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DIRECTORATE OF DISTANCE EDUCATION

PSY 3714 INTRODUCTION TO CRIMINAL PSYCHOLOGY

SCHOOL OF HUMANITIES AND SOCIAL SCIENCES

DEPARTMENT OF SOCIAL SCIENCES

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AUTHORS: MOONO MAURICE

EDWARD MAKUMBA

CHEWE BWALYA

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MODULE OVERVIEW

Introduction

In this module you will learn about the theoretical science of criminology type of crime, etiology of crime, and victim of crime.

Rationale

This module will equip you with the science of criminology in terms of causes and management of criminal.

Course Aims

1. Examine various types of victims of crime
 2. Explore the impact of crime on victims.
 3. Discuss the basic of the classification of crimes.
 4. Examine patterns and trend of crime
 5. Discuss labelling as a form of criminal behavior
 6. Examine classification of crime.
 7. Examine the nature of criminology
1. establish the dimensions of criminology
 2. distinguish the different schools of thought
 3. discuss the classical schools
 4. explain the positivist ideology

5. explain the critical school of thought
6. discuss the sociological model of reasoning and
7. explain the new criminology
8. state the theoretical explanation of crimes
9. identify the etiology of crimes
10. outline the elements and classifications of crime
11. discuss crime as a societal phenomenon
12. distinguish between conformity and deviance; and the impact of labelling
13. evaluate the measurement of crimes
14. critique the juridical approach to crimes, and the treatment of
15. offenders and victims.

Study skills

As an adult learner, your approach to learning will be different to that of your school days you will choose when you want to study. You will have professional and/or personal motivation for doing so and you will most likely be fitting your activities around other professional or domestic responsibilities.

Essentially you will be taking control of your learning environment. As a consequence, you will need to consider performance issues related to time management, goals setting, stress management, etc. perhaps you will also need to reacquaint yourself in areas such as essay planning, coping with examinations and using the internet as a learning source.

Your most significant considerations will be time and space i.e. the time you dedicate to your learning and the environment in which you engage in that learning. It is recommended that you take time now before starting your self-study to familiarise yourself with these issues. There are a number of excellent resources on the web. A few suggested links are: <http://www.how-to-study.com/> and <http://www.ucc.vt.edu/stdysk/stdyhlp.html>

Time frame

You are expected to spend at least three terms of your time to study this module. In addition, there shall be arranged contact sessions with lecturers from the University during residential possibly in April, August and December. You are requested to spend your time carefully so that you reap maximum benefits from the course. Listed below are the components of the course, what you have to do and suggestions as to how you should allocate your time to each unit in order that you may complete the course successfully and no time.

Course Materials

Text books and module.

Need help

In case you have difficulties in studying this module don't hesitate to get in touch with your lecturers. You can contact them during week days from 08:00 to 17:00 hours. Mr Moono Maurice mmoon0.75@gmail.com Tutorial Room 3,. You are also free to utilise the services of the University Library which opens from 08:00 hours to 20:00 hours every working day.

Assessment

Continuous	50%
One Assignment	25%
One Test	25%
Final Examination	50%
Total	100%

UNIT ONE: INTRODUCTION CRIMINOLOGY

CONTENTS

- Introduction
- Objectives
- What is Criminology?
- Social Norms and Values
- Conclusion
- Summary
- Tutor-Marked Assignment
- References/Further Reading

Introduction

Criminology is best seen as a social science, which is concerned with the aspects of human behaviour. Criminology has many meanings but the most commonly accepted is the specific scientific understanding of crime and criminals. It is a multidisciplinary or interdisciplinary subject. This is because criminology draws from the works of legal

scholars, philosophers, biologists, psychiatrists, psychologists and sociologists. Basically, crime appears to be a sociological concept and does not exist as an autonomous entity but is socially constructed.

Learning Outcomes

At the end of this unit, you should be able to:

- define extensively what criminology is
- state the extent and nature of criminology
- understand the societal norms and values
- explain the different categories of values and how it effects of crime

The term 'criminology' is essentially concerned with the scientific study of crime. It should not be confused with the science of criminal detection or forensic science and forensic pathology. There is no direct linkage between the detection of crime by the enforcement agents and the study of crimes and criminal behaviour carried out by the criminologists. Sometimes, however, there may be an indirect connection. The criminologist usually focuses more on 'how' and 'why' crimes are committed rather than 'who' did it, and providing proof of guilt. "Criminology is best seen as a social science concerned with those aspects of human behaviour regarded as criminal because they are prohibited by the criminal law, together with such aspects of socially deviant behaviour as are closely related to crime and may usefully be studied in this connection" (Hall Williams, 1984). Simply put, criminology is the study of crime and criminal behaviour. It is an interdisciplinary field of study which analyses the aspects of a particular human behaviour. This entails the examination of the particular aspects of the behaviour that predispose him to be referred to as criminal. The study recognises what determines and why individuals commit crime and juvenile delinquency; and as well as the steps necessary in controlling crime. The major branches of criminology are: Penology, the study of penal sanctions or punishment; Victimology, the study and rehabilitation of the victims of crime; Criminalistics, the methods of investigation and detection of crime, especially the job of law enforcement agencies and forensic experts; Administration of Criminal Justice involving the courts and prisons; and Empirical Research, for analysing crime data with regard to arrests, convictions and sentencing. As an academic field of study, criminology includes other disciplines such as law, sociology, psychology, psychiatry, medicine, economics, political science, geography, biology, chemistry, history, public administration and anthropology. To study crime, the criminologist tries to identify the individual and the society. Therefore, the psychological, physiological, social as well as environmental factors are important in determining why an individual exerts criminal behaviour. In defining criminology as an independent discipline the seventeenth and eighteenth century understanding of crime was regarded as an omnipresent temptation to which all human kind was vulnerable. But the question was, "why some succumbed and others resisted". The explanation was trailed off into the unknowable resort to fate, or the will of God, or providence. That is, the Christian tradition discusses individual wrongdoing in explicitly moral and spiritual terms which contradict the systematically controlled empirical evidence. They believed that the invocation of the Devil or

divine intervention is a spiritual account for human action. For instance, the story tells us how a woman fell in with bad company and sorely tried by temptation, became too fond of drink, lost her reputation and was driven to crime by lust. Nevertheless, this puritan's tale of sin and repentance is rich in the features with the contemporary criminological theories. Other discourses on crime and criminals are the various writing of ancient and medieval philosophers. These include criminal biographies and broadsheets, accounts of the Renaissance underworld, Tudor vogue pamphlets, Elizabethan dramas and Jacobean city comedies that made rudimentary versions of an understanding of how one becomes deviant. Others are the utopia of Thomas More and the Famous novels of Daniel Defoe especially "Moll Flanders" published in 1722. In fact, what we need to recognise was that there were a variety of ways of thinking about crime, and that criminology is only one version among others. T

he important connection between the literature of the reformers and the criminology that followed was that the reformers of the late eighteenth and early nineteenth centuries were writings about a set of legal institutions about the systematic arrangement of social policy goals and order. The Enlightenment writers wrote secular analyses, emphasising the importance of reason and experience rather than the theological forms of reasoning which are dominated by irrational, superstitious beliefs and prejudices. This is based on "unscientific" reliance upon speculative reasoning rather than observed facts. By the middle years of the nineteenth century the "scientific" style of

reasoning about crime had become a distinctive feature of the emergent culture of amateur social science. The scientific style of reasoning was the Enlightenment thinking about crime. What we saw was a paradigm shift from non-rational thinking to that which is based on the principles of Enlightenment of crime. The cornerstones of such thinking were the French philosophers' ideologies highlight the importance of rationality. They made a distinctive move away from the systems that were by irrational to a more rational and predictable factors. Reason became a key way of organising knowledge. There was universalism for general laws and the idea of the uniformity of human nature against the view that beliefs of other nations and groups are not inherently inferior to European Christianity. Secularism became opposed to the church. The

thinkers include Voltaire, Montesquieu, and Rousseau. In defining criminology as a legal subject, Sykes defines criminology as the study of the social origins of criminal law, the administration of criminal justice, the causes of criminal behaviour, and the prevention and control of crime. In this definition, the emphasis is on the function of law and the efficacy of the administration of justice in the prevention and control of crime. Sutherland and Cressey define criminology as the body of knowledge regarding delinquency and crime as social phenomena. According to them, criminology includes within its scope, the process of making laws, of breaking laws, and the reacting to the breaking of law. They conclude that criminology consists of the sociology of law, criminal etiology and penology. This is the aspect of the subject of criminology in sociology.

On the discussion of criminology as an inter- or intra-disciplinary subject: the modern criminological ideology is composite, eclectic and multidisciplinary. It is a body of systematically transmitted forms of knowledge. The list of its central topics is long and diverse, and each topic breaks down further into numerous sub-topics. The substantive areas have adopted a variety of qualitative and quantitative methods, drawing upon the whole gamut of theoretical perspectives: psychoanalysis; functionalism, internationalism, ethno methodology, Marxism, feminism, critical ethnic theory, system theory, postmodernism, etc.

Psychoanalysis

Psychoanalysis criminology is the basis of Sigmund Freud's analysis of crime. According to Freud, crime and delinquency are a consequence of an imbalance between the three factors of the subconscious mind: the id, the ego, and the superego. The id (instinct gratification) is the component of the subconscious mind that is self-serving, egocentric, and concerned with self-gratification. Conversely, the superego is the component of the mind that represents morality and conscience. The ego mediates between the contrasting needs of the id and superego, and attempts to fulfill the desires of the id within the boundaries of social conventions. If the id or superego overpowers the mediating force of the ego, crime, delinquency, and other forms of irrational behaviour may occur.

Functionalism

The functionalism criminology is the structural - functionalism paradigm of Robert k. Merton and Talcott Parsons. They coined this sociological terminology “functionalism” from a type of crime which is characterised as a consequence of societal requirements, customs and institutions. It is a fact that no society exists without crime. Crime is both functional and dysfunctional. It is functional when its society has a normal characteristics and proper actions of a social organisation, but dysfunctional when it undermines and impairs society’s capacity to provide for the well-being and safety of its members and to maintain their trust.

Interactionalism

Interactionalism criminology is the basis of Erving Goffman’ analysis of crime. The central point of the symbolic-integrationist theory is that behaviour should be regarded not so much in terms of what it means to others and society in general but what it means to you, the actors. Also, the way other people react or respond to your behaviour powerfully influences your own perception of reality, response and reaction. It examines the new ways of looking at behaviour, and what the language used symbolises for the actor, as well as how other people’s behaviour is described and interpreted.

Marxism

The Marxism criminology is the basis of Marxist’ approach to crime. Its thesis is that criminal behaviour arises from the wider social conditions or social structure of political economy. Marx observed that the economic base or the infrastructure determines the precise nature of the super structure.

Feminism

The feminist perspective is the radical tradition of the feminist criminology by a British sociologist, Carol Smart. Its main focus is that economic disadvantage is the primary cause of crime. She claims that social, economic and cultural liberation of women will lead to an increase in traditional “masculine” behaviour. The feminist crime according to her arises out of frustrations, sub-service and dependency. Therefore, the main focus of the criminologist is in the main criminal behaviour as an aspect of social behaviour including the way people are perceived and dealt with as offenders.

The offenders are the acts or conducts that violate the criminal law of the society. Examples are murder or culpable homicide, robbing or brigandage, stealing and theft. In the same vein, if the act or conduct does not violate the criminal law of society then that act or conduct does not constitute a crime. Example: telling falsehood; gluttony, greed.

Self-Assessment Exercise

1. Discuss the inter or intra disciplinary ideology of criminology, pointing out its salient features in the Nigerian context
2. Examine the main focus of a criminologist in its investigation.

Crime

Crime is a particular form of deviance. It is a violation of a law. Laws are the most formal of norms. Deviance relates to the violations of folkways and mores, whereas the term ‘crime’ specifically refers to

those behaviours that violate norms encoded in the penal code or criminal laws. Punishment for crime is therefore commonly harsher and more formalised than those for breakers of the folkways and mores. But the punishments are not necessarily uniformly applied and the patterns of inequality are quite common. Crime must be distinguished from sin (immorality) and other acts of wickedness. ‘Sin’ may or may not be regarded as a crime. For example, it is a sin for a Christian to consult “juju”, engage in idolatry or fornication. These acts cannot be considered as crimes because they are not prohibited under purview of punishment in the criminal law or penal code. It must be pointed out that crime is relative in time and place. What is a lawful behaviour in the past may constitute a criminal behaviour due to changing social, economic and political factors. For example, before the advent of the colonial rule in Nigeria, the Ibos, indulged in human sacrifices and killing of twins to appease their gods. But this practice is now a crime. In the same vein, what was criminal behaviour in the past may be viewed as a lawful behaviour today. For two decades ago, wandering was a crime, it’s the Babangida administration decriminalised it. Driving by the right was an often as independence and sometime there after it is the norm today. If we say that crime is relative; it then means that what constitutes a crime in one society may not necessarily be

a crime in another society. This is as a result of cultural variability. For example, polygamy (one man marrying more than one wife at a time) is a crime among Christians in Nigeria, whereas it is legitimate for a Muslim to marry one, two, three or four wives. It is an accepted pattern of honoured practice, among traditionalists of no Christian belief. According to Emile Durkheim (1893); a sociologist, crime is as a result of a necessary consequence of the existence of a collectively supported morality. Crime can be seen as a necessary part of every social order because any social order needs a collectively supported morality. He uses laws as an indicator of moral norms. He divided laws into two kinds:

(a) Criminal Laws and (b) Civil Administrative Laws

A violation of criminal laws constitutes a violation of the collective conscience, since it is understood that a person who violates a society's law invites society's anger and must be disciplined. Durkheim asserts that "an action does not shock the common conscience because it is criminal; rather it is criminal because it shocks the common conscience. We do not reprove it as a crime, but it is a crime because we reprove it". On the other hand, civil and administrative laws represent a lesser expression of collective conscience in view of the nature of the consequences that flow from them. A violation of criminal law calls for punishment, but a violation of a civil law requires compensation of the victim by the offender. For example, if a person fails to pay a debt, he is called upon to pay it, and may be required to compensate his creditor. Criminal laws call for retribution whereas civil laws seek to restore parties to their status quo ante. Durkheim found that the proportion of the two types of law changes as societies move from mechanical to organic solidarity. Societies with mechanical solidarity – with the solidarity of a likeness – are noted for higher proportion of penal or retributive laws, which stipulate rules of correct behaviour and are backed up by "repressive sanctions". But as the Division of Labour increases and as society becomes integrated by organic solidarity, civil, commercial, procedural, and administrative laws become prevalent, the enforcement of which is "restitutive sanctions". Thus, mechanical solidarity is associated with a society with little Division of Labour while societies with high Division of Labour are bound by organic solidarity. Here people are engaged in a variety of occupations; relations are in the form of exchanges of services with each other through an intricate economic market. Paul Tappan, lawyer and sociologist defined law as an intentional act or omission in

violation of criminal law (statutory and case law) committed without defence or justification and sanctioned by the state as a felony or misdemeanor. A person may not be punished for his or her thoughts. There must be a prescribed act or omission proven to be committed. Words may tantamount to an act as in treason, aiding or abetting. But to think about community a crime is not punishable. Failure to act is not a crime unless there is a duty to act; a mere moral duty to act would not suffice. An act or omission, in order to be criminals, must be voluntary; and that presupposes that the actor considers his or her actions. Hence, a crime is an act or omission defined by law and unless the elements specified by statutory or case law are present and proven beyond a reasonable doubt there may be no finding of a “crime” and a person may not be convicted of a crime.

