

Essay 1

What Is Labelling Theory? Summaries And Evaluate Its Application To The Analysis Of Crime And Criminal Justice

Introduction

Becker (1973) outlines labelling theory in his book "Outsiders: Studies in the Sociology of Deviance." He argues that the interactionist perspective views crime as a breach of societal rules and seeks to understand why individuals break these rules based on their personality and social environment. However, Becker (1973) disagrees with this perspective, suggesting that the focus should not be on the individual's actions or characteristics, but rather on society's labeling of certain behaviors as deviant. According to him, society determines what is considered lawful or unlawful, and attaching the label of deviance to an individual carries significant consequences.

Summary

Becker (1973) challenges the notion that once someone is labeled as deviant, they belong to a uniform group. He critiques criminologists who seek a singular cause or commonality in deviance and crime. According to Becker (1973), this assumption is flawed. Some individuals may not have violated societal laws but are still labeled deviant due to system failures, while others may have transgressed but escaped detection and labeling. Consequently, Becker (1973) is primarily concerned with understanding the process of labeling individuals as deviant rather than focusing on their specific social or personal backgrounds.

This critique of the rigid definition of deviance or criminal behavior brings attention to various factors within the labeling system. The classification of what constitutes a crime can fluctuate over time; for instance, there may be periods of intensified scrutiny and punishment for certain offenses like drug-related crimes, followed by phases of greater leniency. Another variable is the social status of the individual caught breaking the law. Becker (1973) illustrates this with the comparison between a

middle-class person and someone from a lower socioeconomic background, noting evidence indicating that the middle-class individual is more likely to evade prosecution. Moreover, crimes committed by individuals typically fall under criminal law, while those committed by corporations are typically addressed through civil law. These distinctions underscore that criminality is not an inherent characteristic of an individual but is intricately tied to others' perceptions—or, in contemporary terms, to the social construction of crime.

Following the initial labeling of an individual as a criminal, Becker (1973) argues that several consequences naturally ensue. To comprehend the outcomes of labeling, Edwin Lemert introduced a distinction between primary and secondary deviance. Primary deviance refers to situations where individuals commit criminal offenses due to sociocultural and psychological factors. During this stage, individuals typically do not perceive themselves as deviant but rather as temporarily deviating from societal norms. However, upon being apprehended for a criminal offense, these individuals undergo societal condemnation and labeling through the criminal justice system. Consequently, they must navigate the discrepancy between their self-perception and society's perception of them. This usually involves embracing the label along with its associated meanings and consequences.

Labelling theory has faced criticism on various fronts, with researchers endeavoring to substantiate it through empirical evidence. Gove (1975), for instance, found no indication of negative sanctions influencing sustained criminal trajectories. Sherman & Berk (1984) conducted a field experiment comparing individuals arrested for domestic violence with those who were not, revealing a decrease in violence among the arrested group. Foster, Dinitz & Reckless (1972) discovered that self-reported issues among apprehended boys did not alter the correlation between deviance and sanctions. Conversely, some evidence supports the assertions of labelling theory. Kaplan & Johnson (2001) outline such evidence, citing Palamara, Cullen & Gersten (1986), who found that police and mental health service interactions impacted juvenile delinquency directly and indirectly, with the effect varying depending on the behavior measured.

Evaluation

Lilly, Cullen & Ball (2002) elaborate on how labelling theorists utilize the concept of a self-fulfilling prophecy, initially developed by Merton (1968), to elucidate the impact of labeling. Erroneously branding an individual as a criminal results in them being perceived as morally corrupt, even though this may not be accurate at the time. Once someone is associated with a criminal offense, they are predominantly viewed through this lens, overshadowing any other aspects of their identity. Consequently, law enforcement, perceiving them as prone to future transgressions, intensifies surveillance, further reinforcing the label. Social isolation from non-criminal peers and potential incarceration alongside other labeled criminals exacerbate this reinforcement. Under such constant scrutiny and pressure, individuals who have committed a criminal act often internalize the 'criminal' label and its associated implications. Paradoxically, the efficiency of the criminal justice system perpetuates this cycle, transforming the label of 'criminal' into a self-fulfilling prophecy (Williams, 2004).

