SOCIAL CONSTRUCTIONIST THEORIES OF CRIME

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Series Preface

Because of its pervasive nature in our mass mediated culture, many believe they are experts in understanding the reasons why offenders violate the law. Parents and schools come high on the public's list of who to blame for crime. Not far behind are governments and legal systems that are believed to be ineffective at deterring offenders – too many legal protections and too few serious sentences. Some learn how to behave inappropriately as children, while others are said to choose crime because of its apparent high reward/low cost opportunity structure. Yet others hang out with the wrong crowd, or live in the wrong neighborhood, or work for the wrong corporation, and may get their kicks from disobeying rules in the company of like-minded others. A few are seen as evil, insane or just plain stupid. While such popular representations of the causes of crime contain glimpses of the criminological reality, understanding why people commit crime is a much more complex matter. Indeed, for this reason the quest to establish the causes of crime has been one of the most elusive searches confronting humankind.

Since the mid-19th century, following the advent of Charles Darwin's *The Origin of Species*, those who sought scientific knowledge to understand crime abandoned philosophical speculation and economic reductionism. In its place they founded the multifaceted interdisciplinary field of criminology. Unlike criminal law and legal theory that explored the logic of prohibitions against offensive behavior, and in contrast to criminal justice that examined the nature and extent of societies' responses to crime through systems of courts, police and penology, criminology's central focus is the systematic examination of the nature, extent and causes of crime. Criminological theory, as a subset of criminology, comprises the cluster of explanations seeking to identify the causes or etiology of crime. This *Library of Essays in Theoretical Criminology* is designed to capture the range and depth of the key theoretical perspectives on crime causation.

While there are numerous criminological theories, most can be clustered into 10 or 12 theoretical perspectives. Moreover, each of these broad theoretical frameworks is, itself, rooted in a major academic discipline. The most predominant disciplines influencing criminological theory include: economics, anthropology, biology, psychology, geography, sociology, politics, history, philosophy, as well as the more recent multi-disciplinary fields such as gender studies, critical race studies and postmodernist social theory.

Criminological theories are rarely discrete. Although they often emphasize a particular disciplinary field, they also draw on aspects of other disciplines to strengthen their explanatory power. Indeed, since 1989 a major development in criminological theory has been the emergence of explicitly integrative theoretical approaches (see Gregg Barak, *Integrative Criminology*; Ashgate, 1998). Integrative/interdisciplinary approaches bring together several theories into a comprehensive explanation, usually to address different levels of analysis; these range from the micro-individual and relational approaches common in biology and psychology, to the meso-level institutional explanations that feature in sociological analysis, to the macro-level geographical, political, cultural and historical approaches that deal with

societal and global structures and patterns. Recent developments in criminological theory have seen an acceleration of this trend compared with that of single disciplinary explanations of crime (see Stuart Henry and Scott Lukas, *Recent Developments in Criminological Theory*; Ashgate, 2009).

Although there are now over 20 English-language criminological theory textbooks and numerous edited compilations, there is a need to make available to an international audience a series of books that brings together the best of the available theoretical contributions. The advantage of doing this as a series, rather than a single volume, is that the editors are able to mine the field for the most relevant essays that have influenced the present state of knowledge. Each contribution to the series thus contains many chapters, each on a different aspect of the same theoretical approach to crime causation.

In creating this series I have selected outstanding criminologists whose own theories are discussed as part of the literature and I have asked each of them to select a set of the best journal essays to represent the various facets of their theoretical framework. In doing so, I believe that you will receive the best selection of essays available together with an insightful and comparative overview placing each essay in the context of the history of ideas that comprises our search to better understand and explain crime and those who commit it.