Self-Assessment Exercise

What is crime?

Social Norms and Values

Norms

Social norms are concrete behavioural rules or guidelines that specify appropriate and inappropriate behaviour. They tell us what we should, ought to, and must do as well as what we should not, ought not, and must not do. In other words, they not only tell us the “thou shalt” but also “thou shalt not”. They are expectations shared by the members of the society-at-large or by the members of the particular groups within the same society. Values are the abstract, general concepts, central beliefs or ideas that provide a standard by which norms are judged. Values are thus widely held beliefs for the maintenance of social order. They tell us about what is good, desirable, and important. They are expressions of preference, with some distinct moral overtones. For example, marriage institution remains a value for every young man in Nigeria. Others are values in education, morality, generosity, etc. If values operate as general principles, norms are specific rules which govern human behaviours in particular situations. Once again, these differ from one society to another and from community to community. Examples include appropriate behaviour while eating. In Africa, talking while eating is a bad habit. Sociologists see the breakdown of social norms as the underlying cause of social problems. This social disorganisation

approach has the assumption that the society is a relatively persistent, stable structure, well integrated, with every element having a function that helps maintain the system. But if people deviate from the social norms and values, they create disharmony to the social structure, and definitely, they should be labeled “criminals”. This is because they are certain ways and standards of behaviour expected of people in the society.

There are three elements of social norms, namely:

1. folkways
2. mores
3. law

(i) Folkways

Folkways are approved ways of behaviour which are passed from one generation to another. They are norms that are looked upon by the members of a society or a group within the same society as not being extremely important and that may be violated without severe punishment from the society or group. That is, folkways are the least important norms which involve in everyday conventional routines. They belong to the category of behaviours that “should” and “should not” occur, as specified by the society or a social group. An example of folkway is the rule that forbids eating without having a mouth wash particularly in the morning. Amongst the Yorubas where you are not to have a handshake with the Oba but should instead prostrate before him. Sanctions imposed on the violation of folkways are often relatively mild expressions of reprimand, such as, frowns, throat-clearing or tongueclucking. Sanctions are reactions that convey approval or disapproval of behaviour. The violator undergoes a “culture shock” where he violates the expected social behaviours of defined roles. It could be alternatively interpreted that the violator’s behaviour is rude, curious, eccentric, deranged, aggressive or hostile. The principal characteristics are that folkways are fairly weak norms sometimes called “conventions” which are passed down from the past. The violation of folkways is generally not considered as serious within a particular culture. For instance, despite public expectation, that university student should be reasonably dressed in the campus; it is common to find some students in cut-off T-shirts. Even in Lagos roads, one usually sees bus-conductors going without proper dressing on hot periods of the day. These are

examples of Nigerian folkways. An early U.S. sociologist, William Graham Sumner (1959), used the term

folkways to designate a society's customs for routine or causal interactions. He sees folkway as drawing a line of relationship between right and wrong. The moral significance is observed in the notions about proper dressing appropriate greetings, and common courtesy.

(ii) Mores

These are norms that are looked upon by the members of a society or a group within the same society as being extremely important and the violation of which will normally result in severe punishment from the society or group. They are norms which reflect moral and ethical behaviours. They generally include behaviours defined as those that absolutely “must” or “must not” occur. Transgressors face the imposition of shame, ostracism, and sometimes exile. Mores may include rules governing marriage partner selection. For example, many societies require that mates must not be selected from the same parents or family. Such marriage may be subjected to a range of sanctions, including ex-communications from a church, and a refusal to acknowledge the marriage as legitimate. To William G. Sumner, mores are society's standard of proper moral conduct. He observed that mores essentially maintain a way of life. This is related to the emotional attachment which they build themselves upon. It could be an unacceptable conduct in a particular culture, an example, is a student from the National Open University of Nigeria attending the tutorial class in tatters. Sumner sees mores as drawing a line of relationship between right and wrong. For example, a banker who does not wear a coat and a tie at the counter of the office is guilty of a breach of banking etiquette. Take another instance, the former Chairman of Economic and Financial Crime Commission (EFCC) Mr. Nuhu Ribadu was summoned to a disciplinary panel of the Nigeria Police Force on December 2008. The reason was that he went to Aso Rock to see President – Musa Yar'Adua in mufti rather than putting on the Nigerian Police uniform. This is a challenge of social mores which attempts some serious sanctions. In the same token, some police constables were sanctioned because they attended the Court of Appeal during the Governorship ruling between Comrade Adams Oshiomhole of the Action Congress (AC) and Prof. Oserheimen Osunbor of the People's Democratic Party (PDP) on November, 2008 in Benin for improper

dressing. They were not in official police uniforms. So, mores are strongly held norms whose violation would seriously offend the standards of acceptable conduct.

(iii) Law

Laws represent formalised norms that may derive from folkways or mores and are enacted by lawmaking bodies in response to new or newly recognised developments or needs. That is, laws are the folkways and mores deemed so vital to dominant interests that they become translated into written, legal formalisations that even non-members of the society are required to obey. Sanctions are formally enforced and are carried out by special officers who are charged with the purpose of maintenance of social order in the society. In Nigeria, there are customary laws backed with formal sanctions. They include the proscription of nudity in public places. These are derived from the basic ideas about what is good or bad. These formalised principles of law are normally enforced through the formal agencies of social control. Others remain as general organising principles for life and are fostered through the agencies of socialisation. So, when laws are not firmly based on norms shared by the majority, they are difficult to enforce. An example is the proscription of smoking of cigarette in the Federal Capital Territory (FCT), Abuja. The enforcement of such a ban remains a mirage. Yet in many Northern states of Nigeria, the sales and consumption of alcoholic beverages is a crime in the states. These laws are difficult to enforce because of the private nature of the act and because the laws are so commonly violated (Neubeck, 2005). The law criminalising the possession and use of marijuana is another. There remains a schism in the social cohesion underlying the law and it is continually challenged. Marijuna, a type of the Cannabis sativa is locally called eegbo, wee-wee, kaya or stone. It is consumed everyday in the streets as though were not proscribed. But one latent consequence of these sanctions is the reproduction of class and racial inequality

(Neubeck, 2005).

Self-Assessment Exercise

Explain the three elements of social norms

In this unit, we have examined that, crime depends on the norms that people develop and use to judge others. It is an established fact that what constitutes a crime in one society may not be regarded as a crime in another. Nevertheless, crime is used as a tool for the maintenance of social order in the society and as such every society experiences crime and at the same time has criminals.

Summary

In this unit, we have discussed what criminology is and what constitutes a crime. We also studied social norms as a phenomenon of criminology.

Tutor-Marked Assignment

1. Criminology is the scientific study of crime and criminal behaviour, including the ways it occurs, the causes of crime, legal aspects and control as well as possible solution to the crime problem (Schmallleger) .Do you agree with this definition?

2. Explain the functions of cultural variability in the study of crime?

Give 3 examples.

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UNIT TWO: CONCEPTUAL DEFINITIONS

CONTENTS

- Definition of Concepts
- Conclusion
- Summary
- Tutor-Marked Assignment
- References/Further Reading

Introduction

An attempt to de-mystify some technical words for a better understanding will be a useful basis for beginners of the subject-matter of criminology. There are certain terms that feature in this unit which require explanation; it is to this that we now turn:

Learning Outcomes

At the end of this unit, you should be able to:

- state the different concepts of criminology.

Definition of Concepts

Crime

Crime is defined as any act that violates the law. Hence, it is defined relative to laws, and varies from society to society or omission, from state to state, from time to time, and from strict enforcement to none. According to Curzon (1973) "Crime is any act or omission resulting from human conduct which is considered in itself or in its outcome to be harmful and which the state wishes to prevent, which renders the person responsible liable to some kind of punishment; the result of the proceedings which are usually initiated on behalf of the state and which are designed to ascertain the nature, extent and the legal consequence of that person's responsibility". To Emile Durkheim, crime is a category which can be defined only by reference to the specific social norms and values of the society in which it occurs. Durkheim does not regard some actions as crime absolutely – he recognises that given the whole total of human social experience, crime should be

that which contradicts the collective sentiments of the social group. There are categories of terms. Among them are (1) moral order (victimless crimes) – violation of law in which there are no readily apparent victim such as prostitution, gambling, vagrancy, purchasing illegal drugs like cannabis or marijuana; (2) property crimes – common crimes committed in industrial societies, including robbery, burglary and larceny, and (3) violent crimes – involve threat of violence, include murder, manslaughter, infanticide, Assault, sexual Assault, Abduction and robbery.

The Components of Crime

Technically, crime is composed of two elements: (1) the act itself (or, in some cases, the failure to do what the law requires) and (2) criminal intent (in legal terminology, mens rea, or” guilty mind”) intent is a matter of degree, ranging from willful conduct to negligence in which a person does not deliberately set out to hurt anyone but acts (or fails to) in a manner that may reasonably be expected to cause harm. Juries weigh the degree of intent in determining the seriousness of a crime and may find the person who kills another guilty of first-degree murder, second-degree murder, or manslaughter.

Criminal Law

According to Curzon (1973), criminal law is a branch of public law which deals with the relationship between members of the public and the state. It spells out clearly the trial and punishment of offenders. Sutherland and Cressey (1974) define criminal law as “a list of specific forms of human conduct which has been outlawed by political authority, which applies uniformity to all persons living under the political authority, and which is enforced by punishment administered by the state”. From this definition Sutherland and Cressey brought out some fundamental characteristics of criminal law such as polity, specificity, uniformity and penal sanction.

Polity

The criminal laws are usually enacted by the political authority, e.g. the national or state assembly.

Specificity

Criminal laws are usually specific in regard to those behaviours that are termed as deviant and at the same time in which conditions such behaviour may not be regarded as crime.

Uniformity

Criminal law as an instrument of rule of law, it is expected to apply to all persons irrespective of class, sex, ethnicity and religious or political affiliation.

Penal Sanction

Criminal law usually prescribes a specific punishment for a particular deviance. Any law that does not prescribe a punishment for its violation should not be regarded as a criminal law. The definition of criminal law has a historical antecedent. The historical roots came from two early sources: first is (a) the Babylonian code of Hammurabi (b) the mosaic code and (c) the Roman twelve tables Justinian corpus Juris Civilis (body of civil law). The second source was the English common law, the source of the present-day legal system. The common law developed in England after the introduction of feudalism (the monarch was the supreme land lord; All title to real property was ultimately traced to the crown) following the Norman Conquest in 1066. It was in the law that crime was not seen as an act against the whole society, therefore compensation was paid to the victim rather than the state. Criminal law deals with criminal behaviour, it is that branch of law, which lists the various criminal offences, identifying the elements or ingredients, which make up the offences, and specifying the punishment for each or group of offences accordingly. A major objective of criminal law is the prevention and control of crime. Crime, as we have explained, is considered a public wrong, or wrongs against the society.

Norms

Norms are standards that define the obligatory and expected behaviours of people in various situations. They reflect a society's beliefs about correct and incorrect behaviours. Norms help society control appropriate or harmful behaviours. For example, driving under the influence of alcohol and drugs is now normatively defined as unacceptable, as are other harmful behaviours

such as rape, murder, and drug trafficking. And smoking in public places is increasingly frowned upon, if not defined as illegal in some setting.

At the same time, a norm defining appropriate behaviour of a student in a classroom situation looks on him to sit down, open a notebook, have a pen or pencil ready to take notes. He should not chat on a cell phone during class; he should raise his hand to speak. He ought to know all these without receiving a written list of rules from individual teacher. These are the standards that define the obligatory and expected behaviours of people. When people's expectations of behaviour are suddenly violated, they experience culture shock (Neubeck, 2005). Broadly speaking, norms are obeyed for two reasons: First, members of all cultures develop mechanisms for internalisation – the social processes by which norms and values become thoroughly ingrained and are largely unquestioned as ways of thinking and acting “normally”. Second, when socialisation fails to produce the desired behaviour mechanisms/traits, “social control” comes in to enforce conformity. These range from such informal punishments as gossip and ostracism, to official forms of sanctions such as imprisonment. There are three types of norms, based on their level of importance to the dominant members of the society. They are (1) Folkways, (2) Mores and (3) Laws. The negative sanctions, or punishments, meted out to violators of norms vary in severity depending on the type of norm being transgressed.

Law

In its simplest meaning, law is a body of rules of conduct prescribed by an authority with binding legal force, the violation of which may attract punishment. Law is a term derived from the Anglo-Saxon word ‘lagu’, meaning to determine. There are, however, some variations in the definition of law. Salmond, for example, defined law as ‘the body of principles recognised and applied by the state for the administration of justice’. Vinogradoff defined law as ‘a set of rules imposed and enforced by a society with regard to the attribution and exercise of power over persons and things’. According to him, it is important for the society to recognise and respect the rules. Pound defined law as a means of ‘social control through the systematic application of the forces of politically organised society, while Austin defined it as ‘a rule laid down for the guidance of individuals by the individuals with power over them.

Criminal

A criminal should be understood as a person who has violated the criminal law of the land and has been found guilty by a court of law and punished accordingly. This is the legal phenomenon of the definition of criminal. Another perspective, however, argues that anyone who violates the criminal law should be deemed a criminal, regardless of whether or not they are apprehended, tried, and punished by a court of law. This argument is based on the fact that many acts defined by the criminal law as crimes e.g. murder, robbery, arson, and car-theft are committed daily. A good number of these criminals are not known or reported to the police. Those who are reported may escape police prosecution or conviction by the courts on account of corruption or incompetence on the part of the police and court officials. Those who are prosecuted may escape conviction as a result of procedural and other legal technicalities. yet, such persons have violated the criminal law by engaging in murder, robbery, arson or car-theft, as the case may be. These are what Kora and McCorkle have referred to as 'offenders –infacts' as differs from 'criminals by adjudication'. The latter are persons who have been tried and convicted for particular offences by courts of competent jurisdiction, whether or not they committed the offences alleged. It must be noted that some persons may be convicted in error just as many people who should be convicted escape the long arms of the law for whatever reason.

Types of Criminals

As Clinard notes, criminal offenders are often classified, from a legal point of view, by the type of the crime, such as murder, burglary, arson, rape or embezzlement. In these instances, such criminals will be classified as murderers, burglars, arsonists, rapists or embezzlers respectively. At other times, criminals may be classified according to sex or age. But a good number of offenders belong to career types, in which group or cultural influences play a major role in the development of this offender-type; e.g. property offenders.

