CRIMINAL BEHAVIOR: EVALUATION OF LABELING AND CONFLICT PERSPECTIVES

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Abstract

This article takes a comprehensive look at the utilities of criminological theories by analyzing and evaluating the general arguments and assumptions of labeling and conflict theories, and noted that both perspectives are part of the radical and critical theoretical orientations in criminology. The current paper was able to justify the testability, applicability and usefulness of both theories and notes that they are responsible for some wide ranging policies and evidence based programs geared towards addressing and controlling delinquent and criminal behavior in the society. It is also the argument of this paper that theories of criminal behavior are useful in the sense that most policies response to criminality emanates from one form or combination of theoretical perspectives.

Keywords: Criminal Behavior: Evaluation of Labeling and Conflict Perspectives

Introduction

Theory has been defined as a generalization of a sort which explains how two or more events are related to each other and the conditions under which the relationship takes place (Williams & McShane, 2004, p.2). From the same perspective, Curran and Renzetti (2001, p.2) defined theory as a set of interconnected statements or propositions that explain how two or more events or factors are related to one another (Curran & Renzetti, 2001, p.2). Akers and Sellers (2009, p.1) noted that theories are not answers to questions of what ought to be, nor are they philosophical, religious, or metaphysical systems of beliefs and values about crime and society. Rather, they are statements about relationships between actual events; about what is and what will be.

A well-developed theoretical infrastructure is the heart and soul of any academic endeavor (Kraska, 2004). This is because a well-articulated theory advances the lenses through which students, academics, researchers,

practitioners and policy makers make sense of their object of study (Kraska, 2006). Similarly, it has been noted that theoretical work seeks to change the way we think about an issue and ultimately change the practical ways we deal with it (Garland, 1990, p.277).

Within the domains of criminology and criminal justice, many theoretical perspectives have been developed to explain justice, delinquency, crime and punishment (Onwudiwe, 2004). In both fields of research theories are generated to explain crime while methods are designed to examine whether the ideas incorporated in those theories provide a sufficient explanation to warrant our continued attention (Kubrin, Stucky & Krohn, 2009, p.2). Cuzzort (1989) calls theory "a kind of controlled fantasy" in the sense that it encourages academics, researchers and students to continue to speculate, to explore alternative explanations to their object or objects of study (Kubrin, Stucky & Krohn, 2009).

In criminology and criminal justice, the term theory refers to theories explaining crime or criminal behavior. In both fields, theoretical scholarship is focused almost exclusively on the causes of crime (Kraska, 2004). Also, most textbooks emanating from both academic disciplines focus primarily on theory courses and theory of crime causation. Therefore, studying criminological theories can be equated to determining the most efficient and effective crime control practices.

Criminological theories like most theories in the social sciences if developed properly are about real situation, real experiences and about human behavior (Kraska, 2006). Criminological theories help make sense about facts. In the same way, effective theory can be tested against the new facts. For example, with regards to the relationship between limited opportunities for work and a selection of a career in crime. Ethnic succession theory suggests that when some ethnic groups came to the United States of America, a lot of them came upon the realization that to be successful, they need to engage in a career in crime.

Theory has three general questions which are, why, by what process and how does it work? Answer to these questions may provide explanation of one set of events by referring to other events. Vold (1958) noted that in general, scientific theories make statement about the relationship between observable experiences or phenomenon. Vold (1958) further indicated that theory is what will be and what is. Additionally, virtually every policy or action taken is based on some underlying theory or theories of crime.

There are many theories or school of thoughts in criminology due to the fact that criminologists do not always agree on why crime occurs (Cullen & Agnew, 2011). Although this is major criticism, it is also represents one of the major strengths of the discipline as it reflects the complexity of the nature of criminal behavior. Criminal behavior like other social behavior has many

sides to it and it is capable of being shaped by many factors that operate inside and outside individuals (Cullen & Agnew, 2011).

