Lecture Notes

# Chapter 11: Labeling Theory and Conflict/Marxist/Radical Theories of Crime

**Learning Objectives**

* Summarize the foundational ideas of labeling theory
* Describe the basic assumptions of labeling theory
* Evaluate the research and criticisms of labeling theory
* Explain the key features of the consensus view of the law
* State the distinguishing features of conservative (pluralist) and critical-radical perspectives
* List the key features of Marxist theory as they relate to criminological theories
* Evaluate the research and criticisms of labeling theory
* Describe the key contributors of alternative perspectives such as peacemaking criminology, the restorative justice perspective, and left realism
* Discuss the policy implications of Labeling and Conflict Theories of Crime

**Summary**

This chapter begins with the discussion of labeling theory. Labeling theory came to the forefront during a time when various assumptions concerning societal authority were being questioned and reexamined. Labeling theory is not overly concerned with the questions as to why an individual engages in deviant behavior. Instead, the theorists argued that it is important to understand how criminal, or deviant, behavior is defined or labeled as well as how society reacts to this behavior. The basic assumptions of labeling theory include the following: no act is intrinsically criminal; criminal definitions are enforced in the interest of the powerful; a person does not become a criminal by violating the law; the practice of dichotomizing individuals into criminal and non-criminal groups is contrary to common sense and research; only a few people are caught in violating the law even though many individuals may be equally guilty; while the sanctions used in law enforcement are directed against the individual and not just the criminal act, the penalties for such an act vary according to the characteristics of the offender; criminal sanctions also vary according to other characteristics of the offender; criminal justice is founded on a stereotyped conception of the criminal as a pariah; and confronted by public condemnation and the label of an evil man, it may be difficult for an offender to maintain a favorable image of himself. The primary proponents of the theory are Frank Tannenbaum, Edwin Lemert, Howard Becker, and Edwin Schur. Tannenbaum focused on the process that occurs after an individual has been caught and designated as having violated the law. Additionally, Tannenbaum argued that acts are not inherently good or bad. There are differing degrees of good and bad. He also argued that social reactions influence how behaviors are labeled. Furthermore, these behaviors are placed within a context that includes such factors as a person’s social status and the social setting. Lemert made a significant contribution to the labeling perspective by distinguishing between primary and secondary deviance. Primary deviance is behavior that is situational or occasional and second deviance deviant behavior, or social roles based upon it, which becomes a means of defense, attack, or adaptation to the overt and covert problems created by the societal reaction to primary deviation. In his book, *Outsiders: Studies in the Sociology of Deviance¸* Becker presented the term “outsiders.” This term refers to individuals who are considered by others to be deviant. Becker also argued that deviance has two dimensions. One dimension is that only those behaviors considered deviant by others are “really” deviant. The second dimension is whether a behavior or an act conforms to a certain rule. Additionally, Becker presented a typology of deviant behavior that includes conforming behavior, the pure deviant, the falsely accused, and the secret deviant. Schur addressed some of the criticism and misunderstandings of the labeling perspective. He also identified three key factors in the labeling process including stereotyping, retrospective interpretation, and negotiation. The major criticisms of labeling theory include the following: the various propositions to be tested are not adequately specified; due to the lack of satisfactory data and empirical research, evaluating the adequacy of labeling theory has been difficult; labeling theory focuses on the reaction to criminal and/or deviant behavior; the theory focuses on the “reactors” rather than the “actors”; and labeling should be viewed as a perspective rather than a theory.

