

# Encyclopedia of Criminological Theory

## Turk, Austin T.: The Criminalization Process

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Austin T. Turk has been referred to as “the deviance theorist who has persisted longest in an effort to develop a non-Marxist framework for the analysis of conflict processes” (Orcutt, 1983, p. 321). Approximately 40 years ago, in the book *Criminality and Legal Order*, Turk presented his theory of criminalization and normative-legal conflict. He described the conditions under which differences between authorities and subjects will result in overt conflict. Authorities are decision makers (e.g., police, judges, lawyers, prosecutors) and subjects are individuals affected by those decisions. Subjects are distinguished from authorities by their inability to manipulate the legal processes. Turk was influenced by the work of Ralf Dahrendorf, who introduced the terms *domination* and *subjection* in *Class and Class Conflict in Industrial Society*.

According to Turk, the potential for authority-subject conflict is always present. However, not all authorities have equal opportunity to influence the law. Turk claims “first-line enforcers,” such as the police, have the greatest impact on subject criminalization. While norms of deference usually maintain the balance of the authority-subject relationship, in certain situations, police must rely upon coercion to gain compliance; Turk refers to this as “nightstick law.”

Similar to Thorston Sellin, Turk claims that criminality is the result of cultural distinctions. Subjects may be unaware of or may not accept specific legal rules. Turk (1966, p. 285) discusses variation in cultural norms:

The greater the cultural differences between the evaluator and violator, the less likely are psychological sanctions which assume a capacity and readiness to subtle cues to get through to the violator, and therefore sanctioning will have to be more physically coercive in order to enforce the norm.

Nonviolent forms of persuasion by authorities, such as verbal announcements or body language, may be insufficient to achieve the compliance of people who harbor conflicting views or values. For example, when officers encounter citizens from a different culture, race, or ethnicity, the odds of conflict increase.

# The Role of Cultural and Social Norms

In certain situations, according to Turk, cultural (i.e., written laws, procedures, and written policies) and social (i.e., actual behavior or the law as it is enforced) norms determine when conflict is more or less likely to occur. The odds of conflict are greatest when there is consistency between cultural and social norms, as conflict is fundamental in the composition of the authority-subject relationship. If authorities and subjects harbor contrasting beliefs and act accordingly with these beliefs, there is little room left for compromise. However, conflict is less likely if cultural and social norms are disparate. While cultural beliefs may clash, both authorities and subjects fail to practice what they preach. Turk argues, “neither party is very prone to fight over an essentially meaningless set of symbols” (1969, p. 56).

In *Criminality and Legal Order*, Turk presents four basic situations affecting the odds of authority-subject conflict; each one has a different potential [p. 969 ↓ ] for conflict. These situations are the (1) congruence of norms for both authorities and subjects (high-high), (2) congruence of norms for subjects but not authorities (high-low), (3) congruence of norms for authorities but not subjects (high-low), and (4) congruence of norms for neither authorities or subjects (low-low). In situations 2 and 3, the likelihood of overt conflict falls in the middle range. However, conflict is more likely if it is the authorities’ cultural and social norms that are congruent since authorities are less tolerant than subjects are in accommodating any differences. “Flagrant, persistent disregard for the law will, nevertheless, force authorities to act to demonstrate that they are still in charge, that they are still able to assert their will against resistance in showdown” (Turk, 1969, p. 64).

In the event that cultural norms do clash, authorities and subjects will appeal to their own distinct values. While authorities are inclined to appeal to legal rules or written policies, subjects tend to appeal to extralegal norms, such as their right to privacy or natural law.

# Conflict Tied to Organization and Sophistication

Conflict between authorities and subjects is also associated with levels of *organization* and *sophistication*. Organization is determined by both the social complexity of a relationship and by social support. When a characteristic has been integrated into a system of relationships (implying that it is a critical part of some role which the individual performs), then it can be projected that a sizable degree of coercion would be required to put a stop to the behavioral pattern (Turk, 1969, p. 58).

Authorities are organized by definition, as the authority structure itself implies an extensive degree of organization by controlling members of a society. Subjects, however, may or may not be highly organized. The more social support subjects have for their behavior, the less inclined they will be to compromise. Turk also discusses the simplicity and complexity of the behavior. Activities that are more complex (i.e., activated into a system of relationships or some important role the individual performs) are more *organized* and are more challenging to break.