While there is no single theory that can adequately explain crime or criminal behavior, radical and critical criminologists which are represented by proponents of the labeling and conflict theories tend to examine its root causes. As a result, they reject the view that the real causes of delinquency or crime could be located in the faulty individuals or disoriented communities (Onwudiwe, 2004, p. 154). Rather, it is the consensus of the radical and critical criminologists that crime is a result of the communal structural uniqueness rooted in all societies.

This article is therefore an extension of the works of the radical and critical criminologists by providing an assessment of both labeling and conflict theories in attempt at furthering the debate on theories of criminal behavior and the response of the criminal justice system to criminal behavior. In achieving this objective, the current article integrate the major arguments and assumptions of both theories while also examining their testability and usefulness to policies aim at addressing crime in the society.

This article attempts to provide readers with a sense of the broad scope and complexity of criminological theories (with special focus on labeling and conflict theories) and the understanding that sound theoretical approaches are needed if the society is to make significant progress in reducing and controlling crime through relevant policies and programs. Therefore, the usefulness of the current paper stems from its ability to contribute and extend our understanding of theories of delinquent and criminal behavior by shedding more light on two of the important perspectives to explaining delinquent and criminal behavior (labelling and conflict theories) among scholars in the fields of criminology and criminal justice. In doing this, the current endeavor is expected to be a worthy contribution to existing literature in criminological theories while at the same time extending existing perspectives in noteworthy ways.

Methodology

The methodology used to undertake this analytical study is qualitative method with secondary research. Information was gathered mainly though secondary data with the use of both traditional and computer-based criminological theories literature. Also, information for this article was obtained from the analysis of historical and current issues, trends, and insight to crime trend in the United States of America. It is secondary research because of the time constraint and qualitative because of the strategy chosen.

The research philosophy was subjectivism with inductive approach and exploratory purpose. The data collection method used is written documentary by credible databases, which resolved the issue of the rigor of

this study. The limitation of this methodology is due to the fact that it did not utilize primary data. Therefore, a primary research proposal can be used in the future to further test both theories and enhance the theoretical debate on criminological theories.

Discussion
　　　　Generally speaking, there are three types of criminological theories which Sutherland (1947) has defined as the entire process of three things which are law making, law breaking and law enforcing. The theories of making and enforcing laws mean theories of law in criminal justice. They answer questions of how and why certain people are define and dealt with as criminal in the society.
　　　　 The five questions that these types of theory answer include why is a particular conduct considered illegal; what determines the kind of action to be taken when it occurs; how is it decided to classify those acts as criminal; who makes the decision that such conduct is criminal; and how are public resources brought to bear against those actions or conducts? Theories try to answer these types of questions by proposing that social, political and economic variables affect the law and the operation of criminal justice system. There is a strong connection between the theories of crime and the philosophies that define the desirable goal. The goal is to have effective, well managed and just criminal justice system.

Theory Evaluation
　　　　Akers and Sellers (2009) identified some factors that should be utilized to evaluate theories. These factors include the logical consistency, scope and parsimony; testability and empirical validity of such theory (p.5-6). With regards to logical consistency, scope and parsimony, it is the argument of Akers and Sellers that a sound and reliable theory needs to have well defined concepts while its logical proposition should also be clearly stated. The scope has to do with the range of theory, whether it only accounts for a narrow range of crime or it covers a wide ranging criminal behavior. The parsimony relates to how it uses concepts to explain the causes of crime.
　　　　Theory testability is another method of evaluating a theory. According to Akers and Sellers (2009) a useful theory needs to be tested against empirical evidence to ensure that it is scientific. In this sense, a good theory should be measurable because if they are not measurable they will become untestable. Similarly, it is equally the position of Akers and Sellers that a theory may not be testable because it's tautological, its propositions are untestable by being open-ended and contradictory and due to unmeasurability of its concepts. Another criterion regularly used to test a

theory is through its empirical validity which explain**s** whether or not a theory has been supported by research evidence, while usefulness and policy implications which refer to the ability of a particular theory to inform adequate social and criminal justice policy represent an important criterion that can equally be utilized to test a theory.