The chapter continues with the discussion of conflict perspectives. There are various conflict theoretical perspectives, but they all share a critical position concerning the existing social order. There are two forms of conflict theory: conservative (pluralist) and critical-radical. The primary focus of conservative conflict theories is power and the use of that power; this theoretical framework views society as consisting of diverse interest groups competing for power. George Vold, Austin Turk, and Richard Quinney have made major contributions to the conservative (pluralist) conflict theoretical perspective. Critical-radical conflict theory can be traced back to the writings of Karl Marx. This theoretical framework views contemporary society as being dominated by a unified, capitalist ruling class. William Chambliss and Robert Seidman, as well as Mark Colvin and John Pauly, have incorporated Marxist themes to understanding crime and criminals. Vold introduced group conflict theory. A key aspect to group conflict theory is recognizing the social process view of society as a collection of various groups that are held together in a dynamic equilibrium of opposing group interests and efforts. Turk argued that society is characterized by conflict arising between various groups seeking to establish or maintain control over one another. Quinney set forth six propositions that described his social reality of crime. These propositions are as follows: definition of crime, formulation of criminal definitions, application of criminal definitions, development of behavior patterns in relation to criminal definitions, construction of criminal conceptions, and the social reality of crime. When discussing Marxist ideology, criminologists have incorporated it in three ways. First, they have maintained that the law is a tool of the ruling class. Second, they argue that all crime, in capitalist countries, is a product of class struggle. Third, scholars need to address the relationships between the mode of production and understanding crime. In their book *Law, Order, and Power*, Chambliss and Seidman used a Marxist perspective to provide a critical understanding of the American justice system. From a conflict perspective, Chambliss and Seidman stressed that society is made up of various groups that are in conflict. The law is a tool for those in power which functions to use coercive power in conflict. In their Integrated Structural-Marxist Theory of Delinquency, Colvin and Pauly maintain that structures of control have various “patterns associated with work, families, school, and peer groups and those patterns form the mechanisms for the reproduction of class structure.” George Vold and his colleagues presented some of the limitations associated with the conflict perspective. First, while there have been advancements in research methodologies there is still a fundamental problem when testing conflict theory; specifically, a similar finding may be interpreted in more than one way. Second, some research studies testing conflict theory are unable to distinguish between alternative explanations. Finally, few attempts have been made to develop and test well-constructed conflict theories.

The chapter concludes with the discussion of peacemaking criminology, the restorative justice perspective, and left realism. Peacemaking criminology contends that rather than using punishment and retribution as a means of social control, society should attempt reconciliation through mediation and dispute settlement. Harold Pepinsky and Richard Quinney have been involved in developing peacemaking criminology. In addition, John Wozniak identified three predominate themes of peacemaking criminology: types of crime/social harms, types of peacemaking frameworks/perspectives, and types of peacemaking alternatives. Restorative justice emphasizes the victim, the community, as well as the offender. The restorative justice framework is based on the Balanced Approach. Wheeldon argued that restorative justice programs share three key principles: focusing on harms, root procedures in the communities where such harms occurred, and the moral potential for restorative justice. In reference to left realism, Jock Young identified four major processes which have transformed criminological thinking: the etiological crisis due to rising crime rates; the crisis in penality in terms of the failure of the prisoners as well as a reappraisal of the role of police; the increased awareness of victimization and of crimes which had previously been “unnoticed”; and a growing public demand and criticism of public service efficiency and accountability. One of the major goals of Left Realism is to provide an analysis of crime on all levels as well as develop a range of policy recommendations.

**Chapter Outline**

* **Labeling Theory**
  + Came to the forefront during a time when various assumptions concerning societal authority were being questioned and reexamined.
  + This perspective focuses on such questions as
    - Who applies the deviant label to whom?
    - Who establishes and enforces the rules?
  + It is important to understand how criminal, or deviant, behavior is defined, or labeled.
  + These scholars were also interested in how society reacts to this labeled behavior.
  + **Foundation of Labeling Theory**
    - Influenced by symbolic interactionism.
      * **Symbolic interactionism** focuses on how an individual’s personality and thought processes evolve through social interactions such as symbolic language and gestures.
    - Charles Horton Cooley
      * An individual gains a sense of his or her social self through primary groups or significant others.
      * Identified the process of an individual obtaining a self-image through the “eyes of others” as the looking-glass self.
      * Primary groups are those characterized by intimate and personal interactions.
    - William I. Thomas
      * Concerned with the later years, specifically when the adult self is redefined.
      * To understand human behavior, one needs to understand the “total situation” that consists of subjective factors as well as an individual’s subjective definitions of those factors.
    - George Herbert Mead
      * Two Types of Social Interaction
        + Non-symbolic Interaction

Occurs when individuals respond to gestures or actions.

