

Definitions of crime: social and ideological constructs



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The social construct of crime is extremely significant within the victimised actor model that purposes that criminal behaviour only manifests because those with power and authority define certain activities, typically those engaged in by the poor and powerless as criminal, while those of the powerful are ignored (Burke, 2009 p. 349). Dorling et al. (2008, p. 7) states that 'crime has no ontological reality; but is a myth of everyday life'.

This construction can be enlightened by considering what is included and excluded. Mars (1982) states that 'hard' words such as crime, theft and offence are different from 'softer' words such as fiddle or perk, which are often used to describe criminal activities in the workplace (cited in Burke, 2009). Furthermore, in the context of 'safety crimes', in Britain over one million workplace injuries are recorded every year; but due to the restriction to the term 'crimes' approximately only one thousand are prosecuted health and safety offences (Dorling et al., 2008). Tombs (2000) claims that such differences have implications in terms of what can be done with such data conceptually, theoretically and politically (cited in Dorling et al., 2008). This is an insight towards the different crimes that are committed, yet some of these criminal activities are completely excluded from the social construct of crime (Croall, 1998; Burke, 2009).

Crime as social and ideological constructs can be applied to other areas in society including gender and age. Livingstone (2001) argues that the media make a significant contribution to the social construction of crime (cited in Reiner, 2007), and crime in general is usually associated with particular groups such as young men or the unemployed, which is reflected in the media and portrays what constitutes the crime problem (Burke, 2009).

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Muncie (2003) argues that this stereotype against certain groups means they receive little attention as victims (cited in Walklate, 2007). As a result policies are introduced to tackle crimes such as burglary or street crime but environmental crimes such as pollution, corporate crimes and major frauds are overlooked (Burke, 2009). The vast majority of criminological research has been conducted on lower socio-economic groups and their activities (Burke, 2009). However, white collar, business or corporate crime continues to be neglected and under-researched by criminologists (Burke, 2009). For example the previous and third edition of *The Oxford Handbook of Criminology* contains no discussion that crime has no ontological reality, nor does it establish how the criminal law fails to apprehend the more damaging and extensive forms of harm (Dorling et al., 2008). Another point which can constitute the social construct of criminal behaviour is homicide. Pfohl (1985) illustrates how some types of killing are categorized as homicide while others are not (cited in Lilly, Cullen & Ball, 2007). Pfohl states that what differs is not the behaviour but the reactions to that behaviour. For example killing a police officer or killing by a police officer; death by dangerous driving or dying from cancer caused by a polluting factory are just a few examples. Whilst some are labelled homicide, others are excused and justified (Lilly, Cullen & Ball, 2007).

According to constructionist theories, 'crime is in the eyes of the beholder, and the beholder is the law' (Fitzgerald, 2011 p. 303). Constructionists argue that crime, criminal activity, and criminal law are dependent on time, place and culture (Fitzgerald, 2011). Friedman (1993) states that definitions of crime alter throughout time, meaning crime has no ontological reality

because acts have been criminalized, decriminalized, and recriminalized (cited in Fitzgerald, 2011). From a social constructionist perspective, a given act or behavior such as abortion, domestic violence, race or ethnic bias becomes a social problem through a process of successful claims making by social movements or groups that lay forward a particular definition of a problem (Rosenfeld, 2009). Constructionist theories include labelling theory, social control theory, and critical theory (Fitzgerald, 2011).

Labelling theory is concerned with what happens after an act is committed, and that deviance does not inherent in the act, but the reaction to it (Newburn, 2007). Essentially, the argument is that the criminal or deviant is an individual who has been labelled by society (Marsh & Melville, 2006). According to Becker (1963) rules and criminal laws are made by people with power and dictated upon people without power (cited in Burke, 2009). The key perspective from the labelling theory is that many offenders do internalise their criminal labels and therefore a career in criminality arises as a result to society's reaction to them (Burke, 2009). However, labelling theory's central hypothesis has not been without critical analysis. Although conflict or radical criminologists agreed that crime was socially constructed and that labels were differently applied, radical theorists argued that the origins and application of criminal labels were influenced by inequities rooted in the structure of capitalism (Lilly, Cullen & Ball, 2007). Radical theorists claim that differences in power determined that behaviours of the poor, but not those of the rich would be criminalized. Labelling theorists acknowledged that political interest and social disadvantaged influenced societal reaction, but they did not express the connection of the criminal justice system to the

underlying economic order (Lilly, Cullen & Ball, 2007). Labelling theory has also been criticised on the use of 'soft' and 'hard' deviance (Burke, 2009). Gibbs (1966) argues that 'hard' deviance such as violent assault and burglary have always been universally condemned, and the deviant is fully aware that what they are doing is criminal but freely choose to commit such offence because it is profitable or exciting (cited in Burke, 2009). In this case it is argued that labelling is irrelevant.

Social control theory, with its roots in a Marxist tradition marginalizes certain populations for social, economic and political elites to maintain order (Fitzgerald, 2011). Social control theory acknowledges that law-making is embedded in power relations, and those with access to power are likely to construct the law to suit their interests (Fitzgerald, 2011). In which offences committed by the powerful such as white-collar crime are disregarded as it is not in their interest (Fitzgerald, 2011). Reidel and Welsh (2008) claim that as long as society maintains the perception that the law is morally justified, social order is sustained and authorities hold the power (cited in Fitzgerald, 2011). Muraskin (1976) claims that the middle class were interested in the structure of criminal law (cited in Fitzgerald, 2011), in which Becker (1963) states that rules are made by the old for the young, by men for women, by whites for blacks and by the middle class for the working class (cited in Burke, 2009).

Criminological theories have different ideas on the concept of defining crime, although it cannot be dismissed that crime is a social and ideological construct. Constructionist theories locate power in the ability to classify and label what behaviour is criminal. This has complications for policies as the <https://assignbuster.com/definitions-of-crime-social-and-ideological-constructs/>

definitions of crime are not self evident; but are embedded in power relations that implicate all human behaviours and all people (Fitzgerald, 2011).

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