Turk describes *sophistication* as the knowledge used in order to manipulate the opposition. The odds of conflict are greater when authorities and subjects are unsophisticated. Unsophisticated subjects are less skilled in assessing the strengths and weaknesses of their position relative to authorities and, consequently are less able to avoid open warfare with authorities. Less sophisticated authorities are unable to achieve their goals without the need for coercive force. Sophistication is apparently a prerequisite for enduring authority; therefore, it may be reasoned that just as authority implies organization, it also entails sophistication. However, social control agents, such as the police, vary a great deal to the extent to which their practices are affected by the appreciation for knowledge. The various combinations of organization and sophistication result in differing probabilities of conflict within the respective congruent and incongruent conditions. The result is a matrix with 32 possibilities. The likelihood for conflict is greatest when subjects are organized and authorities and subjects lack sophistication.

Turk (1969, p. 63) cautions that the cells in the matrix do not represent any empirical observations but only relative odds of conflict:

[W]e do not know just how unlikely is conflict in this minimum chance situation.... All that can be postulated is that this will be the lowest value of the 32 possibilities and that the value will be somewhere above .00, because the authorities are, after all, on public record against an attribute actually found in some part of the population.

## Critiques of Turk's Theory

Turk's theory has been criticized by both conflict and consensus criminologists. His attempt to generate a non-ideological conflict theory has been called submissive, abstract, and tautological. In their critique of Turk's theory, Ian Taylor and colleagues call it "one of permanent adjustment of the subordinate to the powerful under present social arrangements" (p. 251). They suggest that criminologists focus instead on the origin of conflict, which they view as social and economic inequality. However, Turk is less troubled with the sources of conflict than with the conditions in which it is manifested.

[p. 970 ↓ ]

Consensus theorists have also criticized Turk for dismissing a significant body of knowledge which has shown that consensus rather than conflict characterizes American society (Akers, 1979). Turk maintains, however, that consensus is just an illusion. He claims "whether they realize it or not, people are inevitably involved in intergroup struggles over who shall have what resources in a finite world" (1982, p. 35).

Turk's level of abstraction has raised some concerns about tautology. For example, the contention that systems of social control serve the need of authorities seems true by definition (Orcutt, 1983). So does the allegation that "lawbreaking is taken to be an indicator of failure or lack of authority; it is a measure of the extent to which rulers and ruled, decision-makers and decision-acceptors, are not bound together in a stable

authority relationship” (Turk, 1969, p. 48). Taylor et al. have claimed that Turk's overall abstraction exaggerates what are actually modest theoretical contributions.

## Research on Turk's Theory

Given the wide-ranging recognition of Turk's theory, there have been only a few empirical studies published on it since its inception. The challenge is to pinpoint measureable indicators of sophistication, organization, and cultural and social norms. Examining domestic violence police reports in Charleston, South Carolina, Richard Greenleaf and Lon Lanza-Kaduce identified markers for sophistication and organization. They found that greater organization (e.g., if the disputants were married, more than one individual was arrested, and whether there were witnesses to the assault) and a lack of sophistication (the extent of police experience, the sobriety of the subject, and if the call was in progress) predicted police-citizen conflict.

Informed by Turk and guided by Greenleaf and Lanza-Kaduce, Robert Weidner and William Terrill examined observational data and concluded that police-citizen conflict was related to organization and sophistication. This connection remained strong despite the introduction of several control variables. Weidner and Terrill concluded that “like Greenleaf and Lanza-Kaduce ... we found support for the idea that the likelihood of police-suspect conflict is negatively related to the level of officer's and subject's ability to manipulate situations or sophistication” (p. 100).

Most recently, Brian Kowalski and Richard Lundman examined Turk's theory at police traffic stops. They found mixed results claiming, “Net of control measures, including the legal reason for the stop, and extralegal measures, such as driver gender, the data provide modest to strong support for parts of Turk's (1969) theory and absolutely no support for others” (p. 814).

## Conclusion

According to Robert Bohm, Turk's conflict theory is not considered a radical theory since he does not emphasize the root causes of authority, power, or the economic structures

of society. For Turk, what is critical is the balance between coercion and consensus and the authority-subject relationship. Turk views lawbreaking as an indicator of the failure of authority. "Therefore, any political community, whether called *democratic* or *totalitarian*, will be maintained in part by coercion; no social order can ever depend fully upon the consent of the governed" (Turk, 1969, p. 48, emphasis in the original).

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See also

- [Bonger, Willem: Capitalism and Crime](#)
- [Chambliss, William J.: Power, Conflict, and Crime](#)
- [Sellin, Thorsten: Culture Conflict and Crime](#)
- [Vold, George B.: Group Conflict Theory](#)

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