* + - * + Symbolic Interaction

Occurs when individuals interpret each other’s gestures and act based on the meaning of those interactions.

* + - * Mead was primarily interested with symbolic interaction.
        + Specifically, Mead was concerned with the interpretation, or ascertaining the meaning of the actions or remarks of the other person, and definition, or conveying indications to another person as to how he is to act.
      * An essential component of symbolic interactionism is that individuals who are stigmatized as being deviant are predisposed to take on a deviant self-identity.
    - Erving Goffman
      * Stigma
        + An attribute that is deeply discrediting and that diminishes the individual from a whole and usual person to a tainted, discounted one.
      * Maintained that stigmatized individuals differ from “normals” in terms of how society reacts to them.
  + **Frank Tannenbaum**
    - *Crime and the Community* (1938)
      * Many scholars identify the origins of the labeling perspective to this publication.
    - Focused on the process that occurs after an individual had been caught and designated as having violated the law.
    - There is a gradual shift from the definition of the specific act as evil to a definition of the individual as evil.
    - **Dramatization of Evil**
      * The community’s point of view, or the social reaction to illegal behavior.
    - The process of making the criminal involves the process of tagging, defining, and identifying the individual as such resulting with that person becoming the very thing he or she was described as being.
    - The first dramatization of evil has a greater influence on “making the criminal” than any other experience.
    - Acts are not inherently good or bad.
      * There are differing degrees of good and bad.
    - Social reactions influence how behaviors will be labeled.
      * These behaviors are placed within a context that includes such factors as a person’s social status and the social setting.
  + **Edwin M. Lemert**
    - *Social Pathology* (1951)
    - Distinguished between primary and secondary deviance.
    - **Primary Deviance**
      * Behavior that is situational or occasional.
      * A person uses excuses or rationalizations for his or her deviant behavior.
      * This process is done either through normalization (i.e., a problem of everyday life) or through minimal controls which do not seriously hinder individuals from getting along with each other.
      * A person engaging in primary deviant behavior perceives the behavior as bad; this individual, however, does not perceive himself or herself as being a bad person.
    - **Secondary Deviance**
      * Deviant behavior or social roles based upon it, which becomes a means of defense, attack, or adaptation to the overt and covert problems created by the societal reaction to primary deviation.
      * A person engaging in secondary deviant behavior uses his or her behavior as a way to defend, or adjust, to the various problems related to the social reactions of this behavior.
      * The sequence of interaction that results in secondary deviation essentially consists of the following:
        + Primary deviation,
        + Social penalties,
        + Further primary deviation,
        + Stronger penalties and rejections,
        + Further deviation, possibly with hostilities and resentment toward those imposing the penalties,
        + Crisis reaching the tolerance quotient, expressed in formal action by the community stigmatizing the deviant,
        + Strengthening of the deviant conduct as a reaction to the stigmatizing and penalties, and
        + Ultimate acceptance of the deviant social status and efforts at adjusting to the associated role.
      * A key aspect to secondary deviance is not only society’s reaction to the individual’s behavior, but the individual’s response to that reaction.
  + **Howard S. Becker**
    - *Outsiders: Studies in the Sociology of Deviance* (1963)
    - The term “outsiders” refers to those individuals who are considered by others to be deviant; these labeled individuals are considered to be “outside” the circle of the “normal” members of the group.
    - Social groups create deviance by making the rules whose infraction is considered deviance and by applying those rules to particular people and labeling them as outsiders.
    - A key aspect to labeling deviance is to realize that certain groups have the power to impose rules, and subsequently labels, on other groups.
      * This power differential results in those groups with this “authority” to designate other individuals as “deviants” and “outsiders.”
    - Deviance has two dimensions.
      * Only those behaviors which are considered deviant by others are “really” deviant.
      * Whether a behavior or an act conforms to a certain rule.
    - Typology of Deviant Behavior
      * Conforming Behavior
        + Obeys the rules and society perceives that person as obeying the rules.
      * **Pure Deviant**
        + An individual who disobeys the rules and is perceived as doing so.
      * **Falsely Accused**
        + An individual has been identified as disobeying the rules; this person, however, did not violate the rules.
      * **Secret Deviant**
        + An individual who violates the rules of society but society does not react to this behavior.