Deviance

Deviance is a violation of norms of the land, -a deviation from or failure to conform to the norms. Deviance ranges from the trivial to the acute – from sleeping in class to committing murder. How others react to a deviant act indicates how serious the violation is or whether or not people ignore or disapprove of it. Some actions are regarded as deviant in some societies, and not in others, while other actions are regarded as deviant in all societies. For example, drinking of alcohol is a serious

deviance in some states of Northern Nigeria.

Distinction between Deviance and Crime

Deviance is a violation of the norms held by the society's members while crime is a particular form of deviance. That is, crime is a violation of a law. Law is the most formal of norms. Norms are the defined obligatory and expected behaviours of people in a given situation. That is, they are rules. They include the folkways, the mores, and the laws which are translated into a written legal code and enforced by the state. Therefore, the term 'deviance' refers to the violations of folkways and mores while 'crime' refers to those behaviours that violate norms in the criminal and penal codes. The punishments for crime are commonly harsh and more formalised. But not everyone who engages in the same behaviours is sanctioned, and not everyone who is sanctioned receives the same kind of punishment.

Criminology

Criminology is simply a science of crime. Criminology is best seen as a social science which deals so much on the aspects of human behaviour. Such study deals in conjunction with criminal law which prohibits such behaviour, together with aspects of socially deviant behaviours which is much closely related to crime. The fundamental focus of criminology is to ascertain the criminal behaviour. This includes the ways the criminologist perceives the offender. The criminologists have in addition, gone outside the strict legal definition of criminology to include a study of a particular type of behaviour such as robbery, violence, incest, and serious heterosexual offences. To them, the study of such conduct in the society brings social control. They view them as anti-social, immoral and contrary to the public interest. So as criminologists, they condemn such behaviours publicly. It would be misleading to conclude that criminology can easily be laid out as an appraisal of individually distinct clumps of theory. But in the other side; it has been a borrowed idea from other academic disciplines.

Penology

Penology, as a major branch of criminology, deals with an important aspect of the criminal justice process, that is, punishment, correction, prevention and control of crime. In the new concept,

penology must also consider “the causes of crime, the criminal in his physical and mental aspects as product of such causes, and punishment as a means to an end”. Law itself is defined on the basis of the punishment attached to its violation, therefore there is no punishment without law as depicted by the latin words – maxim nulla poena sine lege, there is hardly any law without punishment. Punishment can be defined legally as simply the infliction of pain or suffering or deprivation of something of value in relation to someone who has committed crime, violated a rule, societal norms or regulations. For Emile Durkheim, punishment is the society’s responsibility to punish wrongdoers and it does so through a recognised body which exercises the authority to punish on behalf of the society.

This unit has inundated us with some concepts in criminology. Such concepts as crime, criminology, deviance, norms, criminal law, criminal, etc were discussed. The above discussions have de-mystified the understanding of the concepts to a beginner of criminology.

Summary

We have discussed the different terminologies used in criminology. You need to be familiar with them.

Tutor-Marked Assignment

Choose 4 concepts of the subject-matter of criminology and discuss the main focus of the criminologists in their investigations.

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UNIT THREE: TYPES OF CRI

CONTENTS

- Types of Crimes
- Legal Classification of Crimes
- Organised Crimes
- White-Collar and Blue-Collar Crimes
- Professional and Non-Professional Crimes
- Juvenile Delinquencies
- Summary
- Tutor-Marked Assignment
- References/Further Reading

Introduction

Several attempts have been made by criminologists to construct typologies of crimes and criminals without universal acceptance. One thing that is certain is that there are different types of crimes and criminals in every society. In this unit, we would discuss the legal classification of crimes, the organised and the unorganised crimes, the white-collar and the blue-collar crimes, juvenile delinquencies as well as the professional and non-professional crimes.

Learning Outcomes

At the end of this unit, you should be able to:

- state the different types of crimes
- state the dimensions of the crimes
- examine the classification of criminals

Types of Crimes

According to criminologists, crime is 'normal' in all societies. It serves certain functions and may even help to keep a society orderly. They also established that there are different types of criminals in every society. With this in mind, attempt will be made to diagnose and classified crime in the

society in various categories. A working vocabulary of the types of criminals is a necessary part of sociological intellectual equipment and it is of paramount importance when discussing the issues of crime problems. The dimension of the typologies would be examined through (i) the legal classifications of crimes, (ii) the organised and unorganised crimes, (iii) white-collar and blue-collar crimes (iv) professional and non-professional crimes and (v) Juvenile delinquencies.

Legal Classification of Crimes

The legal classifications of crimes vary from nation to nation, society to society, as does the definition of crime. Even with a legal system, crimes may be classified in different ways. However, this unit focuses on three main categories of crimes namely:

- (a) crimes against a person
- (b) crimes against property
- (c) crimes against public order
- (d) miscellaneous crimes

The crimes against a person include such deviant acts as murder, assault, and rape. The crimes against property are forgery, burglary, arson, vandalism and violent stealing. Drug addicts and narcotics are interpreted as crime against the public order. Crimes may also be divided into two large groups based on the severity of the punishment meted out, i.e. (1) felony and (2) misdemeanour. At other times, writers adopt a three-fold classification into felony, misdemeanour and simple offences.

(1) A felony is a crime that may be punishable by death or imprisonment for three years or more. Examples of felony are treason, murder.

(2) A misdemeanor is any crime punishable with imprisonment for less than three years but more than six months; example is cheating. A simple offence attracts imprisonment for six months or less e.g. common assault

Self-Assessment Exercise

Discuss the legal classifications of crimes.

Organised Crimes and Unorganised Crimes

Criminologists make a distinction between a crime that is organised and a crime that is carried out on an individual or small group bases even though committed by professional criminals. Unorganised crimes include much of the type of deviant acts, as does organised crime; i.e. both organised and unorganised crimes activities seem to operate in the same level. The differences emanate from the fact that the unorganised crime is done by individual or group of members who do not work together for prolong criminal activities. Examples are some activities like pick pockets and theft which cannot be organised on an elaborate scale and they remain largely on the province or domain of unorganised crimes. The types of crime which are most common in carrying in an organised scale include gambling, doping, trafficking, racketeering, etc. An organised crime is so important as to deserve some elaboration at this point. The most important feature of organised crime is the Feudal pattern of organisation. This type of organisation is characterised by a clear-cut hierarchy of power. Each person in a lower level gives undivided loyalty and service to the person in the immediate power position above him. The organisation is held together by powerful leaders who use coercive techniques including physical violence to enforce an under-world code of conducts. Individuals who engage in an organised crime bind themselves together in distinct type of social groups.

(1) An Organised Criminal Gang is an association of youths or Adult who are bound together by intimate types of friendship and loyalty. Youth Gangs differ from Criminal Gangs in the important respect that the latter is organised especially for crime. The youth gangs may indulge in violence and other types of criminal activities but sometimes they are motivated by adventure and thrills rather than profits. All gangs are characterised by strict discipline with each member having to subordinate his personal interest to the group's interest. Those who threaten the success and safety of the groups are violently treated.

Examples of gang activities are: (a) highjacking, (b) armed robbery on a large scale, such as banks and armoured-trucks, Auto mobile theft including the systematic stealing and disposal of auto-parts, and (c) kidnapping (holding someone for ransom).

(2) A second type of group which engages in an organised crime is the criminal syndicate. The operation in a syndicate is a sharp contrast to that of the gangs. The latter is mobile, violent and engages in sensational crimes (forgery on a large scale). But the syndicate is best characterised as the stable business organisation whose only violence is likely to be directed from or against the competitors, e.g. mafia group, smugglers, etc. Syndicate still controls gambling and narcotics.

Certain characteristics distinguish the syndicate from other groups in organised crime. First, a criminal syndicate is definitely and primarily a business organisation. Second, it depends on an apathetic public which not only permit the deviant behaviour but implicitly demand the services. Thus, the syndicate developed through ruthless competition which may involve the destruction of other competitors. For instance, in 2006, it was alleged that a syndicate paid some amount of money to the press to publish false news that the “INDOMIE INSTANT NOODLES” (a fast food) – is poisonous and had killed many people. In a swift reaction, the NAFDAC (National Agency for Food, Drug Administration and Control) shut down the company and its products. Though, after thorough investigations, it was found to be false. The third type of organised crime is known as racketeering. This indicates an organised scheme whose aim is to extort money illegally by (a) threats or (b) intimidation. In contrast to gangs and syndicates, the racketeers neither steal nor offer a service, rather they induce individuals to make periodic payment for nothing tangible than an alleged protection. Although legitimate businesses are by no means exempted; racketeering frequently takes the form of control in Labour Union. The Labour Union operates as those in control rather than the membership. The more powerful among the racketeer organisations, may control a whole industry or several industries in the city. The fourth type of organised crimes is the political graft or corruption. Many elective and appointive officers of various levels of government are associated with the expenditure of large sums of money and with various degree of authoritative power. Political corruption takes many forms, e.g. rigging of election, misuse of public fund, the performance of free-services for fees, contract kick-backs, etc. It is extremely difficult to control this type of organised crime because “the hands of the law are the hands of the corrupt” (Ferdinand, 1966). In other words, it means that the makers and the executors of the law are themselves corrupt.

Self-Assessment Exercise

Mention the main types of crimes that occur in organised and unorganised patterns.

White-Collar and Blue-Collar Crimes

(a) White-Collar Crime

A white-collar crime is a non-violent crime usually involving cheating, or dishonesty in commercial matters. Examples are fraud, embezzlement, bribery and insider trading. The analysis of white-collar crime in the American culture is associated with professor Edwin A. Sutherland, who regarded white-collar crime as acts committed by persons in the upper socio-economic level; an American paradigm in accordance with their normal business practices. Bernes and Tecters help us to distinguish between crimes and white-collar crimes. If a banker shoots his wife's lover, that is culpable homicide, not a white-collar crime. If he violates the law in connection with his business, he is liable for a white-collar crime. If a person, who possesses some degree of good reputation, sells shoddy goods, he/she commits a white-collar crime. But if a group of persons, unknown to the victims, sell the same type of shoddy goods, the group commits a crime, not white-collar crime. This latter example is that of a bogus stock operation by criminal syndicates in get-rich schemes. White-collar crimes are unethical business practices amongst the respectable groups. Such crimes follow the social stratification pattern to a large extent; they are committed by those in the middle or upper social class. They are the groups who explore their occupation or professions for property, who occupy high-level positions and who have access to the criminal opportunities that are available to most workers. For example, among corporate executives, white-collar crimes sometimes take the form of embezzlement, fraud; the key accountants who by reason of their privileged positions keep track of and control a firm's finances may be able to transfer funds from their company into their own accounts, and to conceal these transactions for a long time. This type of crime is not regarded as a criminal activity in the technical sense because no statute has been violated. This is why white-collar crimes committed by the more affluent members of the society are not reflected in the Crime Reports. Thus, it presents its own peculiar problems of detection, and treatment. Two important types of white-collar crimes may be identified:

- fraudulent activities including such things as false advertisements, short-weights, inferior materials and systematic over-charging

- violation of local and federal laws such as patent infringement, illegal labour practices such as using unskilled personnel to do the work of a professionals, price-fixing during shortage period.

(b) Blue-Collar Crimes

A blue-collar crime is so designated because it also occurs in connection to occupational pursuit although at the common or lower level of the labour. Here, it is not usually the customer or client who is always the victim but the employee. An example is the policeman who demands for a bribe at the checkpoint. In the ministry, you would be told to offer a bribe for an application form which is supposed to be free. It is a warped attitude of the society, resulting from the empirical applicability of the unstructured economy of our society, i.e. the wider social conditions or social structures of the political economy.

Self-Assessment Exercise

Differentiate between:

1. White-collar,
2. Blue -collar crime and
3. Crime

Professional and Non-Professional Crimes

There is a general agreement among criminologists that some crimes are professionals. This class is broad and includes big-time criminals as well as petty criminals, confidence men, armed robbers, pick-pockets, smugglers, car-thieves, merchandise thieves (at Seaports and Airports), and those who receive and dispose of stolen property. All professional criminals have one common characteristic. They do not engage in crime by chance or as a result of emotional stress but as a deliberate and rational way to wealth and good life. That is, they are full-time criminals and they depend on it for their livelihood. Professional criminals are the least likely to get caught because

they plan their activities very carefully. Very often, they present a false model of themselves by pretending to be engaged in one of the conventional pursuits such as buying, selling and exporting which is only an insignificant portion of their activities. Most time, they have made previous arrangement to protect themselves in such a way that they receive minimum punishment if caught. They seldomly engage in act of violence. When convicted, they are often regarded as model prisoners and usually paroled in the shortest possible time because of their connections, that they are more or less friendly with the police. The outlook of the professional criminals was likened to that of the professional soldiers, they take risks. They enjoy high-status in the criminal underworld as “tough guys” or “hard nuts” who never wanted to associate with any amateur and always very caution not to associate deeply with women and non-members of the criminal underworld for fear of betrayal and loss of the source of their livelihood. They are likely to be mobile because of their activities. Wherever location they find themselves, the first contacts are members of the criminal underworld. The non-professional offenders are offenders who have not developed their criminal roles to high degree. Examples include (1) occasional property offenders. (2) The habitual offenders who continually commit crimes. They are predisposed to crime due to poor education, trauma from poverty, the school and the immunity at an early age. They commit such offences as driving, shop-lifting, disorderly conduct, etc. (3) The situational criminals who commit crimes under a pressure of other circumstances but who otherwise have no criminal inclination. Example is a murder committed by husband or wife who catches their respective spouses in compromising situation or nature, due to pressure on their hostile marriage and home.

Self-Assessment Exercise

Differentiate between professional and non-professional crimes. What are the characteristics of each?

Juvenile Delinquencies

Juvenile delinquency is a type of offence committed by juveniles. They are minor offences that may or may not be regarded as crime; at least one major exception is vandalism. It was only at the nineteenth century that crimes committed by children were given the distinctive label “Juvenile delinquency”. Before then, children charged with crimes were prosecuted in criminal courts, though their youth might cause judges to impose less severe punishments if they were convicted.

Under English common law, children under the age of seven who committed crimes were not subject to the criminal law. Between the ages of seven and thirteen, children could be held responsible for their crimes, depending on their individual capacities.

The major offences of juvenile delinquencies apart from vandalism are as follows:

- (1) habitual truancy from school
- (2) vagrancy (running away from home)
- (3) incorrigibility (cannot be controlled by parents). These three offences are called “status offences “. They are illegal only when committed by children
- (4) stealing
- (5) auto-thief (car-thief usually for joy rides).

Vandalism is a deliberate destruction of private and public properties. Typically, acts of vandalism include the breaking of windows in schools, destroying school records, mutilating school property such as desks and records, removing street and high way signs, slashing tyre, destroying flowers and shrubs, Tampering with the seals and contents of Trucks and railways, etc.