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Introduction

Set within the interpretive tradition of sociology, social constructionism and the related interactionist and labeling theories each take slightly different but interrelated views of crime and deviance. Unlike positivist theories that see the phenomenon of crime as the outcome of a range of micro-, meso- or macro-level forces, theories within the interpretive tradition focus on social processes rooted in human interaction through which humans create, maintain and reproduce patterns of conformity, crime and deviance. At their simplest, social constructionist theoretical perspectives focus on the process whereby humans make conceptual distinctions based on perceived differences, evaluate those differences as good or bad, and classify people as more or less likely to engage in convention, crime or deviance, based on established stereotypes of those engaging in such behaviors. Importantly, primary labelers also create new negative stereotypes, or 'folk devils', based on moral panics about the potential threat of the signified behavior. As such, negative or deviant labels are social constructions of human types that exaggerate some characteristics and diminish others, producing caricatures of both conventionally behaving actors and offenders, with accompanying expectations of future likely behaviors. Audience interaction with those labeled limits the degree to which they can escape the confines of the label or its multiplicity of prescriptions and assumptions. Rooted in the interactionist insights of George Herbert Mead and Herbert Blumer, the extent to which individuals can resist incorporating collective social definitions of the other into their own self-identity, is dependent on their counter constructions of meaning, political power, access to media and strategies for redefining their situation; it also depends on the nature and form of state moral regulation of society.

Whereas positivist theories generally assume a passive actor, or at most a reactive actor, interpretive theories assume active human agents who can shape their own biographies as co-producers of their social world, while also being influenced by the world that they shape. Humans are relatively free to creatively engage with other humans but, paradoxically, in the process, are subject to the meanings that others construct about them, and impose on them through social interaction. In this process they incorporate the others' meanings into their own definitions of themselves (Mead, 1934; Blumer, 1969). Thus, rather than being static types, fixed in time, interactionist and social constructionist theorists see humans as dynamic, malleable and re-definable; humans are creative beings, acting according to meanings they impart to situations that confront them. Hence human activity is a socially creative process whereby human beings take other humans into account before they act. This occurs through a process of role play.

Mead's concept of the 'self' (1934) refers to how, in the process of role-taking, a person can play the role of the other and can act towards their own self the way he or she sees others acting towards them. In the process of human development this interactive taking-account-of-the-other becomes routinized and taken for granted. Matsueda (1992, 2001; Heimer and Matsueda, 1994) says that most behavior is habitual and doesn't require much thought until problems arise, then 'the person stops and engages in reflection, thinking or cognition …

the person takes the role of the other, views the problematic situation from the standpoint of significant others, and evaluates alternative lines of action from the perspective of the others' (Matsueda, 2001, p. 234). He argues that this 'imaginative rehearsal of alternatives' is a 'serial process of cognition' that is repeated until a satisfactory solution to the problem is found (Matsueda, 2001, p. 234). The result of this process can be social control in the form of self-control:

> The self arises through role-taking, the process of taking the role of the other, viewing one's self from the perspective of the other, and controlling one's behavior accordingly ... Moreover, because role-taking involves considering lines of action from the standpoint of reference groups, it follows that behavior is controlled by social groups. Self-control is actually social control. (Matsuada, 2001, p. 224)

Moreover, Heimer and Matsueda 'expanded the role-taking process to include learned definitions of delinquency, anticipated reactions to delinquency, and delinquent peers' and called this process 'differential social control', arguing that this can result in a 'conventional direction (e.g., when taking the role of conventional groups) or a criminal direction (e.g., when taking the role of criminal groups)' (1994, cited in Matsueda, 2001, p. 235). This development of the theory was also used to explain the gender differences in delinquency (Bartusch and Matsueda, 1996; Heimer, 1996) and life-course delinquency (Matsueda and Heimer, 1997).

Ironically, although social constructionism affords the human creative agency through the process of dynamic interaction, routine practices that consistently define persons in certain ways can ossify those persons as social types with relatively fixed statuses, a 'mortification of selves' (Goffman, 1963). This is a process, known as 'the self-fulfilling prophecy' in labeling theory or 'objectification' in social constructionist theory, that produces and reproduces the appearance of static types, that reifies human agency, masks its creativity and limits humans' ability to change.