|  |  |  |
| --- | --- | --- |
|  | Obedient Behavior | Rule-Breaking Behavior |
| Perceived as deviant | Falsely accused | Pure deviant |
| Not perceived as deviant | Conforming | Secret deviant |

* + **Edwin M. Schur**
    - Addressed some of the criticisms and misunderstandings of the labeling perspective.
    - Noted that some scholars maintained that this perspective fails to distinguish adequately between deviance and nondeviance.
      * The labeling perspective, however, attempts to explain the varieties of the deviant experience rather than just the “mere counting and classifying of deviating acts and individuals.”
    - There are various criticisms that argue the labeling perspective is too narrow; for instance, the focus is on the ascribed aspects of the deviant status rather than the deviant motivation.
    - Cited critics who maintain that this perspective fails to explain some forms of deviance.
    - One reason for this confusion and controversy was the failure of labeling theorists to provide a concise definition of deviance that can be used when conducting research.
    - Schur provided the following definition:
      * Human behavior is deviant to the extent that it comes to be viewed as involving a personally discreditable departure from a group’s normative expectations, and it elicits interpersonal or collective reactions that serve to “isolate,” “treat,” “correct,” or “punish” individuals engaged in such behavior.
    - The term deviant and delinquent are what sociologist designate as an ascribed status and not an achieved status.
    - Key factors in the labeling processes
      * **Stereotyping** 
        + Usually associated with racial prejudice and discrimination.
        + Stereotyping can also occur in police encounters with juveniles.

During the various decision-making stages of these encounters (e.g., bring the juvenile into the station, type of disposition to invoke, etc.), police react to various cues given by the juvenile.

These cues include the youth’s group affiliations, age, race, grooming, dress, and demeanor.

* + - * **Retrospective Interpretation**
        + The process by which an individual is identified as a deviant and is thereafter viewed in a “new light.”

Through this process, an individual is given a new personal identity.

