

lecture 8:

Conflict and Threat Theories

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conflict and threat theories

- **assumptions**
 - conflict, not consensus on norms
 - powerful make rules in their own interests
- **(many) conflict theories and concepts**

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conflict theories/concepts

- Culture conflict (Sellin 1938)
 - diversity & clash of conduct norms
 - (Sicilian father; examples today?)
- Class conflict (Quinney 1975)
 - instrumental Marxism
 - law, agents, maintain and legitimate elite dominance
 - ("I win clause," drug laws, p. 86 quote)
- Left Realism (1980s+)
 - structural Marxism
 - some rules/acts unrelated to class conflict
 - reform agenda
- Social Threat (Liska 1992)
 - social control responds to threat, not deviance
 - (race and fear, punishment)
- Africana Criminal Justice (today)

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critique (Clinard)

- **Critique**
 - Difficulty explaining individual deviance (rather than rulemaking)
 - General consensus on crime, severity
 - Instrumental model of rulemaking may be oversimplified
 - Norms and rules are necessary conditions for deviance, but not the sole cause
 - Positivist science vs Marxian ideology
- **Value and relevance**
 - Undeniable class bias in defining and punishing deviance (2 million poor people)
 - Scratch the surface and you find conflict in taken-for-granted laws (disenfranchisement)

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readings

- **Tuggle and Holmes: smoking ban**
 - application of moral entrepreneur vs. status quo
 - Qualitative, 10 interviews
 - Power and stigma in smoking ban
- **Behrens, Uggen, and Manza: felon voting**
 - Undergraduate sociology major
 - Quantitative + Historical
 - Question: What are the origins of felon voting restrictions?

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background

- “deviance” readings unsatisfactory
- dangers of presenting own work
 - how theory is really used
 - uncovering and presenting social facts
 - policy: making a difference
 - end result looks complicated
- conflict & (racial) threat in rulemaking
 - as threat rises, deviant label is applied
- what does voting symbolize?

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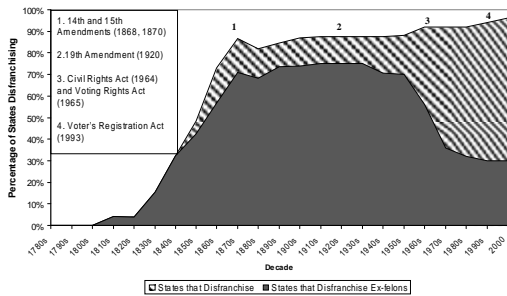
**formal social controls on voting
(don't write this down)**

- **1787: U.S. Constitution**
 - Did not grant or deny voting rights
- **1868: 14th Amendment**
 - Male citizens, Equal Protection Clause.
 - § 2: states lose representation if they deny males the vote, "except for participation in rebellion, or other crime."
- **1870: 15th Amendment**
 - Can't ban voting based on "race, color, or previous condition of servitude"
- **1965: Voting Rights Act**
 - Prohibited restrictions with intent to diminish the voting rights of African Americans
- **1974: Richardson v. Ramirez**

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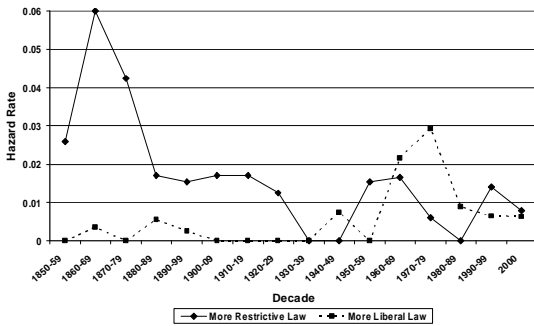
History: Percentage of States Disenfranchising Felons and Ex-Felons, 1788-2002



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Hazard Plots for the Passage of Restrictive and Liberal Felon Disenfranchisement Laws, 1850-2000



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racial threat and deviance

- **Group threat:** A dominant group sees a less powerful group invading its turf and defines the invaders as deviants, unfit to join
- **Labeling:** Shift from "Jim Crow" to modern racism
 - **Jim Crow:** Overt racist speech ("negros unfit to possess rights of citizenship")
 - **Modern:** stereotyping, blaming, and resisting policy efforts to reduce gaps.

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Jim Crow Era

- **1894:** "Fortunately, the opportunity is offered the white people of the State in the coming election to obviate all future danger and fortify the Anglo-Saxon civilization against every assault from within and without, and that is the calling of a constitutional convention to deal with the all important question of suffrage"—South Carolina *Daily Register*
- **1901:** "The justification for whatever manipulation of the ballot that has occurred in this State has been the *menace of Negro domination*"—John B. Knox, President of 1901 Alabama Constitutional Convention

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Modern "Race-Neutral" Discussion

- **2001:** "If it's blacks losing the right to vote, then they have to quit committing crimes"—S. Carolina Rep. John Graham Altman
- **2002:** "This Congress, with this little debate we are having on this bill, ought not to step in and, with a big sledge hammer, *smash something we have had from the beginning of this country's foundation*—a set of election laws in every State in America—and change those laws. To just up and do that is disrespectful to them ... *Each State has different standards based on their moral evaluation*, their legal evaluation, their public interest in what they think is important in their States." -Senator Jeff Sessions (R-AL).

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Predictors of First Felon Disenfranchisement Law, 1850-2002					
	1	2	3	4	5
% Nonwhite prison		.09***	.09***	.10***	.11***
Af.Am. pop. (100,000s)		-.01	-.03	-.14	-.43
Non-Af.Am pop.		-.004	-.001	-.01	-.01
South (v. NE)	1.22**	.19	.32	.50	-1.53
Midwest (v. NE)	1.70***	1.27*	1.25*	1.35**	-.61
West	3.17***	2.43*	2.71**	2.80***	-.315
Incarceration rate		.002	.003	.004	.003
Idle/unemployed white males			.02	.01	.07
National recession			2.03**	2.19**	1.19**
Democrat governor				-1.01*	-1.19**
Time since statehood*					-.04**
Constant	-3.26***	-2.88***	-4.17***	-3.80***	-1.34
-2 Log likelihood	193.80	117.14	111.51	108.37	101.48
Chi-square (df)	61.63***	61.65***	67.28***	70.42***	77.31***
Events	48	40	40	40	40
N	277	158	158	158	158

*p < .10 **p < .05 ***p < .01 - NOTE: Time dummies omitted

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later restrictive and liberal changes

- **Restrictions after 1870?**
 - Threat theory predicts big effects
 - Bigger effects for nonwhite males, nonwhite prisoners, nonwhite population
- **What predicts liberal changes after 1950?**
 - Less consistent picture (less confident)
 - Small political effects
 - African-American incarceration negative, African-American population positive

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Summary

- **key findings:**
 - **Statistics:** states with non-white prisoners were first to pass felon voting bans.
 - especially after 1870, when threat was stronger
 - **History:** some overt racism in debates
- **what it means**
 - **Theory:** supports conflict/threat theory of rulemaking
 - **Policy:** ongoing debates should note racial origins of the laws
 - **Law:** Voting Rights Act
- **current social movement**

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next

Labeling Theory & Moral Entrepreneurs

- Read Clinard and Meier: 5. Labeling, Control, and Learning Theories pp. 103-112
- Read Adler & Adler: 7. Becker, Labeling Theory pp. 72-76
- Read Adler & Adler: 15. Tuggle & Holmes Blowing Smoke pp. 151-61
- Read Best: 2. Rise of Labeling pp. 15-32