These interactive social processes of meaning creation, shared meaning and taking the role of the other are the foundation of the constitution of society and its social order. Mead rejected the separation between philosophical 'realism' that saw social reality as unaffected by the ways humans think, and philosophical 'nominalism' that saw the world as ordered by humans' definitions and classification. For Mead the central question was 'to grasp *both* the nominalist and realist elements as "dialectically" related (co-producing), such that individuals create social forms that in turn recreate individuals' (Einstadter and Henry, 2006, p. 207). From this perspective society (and social order) takes on a more fluid and dynamic relationship to its members. For Blumer (1969) society is composed of acting units that are composed of people acting together in joint activity, as a group, in a situational context that is open to interpretation and negotiation; it is the collectivity of acting units that constitutes society. As Matsueda puts it:

> We should think of society not as a static structure containing functional positions, but rather as an ever-changing process. We should think of social order not as an unchanging property of society, but rather as an outcome of interaction and negotiation between members of society. Similarly, we should view members of society as not only adapting to a changing society and social groups, but also helping to constitute that society and those social groups. (2001, p. 223)

In short, the contribution of social constructionists is to explain how society appears to be a concrete objective reality while simultaneously being socially constructed through human actions and processes.

Building on the work of Edmund Husserl's phenomenological philosophy and Max Weber's sociology of understanding, Alfred Schutz (1932 [1967]) developed a sociological phenomenology that culminated in Berger and Luckmann's groundbreaking book *The Social Construction of Reality* (1966). This work describes how through routine practices of social interaction humans create social phenomena that appear to have independent, objective existence from the very humans who created them. As these social realities become solidified as representations in the minds of those who created them and as they lose sight of their own authorship of the phenomenon (a process called reification), the social constructions act back on their creators, shaping and channeling their subsequent actions. Berger and Luckmann explain that this separation of humans from their social constructions occurs progressively: first, the categories are externalized, then, as humans communicate with each other, the categories become, and are referred to, as though they had object-like existence. Finally these 'realities' are internalized as institutions, codes and practices. Thus society is an ongoing, constantly emerging outcome of human agents' interaction with one another that produces shared 'representations' (Knorr-Cetina, 1981). Representations are composite mental pictures taken to represent a reality assumed to exist and acted towards as though it does exist, regardless of whether there exists an underlying objective reality.

> When people's mental pictures of reality approximately correspond to each other, as assessed by communicated cues and signs which that they share and agree on, then they assume for practical purposes that a reality exists. Enough is held in common to produce patterns of behavior, whose very repetition serves to reinforce the original notion of reality and bolster the appearance of substance and structure. (Einstadter and Henry, 2006, p. 217)

The social constructionist perspective sees crime and deviance as the outcome of these same social processes. The deviance process starts with an audience of social actors signifying a behavior as different, perceiving that difference as meaningful action and then judging the action, and the actors committing it, positively or negatively. In the case of negative judgment of significantly different action, the outcome is likely to be collective reaction in the form of banning that behavior, ultimately through law. Consistent with Blumer's notion of joint activity, audiences banning behavior, who Becker (1963) refers to as 'moral entrepreneurs', invest considerable time and energy in seeking to elevate the symbolic meaning of the negatively judged action in order to convince those with power, and sometimes authority, to ban the behavior. They do this by generating both fear about the harmful consequences of the behavior in question and advocating the solution as social reaction to curb it, in the form of rules, laws and enforcement. While the fear may originally be narrowly perceived, and be little more than a 'private trouble', moral entrepreneurs embark on a series of social actions to elevate the fear to become a 'public issue'. This process is enhanced by creating a 'moral panic' (Cohen, 1972) about the behavior in question, which is achieved through a variety of claims-making using expert testimony and mass media that builds into a crescendo resulting in a ban, though ultimately declines as the myth-making involved is eventually revealed (Goode and Ben-Yehuda, 1994).