In this unit, we have examined the criminologist’s topologies of crimes and criminals in every society. The three major kinds of crimes we emphasised are:

- (1) crimes in the street; It is a direct act against persons or properties. It includes professional and non-professional criminals whose aim is to get money, prestige, status and recognition
- (2) crimes in the suites; they are white-collar (occupational) and organised crimes committed by business persons, politicians and professionals of respectability and high social status
- (3) crimes without victims; they are committed by those who violate society’s morals and mores.

Summary

We have discussed the typologies of crime and criminals. We also examined the characteristics of each method of operations and the dimensions of their technical involvement in carrying out their actions.

Tutor-Marked Assignment

1. What do you understand by the legal classifications of crimes?
2. Differentiate between organised and unorganised crimes. Give example.

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UNIT FOUR: ETIOLOGY OF CRIMES

CONTENTS

- Causes of Crimes
- Tutor-Marked Assignment
- References/Further Reading

Introduction

The causes of crime are multiple. There is no isolated, single cause of crime and criminal behaviour. The explanation of crime in this unit will largely depend on multiple causes. Therefore, this unit will discuss the causes and dimensions of crimes as it relates to the criminological ideas in which intellectuals and criminologists fashion their subject matter of criminology.

Learning Outcomes

At the end of this unit, you should be able to:

- identify the main causes of crimes in our society
- relate the eclectic nature of criminology
- define the psychological causes of crimes and their proponents
- state the sociological causes of crime and their features
- identify the biological and physiological causes of crimes and the views of the major scholars.

Causes of Crimes

The causes of crime include the psychological factors of criminal behaviour, which focus on the psychoanalytic and personality theories. Specific reference is made to the relationship between mental disorder and crime. The sociological factors examined the social and environmental conditions, with focus on the social disorganisation and alienation theories. These include poverty, unemployment, corruption, and drug abuse, e.t.c. Finally, the physiological factors examined the idea of the criminal as a product of his genetic constitution, with specific example of the chromosome study. Other studies mentioned include biochemical and twin studies which influence

criminal behaviour. The problems of interpreting criminal behaviours have occupied the minds of early natural philosophers and scientists. Generally speaking, one might say that the search for the causes of crime has been made either by those who believe that criminal conduct can be explained chiefly by the biological or mental characteristics of offenders, or by those who believe that environmental conditions and circumstances are the chief operative factors (Sills, 1992). The contemporary literature on crime causation theory is closely linked with the more general literature in anthropology, psychiatry, social psychology, and sociology. It is also mostly the case that the environment plays a major role in addition of other factors that may be peculiar or unique to individual criminal. The most popular approach to integrating explanation of crime rates underlay the principles of multiple-factor configuration. The study of the causes of crime does not adhere to any particular theory; rather it is an examination of crime by psychologists, lawyers, economists, social anthropologists, sociologists, social policy analysts and psychiatrists.

The causes of crimes involve:

- (a) multiple factor
- (b) psychological factors
- (c) sociological factors
- (d) physiological factors

(a) Multiple Factors

The multiple-factor approach sees crimes as products of various combinations of the psychological, sociological and physiological factors. This is particularly useful for purposes of understanding individual cases of crime, which may be as a result of a number of factors such as psychological, sociological and physiological.

(b) Psychological Factors

The scope of psychology emphasises the role of emotional or personality problems in criminal behaviour. The psychological interest in criminality has been logically linked to psychiatric interest in finding unusual conditions producing abnormal traits in the make-up of criminals. But in the case of psychology, the interest was basically expressed to measure objectively the extent

to which criminals are psychologically different from non-criminals. One of the most influential psychological explanations for criminal behaviour is based on the work of Sigmund Freud (1856 – 1939). He advanced a psychoanalytic theory to explain criminal behaviour. He said that there are three major assumptions through which psychoanalysis influences man's abnormal behaviour: first, psychoanalytic theory predicts that human behaviour is largely a response to unconscious forces, drives or instincts which may predispose a man to commit crime. Second, any abnormal behaviour is as a result of a conflict which is related to these basic drives; and third, the undesirable behaviour could be modified by helping the individual gain an insight into the unconscious roots of the person's responses. Sigmund Freud claims that criminality is as a result of genetic constitution. He believes that criminals were driven into crime through factors outside their controls. In his operant learning of a behavioural tradition, B. F. Skinner (1904 – 1990) empirically established the relationship between behaviour and its environmental settings. The consequences of learning may either be rewarded or individual finds it aversive. This cognitive behavioural theory concentrates on the relationship between environment and observable behaviour seems criminogenic in nature. Hans Eysenck, In his work, "Crime and Personality" (1970), attempts to correlate the causes of crime to the "personality type" of the individual. Eysenck claims that criminality is as a result of genetic inherited predispositions. He maintained that some individuals are more likely to become criminals given the sort of person they are.

Self-Assessment Exercise

Explain Freud's theory of psychoanalysis, making specific reference to the causes of crimes.

(c) Sociological Factors

The sociological explanations emphasise the influence of the social environment in which individuals find themselves. Sociologists view crimes as resulting from tension, stresses and strain within the societies. These tensions affect the smooth function of the society. This phenomenon of tension, stress and strain is referred to as anomic (or normlessness i.e breakdown of norms), social pathology or social disorganisation. So, crime is well understood through the breakdown of social controls. A French sociologist, Emile Durkheim (1858 – 1917), explained that people commit crimes because the authority in society offers few restraints or moral conditions. In his 'Division of Labour in Society' published in 1893, and 'Suicide' published in 1897, he discovered that

French society was in uneasy transition. He identified society without division of labour which he called “mechanical solidarity”. In such a society, there was moral response and massive disapproval and repression to criminal behaviours. Conversely in an industrial society called “organic solidarity” There was a complex division of labour. People recognise the legitimacy of manner that gives rewards. Restitutive justice became a reward for loss suffered by any man. Robert Merton explained the concept of anomie in relation to the society’s social structure in which the society pressurises people to engage in illegitimate routes to success. Merton postulated that, American society was anchored on achievement of economic success, but the social structure was such that “real success” by legitimate means was denied to many. Edwin H. Sutherland (1883 – 1950) was another influential American sociologist. He based his theory of Differential Association on the postulation that all criminal behaviours are as a result of socialisation. Sutherland argued, boys are delinquents because of their too much interaction with others who engage in criminal acts. Others who contributed to the scope of the criminological sociology were Travis Hirschi (1969), David Matza (1969) and Harriet Wilson (1980) their modern sociological thinking about crime from the basis of “The Control Theory”. They believed that men yield to and commit crime as a result of weakening of moral authority in them which could not enable them to conform to the moral bonds. This could be developed through childhood influences, models of behaviour in the home and in the streets, etc. Furthermore, Karl Marx explained that the cause of crime is involved in the concept of alienation. The basis of Marxist theory is related to the ownership of factors of production in the industrial capitalist society. The ownership tends to be concentrated in the hands of a few members of a capitalist class called the bourgeoisie while the most people, in order to survive, sell their labour power to the members of the capitalist class for wages. Marx calls this working-class group the proletariat. As a result of this alienation, there were a lot of economic oppression and oppositions. Therefore, Marx claims that crime is the product of inadequate social conditions. For Lea and Young (1993), in their book *Realism Concerning the Causes of Crime*, argued that the motivation of some crime, particularly in the urban areas is the difference between the wealthy and the poor. They enlisted the manifold causes of crime as:

(a) social deprivation – low incomes, poverty, unemployment and poor living conditions

(b) poor political representation of the working classes – Frustration

at the inability to solve problems through political channel

(c) the nature of working-class subculture – Developed out of a sense

of frustration, the lifestyles chosen by some working-class people

to solve their problems of living in a capitalist society often

emphasise antagonism – against the police and authority in general.

Self-Assessment Exercise

Explain the views of Edwin H. Sutherland, Travis Hirschi and Robert Merton contribution to the causes of crime.

(d) Physiological Factors

For centuries human beings have wondered why some people commit crime while others do not. The search for this ambiguity led the physiologists into biological traits that could distinguish persons engaging in criminal behaviours from everyone else. Some scholars observed that there was a greater propensity in inheritance of criminal behaviour. They even tried to explain it through a mutual relation with the physical characteristics such as racial ancestry, head shape, and body build, or chromosomal differences. Physiological causes have been examined for other forms of criminal behaviour, which include mental illness, alcoholism, and suicide. The subject-matter of physiological explanation is that criminal behaviours are rooted in physical malfunction or perhaps reside in the genes. This view has been credited to Cesare Lombroso (1836 – 1909) an Italian physician based on an empirical study of data on prison inmates from where he developed a biological theory of criminal behaviour. He believed that man was “born-criminal” this he observed as a “throwbacks” to our primitive lives; an instinct of primitive humanity and inferior animals. Lombroso argued, since they were born-criminal they exhibit animalistic urge. He believed that nothing can cure them but the society could be safe if they are locked-up. Nevertheless, their criminality was not their fault, so they ought to be treated as kindly as possible in decent prisons. Another scholar, Ernst Kretschmer, a German psychiatrist, examined the relationship between body type and certain forms of mental illness. He classified the body type

into Asthenic, Athletic and pyknic. He concluded that the Asthenic and Athletic body types are predominately among the persistent criminals. Others are The Genetic Approaches of Johannes Lange (1929) who finds out and established that there is a link between genetic inheritance and criminal behaviours after comparing identical monozygotic twins with fraternal dizygotic twins the Lange who studied and compared the monozygotic and dizygotic twins and observed that criminal behaviour occurs in both twins, but it occurs more frequent in the identical monozygotic than the fraternal dizygotic twins. This tends to confirm that there is an inherited factor for the cause of crime. Finally, the xyy or xxy chromosome abnormality in males sex is the determination approach to criminal behaviour which aroused much interest by Patricia Jacob (1965), Mary A. Telfer (1968), etc. in their studies, they observed extra x chromosome (xxy) or an extra y chromosome (xyy) in males.

Self-Assessment Exercise

Discuss the relevant factors that contributed to crimes according to Lombroso.

In this unit, the criminologists have studied the processes by which persons become criminals and developed theories to support this fact. The psychologists examined the causes of crime making a special reference to the relationship between mental disorder and crime. In the same token, the sociologists attempt to define and identify the processes by which persons become criminals by the use of these theories, differential association, social structure and anomie, control theory and alienation. Finally, the physiological explanations to the causes of crimes borrowed a biological concept to distinguish persons engaging in criminal behaviours from everyone else. We examined the twin and chromosomal studies to establish the idea of criminality in the studies. This literature on crime causation theory is closely linked with emphasis on psychological, sociological, bio-genetic, and environmental factors.

Summary

We have examined and discussed the causes of crime in our society. We recalled that we examined and discussed the multidimensional factors in the causation of crime. The literature causation analyses the psychological, social and environmental as well as the bio-genetic causes of crime.

Tutor-Marked Assignment

- i. Mention and illustrate the fundamental causes of crime, delineating the significant features of each peculiarity.
- ii. Differentiate between the psychological and physiological causes of crime. What was their main argument and similarity, (If any)?

References/Further Reading

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UNIT FIVE: CRIMINOLOGICAL SCHOOLS OF THOUGHT

Contents

- The Classical Criminology
- Positivist Criminology
- Critical Criminology
- The Sociological School
- The New Criminology

The Classical Criminology

Introduction

The Enlightenment thinking was the pillar of the classical approach to crime. It introduced a much more rational and fair system for organising punishments and control of crime. It had much less of a focus on the criminal per se and since had little concern with establishing the causes of crime. The main contributors to this school were Cesare Beccaria (1738-1794), Jeremy Bentham (1748-1832), Rousseau (1712-1778), Thomas Hobbes (1588-1679), John Locke (1632-1704), William Blackstone (1723-1780), and Paul Feuerbach (1775-1833). But the focus of this unit will consider the contributions of Cesare Beccaria and Jeremy Bentham.

Learning Outcomes

At the end of this unit, you should be able to:

- discuss the contribution of Cesare Beccaria to criminology
- explain the main focus of the classical school
- state the contribution of Jeremy Bentham to the treatment of offenders.

The Classical School of Criminology

The starting point of a discussion of the history of criminology is the concept of the classical tradition in criminology, and the contribution of Cesare Beccaria and Jeremy Bentham. Cesare Beccaria (1738 – 1794), an Italian legal theorist and humanist, sought for the reform of the judiciary and penal system, which he considered irrational and unfair. His focus was the abolition of torture and capital punishment in protest against the severity of the penal law. His work draws freely from social contract theory that the state resulted from an agreement among society's members to submit their individual rights voluntarily to the sovereign to rule in order to stabilise social relationship and safeguard individuals' liberty and preservation of their lives and property. As such, authoritarianism has no place in social contract as the people have the right to overthrow an unjust government and establish a more equitable contract. The classicists believed that human beings are naturally pleasure loving and would use their free-will (liberty) to choose acts that bring pleasure (hedonism) to them as against those that will bring pain and suffering. It was a basic assumption that criminal behaviour was essentially a rational act, following a deliberate calculation of the relative risk and gain involved. The offenders have a heuristic view that there were a lot of pleasurable outcomes and profit that will result thereof. This is the cost benefit analysis. That is, people are rational beings who engage in any act deliberately knowing the cost benefits. Human actions are not determined by inside or outside "forces" but can be seen as matters of conscious decisions and "free will". Classical criminology is more interested in penology (societal reaction to law-breaking) than in why people break the laws.

(i) The Utilitarian Principle

The principle of utilitarianism was derived from the economist notion of "utility". Utility is defined as that quantity of goods and services, which make a desired usefulness, and satisfaction derived from it. Jeremy Bentham, then postulated that laws should have a "spirit" of utilitarianism, that is, the laws should be made for the greatest happiness for the greatest number in the society. Bentham argued that their violation would open the door to anarchy. He believed that individuals weigh the

probabilities of present and future pleasures against those of present and future pains. Thus, people acted as human calculators and they put all factors into a sort of mathematical equation to decide whether or not to commit a crime. That is, if the advantages of criminal acts, for example, are greater than the disadvantages, the probability of the crime will increase. In order to deter people from law-breaking behaviour, the school advocated punishment painful enough to make such acts painful to criminal. He linked the classical theory of punishment with his utilitarian principle. He believed that utility should be viewed from the perspective of how much pleasure or pains the law generates. According to him, the objective of the law should be to attain, “the greatest happiness of the greatest number”.

(ii) The Theory of Punishment

Jeremy Bentham, an English reformer was not happy with the legal system in England in the 18th century. He made efforts to oppose the harsh and arbitrary punishment by the state to the accused persons. His main theory was that punishments for crime should not exceed what was necessary to maintain public order. He was against capital punishment and secret trials. To him, the English legal system was barbaric and ineffective. He maintains that a punishment involving brutality is unnecessary because it produces more pain than satisfaction. He became interested in equality before the law. A criminal law should be clear, so that all could know and understand it. The accused should be given adequate time and resources for his defence. Punishment should be quick, certain, and commensurate with the crime committed. He believes that the law exists to create happiness for all, thus since punishment creates unhappiness it can be justified if it prevents greater evil than it produces.