Evaluation of Labeling Theory

An important theory that can be used to explain criminal behavior is labeling theory. Labeling theory is a theory that laid emphasis on the social process through the special attention devoted to the interaction between individuals and society. This theory assumes that it is likely that every person can commit criminal acts. Akers & Sellers (2009) argued that labeling theory as an explanation of criminal and deviant behavior is derived from the symbolic interactionism theory in sociology. Symbolic interaction is a theory that asserts that facts are based on and directed by symbols. The foundation of this theory is meanings. Symbolic interaction according to Aksan, Kisac, Aydin and Demirbuken (2008, p.902) examines the meanings emerging from the reciprocal interaction of individuals in social environment with other individuals and focuses on the question of "which symbols and meanings emerge from the interaction between people?"

According to the labeling theory, a person is more apt to commit acts that go against what is socially acceptable if that person is labeled in such a way (Bernard, Snipes & Gerould, 2009). Similarly, from a personal experience, it can be stated without a doubt that it is not only possible but also likely that a person can become what he or she is labeled. It can also be stated that this theory applies more to children and those with low self-esteem than anyone with a positive self-image hence it has been widely utilized to explain juvenile delinquency.

The labeling theory of crime deals with the results of labels, or strain on people (stigmas) and how it affects the development of criminal behavior. Labeling theory holds that society by placing labels on delinquents, criminals, stigmatizes them, therefore leading to a negative label to develop into a negative self-image (Cullen & Agnew, 2011). A court of law, other empowered agencies, a youth's family and supervisors, and/or the youth's peers give a label to the youth, often in humiliating ceremonies such as a suspension or dismissal hearing with the principal or other school staff, a court trial, or a home punishment, among others. Additionally, youths who are labeled as criminals or delinquents may hold these as self-fulfilling prophecies - believing the labels that others assign to them, thereby acting as the labels. Therefore, a youth who succumbs to a label may then proceed to act as a criminal or act as a delinquent, abandoning social norm because he or she believes that he or she is a bad person and that this is what bad people

are supposed to do (Kubrin, Stucky & Krohn, 2009). It is important to note that social labeling theory argues that deviants and criminals begin accepting or believing they are people who do bad things and therefore through transformation begin to believe that they are bad people.

In summary, labeling theorists assume that during real or imagined interactions, individuals project themselves into the role of significant other and make assessments or self –appraisals (Adams, Robertson, Gray-Ray & Ray, 2003, p.173; Cooley, 1902). The self-concept according to the labeling theorists becomes an object for which the individuals attach labels, both in negative and positive ways. Further examination of the labeling perspective indicates that this assumption is guided by the view that humans have the ability to choose among competing labels for their self-conceptions (Adams, Robertson, Gray-Ray & Ray, 2003, p.173; Mead, 1934).

Testing Labeling Theory

According to Adams, Robertson, Gray-Ray and Ray (2003), despite the adequacy of labeling theory the major barrier is the self-concept variable. This is due to the fact that most self-concept studies have relied on global measures of self-esteem rather than focusing on the adoption of a deviant self-concept. Therefore, this body of literature adds little support for labeling theory because a juvenile can have a negative self-concept and yet have high self-esteem (Adams, Robertson, Gray-Ray & Ray, 2003).

However, it is important to note that with regards to logical consistency, the nine assumptions of labeling theory make adequate sense. The theory assumptions that a juvenile becomes negatively labeled and as a result lives up to such negative label make sense because juveniles could see the negative label as some positive and subsequently affecting their confident level and self-value. Generally speaking, it can therefore be stated that labeling theory is logical and consistent. However, like most criminological theories it is not without some inherent flaws.

In the area of its scope, labeling theory, unlike the social disorganization theory, has limited application, because its focus, for example, on how juveniles are stigmatized and how this results into the acceptance of such stigmatization by such juveniles through the adjustment of their behavior to such behavior (Akers & Sellers, 2009; Kubrin, Stucky & Krohn, 2009). Based on the stated fact, it can be argued that the theory focuses more on the overall population of youth and this is a major inherent flaw. Additionally, it would have been better if the theory also focused on the degree of stigmatization.