Participation in banned behavior has a variety of motivations, and for many actors may be a one time or an infrequent event with limited consequences or little likelihood of persistence. Labeling theorists distinguish between 'primary deviance' and 'secondary deviance' (Lemert, 1951). Primary deviance is often transitory, exploratory and not perceived by the rule-breaker as an indicator or marker of their identity. Primary deviance 'has only minor consequences for a person's status, social relationships, or subsequent behavior. Primary deviance tends to be situational, transient and idiosyncratic' (Matsueda, 2001, p. 225). In contrast secondary deviance is the direct result of societal reaction to primary deviance when humans take on others' negative definitions of themselves (Lofland, 1969). The secondary deviant is now more likely to break rules because of who he or she has become:

> Secondary deviance ... is explicitly a response to societal reactions to deviance and has major consequences for a person's status, relationships and future behavior. Secondary deviance occurs when society's response to initial deviance (e.g., stigmatization, punishment, segregation) causes fundamental changes in the person's social roles, self-identity, and personality, resulting in additional deviant acts. (Matsueda, 2001, p. 225)

As a result of a variety of social processes, including secrecy and transparency, the labeled deviant increasingly engages in the deviant activity, and associates with fellow deviants, which overwhelms the rest of his or her life. Goffman called this 'role engulfment', such that the deviant activity becomes a 'master status', defining the identity of the deviant actor. When societal reaction to the original deviance limits or totally restricts the opportunities for persons to engage in legitimate activities, their exclusion results in 'deviancy amplification'; as reactions become more severe, the deviance and crime also becomes more severe (Mankoff, 1971; Young, 1971).

Matsueda and colleagues (Matsueda, 1992, 2001; Heimer and Matsueda, 1994) also point out the important role played by informal labeling. They say that labeling comes not only from official control agents such as the police and the courts, but also from unofficial ones such as parents, peers and teachers. They argue that since 'the self is a reflection of appraisals made by significant others', such informal negative labeling 'would influence future delinquency through the role-taking process' (Matsueda, 2001, p. 235). Overall, then, Matsueda's contribution suggests that the informal labeling process starts much earlier than the formal, and may continue in tandem with it.

Organization of this Volume

This volume draws on essays selected to bring together the theoretical roots of the past with current theory in the social constructionist tradition. Stuart Henry's overview (Chapter 1) situates present-day social constructionist theory in the theoretical tradition and philosophical foundation of the perspective. He begins with a consideration of the concept of social constructionism in the context of an assessment of its impact, reach and significance. He then examines the roots of the perspective in Husserl's transcendental phenomenology and his exposure of the taken-for-granted assumptions underpinning the natural attitude of humans. Henry then goes on to explore Schutz's phenomenology of the social world and humans' experience of mundane existence as both objective and subjective experiences, which they share inter-subjectively, and in projecting purposeful action. Schutz's work led

in two directions: the first was to Berger and Luckmann's *Social Construction of Reality* and the three interrelated processes of externalization, objectification and internalization; the second was to Harold Garfinkel's studies of how social order, institutions and social structure emerged from people's shared mundane interactions in everyday life, which he referred to as ethnomethodology. Parallel to Schutz's work, Henry's overview then explores the symbolic interactionist tradition of George Herbert Mead and Herbert Blumer and their focus on the ways meaning emerges from social interaction. This is followed by a review of the labeling perspective of Howard Becker and Edwin Lemert, showing how social reaction to minor deviance can create deviant and criminal careers that can become ossified through stigmatization and institutionalization as illustrated by the work of Erving Goffman. The overview identifies ten core themes of the social constructionist perspective before distinguishing between three types of social constructionist theory: radical, contextual and postmodernist. From here the essay examines the way social constructionism has been applied to explain crime and deviance, and focuses particularly on the importance of claims-making, moral panics and crime as a social construction and the role of power in the construction process. Henry concludes with an evaluation of the social constructionist perspective.

