

Module 5 Crime, Criminal, Criminology and Juvenile Delinquency

Lecture 28

Crime, Criminal, Criminology

Crime

A crime is held to be an offence which goes beyond the personal and into the public sphere, breaking prohibitory rules or laws, to legitimate punishments or sanctions are attached, and which requires the intervention of a public authority (the state or local body)). Ideally, the later administers a formal system for dealing with crime, and employs representative officers (for example a police force) to act on its behalf. In terms of law and jurisprudence, being guilty of the committing of a criminal act usually involves evil intent or conscious intent can be shown to be missing (as, for example, in the cases of children or the insane) then the offence is not a crime and will not attract the usual punishment (although some form of detention or therapeutic treatment may follow). All official statistics are based on the legal definition, as the system of criminal justice is perceive from legal approach and all the empirical studies on criminals focus on crime defined by law. Tappan (1960) has defined crime as “an intentional act or omission in violation of criminal law committed without defense or justification”. Thus, this legal definition of crime postulates that if the act is proved to be in self-defence, or committed in insanity, it will not be considered a crime even if it causes harm or injury to others. Ignorance of law is usually not a defence. According to Hall Jerome (1974) has defined crime as “legally forbidden and intentional action, which has harmful impact on social interests, which has a criminal intent, and which has legally prescribed punishment for it”.

For crime to be known as such it must come to the notice of , and be processed through, an administrative system or enforcement agency. It must be reported and recorded by the police (or other investigator); it may then become part of the criminal statistics; may or may not be investigated; and may or may not result in a court case. Thus recorded crime-rates are socially constructed, and also leave out hidden crime. The latter can include, for

example, unreported instances of domestic violence, of attacks on ethnic minorities, indecent assault, and rape. Self-report studies of those involved in delinquency and criminality have confirmed that a large proportion of such behavior is not officially recorded. A more recent wave of studies of victims of crime has also supported the view that the hidden crime figure is very large. One could include various forms of economic crime but, from workplace theft to large-scale fraud, industrial pollution, and contravention of health and safety legislation, all of which may not be officially recorded as crime but, according to some criminologists, contribute significantly to the hidden crime that affects society. What some have termed victimless crime or crimes without victims (for example those involving drugs, prostitution, and illegal gambling) may break laws but go unreported because those involved enter into a form of agreement and support the transaction. A legal definition of crime may therefore not be sufficient. Crime has also been defined in non-legal or social terms. Caldwell (1956) has defined crime as “those acts or failures to act that are considered to be so detrimental to the well-being of a society, as judged by its prevailing standards, that action regarding them cannot be entrusted to private initiative or to haphazard methods but must be taken by an organized society in accordance with tested procedures”. According to Thorsten Sellin (1970) crime is a “violation of conduct norms of the normative groups”. According to Clinard (1957) all deviations from norms are not crimes. He talks of three types of deviations, tolerated deviations, deviation which is mildly disapproved, and deviation which is strongly disapproved. He perceives third type of deviation as crime. Criminologists with a sociological perspective have not claimed that there is no place for the legal definition of crime in criminology. They have only drawn attention to situations in which people who engage in criminal behavior are either not caught or are not acquitted by courts because of inadequate evidence or legal loopholes or pressures. However, Social definition of crime is also cross-questioned on the ground that it is socially constructed and highly relative. Its definition and accepted etiology (or cause) can be influenced by ideas of morality (in relation to responsibility), and by religious faith (the sinful nature of crime), as well as competing scientific claims as to its origins. Taking the reconciliatory position between legal and social definitions of crime, Reid (1975) has said that “the legal

definition may be used for compiling statistics on crime and for assigning the label criminal, but the studies undertaken for studying causation of crime should include such persons also in their sample of criminals who admit their crime but are not convicted by court”. The perpetration of crime can be an individual act or be talked of in organizational terms. The concept can also be loosely applied to actions which offend against a set of principles but which do not necessarily involve the breaking of a law such as, crimes of the powerful and the crimes of the state. State can, of course, use the category crime and criminal law for their own political purposes. Exceptions to and expansions of the law can quickly be introduced in times of national emergency or in the interest of state.

Criminology

In simple words criminology can be defined as the study of crime, its perpetrators, and its cases; and related, an interest in its prevention, and in the deterrence, treatment, and punishment of offenders. Approaches and theoretical traditions are diverse. Thus, criminology as the study of crime will be interested in the distribution of crime, and in the techniques and organization of crime. Criminology as the study of criminals might seek explanations for criminal behaviour in biology, psychology, or in the political economy of the society. The related sociology of law may be interested in the process of making and breaking laws and in issues such as proportionally making the punishment fit the crime. During the 1960s and 1970s, a sociology of deviance developed as a source of sociological opposition to the law-enforcement and establishment orientation or traditional criminology, and as an epistemological critique of unquestioned assumptions about what constitutes crime or deviance. In 1970 and 1980s external and internal influences on criminology encouraged the development of critical criminology and feminist criminology. The latter drew attention to the near invisibility of women in criminological work and gave significant impetus to rectifying the past neglect of victims of crime. Critical criminology is also termed as radical criminology, this perspective viewed and explained crime as a product of the social and the historical processes related to capitalism. It is based on conflict perspective of Marx and focuses upon the oppressive power of the state, its control over the definition and the prosecution of crime, and the

exploitation of the powerless by capital. Feminist criminology is a self-conscious corrective to mainstream criminology and deviance theories and one with the triple goals of critique, research, and reformulation of the field of inquiry. It emerged in 1970s partly as an outgrowth of both the women's movement and feminism, but also as a response to the so-called new deviance theory and critical criminology, which, whilst aiming to be radical and innovative, had continued to ignore women. Sometimes seen as sub-field of sociology, sometimes as a discipline in itself, criminology is clearly mixed but dynamic enterprise, drawing on sociology, economics, history, psychology, and anthropology. Some commentators have suggested that its principal concern ought to be the study of the production and distribution of order, in other words, control rather than crime. Over the past two centuries, various schools of criminology have flourished. A school of criminology is a system of thought that consists of a theory of crime causation integrated with policies implied in the theory. One of the first schools of criminology was the classical school which developed in Europe during the eighteenth century through the efforts of Cesare Beccaria and Jeremy Bentham. The classical school views crime as a rational means for maximizing self-interest. It maintains that individual will choose to engage in crime when they determine that crime offers the most pleasure and least pain relative to other course of action. It also follows that to control crime, the state need only convince the people that crime will entail more pain than pleasure, and it can accomplish this by increasing the punishment of crime. When people realize that crime is less pleasurable, they will choose to engage in more satisfying action. The positive school of criminology developed during the nineteenth century largely through the work of Cesare Lombroso and his followers. Grounded in physical science, the positive school of thought views crime as the product of personal defects or disorder. It maintains that the physical constitution influences behavior and that defects in biological structure or process engender criminal behavior. The positive school insists that punishment will not control the crime, because criminals do not calculate the pleasure and pain of alternative actions and chose those that maximize pleasure. Rather, it contends that the only reasonable way to control crime is to discover and manipulate its causes. It follows that best way to control crime is to treat personal defect or disorder. This school fell from favour in the

early twentieth century with the rise of the sociological school, which views crime as the function of social environment. The sociological school has evolved over the course of the twentieth century, and it has come to dominate scholarly efforts to explain crime. The sociological school was developed primarily in the United States. In the late nineteenth century, criminology was accepted as a field of study by the growing university department of sociology, and since that time systematic studies of crime and criminals have been made mostly by sociologists.

References

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