RESISTANCE TO INNOVATION IN THE SOCIOLOGY OF LAW: A RESPONSE TO GREENBERG

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I. INTRODUCTION

The conventional understanding of law in everyday life gives a central place to legal rules. In this view—held by most lawyers as well as laypersons—legal cases come into being because someone's conduct has apparently run afoul of one or more legal rules, and cases are solved when the correct rules have been applied. The conventional approach also makes much of human motives, those of offenders, other citizens, and legal officials. These elements of conventional thought about law—rules, conduct, and psychology—have characterized much of the sociology of law as well. Because of their tendency to accept what are essentially folk conceptions of law, sociologists for many years failed to generate their own theory of the legal process. The critique of Donald Black's innovative theory of law in the present issue of this journal, written by sociologist David Greenberg, dramatically illustrates conventional thought and its pitfalls.

While his theory is not the only alternative to the conventional view of law, Donald Black has developed the most systematic sociological approach now available. Black does not use legal rules to explain behavior but treats these rules as among the problems to be explained. Nor does Black invoke an eclectic melange of common-sense variables, such as legal rules, individual psychology, and the conduct of offenders, to explain the nature and application of the law. Instead, he has created a distinctively sociological theory of law in which variation in legal life is related to its location and direction in social space. Black's theory does not conceive of law as a phenomenon *sui generis* but orders, predicts, and explains law as an instance of social behavior. Furthermore, Black states his

* I am grateful to M.P. Baumgartner, Donald Black, Mark Cooney, and Calvin Morrill for providing me with numerous helpful suggestions for revisions in an earlier draft of this paper.

https://doi.org/10.2307/3053352 Published online by Cambridge University Press

theory so as to relate even the smallest and most concrete facts to the general categories of the theory. Thus, he grasps a tremendous range of legal variation—microscopic and macroscopic—within a framework that is eminently testable. Any one of these achievements would be an advance from the previous state of the sociology of law. Together, they represent substantial progress in the field.

In contrast to Black, David Greenberg would turn the sociology of law back to the time when atheoretical, unsociological, and legalistic studies were the rule.[1] Instead of attempting to predict and explain legal rules, Greenberg would use the rules themselves to understand the operation of law. His agenda sanctions the unsystematic adoption of variables so long as they increase the amount of explained variance. Indeed, Greenberg's critique of Black and his strategy for theory-building represent one of the most regressive approaches to the sociology of law proposed in recent years.

Greenberg's criticisms of Black's theory can be grouped into three major categories. First, he faults Black's definition of law. Second, he dismisses Black's theory of law as limited and empiricist. Finally, he complains about the operationalization and validity of the theory. I shall discuss each of these criticisms in turn.

II. DEFINITIONS OF LAW

A. *Concepts of Law*

There are two major approaches to the meaning of concepts, the nominalist and the essentialist. The nominalist believes that concepts can be more or less useful but have no inherent meaning apart from their definition. The usefulness of a concept is determined by its status in scientific laws (Brodbeck, 1968). When propositional statements incorporating the concept turn out to be empirically true, the concept is regarded as useful. For a nominalist, the question of "what is law?" makes no sense, for law—as a mere word—has no empirically knowable or necessary meaning. The essentialist, by contrast, feels that there are certain immanent and self-evident features of a phenomenon that a concept must capture. Black adopts a nominalist approach to the concept of law, Greenberg an essentialist one. While Black defines law

[1] Greenberg's paper is largely negative in tone. Nevertheless, it seems clear from numerous passages that Greenberg advocates what I shall call the "conventional" approach to the sociology of law.

https://doi.org/10.2307/3053352 Published online by Cambridge University Press

simply as "governmental social control," the natural law theorists with whom Greenberg allies himself believe that, before anything can be called "law," it must have a distinctively legal quality, such as non-arbitrariness or justice (e.g., Selznick, 1961; Fuller, 1964).

The crucial question is: What is the appropriate concept for the *sociology* of law? The determination of distinctively legal qualities is an appropriate task for legal philosophers who strive to elucidate the metaphysical qualities of law. Sociologists, however, seek to explain existing legal life. Their concepts of law rise and fall with the sorts of empirical statements in which they are used, not, as Greenberg apparently believes, with their definitional qualities. While Black locates the subject matter of the sociology of law in the realm of social science, Greenberg places it within jurisprudence. For this reason alone, Black's conceptual strategy is preferable to Greenberg's.