This book is divided into two parts, the contents of which are designed to reflect Henry's overview. Part I 'Social Constructionism, Criminology and Criminal Justice' contains sections on the theoretical roots of social constructionism in Alfred Schutz, on the social construction of social problems, on the mass media's role in defining crime, on the process of moral panics and on the social construction of criminal justice. Part II 'Social Constructionist Related Theories' includes sections on symbolic interactionism and labeling theory, ethnomethodology, and phenomenology, postmodernism and constitutive criminology.

Social Constructionism, Criminology and Criminal Justice

Theoretical Roots: Alfred Schutz

The section on theoretical roots contains two essays that both review and assess Schutz's contribution to the field. Chapter 2, by one of Schutz's students and his biographer, Helmut R. Wagner, is entitled 'Phenomenology and Contemporary Sociological Theory: The Contribution of Alfred Schutz' and explores the intersection of Husserl's philosophy and Weber's sociology of understanding (*vestehen*), and particularly Schutz's contribution to theorizing about social reality. For Schutz, says Wagner, this reality is in the minds of humans, but humans who are consciously aware of themselves in the realm of the social – that is, other humans, captured by his concept of 'intersubjectivity', expressing that the 'Individual and the Social are but two sides of the same process' (p. 14). Wagner explains Schutz's adoption of Husserl's concept of 'the life world' based on an interactively contingent and emerging set of biographical experiences that evolve as humans engage in purposeful situational projects together. In such projects humans draw on their stock of knowledge from past experiences and relate to others through knowledge of the types of people they are, or what Schutz calls typifications. Beyond situational typifications of the 'here and now' are cultural typifications that allow humans to connect to wider typifications that are part of the societal network in which they are embedded, if not directly connected, thus experiencing the total life world as a structured system of relations, including typifications of collective entities. Wagner points

out that Schutz's contribution was to lay the foundation of society as a dynamic social system that emerges in and through social interaction and that is subject to changing interpretations of meaning and cognitive orientations to others. Social reality is nothing but the practical reality of the everyday world as perceived and interpreted by its subjects. Wagner goes on to assess Schutz's contributions to the foundation of sociology, sociological theory and methodology, and to establishing the roots of interpretive sociology.

Chapter 3, 'Alfred Schutz's Influence on American Sociologists and Sociology', by George Psathas, examines the significance of the contributions of three of Schutz's students: Helmut R. Wagner, Peter Berger and Harold Garfinkel. Psathas focuses on Berger's sociology of knowledge and Garfinkel's foundation of ethnomethodology, showing how these stemmed from Schutz's sociological philosophy. After reflecting on why Schutz's ideas were not widespread during his lifetime (he died in 1959), Psathas situates the direct influence of Schutz's work in the context of the 1960s when it was being discovered, translated and becoming made widely available. This was a period in which not only were society's established policy, institutions and practices being challenged, but so too were established orthodoxies in sociology that had traditionally presented functional analyses of structured and macro-forces that had excluded humans' creative and interpretive processes. Schutz's body of theory, rendered into new directions by his former students, made a considerable impact on the emerging students of those times as it resonated with their social reality and importantly gave them the philosophical and sociological tools to make a difference. In considering the influence on Helmut Wagner Psathas shows how he not only became Schutzian but also became Schutz's biographer, and he credits Wagner for presenting Schutz's ideas in a clear and systematic way. He then reviews Schutz's student Peter Berger and his sociology of knowledge, especially his teaming up with another of Schutz's students, Thomas Luckmann, to produce the 1966 classic *Social Construction of Reality*. This work marked a revolution in the sociology of knowledge that not only challenged the previous orthodoxy, but also provided the foundation for the application of social constructionst theory to studies of social problems, crime and deviant behavior. Psathas finally considers the work of Schutz's student Harold Garfinkel, who drew particularly on commonsense assumptions, the natural attitude and everyday life in his founding of the field of ethnomethodology.

