

## **Labelling Theory, Deviance and Drink-driving In Ireland**

Drink driving is a well documented problem for Irish society, whose relationship with alcohol has been a source of societal stress, as attested to by the high rates of drink-related automobile fatalities and injuries recorded in Road Safety and Garda Síochána reports. Despite the positive statistical impact of high profile media campaigns, which graphically describe the extreme consequences of drink-driving, this criminal behaviour still persists. The law and public opinion have been harnessed as platforms from which the issue has been tackled by criminalising the act and stigmatising the actor. However, labelling theory suggests that the depiction portrayed, and embraced by the conforming members of society, of a drink-driver as an irresponsible, young male who is ignorant of the impact of his behaviour, creates conditions that both produces resistances to change, and encourages certain offenders to continue in their criminalised behaviour. Incidents of re-offending, while not relatively high, contribute disproportionately to road fatalities and give weight to labelling theory's claim that the deviant label reinforces deviant behaviour. Labelling theory is a useful concept for explaining how society's attention is drawn to a broad categorisation of the drink-driver as a deviant, over and above the technical components that designate drink-driving a crime. As one of the characteristics of a drink-driver is their self-identified separateness from conforming groups, the potential effect of labelling to reproduce this separateness, in the context of behaviour, can never be fully dismissed (Kennedy, 2010 p. 55). As Becker explains it is less the quality of behaviour at the core of the label 'but in the interaction between the person who commits the act and those who respond to it' (Becker, 2003, p. 245).

Based on Mead's work around the modifying and refining potential of the meanings that permeate social experience through symbolic interaction, and on theories of deviance, labelling theory is concerned with the process by which certain actions come to be seen as deviant and how the role of shared norms and values feature in this process (Walklate, 2007, p. 27). While an action may be designated criminal, behaviour that is prohibited acquires a secondary deviance through its response to wider society's reaction to the initial proscribed act (Newburn, 2007, p. 213). Around specific behaviours, group boundaries are established between the conforming majority and the rule-breaking deviants, whose self-identity and continuing behaviour are modified through symbolic interaction with wider society's rules (Walklate, 2007, p. 27). While labelling theory questions the fairness in the selection and application of rules across society, for the issue of drink-driving the question of 'other people[s]' response to the deviant behaviour is more pertinent (Becker, 2003, p. 244). The response to a prohibited act provides it with its deviant quality, and the awareness of this quality affects the way in which those who have transgressed modify their behaviour in an act of rejection or acceptance of the label (2003, p. 245). Fynbo, in a study of Danish convicted drunk drivers, noted that offenders negotiate their deviant identity through symbolic interaction with norms established around the perception of drink-drivers as 'killer drunks' who are 'nuts behind the wheel' (2011, p. 234). This complex deviant identity accommodates aspects of expectations of the label 'drink-driver', even when the label is not a perfect fit for the individual offender (Scott and Douglas, 1972, p. 99). The nature of alcohol as a legally available, addictive recreational substance necessarily produces problem drinkers that are varied, not simply one type. A drink-driver's perception of their own behaviour varies greatly from those who acknowledge that they have alcohol-dependency issues, to those who see themselves as having no particular problem with drinking, even being below-average drinkers (Fynbo, 2011, p. 243). Although the legal code designates a blood/alcohol ratio as a classifying

parameter, any depiction of the drink-driver as a general type is an elaboration of the rule-violation of the act to the social exclusion of the actor, a dynamic which offenders can perceive as inaccurate and unjust.

The rates of road traffic fatalities in Ireland have received increased attention from policy makers since the early 2000's. European figures show that alcohol is a contributing factor in one quarter of all road fatalities, with two thirds of those killed being persons other than the offending driver (Fynbo and Jarvinen, 2011, p. 773). In his presentation on 'Drink Driving In Ireland' Bedford states that alcohol-related road deaths accounted for over a third of all road fatalities, placing Ireland on the higher end of the scale of countries with drink-driving deaths (2008). A concerted campaign of education and awareness, following a European lead Road Traffic Act, saw an increase in checkpoints and after a peak in 2007 there was a gradual reduction in drink-drive detections (CSO, 2015). Despite this a study on university graduate attitudes towards drink driving reveals that over 50% of students admitted to driving over the legal limit while, paradoxically, acknowledging the effectiveness of detection and conviction as prime deterrents (Smithers, y. n/a, p. 127). This highlights an issue around defining the drink-driver as anything beyond someone whose blood-alcohol concentration exceeds a legal limit, namely that a range of factors influence the individual to behave in a knowingly deviant manner while they still resist the deviant label. Further complicating matters are the deterrents inherent in punitive measures of society to such deviance. Generally, upon conviction, a formal cost of suspension, fines and liberty impact directly on the individual. A huge reliance is also placed on the informal cost in the form of shaming, as a conflict arises between how the offender is seen by others and how they wish to be seen (Porter, 2013, p. 865). This hinges on the degree of social integration of the offender at the time of conviction and if they are sufficiently withdrawn from society the label's shaming potential will have a reduced effect. A report in the UK noted that while drink-driving

recidivism was at relatively low rate of 20-30%, it was these drivers that were overrepresented in fatal, alcohol-related crashes (ETSE, 2008, p. 1). While it is difficult to tell whether this career deviance is a response to the broad label of 'drink-driver', it is clear that the label insufficiently appreciates the attitudes and behaviours of re-offenders (Smith, 2003, p. 2).

