

## KNOWLEDGE ORGANISER LO1: UNDERSTAND SOCIAL CONSTRUCTION OF CRIMINALITY

### AC1.1 COMPARE CRIMINAL BEHAVIOUR AND DEVIANCE

You should be able to compare criminal behaviour and deviance. For 'criminal behaviour' you should be able to give both a legal and social definition as well as explaining the formal sanctions against criminals. With regards to 'deviance', you should be able to use concepts such as norms, values and moral codes to define deviance as well as recognising the different forms of deviance. You should also be able to offer an explanation of informal and formal sanctions against deviance. Key questions include:

- How criminality and deviance are defined
- Examples of acts that are either criminal, deviant or both
- The implications of committing a criminal and/or deviant act

**INTERLEAVING:** You should be able to apply material from Unit 1 AC1.5 including moral panics; changing public concerns and attitudes; perceptions of crime trends; stereotyping of criminals; changing priorities and emphasis

### AC1.1 CONTENT OVERVIEW

**Legal definition of criminality:** crime from this perspective can be defined as an act or behaviour that breaks the formal laws of the country and one for which a person can be expected to be punished or sanctioned. Two elements must be present, the *actus reus* (the action that a person takes) and *mens rea* (the intent to commit a crime). However some crimes are strict liability and do not require *mens rea*.

**Social definition of criminality:** if a society recognises an act as a 'crime' because it is seen as being detrimental to that community, then that society will label the act as a crime. This would mean that no act is inherently criminal but only becomes so when society labels it as a crime. Some actions are universally seen as 'bad' and no one would want to be a victim of them. These are referred to as crimes *mala in se* (inherently bad). Other types of crimes can be summed up as bound by culture and time, referred to as *mala prohibita* (bad because they are prohibited).

**Social construction:** what is considered a crime is so changeable over time and place, ultimately there is no agreed definition, and instead, it is constructed through culture.

**Deviance:** Deviance is a violation of norms (*social rules*), moral codes (*good ways of behaving*) and values (*general beliefs of what is considered good*).

**Forms of Deviance:** Admired behaviours which are behaviours that while are considered good or admirable, they are nevertheless deviant as most people would not do them. Some behaviours are considered deviant by being odd and different from the norm. Acts classes as bad behaviour are deviant acts that are considered totally unacceptable by society.

**Sanctions:** Formal sanctions are used against criminals by the state in order to regulate behaviour (often by punishing criminals for their actions). They can be issued by the Court's or official agencies such as the Police. Informal sanctions usually given for deviant behaviours and they are handed down by members of wider society.

### AC1.2 EXPLAIN THE SOCIAL CONSTRUCTION OF CRIMINALITY

You should be able to explain the social construction of criminality. This involves:

- How laws change from culture to culture
- How laws change over time
- Why laws are different according to culture, time and place
- How laws are applied differently according to circumstances in which actions occur

**INTERLEAVING:** You should be able to apply material from Unit 1 AC1.5 and AC2.1. This includes material such as how the media and campaigns for change contribute to social constructions of criminality and unreported crime.

### AC1.2 CONTENT OVERVIEW

**Culture:** A culture is made up of the different ideas, customs, traditions, beliefs and social behaviours of a particular people or society. As these ideas and beliefs change from society to society, then so does the definition of what constitutes a criminal act. Criminality is socially constructed by each individual society.

**Examples - cultural differences:** In some cultures 'honour killings' are an appropriate way for a family to deal with family or community dishonour but considered murder in the West. Adultery is not an illegal offence in England and Wales (*although it is deviant*) but in some cultures such as Afghanistan it is an illegal offence. Many countries have decriminalised homosexuality whilst others are moving in the opposite direction e.g. India has recently reinstated law criminalising homosexuality.

**Examples - time:** As time goes by, laws change as a result of a changing society. One example is the abolishment of capital punishment due to changing public opinion and to prevent miscarriages of justice. Another example is prostitution, whereas there was once a stigma attached and linked to immorality, many people now want to protect vulnerable people involved in prostitution and there are calls for it to be decriminalised with appropriate regulation. One further example is vagrancy; although it is technically still an offence under the Vagrancy Act, it has largely fallen into disuse as people recognise there are legitimate reasons that can cause an individual to become homeless.

**Examples - place:** The same actions are not necessarily criminal offences in all places throughout the world or even policed in the same way within England and Wales. For example, not all police forces prioritise and enforce laws surrounding cannabis possession in the UK. In some countries around the world such as Uruguay, possession and consumption of weed is legal.

**Different circumstances:** The concept of Rule of Law stipulates that everyone is subject to, and accountable to law and that it applies equally to all. However, there are times when a person's age can mean that they cannot be charged with a crime. Also, in cases of murder, manslaughter charges can be brought instead if the offender suffered either diminished responsibility or acted under loss of control. In other offences there are defences such as consent, automatism and self-defence.

### SUBJECT LITERACY

CONCEPT(S)				
1	Social construction			
2	Crime (legal definition)			
3	Crime (social definition)			
4	<i>Mens rea</i>			
5	<i>Actus reus</i>			
6	<i>Mala in se</i>			
7	<i>Mala prohibita</i>			
8	Formal sanctions			
9	Informal sanctions			
10	Norms			
11	Values			
12	Moral codes			
13	Campaigns for Change			
14	Culture, time and place			
15	Admired behaviour ( <i>forms of deviance</i> )			
16	Odd behaviour ( <i>forms of deviance</i> )			
17	Bad behaviour ( <i>forms of deviance</i> )			
18	Rule of law			
19	Diminished responsibility			
20	Decriminalisation			
21	Strict liability			

### EXAM LITERACY

<b>Identify</b>	If you are asked to identify then you simply just recognise and establish or state what something is.
<b>Define</b>	To define then you need to state what the meaning of a key word or concept is.
<b>Describe</b>	To describe is to paint a picture with words; to give information and detail about a concept.
<b>Explain</b>	To explain something, you need to give reasons to back up any statements that you made.
<b>Analyse</b>	To analyse means to examine in detail and break the question down into different component parts and examine relationships between concepts
<b>Compare</b>	Explain the similarities and differences between two different concepts or arguments.
<b>Evaluate</b>	This means to make a judgement. You would often include the strengths and weaknesses of a subject and form a judgement.

### SAMPLE EXAM QUESTIONS

Briefly <b>define</b> the term crime [2 marks]
<b>Explain</b> the term deviance and use examples to support your comments. [4 marks]
<b>Describe</b> formal sanctions against criminals. [4 marks]
<b>Explain</b> , with examples, the connection between the terms crime and deviance. [6 marks]
<b>Compare</b> criminality and deviance with reference to relevant examples. [5 marks]
With reference to examples, <b>analyse</b> how laws change due to time, place and culture. [9 marks]