Constructing Social Problems

The section on the social construction of social problems focuses on one dimension of the application of social constructionist theory and contains two essays. Chapter 4, Malcolm Spector and John I. Kitsuse's 'Social Problems: A Re-formulation', is foundational in introducing social constructionism to the field of social problems theory. Spector and Kitsuse reject as deficient both the functionalist and the conflict approaches to social problems analysis prevailing at the time. Instead they redefine social problems as '*the activities of groups making assertions of grievances and claims to organizations, agencies, and institutions, about some putative conditions* ... as a problem and asserting the need for eradicating, ameliorating, or otherwise changing that condition' (p. 146; emphasis in original). They describe a four stage natural history of the problem-making process, starting with the idea that social problems are perceived by social audiences as offensive, harmful or undesirable to some or many of the population, who make claims to that effect thus making the problem into a public issue.

In the second stage, official agents from public agencies react to these claims and demands. Third, the claims-makers respond critically to the efforts by official agencies to deal with the problem and challenge their procedures as being inadequate. Finally, in the fourth stage, the offended groups develop an alternative set of counter institutions, and alternative ways to respond to the problem.

In Chapter 5, 'Social Problems Theory: The Constructionist View', Joseph W. Schneider provides an overview and assessment of the social constructionist perspective some fifteen years after it had become the dominant paradigm in social problems analysis. He reviews the founding theoretical statements and research in the tradition around problem control and prevention, and the creation, ownership and processing of social problems, and he extends the constructionist view to consider how bureaucratic organizations and the law become part of the process that constructs a problem. He focuses, for example, on how deviant behavior has become 'medicalized', which is the process whereby rule violation is increasingly seen as having a biological or medically treatable root. The involvement of scientific/medical agencies removes from consideration that there is any problem with the social system or that the deviance may be a critique of that system; medicalization renders the problem individualized and non-political. Schneider considers the role of the media in the problem construction process. Finally he considers a range of criticisms of the perspective, including its seeming abandonment of consideration of 'objective conditions' in favor of a view that these conditions are the emergent social reality itself constituted by the claims, but contradictorily acknowledging that these conditions or social context generate alternative definitions of the problem. Overall Schneider provides a thorough evaluation of both the potential and the pitfalls of the social constructionist approach.

Constructing Crime: The Media's Role in Defining Crime

The section on the mass media's role in defining crime contains two essays. Vincent F. Sacco's 'Media Constructions of Crime' (Chapter 6) argues that while the media's role in influencing the fear of crime is important, the ways that the media is organized, and the way that the news gathering process is structured, have a major impact on the way crime is seen as an urgent problem, what kind of problem it is and how the crime problem should be resolved. He argues that the way news gathering excludes some sources and includes others has ideological implications for the way we think about crime and its solution. He documents how crime problems are screened through a series of filters, including law enforcement, advocacy claims, culturally resonant news themes and conventions and requirements of commercial media, before they become public issues. The result is not so much a conspiracy but a confluence of practices that lead to a consensus about what is and is not crime and what to do about it that excludes alternative approaches.

In Chapter 7, 'The Media's Role in the Definition of Crime', Ray Surette and Charles Otto argue that that the media plays a powerful role in the process of defining crime and is the primary engine in criminalization and decriminalization. They explore the movement of behaviors defined as deviant to behaviors defined as criminal and the role that the contemporary mass media plays in this definitional migration. They point out that work on the definition of crime has rarely considered the role of the media. However, the interests of the politically powerful are also seen as related to the commercial interests of the mass media and the

coalescing of the media, business and politically powerful interests in turn contains and limits the definitional social construction of crime. Surette and Otto argue that the predatory crime featured in popular culture and the true crime genre 'simply crowds out other candidates from public consideration' (p. 119). They use the social constructionist framework to explain the effects of the media on the changing definition of crime, locating the media as the distributor of knowledge about crime that filters out claims and claims-makers, excluding those of the powerless in favor of those of the powerful. The media's visibility-raising energy though its crime image constructions is dominant in the definition of crime because these constructions are all most people experience.