* + - * + The most dramatic way of initiating this process is through a public **status-degradation** ceremony such as the criminal trial.
      * **Negotiation**
        + Alleged delinquents may try to influence their disposition by exploiting the relationship between the image they present and the probable outcome of their case.
  + **Basic Assumptions of Labeling Theory**
    - No act is intrinsically criminal.
    - Criminal definitions are enforced in the interest of the powerful.
    - A person does not become a criminal by violating the law.
    - The practice of dichotomizing individuals into criminal and non-criminal groups is contrary to common sense and research.
    - Only a few persons are caught in violating the law even though many individuals may be equally guilty.
    - While the sanctions used in law enforcement are directed against the individual and not just the criminal act, the penalties for such an act vary according to the characteristics of the offender.
    - Criminal sanctions also vary according to other characteristics of the offender.
    - Criminal justice is founded on a stereotyped conception of the criminal as a pariah—a willful wrongdoer who is morally bad and deserving of the community’s condemnation.
    - Confronted by public condemnation and the label of an evil man, it may be difficult for an offender to maintain a favorable image of himself.
  + **Evaluating Labeling Theory**
    - **Research on Labeling Theory**
      * Empirical studies of labeling theory have been conducted by researchers from various disciplines using different types of research methods.
      * In the field of criminal justice, a central focus of research for a number of studies was the process of deviance amplification due to labeling an individual a “criminal” or a “delinquent.”
      * Schwartz and Skolnick examined the effect of an employee’s criminal court record and the reaction of potential employers.
        + The results revealed that only one employer demonstrated an interest in the convicted folder, three in the tried-but-acquitted folder, six in the tried-and-acquitted (with the letter from the judge), and nine in the no-criminal-record folder.
        + The individual accused but acquitted has almost as much trouble finding even an unskilled job as the one who was not only accused of the same offense, but also convicted.
      * Rosenhan examined how the label of “insanity” can influence the behavior and perceptions of hospital staff.
        + Eight individuals from various background, but deemed “sane,” applied for admission to different mental hospitals.
        + Upon arrival at the hospital, each individual pretended they were hearing voices, a symptom of schizophrenia.
        + When questioned about their backgrounds and significant life events, they all gave truthful and accurate responses.
        + All but one individual was labeled schizophrenic.
    - **Critiques of Labeling Theory**
      * The various propositions to be tested are not adequately specified. This lack of specificity does not allow researchers to empirically examine the relationship between significant variables.
      * Due to the lack of satisfactory data and empirical research, evaluating the adequacy of the labeling theory has been difficult.
      * Labeling theory focuses on the reaction to criminal and/or deviant behavior. It avoids the question of causation.
      * Labeling theory focuses on the “reactors” rather than the “actors.”
      * Labeling should be viewed as a perspective rather than a theory. Specifically, it is neither a theory in the strictest sense nor does it focus exclusively on the act of labeling itself.
* **Conflict Perspectives**
  + There are various conflict theoretical perspectives.
    - They all share a critical position concerning the existing social order; they differ, however, as to their conceptualization of the nature of social order.
  + Generally, there are two forms of conflict theory: conservative (pluralist) and critical-radical.
  + **The Conservative (Pluralist) Conflict Perspectives**
    - The primary focus of conservative (pluralist) conflict theories is power and the use of that power; this theoretical framework views society as consisting of diverse interest groups competing for power.
    - **George Vold**
      * *Theoretical Criminology* (1958)
        + Introduced **group conflict theory.**
      * A key aspect to group conflict theory is recognizing the social process view of society as a collection of various groups that are held together in a dynamic equilibrium of opposing group interest and efforts.
      * This social process involves a continuous struggle to maintain, or enhance, the position of one’s own group within the context of these other competing groups.
      * Conflict is an essential component to this social process.
      * Maintained that the process of lawmaking, law-breaking, and law enforcement reflects essential and fundamental conflicts between group interest as well as the struggles among groups for control of state police power.
      * Group conflict theory focuses only on those situations in which criminal behavior is a result of conflicting group interests.
        + These types of crime include the following:

Crimes arising from political protest,

Crimes resulting from labor disputes,

Crimes arising from disputes between and within competing unions, and

Crimes arising from racial and ethnic clashes.

* + - * The importance of Vold’s contribution is that it offered another explanation of understanding crime—critical criminology.
    - **Austin Turk**
      * *Criminality and Legal Order* (1969)
        + Turk stated that “nothing and no one is intrinsically criminal; criminality is a definition applied by individuals with the power to do so, according to illegal and extra-legal, as well as legal criteria.”
      * Society is characterized by conflict arising between various groups seeking to establish control over one another.
      * Maintained that social order is based in a consensus-coercion balance maintained by the authorities.
      * Turk’s “theory of criminalization” (i.e., the process of being labeled a criminal) occurs through the interaction between those who enforce the law and those who violate the law.
        + This interaction is influenced by various social factors.

One such social factor is the congruence of cultural and social norms.

Two additional social factors are the level of organization and the level of sophistication of both the authorities and the subjects.

Conflict is more likely when both authorities and subjects are organized.

Another social factor is the power differential between enforcers and violators.

Criminalization will most likely occur when the enforcers (e.g., the police, prosecutors, and judges) have a great deal of power compared to the resisters.

Realism of moves is another essential social factor.

Conflict will most likely occur when either the enforcers or resisters engage in inappropriate or unsuitable behavior.