Kaplan & Johnson (2001) propose that the inconsistency in empirical findings may partly stem from methodological issues. For instance, assessing delinquency levels before and after intervention by the criminal justice system poses significant challenges. They suggest that in Foster et al.'s (1972) study, boys might have refrained from reporting problems to preserve their self-image. Likewise, the results of Palamara et al. (1986), relying on the perspectives of mothers and teachers, could merely mirror the circular effects of labelling.

Gove (1975) contends that a significant challenge in testing labelling theory lies in its inherent difficulty to be tested in many of the approaches adopted by researchers. Alongside empirical scrutiny, theoretical critiques have also been leveled against labelling theory. Gove (1975) argues that there is insufficient evidence to support the idea that being labeled and subsequently engaging in criminal behavior constitutes a self-fulfilling prophecy. Furthermore, Gove (1975) criticizes labelling theory for its inability to comprehensively explain various forms of deviant behavior. Plummer (1979) identifies this as a limitation in elucidating the genesis of primary deviance. Consequently, labelling theory encounters particular difficulty in explaining phenomena like pedophilia, which is typically attributed to abnormal psychology and thus may not be significantly influenced by labeling and self-fulfilling prophecies.

Philipson & Roche (1971) and others highlight several phenomenological challenges within labelling theory. They emphasize that labelling theory often relies on numerous assumptions that may not be adequately warranted. The societal response to labeling criminals is largely assumed by the original researchers without thorough investigation. Theoretical connections between everyday processes and societal reactions are limited, with an overreliance on ideas considered 'common sense' and anecdotal

evidence. Plummer (1979) observes that labelling theory tends to downplay or overlook the role of power in the criminal justice system. A broader critique concerns its compatibility with social determinism, suggesting that individuals may have limited choice in their behavior. These critiques also extend to moral considerations, as labelling theory may neglect the moral dimensions of crime, treating the decision to engage in criminal behavior as solely a moral choice.

Becker (1973) offers a defense of labelling theory against its critics by outlining its more limited scope. He argues that labelling theory was never intended to provide an explanation for why individuals commit crimes; rather, its focus lies on understanding the interactive dynamics involved. Becker (1973) contends that labelling theory aims to highlight the significance of interactional elements in crime explanations, which had previously been overlooked or underestimated. Many criticisms of labelling theory stem from differing conceptualizations. In fact, contemporary theorists often view labelling theory as comprising three distinct components. Davies & Tanner (2003) categorize it into strains that focus on secondary deviance, social psychological effects, and the impact of labeling on life opportunities.

Conclusion

In conclusion, proponents of labelling theory argue that it aims to demystify criminal and deviant acts. Instead of viewing them as distinct and separate categories from "normal" law-abiding behavior, labelling theory perceives them as part of a fluid process influenced by all members of society or a collective. It recognizes a continuum and seeks to elucidate the processes involved in traversing this continuum. Critics of labelling theory have presented both theoretical arguments and empirical evidence against it. However, testing labelling theory empirically poses challenges, and Becker's (1973) defense suggests it may be inherently difficult to do so. Theoretical criticisms are complicated by differing interpretations of labelling theory. Nevertheless, more detailed and precise research could potentially yield clearer empirical outcomes, whether confirming or refuting its premises.

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Essay 2

How Do Feminist Criminologists Account For Gendered Patterns Of Crime And Victimization In Modern Western Society, And How Successfully?