A next criterion is the testability of labeling theory. It is difficult to test the theory empirically. However, it is useful in two types of crime-substance abuse and career- in- drug trade, therefore, it could be stated that

the theory is testable. Also, it is testable because it is possible to monitor juvenile's offenders by those who are labeled and those who are not labeled (Akers & Sellers, 2009). Therefore, if it is discovered that those offenders who are labeled commit more crimes in the future than those who are not labeled, then it can be argued that the theory is testable. Furthermore, the theory can be said to be tautological because there is a possibility that juveniles who commit serious offenses would incur the most negative stigma whereas those who commit lesser offenses will not likely have the opportunity of benefit of doubt.

With regards to the usefulness of labeling theory, it is useful to explain why some youths further the road of anti-social behavior while other did not. To make it simple, the answer according to this theory is that they are labeled as such. Additionally, with regards to empirical validity, there have been some studies conducted using the theory such as Ray and Downs (1986) and as a result, Akers and Sellers (2009) argued that some social learning variables have relationship with delinquency and deviant or criminal behavior. It is important to note that most of the criticisms of the theory are unwarranted because they are not really valid. The main criticism is that people learn crime not only because they have been labelled as such. Another criticism is that there are multiples sources of crime definition that a person can learn. It should be noted that the terms as used in theory are vague because they were not operationalize.

Policy Implications of Labeling Theory

The major policy implication that can be derived from the labeling theory according to Akers and Sellers (2009) is the behavior modification programs including both groups and individually focused techniques operating in most detention centers. According to Akers & Sellers, pro-social groups such as Highfields and Essexfield program have been useful in changing delinquent behavior among delinquent youths. The labeling theory has also given birth to programs such as the Provo and Silverlake Experiment which offered a semi-residential alternative to regular juvenile probation and incarceration in a state training school for delinquent boys.

Other policy implications that can be derived from the labeling theory as stated by Akers and Sellers (2009) include the introduction of school- based preventive programs such as the Gang Resistance Education and Training with the aim of reducing the school's children involvement in gang related activities and improvement of their relationship with law enforcement agents(p.118). Others include participation in such programs as alcohol and drug education/ prevention programs and community and school based programs directed towards family, children and youth which take into cognizance the assumptions of labeling theory. This involves a procedure

that enables the society the release juvenile offenders who have been apprehended and processed from the system as soon as possible unless they commit new offenses (Akers & Sellers, 2009).

According to Onwudiwe (2004), labeling perspective, for example, has led to major changes in the operation of the juvenile justice system in United States of America. Most notably are the policy directions in the areas of diversion, due process, decriminalization and deinstitutionalization. Similarly, it is important to note here that the decision of the former New York City Mayor-Michael Bloomberg to merge the New York City Juvenile Justice Department with the Child Welfare Agency- the Administration for Children's Services, bringing about a more therapeutic approach toward delinquency that will place fewer of the city's young offenders to jail is influenced by some of the propositions of the labeling theory. It is equally important to note that based on the new system in place in New York City, youths who commit crimes that are not considered dangerous will have opportunities of arrays of in-home programs that is presently being coordinated by the New York City Administration for Children Services. This will allow them to stay in their neighborhoods with their families while following a strict set of rules requiring them to stay out of trouble, keep curfews and meet educational goals instead of the state-run juvenile prisons.

Evaluation of Conflict Theory

The next important theory to be examined is the conflict theory. Conflict theory is important in criminology because it has propositions about the operations of criminal justice system that are relevant to the political and moral debate over the justness of the system (Chamlin, 2009). The goal of a just system is to treat everyone equitably base on legally relevant factors such as the nature of the criminal act and the laws related to it. Conflict theory hypothesizes that actions taken in criminal justice may be decided deferentially based on factors as race and class rather that the nature of crime. In essence, this perspective lays emphasis on race and gender rather than types of crime.