There are several other criteria by which we may measure the usefulness of a concept of law.[2] For example, a concept must refer to a more or less homogeneous set of phenomena; otherwise, it would not be possible to use the same propositions to predict and explain identifiable instances of variation across that set. Greenberg, however, criticizes the concept of law as governmental social control, arguing that so to conceive of law leaves out much of what is traditionally considered legal, such as rights, enablements, etc. Greenberg is correct to note that governmental social control does not encompass the entire body of what lawyers regard as law. But it seems highly unlikely that any single scientific conception of law could usefully include all of the diverse phenomena sometimes viewed as law. That Black's notion of law as governmental social control does not encompass all that might be thought of as law is thus a virtue rather than a weakness. It is broad enough to cover most legal phenomena of interest to social scientists but narrow enough that it can be explained within a single conceptual apparatus.

While Black's definition certainly does not embrace all of the existing conceptions of law, Greenberg considerably overstates its narrowness. In fact, it is likely that Black's concept can encompass all of the examples Greenberg uses. Greenberg believes, for example, that the concept precludes

[2] The most important criterion lies in the quality of the propositions a concept generates, but I reserve consideration of this aspect of Black's work until later.

https://doi.org/10.2307/3053352 Published online by Cambridge University Press

the possibility that the government could do something illegal. This is a misunderstanding of Black's usage, since there are numerous instances of governmental social control exerted upon governmental officials, as Watergate, Abscam, or investigations of police brutality and corruption obviously indicate. Similarly, entitling statutes or statutes that give rights to individuals—which Greenberg also claims are excluded—are encompassed within the concept of law as governmental social control whenever an individual whose rights have been violated asks for governmental assistance. Greenberg thinks that uncontested divorces are excluded as well, but insofar as a divorce judgment is the outcome of conflict between the spouses, the divorce judgment should surely be regarded as a governmental response to mutual allegations of misconduct. The fact that the divorce is agreed upon by the spouses does not destroy its normative character any more than plea-bargaining or voluntary commitment destroys the normative character of a criminal sentence or a stay in a mental hospital. In short, Black's concept is easily applicable to empirical reality and encompasses a relatively homogeneous body of phenomena, yet it still grasps most aspects of legal life that are of interest to sociologists.

B. *The Role of Rules*

Greenberg also criticizes Black's concept of law for not taking legal rules into account. He claims that legal rules are explanatory factors in the behavior of legal officials and so must be incorporated into a concept of law. Here Greenberg's argument is confused in two ways. First, whether legal rules predict behavior is an empirical rather than a conceptual question (see Gibbs, 1968). A behavioral concept of law stands or falls on its success in generating empirically truthful propositions, not on whether rules predict behavior. The fact that rules may be predictive does not prove the inadequacy of Black's concept of law. Second, and more importantly, Greenberg persistently confuses the dependent and independent variables in the sociological theory of law. In Black's theoretical framework, legal rules are the object of explanation; they are not themselves what explains law. Greenberg, on the other hand, uses legal rules as independent variables in a sociologically naive fashion. For example, he claims that the legal rules against burglary predict that prosecutors will charge people who violate these rules with the crime of burglary. While this example of the conventional view

https://doi.org/10.2307/3053352 Published online by Cambridge University Press

of law is undoubtedly true in many cases, the use of legal rules as independent rather than dependent variables often involves theoretically trivial—if not logically circular—answers. Greenberg's confusion as to whether law is a dependent or an independent variable also appears in his discussions of the consequences of law and of why people sometimes violate rules. That tax laws might influence stratification may be highly relevant for theories of stratification or of legal effectiveness. These possibilities, however, are irrelevant to Black's aims. Whether law itself predicts and explains other social patterns is not a question for a theory of law but a task for other theories. Likewise, why government officials or citizens conform to or deviate from legal rules is a question not for a theory of law but for a theory of deviant behavior. Assumptions about the effectiveness of rules or why people violate them are not needed to understand how law varies in social space.

It should be emphasized that in Black's approach legal rules are treated as dependent variables. Compare, for example, how Greenberg and Black might study the law of vagrancy. Faced with arrest statistics for vagrancy, Greenberg might invoke the conduct of vagrants to explain why they were arrested. He would probably find that nearly 100 percent of those persons arrested for vagrancy actually violated the law of vagrancy. The application of the legal rule, he would say, almost fully accounts for police arrest practices. In contrast, Black would make the application of legal rules the object of explanation. At the most general level, he would ask why written laws against vagrancy exist at all—a phenomenon that might be explained by the proposition that marginal and unconventional behaviors are more likely to be criminalized and subject to law (see Black, 1976: 51-52; see also Black, 1979a: 25, note 14). Or what explains observed variation in arrest patterns when police are confronted with conduct addressed by the vagrancy statutes? While both the middle-class commuter and the homeless man who fall asleep in the train station may behave in ways that technically violate a vagrancy statute, one may be more likely than the other to be arrested because of marginality or poverty. Such questions seem to promise more for the sociology of law than the conventional ones Greenberg offers.

