout the society.

One of the most concrete ways by which an ideology of crime is formed and transmitted is the official investigation of crime. The President's Commission on Law Enforcement and Administration of Justice is the best contemporary example of the state's role in shaping an ideology of crime. Not only are we as citizens more aware of crime today because of the President's Commission, but official policy on crime has been established in a crime bill, the Omnibus Crime Control and Safe Streets Act of 1968. The crime bill, itself a reaction to the growing fears of class conflict in American society, creates an image of a severe crime problem and, in so doing, threatens to negate some of our basic constitutional guarantees in the name of controlling crime.

Consequently, the conceptions that are most critical in actually formulating and applying the definitions of crime are those held by the dominant class. These conceptions are certain to be incorporated into the social reality of crime. The more the government acts in reference to crime, the more probable it is that definitions of crime will be created and that behavior patterns will develop in opposition to those definitions. The formulation of definitions of crime, their application, and the development of behavior patterns in relation to the definitions, are thus joined in full circle by the construction of an ideological hegemony toward crime.

VI. Constructing the Social Reality of Crime: The social reality of crime is constructed by the formulation and application of definitions of crime, the development of behavior patterns in relation to these definitions, and the construction of an ideology of crime.

The first five propositions are collected here into a final composition proposition. The theory of the social reality of crime, accordingly, postulates creating



The Social Reality of Crime

a series of phenomena that increase the probability of crime. The result, holistically, is the social reality of crime.

Because the first proposition of the theory is a definition and the sixth is a composite, the body of the theory consists of the four middle propositions. These form a model of crime's social reality. The model, as diagrammed, relates the proposition units into a theoretical system (see figure above). Each unit is related to the others. The theory is thus a system of interacting developmental propositions. The phenomena denoted in the propositions and their relationships culminate in what is regarded as the amount and character of crime at any time—that is, in the social reality of crime.

The theory of the social reality of crime as I have formulated it is inspired by a change that is occurring in our view of the world. This change, pervading all levels of society, pertains to the world that we all construct and from which, at the same time, we pretend to separate ourselves in our human experiences. For the study of crime, a revision in thought has directed attention to the criminal process: All relevant phenomena contribute to creating definitions of crime, development of behaviors by those involved in criminal-defining situations, and constructing an ideology of crime. The result is the social reality of crime that is constantly being constructed in society.