Constructing Crime: Moral Panics

The section on the social construction of crime through moral panics contains three essays. In Chapter 8, '"The Ice Age": The Social Construction of a Drug Panic', Philip Jenkins uses the 1990 moral panic around 'ice' or smokable methamphetamine (crystal meth) to launch a study of the history of a drug panic from its origins to its eclipse. Jenkins emphasizes political divisions in Hawaii as playing a key role in the panic. He argues that this illustrates both how local problems are elevated to public issues and the limitations of this process. His essay explores the rhetorical devices used to create a sense of fear around the supposed danger, and the reasons why such an apparently plausible danger failed to gain more public attention or credence. This essay anticipates several of the arguments in Jenkins' 1999 book *Synthetic Panics: The Symbolic Politics of Designer Drugs* in which he states, 'the intensity of cultural reactions to a particular chemical does not necessarily reflect the actual social harm or individual damage it causes' (1999, pp. 2–3).

In 'Another Look at Moral Panics: The Case of Satanic Day Care Centers' (Chapter 9), Mary deYoung uses the moral panic of claims about satanic practices in US day care centers in the period 1983–91 to illustrate the structure and process of a moral panic. She starts by providing an overview of the concept of moral panic and its place in the sociology of deviance. Then she uses data from a sample of day care centers that were subject to charges of satanic ritual child abuse from 1983 through 1991 'to illustrate salient points about its timing, trigger and target, content, spread, and denouement' (p. 157). She traces the emergence, rapid rise and eventual demise of the panic which produced a litany of casualties among the communities involved and among the professional child care workers whose careers were destroyed. DeYoung then uses her analysis of the satanic day care moral panic to provide a critique of contemporary moral panic theory. She argues that the theory needs to be revised in order to explain 'empowered folk devils, pluralistic social reactions, and symbolic and contradictory social ends' (p. 157).

Sean P. Hier, Dan Lett, Kevin Walby and André Smith's 'Beyond Folk Devil Resistance: Linking Moral Panic and Moral Regulation' (Chapter 10) re-conceptualizes moral panic theory by linking it to criminological theories of moral regulation. The authors argue 'that moral panics should be conceptualized as volatile expressions of long-term moral regulation processes' (p. 179). They illustrate their argument by examining the claims-making activities of the British media about British youth who wear 'hoodies' in public places, examining what happened after a shopping mall banned hoodies and effectively excluded youth who wore them. The contribution of this analysis is to move moral panic theory from the view

that it is a cyclical exceptional part of the deviance-making process, to show how it is a normal, rational, routine part of everyday life that is bound up with, and often resonates with, the state's moral regulation of society. The authors argue that while moral panic theory is correct in demonstrating that those demonized as folk devils engage in resistance to primary labels and struggle to redefine their negative labeling, this resistance is precarious and easily undermined. This is because the primary labelers are reinforced by the power of state-level moral regulation. Thus Hier and colleagues argue that 'moral panics represent episodes of contestation and negotiation that emerge from, and contribute to or reinforce broader processes of moral regulation' (p. 180).

Constructing Criminal Justice

There are three essays in the section on the social construction of criminal justice, each of which relates to aspects of the argument of Hier et al. in Chapter 10. Nicole Hahn Rafter's 'The Social Construction of Crime and Crime Control' (Chapter 11) examines the extent to which the field of academic study of criminal justice was impacted by the social constructionist theoretical position at the end of the twentieth century. She traces the constructionist tradition within criminal justice by examining work in 'social histories of criminal justice practice and theory; critical criminology; research on the victimization of females; and feminist theory about the contribution of criminal justice to understandings of gender' (p. 197).

