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수험번호 :

성명 :

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Extending the work of Lemert and Tanenbaum, a group of scholars in the 1960s and early 1970s argued that societal reaction, not the offender, should be the centerpiece of criminological analysis. They focused on two issues that in one way or another, challenged the assumptions traditionally held in the discipline.

First, criminologist usually define crime as "behavior that violates a criminal law." For labeling theories, however, this definition takes the existing laws as a given rather than treating them as a social reality that had been "constructed." A systematic analysis of "societal reactions" questions existing reality and asks why certain behaviors are labeled as crime and others are not. It also asks why definitions of these behaviors can change over time. Take, for example, the sexual assault of women that occurs on a date. Until recently, these assaults were not seen or treated as a "rape." This label was largely reserved for those victimizations in which a woman was raped by a stranger and visibly injured in the process of resisting the assault - the sign that a "real rape" had taken place (Estrish, 1987). The lengthy struggle of women's rights groups, however, challenged what should be considered a rape. The invention and growing acceptance of the concept of "date rape" redefined sexual assaults committed in intimate relationships. Coercion, not whether the victim and offender knew one another, was trumpeted as the criterion that should distinguish when the crime of rape has been committed. A new reality thus was constructed in which the legal category of rape took on expanded meaning and encompassed a wider range of victimizations.

Second, once labels or categories of crime have been invented, not everyone who "breaks the law" is detected and designated a "criminal." Being a "criminal," therefore, does not depend only on a person's actions but on how others react to that person. Various factors - legal and extralegal - affect whether a label is attached and, as a results, the person's public reputation is qualitatively altered. Commenting on the concept of deviance - in words that just as well could be applied to the concept of crime - Howard Becker (1963) captured the thrust of the labeling theory argument that deviance is socially constructed rather than an invariant, objective reality. He began by noting that the traditional "sociological view I have just discussed defines deviance as the infraction of some agreed-upon rule." But "such an assumption seems to me to ignore the central fact about deviance: *it is created by society.*" More specifically, "*social groups create deviance by making the rules whose infraction constitutes deviance, and by applying those rules to particular people and labeling them as outsiders.*" In Becker's view, then, "deviance is *not* a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to the 'offender.'" Labeling or societal reaction thus created deviants. "The deviant is one to whom the label has successfully been applied; deviant behavior is behavior that people so label" (all quotes from Becker, 1963: 8-9; emphasis on original).

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