* + - * Stressed the importance of **nonpartisan conflict theory**.
        + He maintained that the ideological position or the political utilities of theories are irrelevant when assessing the validity of knowledge claims.
    - **Richard Quinney**
      * Six propositions that describe the social reality of crime:
        + Proposition 1 (Definition of Crime): Crime is a definition of human conduct that is created by authorized agents in a politically organized society.
        + Proposition 2 (Formulation of Criminal Definitions): Criminal definitions describe behaviors that conflict with the interest of the segments of society that have the power to shape political policy.
        + Proposition 3 (Application of Criminal Definitions): Criminal definitions are applied by the segments of society that have the power to shape the enforcement and administration of criminal law.
        + Proposition 4 (Development of Behavior Patterns in Relation to Criminal Definitions): Behavior patterns are structured in segmentally organized society in relation to criminal definitions, and within this context persons engage in actions that have relative probabilities of being defined as criminal.
        + Proposition 5 (Construction of Criminal Conceptions): Conceptions of crime are constructed and diffused in the segments of society by various means of communication.
        + Proposition 6 (The Social Reality of Crime): The social reality of crime is constructed by the formulation and application of criminal definitions, the development of behavior patterns related to criminal definitions, and the construction of criminal conceptions.
  + **The Radical Conflict Perspectives**
    - This theoretical framework views contemporary society as being dominated by a unified, capitalist ruling class.
    - Criminologists within this perspective have covered a broad range of interest.
      * Regardless of these various positions, the recent radical conflict perspectives can be traced to the writings of Karl Marx.
    - **Marxist Criminology**
      * Greatly influenced by the poor economic conditions following the Industrial Revolution.
      * Argued that societies are characterized by class struggles.
      * Society is divided into two classes based on the means of production.
        + The superordinate class, or **bourgeoisie,** owned the means of production (e.g., factories).
        + The subordinate class, or **proletariat,** work for those who own the means of production.
      * Class Consciousness
        + Awareness of common interest among members in a class.
      * False Consciousness
        + Not being aware of these common interests.
        + This false consciousness led the proletariat to believe that maintaining the capitalist system was in their best interest rather than in the interest of the bourgeoisie.
      * Generally, criminologists have incorporated Marxist ideology in three ways.
        + First, they have maintained that the law is a tool of the ruling class.
        + Second, they argue that all crime, in capitalist countries, is a product of a class struggle.
        + Third, scholars need to address the relationships between the mode of production and understanding crime.
    - **William Chambliss and Robert Seidman**
      * *Law, Order, and Power*
        + Used a Marxist perspective to provide a critical understanding of the American justice system.
      * They argued that the myth (i.e., consensus perspective) regarding the operation of the law includes concepts such as it represents the values of society as a majority, it operates through a value-neutral government which is controlled by the people and, it serves the best interests of society. See Table11.3
      * From a conflict perspective, Chambliss and Seidman stressed that society is made up of various groups that are in conflict.
        + The law is a tool for those in power (i.e., the ruling class) which functions to use coercive power in conflict.
      * They maintained that the relationship between power and the use of the law extends to various institutions such as the legislatures, law enforcement, and especially the appellate courts.
  + **Additional Explanations of Crime Using a Marxist Framework**
    - **Colvin and Pauly’s Integrated Structural-Marxist Theory**
      * Maintain that structures of control have various “patterns associated with work, families, school, and peer groups and that those patterns form the mechanisms for the reproduction of the class structure.”
      * The socialization and discipline practices of parents on their children are influenced by their workplace experiences.
        + Working-class parents in an unstable workplace experience more coercive controls.

As a result, these parents tend to enforce an uneven and erratic family control structure that fluctuates between being lax and being highly punitive.