In Chapter 12, 'Inventing Criminal Justice: Myth and Social Construction', Victor E. Kappeler argues that images of the media in popular culture 'are constructed mystifications of the reality of criminal justice in U.S. society' (p. 211). He describes a litany of examples of aspects of the real practices of criminal justice, such as prosecutors and defense attorneys bargaining to dispose of dockets of criminal cases, or the effects of prison on the children of those incarcerated. These realities and other omissions that sterilize the political and powerful interests operating within the criminal justice system are displaced by social actors and myths of the popular images: 'Criminal justice, like crime, is a social construction that shifts with intellectual perspective, political influence, social sentiment, cultural values, and the interests of powerful groups in society' (p. 212). Kappeler says that even the concept of the 'criminal justice system' produces a false sense of the reality, protection and comprehensiveness of criminal justice practices, and excludes alternative realties of social harm. In this essay Kappeler explores the multiple sources of the myths that produce cultural images of criminal justice, including parents, peers, governments and popular culture and the mass media. Government deploys statistics on certain kinds of crime, but not others, which feeds the media and this is enhanced through selected use of spokespeople using a crime control model rather than a crime causation model to disseminate 'a highly selective ideology of crime and justice … a hybrid product of government ideology and media distortion' (pp. 213–14). Kappeler then explores myths about criminal justice that mask its inherent contradictions and which tend to individualize crime, rather than see it as a systemic problem. These myths gain strength as they are retold and melt into our taken-for-granted knowledge. They are connected to broader cultural ideas about human behavior as being a matter of individual rational free choice and the myth that the law emanates from divine sources to protect society from individual evil and excess through its ability to deter offenders. Kappeler concludes by assessing the costs of the myths of criminal justice to a society that fails to attribute blame for the social conditions

that cause harm, and fails to allow itself to imagine how society and its justice system could function differently.

Chapter 13, 'The Columbine Effect and School Antiviolence Policy', by Glenn W. Muschert and Anthony A. Peguero, examines how the media portrayal of an incidence of horrific crime, in this case the rampage school shootings, can generate fear and heightened emotions around social control policies, in this case antiviolence policies in schools. The Columbine Effect refers to the development of a set of policy responses, particularly those of zero tolerance, surveillance and the use of access policing, police presence and searches, that are designed to prevent or deal with the extreme case of an 'active shooter', as if this was a common rather than an extremely rare occurrence. The result of building justice policy in response to the extreme case is that the antiviolence policies themselves impose harm on all schools by subjecting them to measures that undermine trust and the educational process. Muschert and Peguero review six levels of antiviolence policies: crime prevention through environmental design, zero tolerance, anti-bullying programming, emergency management planning, peer mediation and school climate programming. Their analysis assesses the level of violence and efficacy of each type of policy. They then discuss the unintended consequences of school antiviolence policies that have been developed in the face of exceptional cases, such as rampage shootings, and show how these can produce negative and contradictory effects.

Social Constructionist Related Theories

Symbolic Interactionism and Labeling Theory

The first section in Part II, on symbolic interactionism and labeling theory, contains three essays. Kai T. Erikson's classic 1962 essay 'Notes on the Sociology of Deviance (Chapter 14) begins by questioning the prevailing Mertonian view of deviance as dysfunction caused by a normal response to some sociological strain in the social system, saying that a broader perspective is necessary. Erikson argues for a historical process approach that explains not only the origin of deviance but its persistence, social organization and social patterning. He locates the quality of deviance not in the quality inherent in the act but in the properties imposed on certain forms of behavior by the audience observing them. This became a cornerstone of the subsequent labeling theory, and reappears in Becker's *Outsiders* (1963). Erikson suggests shifting sociological attention to the community social screen that, for some people, filters out their deviant behavior as something significant compared to all the other conventional behaviors they also engage in. He asks how community members decide which behaviors are deviant and why they set up special institutions to deal with those who enact them. Erikson then suggests, like Durkheim, that what is selected as deviance has to do with what a social system decides is important to maintain its own boundaries. Moreover, he argues that what this is varies as it organically changes to reflect the accumulation of decisions over time, and it is through portrayals in the media of such boundary infractions and their consequences that society is able to inform its members about what norms it values: 'morality and immorality meet at the public scaffold and it is during this meeting that the community declares where the line between them should be drawn' (p. 258). The deviant is a reminder of the dangers that seem to threaten the security of the human group, providing occasion to distinguish between in-group and out-group. Thus deviance serves to preserve rather than disrupt stability. Indeed,