His assumptions about punishments were:

(a) the punishment should be commensurate with the seriousness of

the wrong, that is, the punishment should be more than the

pleasure derived...

(b) indeterminate sentences should be abolished. Particular crimes merit particular punishments, and offenders should know what they would get. In other words, the given punishment should not be more than is necessary to deter the offence

(c) sentencing discretion should be sharply reduced. A system of standardised penalties should be introduced. There should be no discrimination and discretion.

The most significant of the classical thought was the idea of free-will. The concept of free-will is central to commit crime. The individual is believed to be rational and has the ability to choose between right and wrong, pleasure and pain, happiness and sadness; and so on. The classicists established that punishment should be designed to fit the crime committed. Its points of departure is the juridical definition of crime rather than the criminal behaviour.

Self-Assessment Exercise

How does the Bentham's Utilitarian Principle address the theory of punishment?

The Neo-Classical Model

The main proponents of the neo-classical thought are Vanden Haag and R. Bayer. The neo-classical school did not agree with the idea that human beings are naturally pleasure-loving animals who use their freewill to choose acts that will bring pleasure to them or for the purpose of maximising pleasure. According to them children, the insane, imbeciles, and morons cannot be said to exercise free-will rationally because of their defective mental ability. So they cannot be held responsible for any act they committed against the law of the land. That is, they believed that it would be an act of injustice if these set of people are administered punishment in the same category like the normal adult offender. The point of contention to the neo-classicist is that the classical school erred in the idea of a blanket punishment for the criminals. They therefore attempt to fill the gaps left by the classical school. The neoclassical school believes that extenuating circumstances should be taken into consideration before punishing a criminal. They maintained that punishment should therefore be based on full or partial responsibility, considering such conditions as the insane, imbeciles, and morons because of their defective mental ability. Therefore, it is impossible for this group of people to exercise free-will in committing crime.

The historical development of criminology started with the classical school which grew out of a protest against the barbaric nature of the criminal justice system of the eighteenth century Europe. They demanded that punishment should fit the crime committed. The central theme of the classical

school was the idea of free-will. The neo-classical thoughts attempted to fill a gap left by the classical school in the administration of justice to the accused person.

Summary

The classical school was not interested in studying criminals, but rather law-making and legal processes. We learnt that the school believes that crime was as a result of total free-will. Beccaria also held the view of the rational nature of human beings, the ability to choose and control their actions. Free-will is a psychological reality; people freely enter a social contract with the state to preserve peace and the consensus: a pleasure pain motivation.

Tutor-Marked Assignment

Examine the contributions of both Beccaria and Bentham in the administration of justice at the classical traditions of criminology.

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POSITIVIST CRIMIOLOGY

CONTENTS

- The Positivist Principle
- Tutor-Marked Assignment
- References/Further Reading

Introduction

Auguste Comte (1798 – 1857), the father of sociology is associated with the term “positivism”. He saw man’s intellectual development as an evolutionary process related to the progressive development of science, which he analysed in terms of his law of three stages: theological, metaphysical and positive. He saw positivism – the use of observation and experimentation to understand natural phenomena – as the key to man’s continued progress.

Learning Outcomes

At the end of this unit, you should be able to:

- discuss the views of the positivist school and their proponents
- explain the combination of the factors necessary for criminal behaviours
- examine the three criminal types which characterise different

types of persons involved in criminal acts.

The Positivist Principle

The late nineteenth century writers of the positivist school, typically includes Cesare Lombroso, (1835-1909) Enrico Ferri, (1856-1929), Raffaele Galafalo (1851-1934) Charles Goring (1870-1919), Francis

Galton, (1758-1828), Earnest Hooton, (1887-1954), and William Sheldon who claimed to be more empirical, and scientific in their approach to investigating the criminals by using the techniques of

psychiatry, physical anthropology, and other new human sciences. The positivist school claimed to have discovered the existence of “criminal types” whose behaviour was determined rather than choice or become, and for whom treatment rather than punishment was appropriate. The point of contention to the positivist school is the explanation of crime in the criminal, not in the criminal law. In other words, the positivists concentrated upon the criminal rather than the crime. The school saw the offender as being strongly influenced by an innate constitution which determines the crime. The innate constitution, they believed is determined by biological, psychological and social traits. The therefore prescribed that punishment is a major factor in the prevention of crime. Cesare Lombroso (1836 – 1909) is usually seen as the founder of modern criminology; an Italian prison physician and director of mental asylum; a criminal anthropologist, and founder of the positivist school of penal jurisprudence. He changed to use a scientific approach to study crime and to develop a ‘positive’, factual knowledge of offenders, based upon observation, measurement, and inductive reasoning. As a medical doctor, Lombroso studied Italian army recruits and asylum and prison inmates and attempted to identify different racial types and to subject them to scientific scrutiny. In his book-L’Uomo Delinquente (The Delinquent Man) published in 1876, he was fascinated to discover that many of the military offenders sent to him for diagnosis and treatment had some peculiar physical characteristics. After further examination of hundreds of the offenders; he concluded that criminals are “atavists” or genetic, and that “criminal type” accounted for their inability to become law-abiding.

Classification of Criminals

The criminal is a specific type of person. Thus, positivist criminology drew up a long classification systems of different kinds of offenders. Lombroso for example, identified not just the born-criminal, but also the emotional criminal, the morally insane criminal and the masked epileptic criminal. Others are the imbeciles, morons, and idiots as well as those suffering from melancholia, dementia, alcoholism, hysteria and degeneracy. These classes of criminals commit crime as a result of brain damage due to disease or mal-development. Positive criminology identifies certain categories of criminals

(a) Born - criminals: they are the “atavists” or the genetic remnants of the primitive humanity which accounts for their inability to become law-abiding. That is born-criminal is an atavistic being

who reproduces in his person the ferocious instincts of primitive humanity and inferior animals. Because of this genetic make-up, Lombroso believed that born-criminals could not restrain their violent and animalistic urges. He argued that the society could be protected only by locking them up. However, since the criminality was not their fault, they ought to be treated as decent offenders.

(b) The Criminaloids: They are law-abiding citizens but who break the law under conditions which is beyond their control, implying that sociological and environmental determinants played a role in

criminal behavior. By the twentieth century, it had been observed that the greatest contribution to criminology was sociological with emphasis in the environment of the offender. At mid-century, William Sheldon (1949) posited that body structure might predict criminality. He studied hundreds of young men in terms of body type and, checking for criminal history, concluded that delinquency occurred most frequently among boys with muscular, athletic builds. Glueck and Glueck (1950) confirmed Sheldon's conclusion, but cautioned that a powerful build does not necessarily cause or even predict criminality. Recent genetics research continues to seek possible links between biology and crime. To date, no conclusive evidence connects criminality to any specific genetic flaw. Yet people's overall genetic composition, in combination with social influences, may account for some variation in criminality. In other words, biological factors probably have a real, if modest, effect on whether individuals engage in criminal activity. Charles Goring (1972) later explained criminal behaviour as a result of mental inferiority and Ernest Hooton (1939) argued that there exists a "criminal stock" in the gene pool that cropped up from time to time. William Sheldon (1949) and Eleanor and Sheldon Glueck (1956) expressed the view that criminals could be distinguished from non-criminals on the basis of their physical factors. They claimed to have discovered three basic physique types: "mesomorphs", "ectomorphs" and "endomorphs" criminals. They maintained, those with mesomorphic ("lean, muscular and thick skinned") body types, were more likely to commit crime. In 1884, Raffaele Garafolo (1851 – 1934) in his book "criminology", examined the social and legal aspects of criminality as well as its "an anthropological (biological) embodiment. He used the concept of social dangerousness as the concept of a criminality. i.e. the criminal is considered to be at high risk to physically, psychologically or morally harmful to himself and to the society.

Enrico Ferri (1856 – 1929), “Criminal Sociology” and with Garafalo identified with the Italian school of Lombroso but Ferri attributed crimes to three factors: the biological (anthropological as it was often called in those days); physical and social. He was against the view that any one factor could cause crime and saw instead the need to take the factors in combination. Lombroso recognised other factors but highlighted on the anthropological factors, but to Ferri, he focussed on heredity and its constitution. He also classified criminals under five basic types: Criminal lunatics, the born-criminals, habitual criminals, occasional criminals and emotional criminals. This new science of criminology, as it was developed in the last decades of the nineteenth century was characterised by a number of distinctive features such as criminal biology, criminal sociology and criminal psychology. In a critical assessment of the positivist school, much of the early research was based on comparing the physiques of prisoners with those of nonprisoners. It is not surprising, and there is nothing scientific that male prisoners tend to be muscular (“mesomorphic”), Moreover, many people who commit crimes (particularly “white-collar crimes”) are not in prison, and so are excluded from prison-based research (Appelbaum, 1995).

In this unit, we examined the focus of the positivist school on the criminal person. Their approach and roots were based on scientific factors. We also viewed the human nature of crime as been determined by biological, psychological, and social environment, where moral responsibility is obscured and which characteristics marked the criminals from non- criminals.

Summary

We have discussed about the positivist movement and its views. We arrived at several factors that are responsible for criminal acts. The criminal types were classified into three categories for specific type of person. We also discussed about the born- criminals, the criminaloids, the insane, habitual, the imbeciles, the morons, etc.

Tutor-Marked Assignment

1. Discuss the contributions of Cesare Lombroso to the development of criminology.
2. Discuss the “criminal types” of criminology and explain its implication in the present contemporary society.

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CRITICAL CRIMINOLOGY

CONTENTS

- Critical Criminology
- Tutor-Marked Assignment
- References/Further Reading

Introduction

Critical criminology was developed in America and Britain. Among its proponents were George Vold, Bonger, Taylor, Young, Walton, Quinney, Reiman and Trick. They were influenced by the works of Karl Marx and friend rich. Engels, and derived much strength from conflict sociology. It was critical of the criminal justice, and politico-economic structures of bias, discrimination and exploitation which they claimed were the reasons certain people commit crimes others are not and why the poor are criminalised and the rich are not and variously called new criminology, conflict radical or liberal criminology.

Learning Outcomes

At the end of this unit, you should be able to:

- explain the critical school of criminology
- explain criminology from the Marxist perspective
- express the views of the different scholars about the relationship between the capitalist class and the working class
- formulate the root causes of economic crime in our society

- explain the critique of labelling and conflict theories of crimes.

Critical School of Criminology

The critical criminology is also known as the radical school or new criminology. This radical approach to criminology gave expression to the feelings of disenchantment and disappointment arising from the alienation of the poor people in the society. The new criminology sought to offer a way out and replace the old order, which would automatically bring a new dawn in the history of criminology. The radical approach perceives crime as a great feature of capitalist society and its system of political parameters, which gives more promise to the position of the exploiting elites. This explanation has support in the works of Karl Marx (1818-1883) and Friedrich Engels, (1820-1895) although they were a long way from being criminologists. Their observation was that high incidence of crimes was associated with capitalism. In fact, the thrust of Friedrich Engels' is the deficiencies of the capitalist economic system resulting in high levels of crime. According to him, "Immorality is fostered in every possible way by the conditions of working class life. The worker is poor, life has nothing to offer him, and he is deprived of virtually all pleasures. Consequently, he does not fear the penalties of the law. Why should he restrain his wicked impulse? Why should he leave the rich man in undisturbed possession of his property? Why should he not take at least a part of this property for himself? What reason has the worker for not stealing? Distress due to poverty gives the worker only the choice of starving slowly, killing himself quickly or taking what he needs where he finds it – in plain English - stealing. And it is not surprising that the majority prefers to steal rather than starve to death or commit suicide" (Carrabine, 2004). Karl Marx's theory of criminal behaviour was enshrined on the capitalist tendency to maximise profits in order to expand its wealth and property and by implication exploit the working class (proletariat). The result is that, the worker feels alienated and estranged from his labour; which leads to criminal behaviour.

Crime of violence, property offences and drug crimes are the by-products of this economic oppression and alienation and societies' contradictions that are apparent in capitalist. Working class crime is an expression of "rebellion" against inequality and against a system that used the legal system – including the law, the police, court and prison as weapon in the class war. A number

of writers have adopted this perspective in opposition to the “left idealism” that crime is not a problem of the working class people” and have developed a realistic approach to law and order. The left idealist position has been criticised for its apparent lack of interest in issues of policy. John Lea and Jack Young (1984), for instance, argue that, in contrast to the left idealist view, crime really is a problem for the working classes; and a problem that needs talking with realistic policies and practices. This is not to deny the impact of crimes of the powerful but to suggest that the working classes are most often the victims of crime.

Young and Matthew (1992) distinguish between what they term the realist and the radical positions. The classical Marxist approach is linked with radical notions that the criminal justice system does not work in the interest of the mass of working people and should therefore be abolished. The legal system, as they observed is just another aspect of the ruling – class domination. Nevertheless, this left radical view has been attacked by sociologists and criminologists writing from the left realist position. The left realists believed that much to the injustices and marginalisation of some sections of the population encourage crimes. And they proffered no solutions. The Marxist approach believed that socialism will reduce crimes fundamentally as crimes are rooted in social inequality. Young and Matthew (1992) stressed the need for an adequate criminal justice system that works in the interests of all social groups and provides adequate protection for the poor. Left realism is advocated for a social democratic approach to crimes as well as the development of effective policies. Richard Quinney (1977) allying with Bonger argued that under capitalism, the law is used to oppress the working classes. He suggests that what we now regard as “criminal” will disappear only once capitalism itself has disappeared. He contends that there will be no greed and profit – seeking under socialism; and the ruling class will not exist to use the law as a weapon to define as deviant the working class activities they do not wish to allow. The vital issues of the traditional or orthodox Marxists such as Bonger and Quinney were that crime is the product of inadequate social conditions.

Williem Adrian Bonger (1876 – 1940) believed that there was a relationship between economic situation and criminality. He argued that the propensity to commit crime is higher in the working class than the capitalist class. He suggested that the major shift was in the emergence of capitalism.

To him, it was capitalism that generated an egoistic culture-with capitalists being greedy and workers becoming demoralised. In other words, he sought to establish a causal link between crimes and material conditions by looking at the effects of competition and “egoism” on criminal thought. By “egoism” people become selfseeking and think only of themselves. Since the capitalist economic system generally widens the gap between the capitalists class and the working class. This extreme gap often makes the working class to steal from the capitalists in order to survive. Therefore, Bonger concluded that crime can only be eliminated through a radical reorganisation of the mode of production and the dethronement of capitalism. Jeffrey Reiman considered the preponderance of working class in the criminal group from another perspective. He argued that poor people are often arrested and charged of crimes. Conversely, the crimes of the rich, for example, embezzlement and serious tax evasion, are treated as trivial as if not criminal offences. There was a distortion of criminal justice. Reiman therefore called for an equal distribution of wealth and income to enable equitable opportunities for all and sundry. The neo-Marxists argued that limitation were found in the early theories (the classicism and positivism) on the explanations of control of crimes but should be discovered on the critical school of criminology; the radical theories (labelling , new deviance, neo-marxism, etc) .This is what they referred to as the wider structural explanations of control of crimes . To them, that is the root of criminal behaviours. From the works of Taylor, Walton, Young, Bonger, Reiman and Quinney appeared the neo-Marxist positions, based in the “materiality” of crime and were called the critical criminology, working class criminology or neo-Marxist criminology. The background of the exposition was that the poor and the working class were truly the problems of crime. They believed that the poor and the working class are marginalised and deprived of the means of production. Therefore, crime became manifested as a result of the relative deprivation and marginalisation. They concluded that the causes of crime need to be looked for in deep structural inequalities (Carrabine, 2004).