The conflict perspective conceptualizes crime control as a means to further the particularistic interests of social elites (Black 1976; Blalock 1967; Chamlin, 2009; Quinney1970, 1977; Turk 1969). The decision of the criminal justice system according to conflict theory also involves political and economic consideration that has nothing to do with criminal justice system. Conflict criminology is always based on the writings of Karl Marx – that the most important relationship in an industrial culture was the relationship between the bourgeoisie and the proletariat.

Conflict criminology attempts to look at different perspectives of the world. Austin Turk (1995) examined criminology and the legal order, he

noted that some people play subordinate or dominant role in society and people learned this through interaction. It is also part of the argument that people also learned within the interaction. They also learned to dominate and differential to authority. According to conflict theory, norms exist in the society and how people subscribe to them relates to age, gender, and race variable. Turk (1995) further noted that norms resisters are actually the people that manifest behavior that is called crime in the society. They are not condition to accept that balance of subordination.

There are three certain conditions in the society that lead to certain people being criminalized according to the conflict theorists. These three conditions include when law enforcers such as police, politicians and courts believe that the offense is serious; when there is a large power differential between the enforcers and resisters. Quinney (1974) who is an influential criminologist proposed the social reality of crime. By doing this Quinney (1974) argued that criminalization is done to maintain the current balance of power or increase the power of those in authority. Additionally, by social reality of crime, the proponents of conflict theory argued that the acts that are most visible and most threatening to the most powerful are those most subject to the criminal processing. From the same point of view, Quinney (1974) pointed that criminal law has more meaning than what is written down because it got circulated by the media. They become sensationalized and this process is the criminalization of behavior. Thus, criminal definition is thus applied by agents of those segments in the society having power (police and courts).

If we examine the conflict perspective, there are certain conditions in the society that lead to certain people being criminalized and the two conditions identified include when law enforcers, police and politicians and courts believe that the offenses are serious and when there is a large power differential between the enforcers and resisters. Furthermore, from the social reality of crime, conflict theory posits that the acts that are most visible and most threatening to the most powerful are those most subject to criminal processing. As a result, conflict criminology seeks for the transformation of the prevailing system and not the overthrown. Also, the intention of most scholars who subscribe to this perspective is that there is need for something to be done to reduce crime.

It is important to note that Quinney (1974) purposes the social reality of crime and argued that criminalization is done to maintain the current balance of power or to increase the power of those in authority. Quinney's (1974) position is that criminal law has more meaning than what is written down because it got circulated by the media and they become sensationalized. In the process, the criminalization of behavior results and it thus makes criminal definition to be applied by agents such as the police and

courts and those segment in the society having power. This leads to what is known as the social reality of crime which states that the acts that are most visible and most threatening to the most powerful in the society are those that are subjected to criminal processing.

Testability of Conflict Theory

With regards to the logical consistency of conflict theory, the arguments that certain conditions in the society lead to certain people being criminalized and the social reality of crime makes sense. This is because it does not require further measuring as it is something that people can see daily around them due to the glaring inequalities that exist especially in capitalist societies like United States of America. Additionally, in the realm of the scope of conflict theory, despite the fact that the theory can be applied to many crimes such as the organized and white-collar crimes, Akers and Sellers (2009) posited that the scope is much less than that because of one of their findings that it only applied to crimes that are politically or ideologically motivated. Despite the argument of Akers and Sellers (2009) that due to the fact that the validity and scope of conflict theory have not been adequately tested, its applicability and usefulness cannot be overlooked as it best explain the social life accurately than other theories while also justifying social change.

Additionally, talking about illicit drugs, Reiman and Leighton (2010) noted that there is evidence to indicate that in the United States of America, the arrests of the blacks and the poor have skyrocketed in recent years out of proportion to drug arrests of the whites despite the fact that research has not shown that blacks or the poor use more drugs than the whites. The reason for this according to Reiman and Leighton (2010) is because drug arrests are often made in disorganized inner-city where blacks and the poor are most likely to reside. It is important to note here that although, the Federal Government in United States of America instituted sentencing guidelines to eliminate discretion in sentencing which many perceive as the problem to address the noted discrepancies. However, in true sense this has only transferred discretion from the judges to the prosecutors (Reiman & Leighton, 2010), thus paving the way for the continuation of the noted disparity against the poor.