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C. *Quantitative and Qualitative Concepts of Law*

Greenberg also criticizes Black's quantitative definition of law. He notes that many concepts in the natural sciences are qualitative, that there are well-developed statistical measures for qualitative variables, and that qualitative distinctions inevitably must play a key role in theories of law. It is true that Black has emphasized the value of ordinal (or rank) and interval (or metric) scaling of law. One would have thought, however, that he should be applauded for this innovative effort. Already Black has successfully established an ordinal concept, and, if it could be developed adequately, an interval concept of law would offer the possibility for more elegant theorizing and precise prediction than has heretofore been done. Although the development of interval measures is still in its infancy (see Black, 1979b), simply to be able to think in terms of the amount of law, and to rank these amounts in terms of more or less law, is, for sociological purposes, a major improvement upon traditional notions of law.

On the other hand, while Black has focused on the development of quantitative concepts, it is not true, as Greenberg charges, that his approach precludes the use of qualitative concepts. After all, Black's four styles of law—penal, therapeutic, conciliatory, and compensatory—are themselves qualitative concepts (Black, 1976: 5). But here as well it would be desirable to specify the dimensions along which these styles vary and to operationalize quantitatively their different dimensions. Even at the current state of their conceptual development, however, propositions about the four styles can be developed, as Black and others have shown. For example, Black has proposed that, where the relational distance between the parties in conflict is small, use of the conciliatory style of law is more likely, while where a greater relational distance is found, a penal or compensatory style is more likely (Black, 1976: 47). Or, to mention another illustration, Austin and Garner (1980) successfully use Black's framework to explain the extent and style of antismoking laws in the United States. Although a fully quantified theory is a goal to pursue, nothing in Black's theory prevents the construction of propositions with qualitative concepts.

III. THEORIES OF LAW

Greenberg's views of theory sharply conflict with Black's. For Greenberg, a theory of law must deal with every conceivable question about law, and the goal of theory is to

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predict as much variance as possible. This is illustrated in numerous places in his critique. For example, he suggests that, because the undesirable consequences of present laws can have an impact on future legal change, any theory must include these consequences as predictor variables. Greenberg's ideal theory must also have a place for the motivational states of legal officials, since they too add to the amount of explained variance: "Even if every one of Black's propositions were to be confirmed, it might still be the case that some additional variation, in sentencing for instance, could be explained by examining judges' motives or purposes." The conduct of offenders must also be considered since "the way people conduct themselves influences their chances of being arrested." And, as noted earlier, Greenberg emphasizes that legal rules influence legal behavior as well. Greenberg's notion of a successful theory thus seems to be one that predicts as much variance as possible, by whatever means necessary. Since Greenberg accuses Black of being an "ultra-empiricist," it is ironic that his view of theory could not be more unsystematic and empiricist. Why is there less reported deviance at night? Because people engage in less conduct that violates legal rules at night. Why are people charged with burglary? Because they have violated laws that proscribe burglary. What explains judges' actions? The legal rules they must apply. This is conventional thinking with a vengeance.

Greenberg's seeming inability to grasp the theoretical structure of Black's work is puzzling since Black's conception of theory has a long tradition in science (e.g., Braithwaite, 1953; Hempel, 1965) and has been gaining popularity in sociology (e.g., Zetterberg, 1954; Homans, 1967; Blalock, 1969; Wallace, 1971; Gibbs, 1972). In particular, Black adopts the "covering-law" or "hypothetical-deductive" view of theory. A theory is a restricted set of propositions yielding deductive implications that can be confirmed or refuted through empirical tests (Freese, 1981: 61). The task of theory is to order, predict, and explain variation. While one goal of theory is to maximize the amount of explained variance, this is done only in terms of theoretically relevant concepts. Ordering occurs through concepts that organize and categorize phenomena that are considered important for the purposes of the theory. Explanation occurs when concrete variation in phenomena is deducible from the general propositions that comprise the theory. Finally, prediction refers to the deduction of future observations of phenomena from the propositions of the theory.

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A good theory is one that explains a broad range of behavior in a testable, parsimonious, and systematic fashion.