* + - * + Parents of the working class who are characterized by more steady and long-term employment; tend to enforce a more utilitarian compliance structure in the family.
        + Parents who are characterized as “white collar workers” tend to enforce a more normative family compliance structure which results in more positive bonds with their children.
      * Such socialization and discipline practices influence delinquent behavior; specifically, there are significant positive associations between more physical and punitive parental discipline practices and delinquent behavior.
      * In reference to peer associations, Colvin and Pauly suggest that such associations act as a mediator between delinquent behavior and the other control structures of family and school.
      * This perspective begins with a “structural-Marxist” perspective which begins with the premise that social relations are grounded in the process of capitalist material production.
      * This perspective also incorporates aspects of learning theory, strain theory, control theories, and labeling theory.
    - In their book *Adolescent Subcultures and Delinquency*, Herman Schwendinger and Julia Siegel Schwendinger incorporated a Marxist framework to explain adolescent subcultures and delinquency.
      * They argued that previous theoretical explanations of delinquency are inadequate; the Schwendingers maintained that it is essential to incorporate structural conditions, especially economic, under which certain peer groups develop and promote delinquent behavior.
    - Steven Spitzer applied a Marxian perspective to understanding deviance.
      * He argued that one of the most essential functions of the superstructure in capitalist societies is the regulation and management of problem populations.
      * These groups are problems when they question of disturb the following:
        + Capitalist modes of approaching the product of human labor (e.g., when the poor “steal” from the rich),
        + The social conditions under which capitalist production takes place (e.g., those who refuse or are unable to perform wage labor),
        + Patterns of distribution and consumption in capitalist society (e.g., those who use drugs for escape and transcended rather than sociability and adjustment),
        + The process of socialization for productive and non-productive roles (e.g., youth who refuse to be schooled or those who deny the validity of “family life”),
        + The ideology which supports the functioning of capitalist society (e.g., proponents of alternative forms of social organization).
  + **Evaluating Conflict Theories**
    - **Research on Conflict Theories**
      * Research using a conflict perspective can be categorized into one of two broad approaches:
        + Studies examining laws that are formulated in the interests of those in power; and
        + Studies examining the differential processing of certain individuals in the criminal justice system.
    - **Critiques on Conflict Perspectives**
      * George Vold and his colleagues presented some of the limitations associated with the conflict perspective.
        + First, while there have been advancements in research methodologies, especially with the use of more sophisticated techniques using multivariate analyses, there is still a fundamental problem when testing conflict theory; specifically, a similar finding may be interpreted in more than one way.
        + Second, some research studies testing conflict theory are unable to distinguish between alternative explanations.
        + Finally, few attempts have been made to develop and test well-constructed conflict theories.
* **Additional Critical Theories**
  + **Peacemaking Criminology**
    - Peacemaking criminology has incorporated three intellectual traditions: religious, feminist, and critical.
    - Generally, peacemaking criminology contends that rather than using punishment and retribution as a means of social control, society should attempt reconciliation through mediation and dispute settlement.
    - Harold Pepinsky and Richard Quinney
      * This model consists of five basic elements—social structure, crimes, social harms, the criminal justice system, and peacemaking alternatives.
      * Peacemaking Criminology Theoretical Model

Social Structure

Social Harms

Crimes

Peacemaking

Alternatives

Criminal Justice System

* + - John Wozniak
      * Identified three predominant themes of peacemaking criminology.
        + Types of crime/social harms.
        + Types of peacemaking frameworks/perspectives.
        + Types of peacemaking alternatives.
  + **Restorative Justice Perspective**
    - Restorative justice refers to the repair of justice by reaffirming a shared consensus of values involving a more joint, or multi-sided, approach.
    - Restorative justice emphasizes the victim, the community, as well as the offender.
    - The Balanced Approach