Introduction

The realm of feminist research methods within criminology lacks a singular orthodoxy. Instead of strict adherence to particular methodologies, feminist research is defined by its methodological and ethical considerations concerning theory, ontology, epistemology, and political involvement. Since its inception, feminist inquiry has grappled with methodological concerns, embracing both innovative and traditional research approaches. Central to feminist criminology is the interrogation of knowledge production and validation, questioning who holds the authority to know, what constitutes valid knowledge, and whose perspectives are valued. While overlapping with other critical criminological perspectives on certain issues, feminist research is distinct in its focus on sex/gender-based social dynamics. Though feminist theoretical advancements, such as intersectionality, are increasingly influential in mainstream criminology, feminist methodologies are not consistently acknowledged in the broader criminological discourse. Nevertheless, feminist criminology advocates for an interdisciplinary approach, blending various research methods. Carol Smart contends that feminist methodologies serve as a cornerstone for groundbreaking research and emphasize the significance of theory-driven inquiry. Despite its transformative potential, feminist research remains underrepresented in many criminological methodological texts. Constantly evolving and self-critical, feminist criminology continually challenges and refines itself. This paper provides an overview of feminist criminology, highlighting distinctive methodological features and addressing ongoing debates and emerging themes, particularly in the realm of research on violent victimization. Four specific themes are explored in detail: the complexities of intersectionality, transcending victim/agent binaries, maintaining research integrity throughout data interpretation and analysis, and grappling with the implications of the "textual turn." Through case studies drawn from our own research, we illustrate the complexities of engaging with these methodological challenges (Walklate, 2007; Smart, 2009).

Summary

In summary, feminist criminological approaches aim to spotlight the unique experiences and roles of women within the criminal justice system, encompassing their roles as victims, offenders, and agents. These approaches remain attentive to the intricate intersections of gender with other facets of identity, acknowledging the diverse and sometimes conflicting ways in which gender interacts. Additionally, they critique and advocate for reforms in the treatment of women within the criminal justice system. Drawing on insights from gender theory, feminist criminology seeks to challenge and reconstruct prevailing theories of crime and the conventional paradigms through which criminological knowledge is constructed. The foundation of this scholarship owes much to early feminists who challenged both dominant and emerging radical criminological perspectives for their neglect of gender considerations, actively participating in debates that shaped feminist developments in criminology and beyond (Carlen, 1983; Chesney-Lind, 1986; Heidensohn, 1985; Klein, 1973; Smart, 1976). This progress would have been

unattainable without the response of some criminologists to the feminist imperative to develop novel research methodologies. The evolution of theories, research questions, subjects of study, and data collection methods necessitated feminist criminologists to seek inspiration and practical guidance beyond the confines of criminology, initially finding resonance in the burgeoning field of feminist methodology and epistemology that permeated various disciplines (Harding, 1987; Stanley and Wise, 1983). As methodological paradigms underwent fragmentation, feminist criminologists diversified their methodological toolkit, including reimagining approaches from traditional criminology such as ethnography, qualitative interviews, and crime victimization surveys, and adopting quantitative methods with greater deliberation (Kelly, 1990; Gelsthorpe, 1990).

The dynamic and multifaceted nature of feminism has engendered diverse perspectives on epistemological inquiries into how feminist knowledge should be produced. Over the past four decades, debates surrounding knowledge creation and research methodologies have yielded a plethora of methodological allegiances and options. Sandra Harding (1987) categorizes feminist thinking in the social sciences into three broad epistemological orientations: feminist empiricism, standpoint feminism, and postmodern feminism. Within criminology, feminist empiricism focuses on generating data about women to analyze their victimization, criminality, and interactions with the criminal justice system, aiming to inject greater objectivity into criminological theory and research historically centered on men. However, feminist empiricism has been critiqued for its uncritical adoption of positivist assumptions and the hypothetico-deductive model of science, which it does not fundamentally challenge (Naffine, 1997). Standpoint feminism, drawing inspiration from Marx and Hegel, prioritizes women's perspectives as the foundation of feminist knowledge, positing that research originating from marginalized social positions offers a more comprehensive and less distorted understanding of social experience (Harding, 1987). Yet, critics argue that this approach essentializes women's experiences and overlooks intersecting power dynamics based on race, ethnicity, sexuality, and other factors (Cain, 1990; Naffine, 1987). Feminist postmodernism, influenced by poststructuralist theory, rejects positivist claims of producing universal, objective truths, and instead posits reality, subjectivity, and truth as constructed through discourse, power, and knowledge. This approach focuses on deconstructing binary oppositions that shape human knowledge, such as gender roles and identities, and has been influential in reconceptualizing gender within criminology (Butler, 1990; Howe, 1994; Mason, 2002; Naffine, 1997; Young, 1996). These epistemological positions are not linear stages nor mutually exclusive; rather, feminist criminological research encompasses a diverse range of methodological preferences and imperatives that shape research design, implementation, and analysis. While some preferences are unique to feminist research, others overlap with related criminological approaches or draw from disciplines outside criminology, highlighting feminist research as a process guided by methodological considerations rather than rigid definitions.