A second general feature of Black's theoretical strategy is his insistence that every formulation be purely sociological. Black's interest lies entirely in how law varies within the dimensions of social space. Just as a pure theory of physics ignores chemical or biological variation, a pure theory of sociology studies social life without regard to psychological, biological, or other variation. This does not mean that psychological, biochemical, or other processes do not explain variation in the phenomena under study, but rather that the variation they may explain is irrelevant to the task of a sociological theory. The definitional terms of Black's theory are purely sociological, with non-sociological variables treated by assumption as a constant (for a discussion of his "pure sociology," see Black, 1979c). The five major dimensions of social space found in *The Behavior of Law* are not derived in an arbitrary way, as Greenberg claims, but stem from specific theoretical and empirical approaches that have emerged in sociology during the past 150 years. Black self-consciously and explicitly integrates the major traditions of sociology. For example, Marx (1846) emphasizes one aspect of the vertical dimension of social space—the unequal distribution of resources. Durkheim (1893) and Spencer (1876) stress elements of morphological space such as the division of labor, differentiation, and relational distance. Sorokin (1937) and Parsons (1951) focus upon symbolic space, or culture. Weber (1922) and Michels (1911) emphasize corporate space, the study of organizational life. Finally, the early American sociologists such as Ross (1901) and Sumner (1906) stress the normative aspects of social life, how societies respond to conduct they define as deviant. The five dimensions of social space are thus not random but are systematically drawn from five major aspects of social life that have long been emphasized in sociological theory (see Black, 1979c).

The task of a sociological theory is to use these aspects of social space to predict and explain variation in social phenomena of one kind or another. This is not to say that other dimensions of social life might not also be identified or that some of Black's five dimensions might not ultimately be modified or dropped. The crucial point is that each is included in the theory for *theoretical* reasons. While in the initial presentation of the theory they are viewed as five separate dimensions, in fact they form a multidimensional space and

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constitute an important synthesis in sociological theory. In contrast to Black's synthesis, Greenberg's suggested inclusion of rules, behaviors, motivations, or whatever else seems relevant may help raise the proportion of explained variance, but it surely leads the sociology of law into trivial explanations without theoretical purpose or structure.

Greenberg also faults Black's theory because it is stated as two-variable propositions without links between the different propositions. Here Black's work should be understood as a beginning rather than a final statement. What Black has done is to delineate the major dimensions of social space and examine how law varies in each. This is an appropriate level to begin a propositional theory of law. Future research undoubtedly must view the various dimensions of social space as multivariate and examine their interaction, but before this can occur it is essential to clarify how law behaves within each sphere when the others are held constant.

We should not, however, underestimate what Black has already accomplished. Black's theory represents a substantial advance over previous conceptualizations in that even the smallest empirical finding can be addressed by his general propositions. For example, numerous studies relate isolated characteristics of defendants (e.g., ethnic, employment, or marital status) to the degree of punishment they receive in the legal system. Now such characteristics can be seen as instances of marginality, stratification, conventionality, etc. and related systematically to the numerous other phenomena that fall under these abstract categories. Or the fact that police are more likely to make arrests when the complainant and the suspect are at a greater relational distance from one another can be shown to be an instance of the general process through which law itself develops (Black, 1971). Greenberg's claim that Black's propositions are nothing more than empirical generalizations is thoroughly mistaken. An empirical generalization is a descriptive statement with a concrete referent. In contrast, Black's propositions take the form of highly abstract covering laws that explain the concrete data.

Greenberg's criticisms of Black reflect a conventional, atheoretical view of the sociology of law. Far from being arbitrary and overly empiricist, Black's theory is one of the most general, elegant, and rigorous sociological theories of law ever constructed. The fact that the theory is still in its early stages of development does not change this.

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IV. OPERATIONALIZING AND TESTING THE THEORY

Greenberg's final set of criticisms deals with the measurement of Black's theory and the degree of empirical support for it. I shall consider each of these in turn.