**Community Safety**

**Competency Development**

**Accountability**

* + - Retributive and Restorative Justice Assumptions

|  |  |
| --- | --- |
| Retributive Justice | Restorative Justice |
| Crime is an act against that state, a violation of a law, an abstract idea. | Crime is an act against another person or the community. |
| The criminal justice system controls crime. | Crime control lies primarily in the community. |
| Offender accountability defined as taking punishment. | Accountability defined as assuming responsibility and taking action to repair harm. |
| Crime is an individual act with individual responsibility. | Crime has both individual and social dimensions of responsibility. |
| Punishment is effective (a) threat of punishment deters crime (b) punishment changes behavior. | Punishment alone is not effective in changing behavior and is disruptive to community harmony and good relationships. |
| Victims are peripheral to the process. | Victims are central to the process of resolving crime. |
| The offender is defined by deficits. | The offender is defined by capacity to make reparation. |
| Focus on establishing blame or guilt, on the past (did he/she do it?) | Focus on problem solving, on liabilities/obligations, on the future (what should be done?) |
| Emphasis on adversarial relationship. | Emphasis on dialogue and negotiation. |
| Imposition of pain to punish and deter/prevent. | Restitution as a means of restoring both parties; goal of reconciliation/restoration. |
| Response focused on offender’s past behavior. | Response focused on harmful consequences of offender’s behavior; emphasis on the future. |
| Dependence upon proxy professionals. | Direct involvement by participants. |

* + - Wheeldon argued that although there have been definitional challenges, existing restorative justice programs share key principles.
      * The first is focusing on harms.
      * The second is to root procedures in the communities where such harms occurred.
      * The third is the moral potential for restorative justice.
  + **Left Realism**
    - Jock Young identified four major processes which have transformed criminological thinking:
      * the etiological crisis due to rising crime rates;
      * the crisis in penality in terms of the failure of the prisoners as well as a reappraisal of the role of police;
      * the increased awareness of victimization and of crimes which had previously been “unnoticed”; and
      * a growing public demand and criticism of public service efficiency and accountability.
    - Realism contends that previous criminological theories have been incomplete in that they only emphasize one part of the square of crime: the state (as in labeling theory, neo-classicism), the public (as in control theory), the offender (as in positivism), or the victim (as in victimology).
    - One of the major goals of Left Realism is to provide an analysis of crime on all levels as well as develop a range of policy recommendations.
* **Policies Related to Labeling and Conflict Theories of Crime**
  + A major policy implication of labeling research is that if deviance amplification occurs, the criminal justice agency, especially the juvenile justice system, should strive to divert certain individuals from formal processing to avoid the negative effects of such labeling.
  + An example of policies that reflect the conflict theoretical perspective relates to crack and cocaine legislation.
    - The Anti-Drug Abuse Act of 1986 and the Omnibus Anti-Drug Abuse Act of 1988.
      * These sentencing laws used a 100:1 quantity ratio between the amount of crack and powder cocaine needed to instigate mandatory sentences for trafficking as well as minimum penalties for simple possession of crack cocaine.
        + These sentencing laws have been challenged.

Some argue that these sentencing differences resulted in racial disparity.

Some maintained that the sentences were unconstitutional on the grounds that

They deny equal protection or due process;

The penalties constitute cruel and unusual punishment; and

The statutes are unconstitutionally vague.

* **Conclusion**

|  |  |  |  |
| --- | --- | --- | --- |
| Theory | Concepts | Proponents | Key Propositions |
| Labeling Theory | Not overly concerned with questions as to why an individual engages in deviant behavior. Rather, it is important to understand how criminal, or deviant, behavior is defined or labeled as well as how society reacts to this behavior. | Frank Tannenbaum  Edwin Lemert  Howard Becker  Edwin Schur | No act is intrinsically criminal; criminal definitions are enforced in the interest of the powerful; an individual does not become a criminal by violating the law; penalties for a criminal act vary according to the characteristics of the offender; criminal justice is based on a stereotyped conception of the criminal; public condemnation may make is difficult for an offender to sustain a positive self-image. |
| Conservative (Pluralist) Conflict Perspectives | Conflict is an essential component; groups have competing interests; society is made up of groups with different levels of power; group interests are reflected in various aspects of society especially in the legislative political process. | George Vold  Austin Turk  Richard Quinney | Conflict arises between various groups seeking to establish or maintain control over one another; the law is an essential tool used to reflect the interests of those powerful groups; differences in power are reflected in who defines behavior as criminal. |
| Radical Conflict Perspectives | Modes of production influence various aspects of the social structure including the criminal justice system, family, and school. | Various | Similar propositions as Conservative (Pluralist) Conflict Perspectives with an emphasis on wealth and social class. |