This approach implies that its law and other cultural norms are created directly by the rich and powerful. The analysis implies that criminality springs up only to the extent that a society treats its members unequally. In other words, the point of departure is that the Marxists’ framework for the analysis of crime was that crime is a product of the competitive and exploitative conditions of

capitalism and as such should be overthrown. But the view of the neo-Marxists was that the elites dominate society and they use the criminal law as an instrument for coercion and domination; a violation of certain inherent rights, a crime based only on a ruling class conspiracy. On the contrary, it is the crimes of the powerful (the elites of capitalism). The works of the neo-Marxists were borrowed from the conflict theory and Marxism.

Self-Assessment Exercise

Compare and contrast the views of the Marxists' and neo-Marxists' position to criminal behaviours.

This unit has inundated us with the critical school of criminology. We have examined the Marxist and neo-Marxist perspectives which criticised the capitalist factors of production in the society from the views of Taylor, Young, Engels, Marx, Walton, etc, as well as the relationship between the capitalist class and the working class. In addition, we have been able to garner information and explain the critique of labelling and conflict theories of crimes.

Summary

We have examined and discussed the radical criminology. We recalled that the critical school was borrowed from the Marxist's concept. It defines the social class position where the powerful maintained their position and the powerless became the most criminals as a result of the features of the capitalist society.

Tutor-Marked Assignment

1. Discuss the ways in which criminology has become "radicalized" in recent years.
2. Discuss the Labelling theory of Lemert, Becker and Cohen and apply its relevancy to the contemporary Nigerian society.

References/Further Reading

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THE SOCIOLOGICAL SCHOOL

CONTENTS

- The Environmental/Sociological Approach
- Tutor-Marked Assignment
- References/Further Reading

Introduction

The sociological school of thought emanates from the term “sociology” as a concept. The Oxford English Dictionary defines sociology as “the study of social organisation and institutions and of collective behaviour and interaction, including the individual’s relationship to the group”. The approach looks on the consideration of group antagonisms and criminality i.e. the approach examines the ways in which society is structured and the demand it makes on its members. The Sutherland’s theory of Differential Association suggests that crime is learned in everyday situations through a process of cultural transmission. The Anomie theory suggests that crime is bound up with tension, stress, and strains within societies; most commonly, there is a breakdown of the smooth working of society etc. The approach is divided into five images. They are not mutually exclusive-indeed, they benefit from each other, as they each have somewhat different emphases.

Learning Outcomes

At the end of this unit, you should be able to:

- examine the sociological approach to causes of crimes
- discuss Edwin H. Sutherland theory of Differential Association and its applicability
- explain the Robert K. Merton theory of Structures Strains and Anomie
- describe the family factors as they relate to crimes and delinquencies
- explain Robert Park's Cultural Transmission Theory which explains why some communities persist in having high rates of deviance, such as crime and delinquency.

Sociological Approach to Crimes

Sociological theories emphasize the influences of social environment in which individuals find themselves. When individuals engage in criminal behaviour, they do so within the context of the particular society in which they live. Sociological explanations focus on ways in which such factors may prompt or encourage some individuals to engage in abnormal behaviour. The nature of the explanation that one finds most useful for a particular form of criminal behaviour will considerably affect one's approach to solutions. Therefore, it would be necessary to subdivide the sociological explanations of crime into various sub-headings, namely:

1. Differential Association theory
2. Anomie and Structural Strains
3. Family Factors
4. Theories of the Sub-cultural Nature of Crime
5. Cultural Transmission theory

(1) Differential Association Theory

Edwin H. Sutherland (1883 – 1950) is one of the classical Chicago schools. Others are Frederik M. Thrasher (1892 – 1962), Edward F. Frazier (1894 -1962), Clifford Shaw (1895 – 1957) and Henry D. McKay (1899 – 1980). The theoretical impact of the Chicago school was a paradigm shift from the notion that criminal behaviours entailed the study of the individual (i.e psychology),

to a richer understanding that criminal behaviours are found in the study of the social structure (i.e sociology) that shape and influence people's lives. Sutherland in his book, "Principles of Criminology" published in 1939 made a key contribution to criminology in his 'Differential Association theory'. Sutherland argued that all criminal behaviour is a normal learning process. We learn crime in much the same way as we learn everything else. How we act therefore depends on how those around us desire us to act. How much we deviate from or conform to the norms depends on the differences in how we associate with others. Learning any social patterns; be it conventional or deviant acts, occur as a result of association. That is, boys become deviants (delinquent) due to their attachments to others who engage in and approved criminal acts. In this view, the causes of deviance do not lie on individuality but rather in the normal process of social influence. Edwin H. Sutherland formulated the principles of differential learning theory in nine propositions in 1947 before he dies in 1950. The propositions are:

- criminal behaviour is learned; far from being genetic or biological

- criminal behaviour is learned in interaction with other persons in a process of communication
- the principal part of the learning of criminal behaviour occurs within intimate personal groups
- when criminal behaviour is learned, the learning includes (a) techniques of committing the crime, which are sometimes very complicated, sometimes very simple; and (b) the specific direction of motives, drives, rationalisation and attitudes
- the specific direction of motives and drives is learned from definitions of legal codes as favourable and unfavourable
- a person becomes delinquent because of an excess of definitions favourable to violation of law over definitions unfavourable to violation of law
- differential associations may vary in frequency, duration, priority and intensity
- the process of learning criminal behaviour by association with criminal and anti-criminal patterns involves all the mechanisms that are involved in any other learning
- though criminal behaviour is an expression of general needs and values, it is not explained by those general needs and values (carrabine, 2004).

Self-Assessment Exercise 1

According to Sutherland, what are the basic factors which influence criminal behaviours?

(2) Anomie and Structural Strains

The concept of Anomie as a form of sociological interpretations of criminal behaviour is linked to the French sociologist, Emile Durkheim (1858 – 1917) who awarded three different meanings to anomie or normlessness:

- (a) a failure to internalise the norms of the society (e.g. the secret societies)
- (b) an inability to adjust to changing norms
- (c) the tension resulting from conflict within the norm themselves.

Robert K. Merton (1910 – 2003), the Harvard sociologist, went one step further to popularise the concept. In one of the most cited discussions of the twentieth century, Merton's social structure and Anomie (1938), Merton explains crime on the basis of structural strain or frustration as a result of person's position in the social structure, especially the stratification system. He noted that the American society places enormous emphasis on the pursuit of material success. He observed that the humans have a natural tendency to observe norms which are reflected by the personalities called conscience. Yet, some people often act against their conscience because of the terrible strain upon them. Distinguishing between a social structure (which provided economic roots to success) and a culture (which provided norms, value and goals), Merton argued that criminal behaviour occurred where there was distortion between them [means and goals]. Strain theory portrays a deviant as a person torn between guilt and desire, with desire gaining the upper hand (Stark, 1987). The index of success in the society is material possession. In stable societies, Merton noted that the conventional success was achieved through talent and hardwork. But in unstable societies, what was important is not the prescribed legitimate means but the goals. In the latter society, there is proclamation of equal opportunity for everybody but in reality the opportunity was a mirage.

Table 1: Merton's Mode of Individual Adaptation to Anomie

	Culture goals	Institutionalised means
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Conformity	+	+
Innovation	+	-
Ritualism	-	+
Retreatism	-	-
Rebellion	+	+
	-	-

Key:

+ = acceptance

- = rejection

+ = reject old and substitute new (Carrabine, 2004)

(a) Conformity

Conformity is living a conventional life involving acceptance of both culture goals and culture means, i.e. the true story of “success” to gain wealth and prestige are through talent and hard work.

(b) Innovation

As a result, offenders may seek wealth through one or other kind of crimes – say, by dealing in Cocaine. Merton called this type of behaviour innovation – the attempt to achieve a culturally approved goal (wealth) by unconventional means (crime). See the Table above. Innovation accepts the goal of success while rejecting the conventional means of becoming rich. They believed that hard work, honesty, saving, investment and education cannot give them the ultimate goals, rather through cheats. They make money illegally. The deviant behaviours exist in form of burglaries, robberies, drug trafficking, prostitution, and other types of crime.

(c) Ritualism

In the Merton’s scheme of things, it is the means-goal gap. Seeing that the goal of material success was very hard, people abandon it. They resolve the strain of limited success by abandoning cultural

goals in favour of almost compulsive efforts to live respectably. In essence, they embrace the rules to the point that they lose sight of their larger goals. They believed that “a good name is greater than silver and gold”. They are honest in character.

(d) Retreatism

Retreatism was the rejection of both the cultural goal of material success and access to the approved means. They may adopt an alternative lifestyle as a vagrant, pursue altered states of consciousness. Retreatism entails removing oneself from a reality that just does not seem workable. In effect, they are “dropouts”. They include the alcoholics, drug-addicts and ‘Area-boys’. They don’t believe in hardwork, honesty, investment and education, even in seeking wealth.

(e) Rebellion

In contrast to retreatism, Merton termed rebellion which involves the rejection of both the cultural definition of success and the normative means of achieving it. People therefore invented a new cultural goal and new means of achieving the desires. That is, they advocated radical alternatives to the existing social order. These are people who dedicate their lives to revolutionary organisations or transformative social movements; substituting new cultural goals and new means of adaptation.

Self-Assessment Exercise 2

Differentiate between Merton’s five modes of individual adaptation to Anomie.

(3) Family Factors

The sociological explanation of crime has been associated with family influence. No more potent factor exists than the influence of criminal behaviour as a causal relationship of the experience of the child in the family. These influences could be as a factor of broken homes, family tensions, and criminality in the family, etc. It is often suggested that the broken home- broken by the death of one or both the parents, by divorce or separation of the spouses or desertion, is a major cause of crime. Glueck S. and Glueck E. T. in their 1950 study, “unraveling Juvenile Delinquency” estimated that about 40 per cent of delinquents in America came from broken homes. A distinguished American psychiatrist, David Abrahamsen, has stressed the striking relationship of

tension to delinquency. In his article – “Family Tension: Basic cause of Criminal Behaviour (1949)” Abrahamsen found out “that those families which produced criminals showed a greater prevalence of unhealthy emotional conditions among the family members – that is, family tension – than did the families of the non-delinquent group .The family tensions, manifested through hostility hatred, resentment, nagging, psychosomatic disorders, engendered and sustained emotional disturbances in both children and parents alike” (Williams Hall, 1984). The influences of other members of the family who have already experienced criminal behaviour include not only the siblings, but other relatives who had been found to be correlated to a family pathology with crime. The Gluecks in their earlier studies of Juvenile Delinquency (1950) observed that 80 per cent of offenders had been reared in homes where there were other criminal members. They looked also that about 90 per cent of the delinquent boys came from homes where drunkenness, crime or immorality had occurred. The effect of having a criminal brother was found to be almost as great as that of having a criminal father.

Self-Assessment Exercise 3

How does the family factor contribute to the sociological explanation of crime?

(4) Theories of the Sub-Culture

Sociological theories sought to explain crime in terms of cultural or subcultural differences .They perceived the different areas of the city where crime was concentrated as areas of social disorganisation, where a different set of values or sub-culture prevailed which powerfully influenced behaviour in the direction of deviant behaviour, so that the area became a high crime area i.e. a delinquent area. Clifford Shaw and Henry D. Mckay and Frederik Thrasher, Bernard Lander and others studied “delinquency area” and criminal sub-cultures. It can be said that the studies of sub-cultures of a criminal nature on gang delinquencies, general nature and theory of culture conflict have influenced and have permeated many modern developments in sociological criminology. Thus, Albert k. Cohen studied delinquent boys and delinquent subcultures .He disagreed that delinquent behaviour is directly caused by the desire for material goals. He explained that individuals brought up in a working class environment are likely to desire the general goals of the environment and have less opportunity to achieve them due to educational failure. Consequently, working class boys suffer from “status frustration”, which causes them to

reject the school system, and form a delinquent sub-culture. According to Walter Miller (1958), delinquent sub-cultures are based on a number of “focal concerns” that reflect the values and traditions of “lower-class” life. These focal concerns include “toughness”, excitement” and “smartness”. The subcultural approach stresses the collective response as crucial, rather than seeing criminal behaviour as an individual response to failure, as Merton argued. Richard A. Cloward and Lloyd E. Ohlin “Delinquency and Opportunity” (1960) argued that there is greater pressure towards criminality on the working classes because they have less opportunity to “succeed” by legitimate means. Cloward and Ohlin identified the following sub-cultures:

- a criminal sub-culture, where criminal youths [delinquencies] are closely connected with adult criminals. The criminal youth is at the top hierarchy, where there is a development in alternative means to financial success
- a conflict sub-culture, a very unstable area, where the offenders seek to resolve their frustrations and problems through violence
- a retreat or escapist sub-culture. They are neither criminal subculture nor the conflict sub-culture. They are retreatists who turn to drink, drugs, sex and other forms of withdrawal from the wider social order. Sub-cultural theories have suggested that crime and delinquency can, ironically, represent conformity. In modern society, there are a range of sub-groups with their own sub cultures that include norms, values and attitudes that differ from and conflict with those of the rest of the society. Conformity within such sub-groups will involve some form of deviance from and conflict with the wider society.

Self-Assessment Exercise 4

Express the views of Richard Cloward and Lloyd Ohlin in the criminal behaviours of the sub-culture.