Evaluation

Traditional criminology has predominantly pursued an etiological, explanatory approach to crime, focusing on understanding crime patterns and assessing the operations of law enforcement agencies with the aim of enhancing the efficiency and efficacy of the criminal justice system (Gelsthorpe, 2002). This endeavor has primarily relied on empirical investigation and the construction of theoretical frameworks grounded in such research. Feminist criminology emerged in the 1970s and 1980s to address two significant deficiencies within mainstream criminological discourse: the oversight of women in crime studies and the propagation of distorted, stereotypical, and oversimplified narratives

concerning women's criminality and the subsequent challenges in managing female offenders within the legal system (Gelsthorpe, 2002; Morris, 1987; Smart, 1976; Heidensohn, 1985).

The underrepresentation of women and girls in official crime data facilitated their exclusion from conventional criminological theories, which were largely built upon research conducted on male subjects and crime trends. As noted by Daly (forthcoming), feminist criminology identified a "generalizability problem," revealing that purported universal explanations of crime were, in reality, theories centered on male offenders that failed to adequately explain criminal behavior (or its absence) among women and girls. Misrepresentations of women's experiences of crime stemmed from stereotypes about female psychology and behavior, along with traditional gender norms that shaped assumptions regarding "normal" and "deviant" conduct for women (Gelsthorpe, 2002). Early feminist criminology aimed to expose the influence of these stereotypes on criminal justice policies and practices and within attempts to comprehend crime involving women. Additionally, it prompted calls to transcend the confines of criminology (Cain, 1990).

Expanding on this critique, feminist criminology began to explore the absence of gender theory in the broader study of crime. Male offending was frequently analyzed without adequately considering the relationship between crime and masculinity. This evolved into an examination of crime as a manifestation of "doing masculinity" (Messerschmidt, 1993). As criticisms surfaced (Collier, 1998), the concept of "doing gender" evolved into more nuanced discussions of "situated/structured action" (Miller, 2002) and the notion of "gendered lives" influencing both criminal and non-criminal behavior (see Daly, forthcoming).

From the 1980s onward, there emerged analyses highlighting differences not only between women and men but also among women of diverse backgrounds and cultures. Daly (forthcoming) observes that an understanding, led by Black feminist thought, of the intersectionality of gender, class, and race enabled more varied and divergent interpretations of female experiences with crime, both as victims and offenders. In the 1990s, some feminist criminologists began to draw from the postmodern trend in broader feminist theory, aiming to "deconstruct" the traditional sex/gender binary to underscore the discursively constructed and performative nature of gender identity (Daly, forthcoming). Coupled with a postmodern skepticism toward "grand theories" and definitive, linear, and causal explanations for human behavior, including crime, this led some feminist theorists to argue that a singular feminist criminology is neither theoretically feasible nor politically desirable.

Conclusion

It would be reassuring to conclude a chapter on feminist research in criminology with a sentiment similar to Carol Smart's recent observation about sociology, noting that feminist approaches have become ingrained as standard practice in sociological research (Smart, 2009: 297). While there is now a more respectful relationship between feminist and mainstream criminology, it would be premature to claim the same level of influence of feminism on criminology. Nevertheless, just as feminism, both as a political movement and theoretical framework, has reshaped our understanding and analysis of crime and the criminal justice system, feminist-informed research methodologies have also left their mark on the practices of many criminologists. As feminist methodologies are increasingly applied to diverse criminological topics like terrorism, hate crime, and state crime, the debates outlined above in the context of research on gendered violence will persist, challenging criminologists across various fields. These debates encompass issues such as the operationalization of intersectionality in research,

reconciling the victim/agent dichotomy while recognizing the entrenched patterns of victimization and criminalization, addressing power differentials inherent in the research process, and designing research projects that authentically capture the nuanced experiences of crime and criminalization as both real and socially constructed. While feminist methodology may not offer immediate solutions to these knowledge production dilemmas, it underscores the importance of continually posing these questions (Mason, 2002: 111).

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