A. *Operationalization*

Greenberg argues that the terms of Black's theory are not easily operationalized. Yet the problem is more with Greenberg's standards of operationalization than with Black's theory. While it is true that Black sometimes uses common sense to generate working definitions of his concepts and that more work is needed to provide fully adequate definitions, this state of affairs is no different from that which characterizes virtually all sociological research. No sociological work has ever been able to measure perfectly the concept of interest in every setting in which it might be observed, yet this is what Greenberg would apparently demand. For example, Greenberg criticizes Black for not formulating explicit definitions of social inequality, the vertical dimension of social space. Yet Black's definition of vertical distance as differences in the amount and distribution of material resources is as straightforward as any in the literature (Black, 1976: 11). It is true that someone testing, for example, Black's proposition that downward law is greater than upward law might have to measure vertical position through a proxy such as Duncan's scale of occupational status, even though status is not equivalent to wealth, but given the exigencies of empirical research, this would not be unusual. Because the dimensions of social space in Black's theory are not unique and are measured as they are in other sociological theories, the problems in operationalizing them are no more or less serious than they are in any other theories. Greenberg is unreasonable to hold Black to far higher standards than those we conventionally apply to other social scientists.

It should be expected, however, that some of the dimensions of social space will be harder to operationalize than others. Relational distance, for example, is a fairly straightforward concept that is relatively easy to measure. In contrast, a measure that captures variation in the amount of culture or unconventionality is more difficult to develop. Yet even those concepts that are the most difficult to measure can lead to insightful propositions. For instance, in my work on the social control of mental illness, I have proposed that "the recognition of mental illness varies inversely with the cultural

https://doi.org/10.2307/3053352 Published online by Cambridge University Press

distance between individuals and psychiatric professionals," and I find that, when a rough measure of cosmopolitan values is used to indicate cultural distance, this formulation orders a large amount of empirical material (Horwitz, 1982: 73). In general, our ability to operationalize the various independent variables of Black's theory will vary, but we can expect that the difficulties of measuring crucial variables will become less formidable with further research and empirical applications.

B. *Empirical Support*

Greenberg also questions the empirical underpinnings of Black's theory. It is, of course, impossible for either Greenberg or me to assess the extent to which the theory is supported or refuted in the space we have available here. Hence, I shall concern myself only with the general question of how evidence relevant to the theory should be assessed. I cannot help noting, however, that the very fact that a discussion of a theory is based on the state of evidence represents an advance in the sociology of law since theoretical debate in the past has all too often amounted to little more than a shouting match.

The first problem with Greenberg's presentation of evidence is the implicit assumption that, by providing counter-examples to a proposition, one has invalidated the proposition. For example, while Black proposes that "downward law is greater than upward law," he never states that law flows only in one direction—from high to low status (Black, 1976: 21). What he says is that *more* law flows in the predicted direction than in the opposite direction. Hence, no single study can disconfirm the proposition. Instead, the entire body of evidence that bears upon the problem must be taken into account. Moreover, an open-minded examination of the evidence, including some of the studies Greenberg himself cites, would show that Black's sociological theory of law is largely supported.[3] The pertinent sociological question raised by the minority of conflicting studies is: Under what conditions does law flow against the direction that Black specifies as dominant? Greenberg does not address this interesting question.

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[3] For example, while one of Greenberg's studies (Greenberg *et al.*, 1979) finds an inverse relationship between the crime rate and income inequality, a number of studies support Black's proposition (e.g., Danziger, 1976; Humphries and Wallace, 1980; Messner, 1980; Blau and Blau, 1982; Messner, 1982). Greenberg uses other studies that show strong support for Black's claims as disconfirming evidence (e.g., LaFree, 1980; Radelet, 1981).

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A second problem in Greenberg's use of evidence is his reference to studies that are not relevant to the proposition at hand. For example, most of Black's propositions are relational so it is necessary to have evidence about both defendants and victims, yet Greenberg repeatedly uses studies that ignore the victim's rank in order to disprove propositions about the direction of law (e.g., Burke and Turk, 1975; Chiricos and Waldo, 1975; Bernstein *et al*., 1977). Studies that show that the race or socio-economic status of defendants does not influence their dispositions or that high-status or college-educated offenders are sometimes treated severely are not relevant tests unless we know who their victims were.[4]

Greenberg's attempt to refute Black by counter-example is also unpersuasive because, when propositions fail to hold, other variables in the theory may account for the failure. For example, Greenberg draws from Black's theory the implication that, because there is more inequality in England than in the United States, there should be more law in England, and he argues that the opposite is true. While it is difficult to test any theory of law at a societal level, even if we accept Greenberg's assertion that England has less law than the United States, other propositions in Black's theory could account for this. If, as may well be the case, England is more culturally homogeneous than the United States or has a greater amount of informal social control, Black's theory would lead us to expect that England, on these accounts, would have less law. Clearly, the crucial propositions would have to be jointly tested before any proposition could be rejected.