(5) Cultural Transmission Theory

Cultural transmission theory is closely tied to a school of sociological thought. This explanation has support in the works of Robert Park, a Chicago school of sociology. Park borrowed the ideas from the field of ecology, a branch of biology in which animals and plants are studied in relation

to one another and to their natural habitat. Park reasoned that there is also ecology of the organisation of human communities. He used the concepts such as “symbiosis” which refers to how organisms of different species can live together to their mutual benefit, applied it to humans and formulated a theory of human ecology. Cultural transmission theory postulates that deviance is sociologically transmitted from one generation to the next when communities or neighbourhoods develop cultural traditions and values that tolerate or encourage deviant conduct and rule-breaking. This theory offers explanations of why some communities persist in having high rates of deviance, such as crime and delinquency. The central tenet of cultural transmission theory is that deviance can be passed down from generation to generation because community traditions and values are either permissive toward or supportive of violating conventional rules of conduct, including criminal laws. The rationale of cultural transmission theory is best stated by Shaw and Mckay, who studied the variations in crime and delinquency rates over a fifty-year period in Chicago. Shaw and Mckay observed that delinquency rates vary widely by neighbourhoods. The highest rates tend to be nearest the central business and industrial districts, decreasing

as one move from the city center to the edge of the city. Some countries are more likely to develop a sub-cultural tradition than others, especially when inner-city districts, which are often the transition areas for ethnic groups and immigrants, tolerate deviance and law-breaking. Rapid changes in residential composition can lead to community difficulties in adjusting to the diversity of cultural backgrounds. At the same time, an influx of new businesses and industry can also introduce disruptive elements by bringing in new workers and by radically altering the social and physical environment of the community. These changes usually create value conflict which weaken the informal, as well as the formal social control and may result in social control break down. This process is referred to as social disorganisation; and Shaw and McKay interpreted these phenomena as symptoms of social disorganisation (Magill, 1995): the community residents became more susceptible to deviant behaviour patterns; The “delinquency areas” tend to be characterised by physical deterioration, economic insecurity, family disintegration, conflicting cultural standards, and little concerted action by the community residents to solve the common problems. Shaw and Mckay also observed that when communities or neighbourhoods went into decline, more prosperous families would relocate as soon as it is possible to other neighbourhoods or sub-urban areas.

Self-Assessment Exercise

What are the views of Robert Park, et al, as to the breakdown of the conventional rules and values in a community?

In this unit, we have observed that the major explanations of criminal behaviour today are sociological. All sociological explanations assumed that social variables and structures, rather than biological or psychological state of mind are the major cause of crimes. Thus, it is the social environment rather than the individual or group that lives in an area that is responsible for criminal behaviours.

Summary

In this unit, we have discussed the sociological theories of crime. We examined the Edwin H. Sutherland's Differential Association theory; the Robert K. Merton's Anomie and Structural Strains and the Family Factors of the Gluecks and that of the psychiatrist, David Abrahamsen.

Tutor-Marked Assignment

With the aid of the Merton's Mode of Individual Adaptation to Anomie explain how each adaptation results in the breakdown of the smooth working of the society.

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THE NEW CRIMINOLOGY

CONTENTS

- The New Criminology
- Labelling Theory
- Tutor-Marked Assignment
- References/Further Reading

Introduction

We have known that the norms of any society are known to its members. Therefore, when people seriously violate norms, they are labelled or identified as deviants. This interactionist approach will be the focus of discussion in this unit. The new criminology is the ideas of the neoMarxists. Among its proponents are Ian Taylor, Paul Walton, Jock Young, Howard Becker, Stanley Cohen,

Edwin Lemert and John Lea. They were influenced, by the works of Karl Marx and Friedrich Engels, and derived much strength from conflict and labelling theories.

Learning Outcomes

At the end of this unit, you should be able to:

- explain labelling as a form of criminal behaviour
- discuss the different contributions of Erving Goffman, Howard S. Becker, Stanley Cohen, etc.
- list the categories of labelling and its characters.

The New Criminology

The neo-Marxists were the offshoots of the Marxism and conflict theory. They rejected the views of the orthodox Marxists. They evolved a development of Marxist sociology by combining it with other ideas especially those from interactionalism called the “New deviancy theorists, the “societal reaction perspective” or labelling theory, and more recently “feminism”. Within this neo- Marxist camp there are further sub-divisions:

- The New criminology advocated the development of a “fully social theory of deviance” from the interactionism and the New left Realism suggest that we should become “realistic” about crime and deviance, due to its harsh reality to many working class people. Taylor and his co-writers argued that they have:

- ...redirected criminological attention to the grand questions of social structure and the social arrangements within which the criminal process played out. We are confronted once again with the central question of man’s relationship to structures of power, domination and authority - and the ability of men to confront these structures in any acts of crime, we are back in the realm of social theory itself. (Kirby, et al, 1997). Ian Taylor, Paul Walton and Jock Young proposed a fully social theory of crime in their book, entitled “The New Criminology: for a Social Theory of Deviance” advocated and recommended that explanation of crime and deviance should address the following: the

1. wider origins of the deviant act

2. immediate origins of the deviance act
3. actual act
4. immediate origins of the social reaction
5. wider origins of the deviant reaction
6. outcome of the social reaction on the deviant further action and

finally

7. nature of the deviant process as a whole. According to Taylor, et al, criminology would be adequate to the understanding of these developments (Kirby, et al., 1997). Furthermore, on the revisitation of interest by the British sociologist of crime, Ian Taylor, Paul Walton and Jock Young called this school of thought the “New criminology”. They became subversive of the earlier theories of crime and make a critique of them. They reviewed each of the major theories of criminology and found them lacking. They then argued that a series of key questions need to be addressed in any “fully social theory of crime”. These key questions became highly important water- shed, taking stock of the old-field criminology and designating the requirements for a fully social theory of crime. The labelling theory turned away from the conventional theories of crime of the offenders to the societal reactions to crime; the role of law, social control agencies, the media etc in shaping the nature of crimes.

Self-Assessment Exercise

What is the key issue of the neo-Marxists in its contribution to new criminology?

Labelling Theory

The labelling perspective to crime is associated with the symbolic –interactionist theory. According to Frank Tannenbaum, labelling is the process of making the criminal. Therefore, it is a process of tagging, defining, identifying, segregating, describing, emphasising, evoking the very traits that are complained of...” (Eamonn, 2004). The labelling theory of deviance is based on two assumptions. First, for someone to be called “deviant” that person must have broken a rule. Rules generally refer to the social norms and expectations for acceptable behaviour. Rule-breaking per

se is not sufficient to label the deviant according to the theory. If the rule violation is undetected, then no label will be attributed to the violator, and therefore should not be qualified as a deviant. For example, an individual who evaded the payment of income tax and defrauded the government but was not detected could not be referred to and declared a criminal. The second assumption focuses on the reaction of the society to the rulebreaking. If a social norm violation is detected, it becomes defined as deviance (the perpetrator is labelled “deviant” and this label leads to social disapproval and a host of other consequences. In the same way, a person may be labelled and stigmatised by mental illness and criminality. Howard S. Becker showed the processes by which a person who breaks the norms of the society becomes an outsider and perceives himself as different. This is how the process of alienation occurs. The labelling approach, therefore, concentrates on identifying and criticising the process by which norms arise and are enforced; and by which some people are labelled for behaving in a certain way while others are not. Howard S. Becker studied on the ways in which cultures and careers were transformed by negative sanctions against drug use. Social groups create deviance by making the rules the infraction of which constitutes deviance. Having been stigmatised as deviants, many people are driven to fulfill the expectations of them on deviants. Because they have a bad name, they come to see themselves as bad, and so they do bad things.

The “Outsiders” Perspective In another study, the basic premises of labelling theory were clearly articulated by Howard S. Becker His study focuses on use of marijuana and social control; Becker pointed out that marijuana smoking was defined as deviant because others had the power to label it as such. Therefore, social groups create deviance by making rules which if violated constitutes deviance and by attributing those rules to a particular person and labelling him as an outsider. Labelling came to be a way in which individuals or groups assigned certain types of behaviour. A deviant or outsider is a person who has been labelled as such, which raises the question of “who does the labelling”? A multitude of labels exists in society to categorise the specific types of norm violations: “Criminality” is used for behaviour that violates laws, “perversion” is assigned to behaviour that does not conform to norms for sexual behaviour; and “drunkenness” applies to alcohol usage that the society considers excessive. Labels also exist for violations of minor social norms, such as obnoxious “crude” and “ignorant”. Travis Hirschi (1969) in his control theory claims that the essence of social control lies in the people’s perception of the consequences of their

behaviour. Hirschi believed that everyone finds at least some deviance tempting. By contrast, individuals who have little to lose from deviance are most likely to become rule breakers. Another leading interactionist, Edwin Lemert (1989). Who classified deviance into two types:

- primary deviance refers to an initial action committed by an individual

- secondary deviance refers to the social reaction to the initial action. Deviance is not the act, but the reaction. Equally, primary deviance can be committed, but if no social reaction follows then the individual involved in the act will not pass on to the second deviance stage – will not accept the label. Overall, labelling theory had covered surprisingly a wide range of issues and produced many classic studies. Edwin Schur looked at victimless crimes and showed how the legal response to criminalised homosexuality, pornography, prostitution, abortion, and drug use generated more problems than were solved. Edwin Sutherland (1928) and later developed by one of his students, Donald Cressey (1992) the theory of Differential Association which holds that deviant behaviour is largely the result of associating with another person whose behaviour is deviant. According to this theory, the greater the degree of association, the greater the likelihood the behaviour will be deviant. Sutherland sought to show that deviance was a function of such factors as the frequency and intensity of associations; how long they lasted, and how early they occurred in a person's life. Symbolic interactionism provides important insights into the ways in which deviant behaviour is labelled through interaction with other people.

Exercise Self-Assessment

Explain these terms: (a) Labelling, (b) Deviance.

Labelling theories have made important contributions to understanding crime. They view crime as a form of collective activity. They concentrate also on the actual process of becoming deviant. Nevertheless, it should be noted that psychological, social and economic, political, as well as age, sex, education, religion and so on contribute to criminal behaviours.

Summary

In this unit, we have discussed the labelling as a crime. It highlights the different schools of thought on the subject-matter. Especially those of Howard S. Becker, Erving Goffman, Stanley Cohen, Ian Taylor, Jock Young, Paul Walton, and others using symbolic interactionism in the interpretation of criminal behaviours. They also proffer solutions to crime by designating the requirements of a fully social theory of crime.

Tutor-Marked Assignment

Critically evaluate the contributions of Erving Goffman and Howard S. Becker to the study of labelling as crime.

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UNIT SIX CRIMES, OFFENDERS CRIME AND CLASSIFICATION OF CRIMES

CONTENTS

- Classification of Crimes
- Patterns and Trends of Crimes
- Official Treatment of Crimes
- Tutor-Marked Assignment
- References/Further Reading

Introduction

We have already defined crime and the elements of crime. Furthermore, in this unit we shall examine the classification of crimes, the patterns and trends of crimes, and the official treatment of crimes. The classification is based on the degree and severity of the crime. The classification also enables us to comprehend why some crimes were termed more than others.

Learning Outcomes

At the end of this unit, you should be able to:

- explain the basis of the classification of crimes
- list the categories of crimes
- examine the patterns and trend of crimes
- explain the official treatment of crimes.

Classification of Crimes

Crime is classified according to the severity or degree of the offence. It could also be classified by the nature of the Acts Prohibited, or some other categories. One instance of this classification in the severity of the offence could be seen in the division of crimes into a felony and a misdemeanor. A felony is a serious offence punishable by death, a fine, or confinement in a state or federal prison for more than one year. A misdemeanor is punishable by certain amount of fine and one-year imprisonment. It could be noted that a felony in one society might be a misdemeanor in another. Conversely, a misdemeanor in one society might be a felony in another society or jurisdiction. Crimes can be categorised into three ways:

(1) moral order (victimless crimes) - victim of law in which there are no readily apparent victim, such as prostitution, gambling, vagrancy, purchasing illegal drugs like cannabis or marijuana

(2) property crimes- common crimes committed in industrial societies, including robbery, burglary and larceny

(3) violent crimes – involve threat of violence include murder, manslaughter, infanticide, assault, sexual assault, abduction and robbery. Leslie Wilkins used a historical analysis to classify similar

crimes together and separating those which do not show similar patterns. He classified them into four categories:

- (1) homicide, (a) murder and (b) manslaughter
- (2) serious crimes against the person (including sex offences and violence)
- (3) serious crimes against property (burglary, breaking and entry and robbery)
- (4) social disorganisation (drunkenness, disorderly conduct and petty larceny).

These categories tend to show different patterns and thus suggest heterogeneity. In many jurisdictions the legal classification does not discriminate by degree of seriousness. Robbery, for example, will generally cover a bank robbery at one end of the scale and a petty larceny on the other. Another way of categorising crimes is to classify the offences between (i) Mala in se and (ii) Mala prohibita. The mala in se crimes are offences universally accepted everywhere and at all times as crime. For example, murder and robbery are offences everywhere, be it in Nigeria, France or America. Mala prohibita crimes are offences that are pronounced illegal because the laws of that particular society have declared it so. This type of offence lacks universality and is timeless. Examples of such illegal offences are gambling, Abduction, Burglary and prostitution.

Self-Assessment Exercise 1

Explain the following terms with examples

- (1) victimless crimes
- (2) property crimes
- (3) violent crimes
- (4) social disorganisation.

Patterns and Trends of Crimes

There is no society that is free of crime. It is inevitable in all societies. The problem it creates has been a major subject of concern to both the private and public since antiquity. Criminologists have found that criminal victimisation is not random. Crimes are likely to occur in some places than

others due to certain demographic conditions and different lifestyles. In Nigeria, like in other countries of the world, crimes are classified in accordance to offence against properties or persons, and moral order crimes. The crimes against the state include sedition, military offences, coup d'état and mutiny. Others are armed robbery, drug trafficking, illegal oil bunkering, smuggling, e.t.c. In recent years, there have been upsurge activities of criminality in Nigeria. This tremendous upsurge has created a threat and uncertainty in the security of lives and property of the people in the recent times. In contemporary Nigeria, the trend of crime is much sophisticated. The criminals use dynamite and hard grenades to blow up doors of the bullion vans. This act of sophistication, could be traced to the emergency of educated and intelligent people involved in crimes especially some undergraduates and graduates. The trend has also moved from the mere acts of pipe-line vandalisation to the kidnapping of foreign oil workers and non-oil workers including infants and the aged. The most prominent among these are:

- (1) organised crimes
- (2) state organised crimes
- (3) white-collar crimes.

(1) Sociologists define organised crimes as crimes committed by criminal groups involving the provision of illegal good and services. Some of the most prominent activities of organised crime include the gambling, illegal drugs, money laundering, human trafficking, cyber-crime, online Banking Advance Fee Fraud (419); kidnapping e.t.c. The trend in Nigeria involves group action. That is, a mass invasion of armed robbers to a particular raid operation. This raid group numbers from 30 to 50 men. In this development, armed robbers could operate for hours without any help to the victims by the law enforcement agencies.

(2) State organised crimes consist of acts defined by law as criminal that are committed by state and government officials in the pursuit of their jobs as representatives of the government. Prominent among them are electoral fraud, hired Assassination.

(3) White-collar crimes are those committed by people of high social status in connection with their legitimate work. There are two main principals in the definition of white-collar crime: (a) the offender is a person of high social status, and (b) it is committed in the course of a legitimate

activity. Among these crimes are bribery of government officials, embezzlement by officials, granting loans to oneself, opening and operating fraudulent accounts, cheque theft, forgery and allegations, production of substandard products, e.t.c. These are examples of the most serious and violent crimes that have been in tremendous increase in the recent times in Nigeria.

Self-Assessment Exercise 2

What are the principal types of crime committed more frequently in recent times; and who is most likely to commit them?