As consuming alcohol is a socially acceptable norm, the act of driving over the limit, although within the boundaries of the offender's subjective sense of control, establishes a threshold over which one's once normal, acceptable behaviour is now realised as the repellent act of an immoral individual (Porter, 2013, p. 869). The high cost of this shaming conversion incentivises denial, misrecognition and avoidance of the label 'drink-driver'. For those that have less to lose the broad label of drink-driver primarily confirms an existing divide found between the offender's self-identification, in terms of behavioural characteristics, and the conforming majority of society. This 'policy of isolation' ties them closer to a mindset of environment and circumstance, geared towards avoiding detection, and forcing the offender to distinguish themselves from other deviants, in an attempt to maintain a degree of normal reality in the face of such stigmatisation (Fynbo, 2011, p. 245). While media campaigns target the higher offending demographic, the effect of labelling is to place the action and the actor outside agreed norms of practice, where the actor is an elaboration of the act, particularly in the context of being aware of the shocking consequences associated with drink-driving and still committing the crime.

A study of convicted drink-drivers in Denmark shows that the label 'drink-driver' is too broad to be targetedly effective. The younger offenders fail to relate to certain characterisations of a drink-driver, namely those of addiction, recklessness and otherwise law-abiding. They instead see their behaviour as conforming to a sub-cultural norm, the

membership of which is only subsequently seen as generally out of control (Fynbo, 2011, p. 246). This contrasts with the older offenders whose addiction and moral self-reprehension is evident, but none-the-less both groups perceived driving while drunk as a natural consequence of other behaviours or dispositions that needed to be 'mastered rather than avoided' (2011, p. 242). While the younger offenders acknowledge the general deviant label of their social network, the older offenders fail to identify their contributing behaviour of heavy, daytime drinking, as being deviant, instead viewing their drink-driving as 'an unfortunate exception to an otherwise decent lifestyle' (2011, p. 247). The study also shows a complex perception of the causes of problem drinking, suggesting that any broad label will fail to resonate with offenders on an essential level (2011, p. 247). There is evidence of structured routines adhered to by some drink-drivers who never drink alone, in some cases, or who construct a habit of drinking water for an hour after a night of drinking before driving home in others (2011, p. 248). The emphasis on self-control is telling in that even when arrested for driving over the legal limit, offenders viewed this as an external element that was beyond their control. The fact that different categories of drink-drivers view other categories as more deserving of deviant classification but fail to recognise their own behaviour as such, highlights a central problem with how offenders relate to the construction of a label by a majority group (2011, p. 253).

The sense that the label 'drink-driver' confers too full a range of undesirable and shameful attributes renders it ineffective in its strict classification function and at the same time allows offenders to perceive their drink-driving as purely a technicality in the context of an otherwise normal, reasonable lifestyle (Fynbo and Jarvinen, 2011, p. 775). Offenders are aware they are in breach of the law but it is their resistance to being the intended target of the label and the legal distinction that shows us how labelling assists in the continuance of deviant behaviour

despite it being understood as deviant. We have seen recently in Ireland efforts to secure exemptions and dispensations for rural dwellers whose social interaction was disproportionately impacted upon by the introduction of stricter drink-drive measures after 2000 (McDonald, 2013, no pagination). Strong political lobbying and support stressed the hardship of imposing further isolation on remotely located individuals in preventing them from driving to and from one of their few social outlets, the pub. (Byrne, 2014, no pagination). The older man living alone on a rural farm would find it difficult to equate his routine of driving the five miles return journey to his nearest pub for three pints of stout, a number he rarely exceeds, with that of the recklessness of younger, more integrated urban drink-drivers. The label drink-driver is more suited to their lack of experience and discipline, and the absence of necessity derived from a paucity of public transport services provides no justification for their abhorrent behaviour. In this context, the rural, older, isolated drink-drivers, deemed criminal and deviant, are self-identifying primarily as a decent, integrated social group who share acknowledged and somewhat accepted characteristics that contribute to a normalising effect of their deviant behaviour (Fybno and Jarvinen, 2011, p. 781).

While the act of drink-driving itself is an infraction of the legal code, the process by which the label of deviant comes to define all types of drink-drivers is problematic with respect to the location, age and gender of the offender. The presence of recidivism suggests that labelling may be ineffective in tackling the issue while instilling some of the expected attitudes and behaviours that accompany the deviant label. Ireland's laws and attitudes have been upgraded in recent decades to reflect the seriousness of the challenge in reducing drink-driving numbers. However the complexity of the underlying causes and justifications that perpetuates is clearly being overlooked if the emphasis remains predominantly on formal and informal sanctions, labelling being an aspect of the latter. While offenders acknowledge the law has been broken, they

simultaneously reject the label but accept the behaviour, and some of the expectation that goes with it. International studies suggest that greater success may lie in tailored approaches to the offender whose very identity is negotiated through the interaction between the act and the quality of the label.

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