The Social Construction of Crime

Labelling theorists argue that no act is inherently criminal or deviant, in all situations and at all times. Instead, it only come to be so when others label it as such. In other words, it’s not the nature of the act that makes it deviant but the nature of societies reaction to the act.

Becker (1963) “Social groups create deviance by creating the rules whose infraction [breaking] constitutes deviance and by applying those rules to particular people and labelling them as outsiders”

Therefore a deviant is simply someone to whom the label has been successfully applied and deviant behaviour is simply behaviour that people so label.

Becker is particularly interested in the role of what he calls the moral entrepreneurs. These are people who lead a moral ‘crusade’ to change the law. However, Becker argues that this new law invariably has two effects:

- The creation of a new group of outsiders/outlaws or deviants who break the new rule
- The creation or expansion of a social control agency (police, courts, probation officers) to enforce the rule and impose labels on offenders.

Becker notes that social control agencies themselves may also campaign for a change in the law to increase their own power.

For example: the US Federal Bureau of Narcotics successfully campaigned for the passing of the Marijuana Tax Act in 1937 to outlaw marijuana use. Supposedly this was on the grounds of its ill effects on young people, but Becker argues it was really to extend the Bureau’s sphere of influence. This it’s not the inherent harmfulness of a behaviour that leads to new laws being created, but rather the efforts of powerful individuals and groups to redefine that behaviours as unacceptable.

Who gets labelled?

Not everyone who commits an offence is punished for it. Whether a person is arrested, charged and convicted depends on factors such as:

- Their interactions with agencies of social control
- Their appearance, background and personal biography
- The situation and circumstances of the offence

This leads labelling theorists to look at how the laws are applied to enforced. Their studies show that agencies of social control are more likely to level certain groups of people as deviant or criminal.

Cicourel: The Negotiation of Justice

Officers’ decisions to arrest are influenced by their stereotypes about offenders. Cicourel (1968) found that officers typeifications – their common-sense theories or stereotypes of what the typical delinquent is like – led them to concentrate on certain ‘types’. This resulted in law enforcement showing a class bias, in that working-class areas enforcement showing a class bias, in that working class areas and people fitted the police typifications most closely. In turn, this led police to patrol working class areas more intensively resulting in more arrests and confirming their stereotypes.

Cicourel found that other agents in law enforcement also had this bias. For example probation officers held the common-sense theory that juvenile delinquency was caused by broken homes,