Another crime that supports conflict criminological theory is white collar crime which includes corporate fraud. According to Barkan (2009) regulations forbidden corporate misconducts are either weak or non-existence because corporations are very powerful and influential in the society. As a result of the influence they wield in the society they are able to prevent or water down regulatory legislation. Connected to this is the fact

that most people that are involved in corporate and white-collar crimes are always the big names in the society.

Similarly, corporate violations that are punished involved fines, not imprisonment, like most street crimes (Reiman & Leighton, 2010). Although these fines may seem heavy to the ordinary people, they always have more than enough resources to pay for the fines and avoid imprisonment. From the disparity in treatment of white-collar crime, Reiman and Leighton (2010) argued further by stating that the criminal justice system reserves the harshest penalties for the lower-class clients and gives out lesser punishment when it involves the upper class or the rich. Studies such as Chamlin (2009) research on conflict, consensus, and social control; Roberts (2007) study on predators of homicide clearance by arrest; and Pickerill, Mosher and Pratt (2009) study on search and seizure have one way or the other confirmed the testability of conflict theory.

Further examination of the assumptions of conflict criminology indicate clearly that there exists the tendency to agree with the position of Reiman and Leighton (2010) that the criminal justice system works to make crime appears to be the monopoly of poor and the minorities, rarely applying to the dangerous acts of the rich by more actively prosecuting and punishing the poor rather than the wealthy for the acts that are labeled crime. Additionally, in accordance with conflict criminology theory, Barnes and Kingsnorth (as cited Curry & Corral-Camacho, 2008) argue that social policy concerning drugs may not be just about controlling particular drugs but may also represent a response by society to attempt to control certain groups who are seen as threatening or problematic.

Policy Implications of Conflict Theory

Conflict theory has been criticized on numbers of grounds. The biggest criticizing comes from Quinney (1974) himself who stated that the theory is overly pluralistic. It should be noted that conflict theory wants the transformation of the system and not the overthrown. The proponents of the theory also want something to reduce crime. From this Turk (1995) talks about five principles to transform society and to reduce crime. This is often known as the five principles of structural transformation. The first is that policymaking is a political process and it aims are to minimizing human causalities; to reduce crime and criminalization, there is need to change structure relationship; the policies have to be in the broad approach strategy of change and not just piece meal strategy; peace control evaluation; and the programs need to be mere viable rather than to be mere docile.

Based on the stated five principles, Turk (1995) comes up with eleven policy measures that can be derived from conflict theory. These measures include the need to establish research centers, to establish gun

control nationwide; to abolish capital punishment; to indefinitely incarcerate serial murders; stop the building of additional prisons; create paid part time community services for all young people; decriminalize drug possession and use and return the control to medical authorities; decriminalize all consensual sexual activities, decriminalize all forms of recreational gambling; mandatory sentencing and moratorium sentencing and lastly to establish community services and community development.

Conclusion

It is important to state here that criminological theories like other theories in the social sciences continue to warrant additional attention because of their usefulness to the society. Theory construction in criminology and criminal justice helps to predict behavior and also helps to understand cause of rates and trend of crime. It is important to note that various policies and programs aimed at reducing and controlling crime in the society originate from criminological theories or have theoretical underpinnings, further supporting the importance of theories of crime to the society.

Despite the fact that various attempts at unified criminological theory have failed, labeling and conflict perspective continues to represent some of the theories that have wider applicability. The radical and critical criminologists have produced much better theories on why people commit crime. However, because there are so many different types of criminals today, it is impossible to place them all under one theory that is why there are multiple of theories. The current analytical paper is not an exhaustic discussion of criminological theories; rather, it is an attempt at contributing to the debate on the utilities of criminological theories of crime and their relevance to the society.

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