

## LO1 – UNDERSTAND SOCIAL CONSTRUCTIONS OF CRIMINALITY

AC1.2 Explain the social construction of criminality	Content	Amplification
	<b>Social Construction</b> <ul style="list-style-type: none"> <li>• how laws change from culture to culture</li> <li>• how laws change over time</li> <li>• how laws are applied differently</li> <li>• according to circumstances in which actions occur</li> <li>• why laws are different according to place, time, and culture</li> </ul>	<b>Synoptic links:</b> Learners should understand how media and campaigns for change contribute to social constructions of criminality and unreported crime.

### POLYGAMY – CULTURE & PLACE

1	<b>What is it?</b>	Having more than one husband or wife at the same time. Includes polygyny, polyandry, and bigamy
2	<b>Where is it a crime?</b>	Most countries.
3	<b>Where is it legal?</b>	Mostly only in certain Muslim countries e.g., India, Malaysia, the Philippines, Singapore, Sri Lanka.
4	<b>Reason: Religion</b>	The Qu'ran permits Muslim men to take up to 4 wives.
5	<b>Reason: Tradition</b>	Polygamy has traditionally been practiced in some African societies.

### ADULTERY – CULTURE & PLACE

1	<b>What is it?</b>	A sexual act between two people, one or both of whom are married to someone else.
2	<b>Where is it a crime?</b>	Many Muslim countries, some Christian African countries, 21 U.S. states.
3	<b>Where is it legal?</b>	Most countries, including the UK and India.
4	<b>Reason: Religion</b>	Many religions condemn adultery – this can influence law-making.
5	<b>Reason: Patriarchy</b>	Many countries where women occupy a subordinate position have unequal laws which forbid adultery.

Note laws relating to homosexuality, not only change with culture, but they have also changed over time as well. Homosexuality was first decriminalised in the England and Wales in 1967. Various legal changes were implemented by government in the decades after this including – reducing the age of consent to 18 (1994), then 16 in 2000; civil partnerships; 1994; and finally, the legalisation of same sex marriage (2014).

This last change represented full equality in law for gay people.

### HOMOSEXUALITY – CULTURE & PLACE

1	<b>What is it?</b>	Sexual acts between members of the same sex.
2	<b>Where is it a crime?</b>	75 countries outlaw male homosexuality - 45 outlaw lesbian activity. Some countries ban promotion of homosexuality e.g., Russia.
3	<b>Where is it legal?</b>	UK, Europe, North and South America.
4	<b>Reason: Religion</b>	Many religions condemn homosexuality.
5	<b>Reason: Tradition</b>	Some countries have high levels of support for a ban on homosexuality.

### CANNABIS – PLACE

1	<b>What is it?</b>	Laws vary widely – in general possession is treated more leniently than growing/supplying
2	<b>Where is it a crime?</b>	UK – an many other European countries
3	<b>Where is it legal?</b>	Legalised for medical use in Canada/some U.S. states. Decriminalised in Portugal.
4	<b>Reason: Norms and Values</b>	Societies with greater emphasis on personal freedoms more likely to not see it as a criminal act.
5	<b>Reason: Crime Control Policy</b>	Some governments see decriminalisation or legalisation as taking drugs out of the hands of criminals, others see cannabis as a gateway drug and seek to control its use.

### CAPTIAL PUNISHMENT – TIME

1	<b>How has this changed?</b>	Death penalty offences reduced until it remained for just murder and treason, Capital punishment abolished in 1965
2	<b>Reason (1): Not necessary</b>	Development of prisons in the 19 <sup>th</sup> & 20 <sup>th</sup> centuries meant there were alternatives for the most serious crimes
3	<b>Reason (2): miscarriages of justice</b>	If a person is wrongly found guilty and executed, nothing can be done to correct it
4	<b>Reason (3): not a deterrent</b>	Most murders are committed in the heat of the moment without thought of possible punishment.
5	<b>Reason: decline in violence?</b>	Society has undergone a civilising process in the last 500 years – physical punishment has been replaced by self-control