Finally, Greenberg must assess Black's theory in its own terms in order to claim that it is empirically contradicted. He does not always do this. For example, Greenberg states that the prediction that law is greater when people go to sleep is invalid "on the basis of the conventional, common-sense view that the way people conduct themselves influences their chances of being arrested. While sleeping, they are not behaving in ways that elicit arrest." From Greenberg's

[4] Indeed, Greenberg himself has nicely made the case for the value of looking at the relationship between criminal and victim: "Some extralegal variables found to be important in other studies were not included in this analysis. One of particular interest is the status of the victim. From a conflict perspective, one might anticipate that middle- and upper-class decision makers would experience little alarm or threat from crimes in which the poor victimize the poor. If judges are drawn from middle and upper strata of the population, one might expect them to feel most threatened and to respond with more severe sentences when victims are most like themselves" (Greenberg, 1975: 174).

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conventional viewpoint, the ability to explain the amount of law by the amount of deviant conduct may appear to be valid counter-evidence. However, this attempted refutation misses the point of Black's example. If Black is correct, people faced with a disturbance at night are more likely to invoke the law by calling the police than those faced with similar disturbances during the day, since at night less social control of other kinds is available. Pointing to lower rates of misbehavior at night misses Black's point and misunderstands the purpose of the theory.

As evidence accumulates, the various propositions of Black's theory will probably have to be modified. But for the proper specifications to be made, researchers must consider the whole body of evidence, use relevant studies, control for other variables in the theory, and examine the theory in its own terms. It is likely that the propositions will not be universally true and so will have to be modified to reflect variation in the conditions under which they hold. Another important task will be to consider the interrelationships among the independent variables and the multivariate aspects of the theory. Finally, mediating factors that specify the influence of the different variables must be analyzed. Black's work is certainly not complete, but it provides numerous starting points for this agenda.

V. CONCLUSION

Greenberg's critique does not warrant reconsideration of the enthusiastic reception that Black's work has enjoyed. The theory gives researchers in the field an exciting new way to approach legal phenomena. It provides unsurpassed opportunities for linking theory and data, unparalleled scope and range, a new level of generality, an innovative conception of law, and a purely sociological approach to the study of law. In contrast, Greenberg's criticisms reflect a conventional standpoint that views legal rules as the explanation of legal behavior, uses offender conduct to account for the operation of social control, sees psychology as underlying sociology, and takes as the ultimate criterion of theoretical explanation the amount of explained variance. His vision dooms sociology to a common-sense view of law that is theoretically trivial and empirically uninteresting. A striking aspect of Greenberg's paper is the absence of constructive suggestions of any sort. One wishes that Greenberg had complemented his blanket

https://doi.org/10.2307/3053352 Published online by Cambridge University Press

rejection of Black's approach with some positive alternative of his own.

Black, in contrast to Greenberg, offers a new vision of the possibilities of a sociological approach to law. Law is conceptualized as a variable within social space, to be predicted and explained by general sociological constructs. These constructs are embedded in the various major traditions of sociology. The elements of a conventional view of law—rules and their application—are themselves variables to be explained. An arrest of a teenager in an American ghetto becomes as theoretically significant as conflicts among modern businessmen, divorce law in seventeenth-century England, punishment in Manchu China, or disputing behavior among the African Azande or the ancient Babylonians. The theory predicts and explains not only the initiation and disposition of cases but also the categories of law itself. It is true that Black's style of theorizing will not suit everyone. It abjures causal mechanisms, ignores psychological motivation, neglects questions of legal effectiveness, and leaves out theoretically extraneous variables that might increase the amount of explained variance. What it does do is formulate a rigorous system of propositions at a purely sociological level. While there is room for other styles of thinking in the sociology of law, we should all hope that Greenberg's conventional approach will not predominate.

It is the promise of Black's theory, more than the prolegomena already presented, that bodes best for the sociology of law. Undoubtedly, some concepts will be dropped and others added; new propositions will be formulated while others are discarded; systems of interrelationships among the propositions will be developed and modifying mechanisms specified. The theory will be extended beyond governmental social control to other forms of social control.[5] Ultimately, the variation of law within the different dimensions of social space could even be compared to the variation of other forms of social behavior. For the time being, however, Black's theory brings the sociology of law beyond the conventional style of thought that has long marked the field. Black has begun to formulate a genuine sociological theory of law. Now others should show how the theory can fulfill its promise through work that modifies, specifies, and improves our understanding of legal life.

[5] For an example dealing with the social control of mental illness, see Horwitz, 1982.

https://doi.org/10.2307/3053352 Published online by Cambridge University Press

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