Official Treatment of Crimes

The official treatment of crime is applying criminal justice system method. It is the society's formal response to crime. The criminal justice itself is defined as a legal process which involves the procedure of processing the person accused of committing crime from arrest to the final disposal of the case. Justice is concerned with content. Laws should be fair and reasonable in themselves. It is not just a matter of applying the rules reasonably, whatever those rules might be, it is also about the distribution of obligations and opportunities in society (Dambazau, 1999). Equality is the very essence of justice. According to Hamitton, "it is natural". The criminal justice agencies are the main actors in the official treatment of crimes: the police are responsible for detecting crime and apprehending people who violate the criminal law; the courts decide guilt or innocence, and sentence those who are convicted or those who plead guilty; and the prisons or corrections carry out the sentence of the court and rehabilitate criminals.

1. The Police

The Police are the largest and most important subsystem of the criminal justice system. It is the "gate –keeper" of the justice system. It decides who goes into the system, and its decision has a wider implication for the other system components. It lubricates the system by the arrest of a suspect. The policemen carry out the arrest of a suspect through discretion. The job of the police officer is complex. A United State National Advisory Commission on criminal justice standards and Goals identify eleven functions of the police, and from all indications, these functions have universal application:

- preventing criminal activity

- detecting criminal activity
- apprehending criminal offenders
- participating in court proceeding
- protecting constitutional guarantees
- assisting those who cannot care for themselves or who are in danger of physical harm
- controlling traffic
- resolving day-to-day conflict among family, friends and neighbours
- creating and maintaining feeling of security in the community
- investigating crimes
- promoting and preserving civil order.

Courts

The criminal courts are the second component in the triangular relationship of the criminal justice system. A court is defined as the agency set up by government to define and apply the law, to order its enforcement and to settle disputed points on which individual or groups do not agree. It is only the courts that determine the guilt or innocence of the accused person. According to Pound, the administration of justice revolves round the court system. A person who violates the criminal law is brought before the court. The main actors of the criminal courts are the accused, the person accused of crime, charged and brought to plead; the police, who are also regular users because they always appear to request charges be filed against a suspect, sometimes to prosecute, to testify at hearings, and to serve as witness during trial; the judge or jury, who listens to the charges, analyse the facts as they relate to the law, and determine who is guilty or innocent; the prosecutor, who represents the state and carries the burden of proving the case beyond reasonable doubt in order to earn the accused conviction; and the defence, who represents the accused and rebut the case presented by the prosecution in order to earn the accused discharge and acquittal.

The Prisons

The prison is responsible for the custody of the final product in the criminal justice system. The prison carries out measures to prevent escapes, by erecting high walls, placing armed guards, constant checks of cells, providing a system of passes for movement within the prison. The prison according to Erving Goffman is a “total institution”. That is, to be locked up in a physical, psychological and the prisoner has no control. This entails denying the prisoner the fundamental choices of everyday life.

Self-Assessment Exercise 3

State the universal functions of the police officer

From this unit, students should be able to know how crimes are categorised. You should know which crimes are within the category of crimes against persons, property crimes and moral order crimes. Students are enlightened that crimes of mala prohibita are crimes because the law of the society says so.

Summary

We have been able to discuss various classifications of crimes. We looked at why some crimes are regarded as felony and others as misdemeanor. We examined the patterns and trends of crime, we also discussed about the official treatment of crimes using the concept of the criminal justice systems of the criminal agencies (the police, the criminal courts and the prison).

Tutor-Marked Assignment

What are the differences between crimes of mala in se and mala prohibita? Give examples.

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UNIT SEVEN: OFFENDERS

CONTENTS

- Offenders (Criminals)
- The Profile of the Criminal
- Tutor-Marked Assignment
- References/Further Reading

Introduction

In this unit, we would examine who is an offender. We would identify the profile or attributes of offenders. It will review the categories of offenders as well as the offenders in existence.

Learning Outcomes

At the end of this unit, you should be able to:

- define who is an offender
- identify categories of offences
- examine type of offenders.

Offenders

An offender is regarded as a criminal. Legally, a criminal is defined as any person who has violated the criminal law of the land and has been found guilty by a court of law and punished accordingly. So, a criminal is someone who commits crime. The crime committed may be civil, that is, between the plaintiff and the defendant or between the state and the accused in case of its criminal severity. Another school of thought, however, argues that anybody that violates the criminal law should be deemed a criminal, regardless of whether or not they are apprehended, tried, and punished by a court of law. A good number of these offenders are not reported to the police. Sometime, those that are being reported escape police prosecution or conviction by the law courts on account of corruption on the part of the police and court officials. Nevertheless, there are some exceptions in the legal definition of a criminal. This is because it is not all persons who violate the criminal law that are found guilty and punished accordingly. For example, the law excuses certain categories of persons from criminal responsibility, such as insane, imbeciles, morons, etc. Similarly, by virtue of the positions certain persons occupy, they have immunity against criminal actions, and in this

category are diplomats serving in Foreign Countries, Governors, and Head of States. Categories of Offence

Offences are classified between:

(i) Mala in se and (ii) Mala prohibita.

(i) The mala in se are offences universally accepted everywhere and every time as an offence. For example, murder, robbery and prostitutions are offences everywhere.

(ii) Mala prohibita are offences that are pronounced illegal because the law of that particular society has declared it so. For example, gambling, abduction and burglary, offences are also classified as crimes against a property(for example, robbery, burglary, and larceny); offences against persons (for example, murder, rape, assault,) and offences against social disorganisation (for instance, drunkenness, disorderly conduct, petty larceny).

Self-Assessment Exercise 1

Who is an offender?

The Profile of the Criminals

The first profile of the criminal is what Kork and Mccorkle referred to as “offenders-in-fact”. They are persons who have violated the criminal law by engaging in murder, robbery, arson or car-theft, but eventually escape conviction as a result of the procedural and other legal technicalities of the law courts. The second profile is called “criminal by adjudication”. They are persons who have been tried and convicted for particular offences by law courts, whether or not the offenders have committed the offences alleged. It makes us to reason, that some people may be convicted in error just as many criminals who supposed to be convicted escape the wrath of the law. This brings to the fore, the question of equality before the law. The police and the courts do not treat all persons equally. But equality is the very essence of justice. The law ought to be applied equally to all persons without fear or favour, whether a person is rich or poor, ruler or ruled, master or servant. This view therefore holds that the criminal justice system has, more or less, created a “class of criminals” between the poor and the rich in the society; for instance, among the elite criminal who are very powerful and are connected to the ruling class because of their ill- gotten wealth. They

act as pressure groups on the ruling class to subvert the rule of law. Their influences express negative impact on the life of the citizens. Others are white-collar criminals – committed by professional people, such as tax-evasion, business fraud; and corporate criminals- crimes committed by board members, chair persons, etc. They are crimes of the rich and powerful. Another group is the “undetected offender in-fact”. This consists of those criminals that have not been known or detected. They are referred to as criminals at large. There are other broader ways we use in classifying the profiles of criminals, they include:

(1) Those who have actually committed crimes and have been convicted and punished. They are called convicted criminals.

(2) Those who have been convicted and punished for crimes which they did not, in fact, commit. They are referred to as innocent criminals. Most inmates in Nigerian prisons belong to this category.

Self-Assessment Exercise 2

Differentiate between “offenders – in – fact” and “criminals by adjudication”.

From this unit, students of criminology should have known who is an offender or criminal. They should be able to classify criminals into different categories. Students should also be able to discuss the profiles, the attributes and characteristics associated to each of the attributes. **Summary**

We have been able to discuss the various categories of offences, examined who is the offender, and also identified the profiles and attributes of criminals.

Tutor-Marked Assignment

Study the profile of the criminals and examine in your own opinion, the two types of criminals that are more damaging to our society.

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UNIT EIGHT: VICTIMS OF CRIMES

CONTENTS

- Victims of Crimes
- General Profiles
- Vulnerable Groups
- Tutor-Marked Assignment
- References/Further Reading

Introduction

In this unit, we shall examine who are victims of crime and the origin of victimology. It examines the place of the victim in the criminal justice process. Students should be exposed to the different types of victims of crime. This unit will also explore the general profile and vulnerable groups in the victims of crimes.

Learning Outcomes

At the end of this unit, you should be able to:

- define who a victim is
- state the origin of victimology
- identify the vulnerable groups
- establish the general profile
- examine the various types of victims of crimes
- explore the impact of crime on its victims.

Victims of Crimes

The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985) defined victims as “persons who individually or collectively have suffered harm including mental injury emotional suffering economic loss or substantial impairment of their fundamental rights through acts or omissions that are in violation of criminal laws operative within member states including those laws prohibiting criminal abuse of power “. The term

“victim” also includes where appropriate, the immediate family or dependent of the victim and persons who have suffered harm in intervening to assist people in distress or to prevent victimisation. A victim must have suffered from emotional, psychological, economic and social loss. It can be personal injury, death, loss of personnel and real property. Furthermore, a person is regarded as a victim of crime “regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim”. Victimology is the branch of criminology which is concerned with the scientific study of victims. It is a science of social concern for the victims. Its scope includes the scientific analysis of patterns, causal factors explored in the etiology of the victimisation. It is unfortunate that most criminologists have concentrated on the unidirectional perspective to the study of the offenders only rather than the victims. Von Hentig, in his book “the criminal and his victim”, suggested that certain individuals were ‘victim- prone’. This assessment is based on the characteristics of interactions between the victim and the offender. Marvin Wolfgang also agreed that causation of the victims of crime is precipitated. He defined victim – precipitated offences as those “in which the victim is a direct, position precipitator in the crime”. Categories of Victims Different criminologists have classified victims using different approaches. In this unit, we classify victims into five:

1. Precipitative Victims: These are victims in which the persons act as a direct and positive precipitators is the crime. That is, their actions gave way for the conditions of their victimisation. For example, a female student who expresses indecency in her dressing may invite the trouble of being raped in the night.

2. Biologically Weak Victims: These are victims whose physical and mental conditions are impaired. This state of condition makes it easy for the offender to victimise them. This group includes the aged, the handicapped, the child, the insane, imbeciles, etc.

3. Victimless Crimes: they are referred to as “crimes without victims”. They are crimes that victimise themselves in the process and they are their own criminals, examples include alcoholism, drug abuse, prostitution, etc.

4. Political Victims: these are the victims that suffer in the hands of the ruling class. This came as a result of opposition to the political administration or power. Examples include the late Dele Giwa, the late Gani Fawehinmi, the Niger Delta Militants, etc.

5. Socio-Economically Weak Victims: These are victims that are regarded by the larger society as full-fledged members, but are discriminated against. Examples include the economically disadvantaged, the war refugees, immigrants, the minorities, etc.

Self-Assessment Exercise

Who is a victim of crime?

General Profiles

According to Hindelang, Gottfredson and Garofolo “Victimisation is not a phenomenon that is uniformly distributed it occurs disproportionately in particular times and places ; it occurs disproportionately by offenders with particular demographic characteristics; it occurs disproportionately under certain circumstances (e.g. according to whether or not the person is alone); it occurs disproportionately according to the prior relationship between the potential victim and potential offender; and so forth. Because different lifestyles imply different probabilities that individuals will be in particular places, at particular times, under particular circumstances, interacting with kinds of persons, lifestyles affect the probability of victimisation”. (Alemika et al, 2006). With this assertion, we would review the empirical research conducted by CLEEN Foundation on the general profiles of criminal victimization in Nigeria.

(1) Sexual Violence: Girls and women are the victims of rape in most cases. Criminological literature has demonstrated that rapists and their victims are more likely to be acquaintances and these are likely to take place in the homes of either the victim or offender.

(2) Socioeconomic and demographic Factors in criminal victimisation: several criminological researches indicate that propensity to victimisation varies by age, gender, and residence. Some of

the variations are attributed to the nature of routine activity and life style of different groups, neighbourhood characteristics and differences in the social structure of rural and urban communities.

(3) Age and criminal victimisation: some researchers have found that younger people are more prone to criminal victimisation, especially assault and other types of violence.

(4) Gender and criminal victimisation: The literature of criminology has generally revealed that females are less prone to criminal victimisation than their male counterparts. However, women and men are differentially victimised and so also the level of fear of crime and insecurity vary between males and females.

(5) Regional variations in criminal victimisation: The literature of criminology showed that regions and cities with high concentration of industrial, financial and commercial activities tend to have higher victimisation rates.

(6) Residence and criminal victimisation: crime varies across neighbourhoods. However, the issue examined here is not victimisation within neighbourhoods but experiences of criminal victimisation of people residing in different neighbourhoods. Residence is employed as an indicator of socioeconomic status.

(7) Corruption as criminal victimisation: corrupt practices like bribery and extortion are criminal victimisation. Bribery and extortion are wide spread in the country and cause serious socioeconomic and political problems. From a survey conducted, the police personnel perceived that the demand for bribe in these institutions is likely to be as follows, PHCN (74.3%), customs officials (67.7%) and Ministry officials (58.4%) and legislators (56.4%).

Self-Assessment Exercise 2

Identify and explain four types of criminal victimisations.

Vulnerable Groups

For a better analysis of the vulnerable groups of the victims of crimes, we categorise the crime victims in term of age, gender, economic, and socio class. Each crime is much related to a particular category. For example, victims of rape are mostly females while the victims of neglect or abuse are children. In general, the most likely victims of crimes are the elderly, women and children. This is because the elderly are physically weak by virtue of age. At the same time, the natural victims of rape are women. This is because they are the weaker sex. They tend to be less violent than men; and they tend to be highly emotional in their relationships with the opposite sex. Children are frequently abused and molested by adults, and like the elderly, they are disadvantaged in terms of age and the ability to defend themselves. Children, particularly female children, in African societies are vulnerable to all kinds of abuses due to parental exposure petty trading, thereby enabling them to come in contact with individuals capable of molesting them sexually. Such children are forced to “cooperate “with their molesters so as to dispose the goods they trade in, all in an attempt to satisfy the exploiting parents. Such victimisation comes in two ways, from the parents who make them vulnerable and deny them normal life; and from the outside adults who exploit them while in such a difficult situation. (Dambazau,1999). The majority of the victims in ritual killings in Nigeria are women and children. The victims of drug traffickers are usually those who either abuse drug or engage in drug business; the victims of advance fee fraud (419) are business men and; and victims of bank fraud are the depositors. **Self-Assessment Exercise**

Identify and explain the vulnerable groups in the age categories of victims of crimes.

From this unit, students of criminology should be able to understand the meaning of victim of crime and victimology. As a student, you should know the five categories of victims of crime. Having gone through this unit, you should be able to know at a glance the general profiles of criminal victimisation as well as the vulnerable group, i.e. the group that is the most victimised.

Summary

We have been able to explain who a victim of crime is, discussed the categories of crime and, established the general profiles and vulnerable groups of people most victimised.

Tutor-Marked Assignment

Identify and explain five types of victims of crime. Give examples.

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