

CRIME & CRIMINOLOGY

Criminology

- **Criminology** (from Latin **crīmen**, "accusation";
- (a charge or claim that someone has done something illegal or wrong.)
- and Greek -λογία, **-logia**) is the scientific study of the nature, extent, management, causes, control, consequences, and prevention of criminal behavior, both on the individual and social levels.

Definition of Criminology

- **Criminology** is the scientific study of crime, including its causes, responses by law enforcement, and methods of prevention.
- It is a sub-group of sociology
- Just as criminology is a sub-group of sociology, criminology itself has several sub-groups, including:
 - **Penology**: The study of prisons and prison systems
 - **Biocriminology**: The study of the biological basis of criminal behavior
 - **Feminist criminology**: The study of women and crime
 - **Criminalistics**: The study of crime detection

Criminologists

- Criminologists look at a broad range of topics related to crime. They are dedicated to studying not only the causes of crime, but the social impact as well.
- In essence, criminologists look at every conceivable aspect of deviant behavior. This includes the impacts of crime on individual victims and their families, society at large, and even criminals themselves.

Legal Definition of Crime

- The legal definition of crime is that it is behaviour or an activity in violation of the legal code.
- Paul Tappan (1960: 10) has defined crime as "an intentional act or omission in violation of criminal law committed without defence or justification and sanctioned by the state for punishment as a felony or a misdemeanor"

Six elements as under are important in this definition:

- 1. The act should be actually committed or it should be an omission of a legal duty (as different from moral duty), i.e., a person cannot be punished for his/ her thoughts.
- In some cases, however, even words may be considered as acts, as in treason or in aiding or abetting another person to commit a crime.
- The omission of a legal duty is also a crime

- 2. The act must be voluntary and committed when the actor has control over his actions. Suppose a person has a dog and he always keeps it chained. A neighbor's child approaches the dog, teases it and throws stones at it.
- The dog breaks the chain and bites the child. The dog-owner cannot be prosecuted. The case would be different; however, if the man does not chain his dog, knowing well that it is in the habit of biting people. A visitor, if is bitten by the dog, can file a case against him.

- 3. The act should be intentional, whether the intent is general or specific. A person may not have specific intent to shoot another person and kill him, but he is expected to know that his action might result in injury or death of others.
- Thus, if he shoots a person even when having no specific intent to kill him, he commits a crime because he knows well that his action might injure or cause the death of a person.

- 4. The act should be a violation of a criminal law, as distinct from a non-criminal law or civil and administrative law. This is necessary so that the state can take action against the accused.
- Non-criminal laws refer to laws which regulate the rights between individuals and organisations; for example, divorce laws, contract laws, laws regulating property rights, etc.
- We can differentiate between criminal wrongs and non-criminal or civil wrongs.

- 5. The act should be committed without defence or justification.
- Thus, if the act is proved to be in self-defence or to have been committed in insanity, it will not be considered a crime even if it causes harm or injury to others.
- Ignorance of law is usually no defence.

- 6. The act should be sanctioned by the state as a felony or a misdemeanor.
- Persons can be punished only for those acts that may be considered to be socially harmful and for which society has provided punishment.
- A child of four who has killed his mother cannot be convicted for crime because the state has provided no penalty for a child of this age, even if the act is socially harmful.

- Hall Jerome (General Principles of Criminal Law, 1947: 8-18) has defined crime as "legally forbidden and intentional action which has a harmful impact on social interests, which has a criminal intent, and which has legally-prescribed punishment for it."
- According to him, no action is to be viewed as crime unless it has following seven characteristics:

- 1) The behaviour must be harmful in terms of its impact on social interests. The mere intention of causing harm is not crime unless it is actually committed.
- (2) The harm which occurs must be legally forbidden.
- (3) The act which brings harmful consequences must be intentional.
- (4) The act, to affect the harm, must have deliberate motivation. An insane person causing harm does not commit a crime, for the necessary intention is not present.

- 5) There must be a fusion of criminal intent and conduct. A maid-servant who regularly enters a house to clean utensils, if commits a theft therein, cannot be prosecuted as a trespasser; she can only be convicted for committing a theft.
- (6) There must be a 'causal' relation between the legally-forbidden harm and the act/conduct. When a teacher slaps a child and his ear-nerve is accidentally ruptured, and he later dies, we are treading a slippery terrain. The relationship between conduct and harm (death) is not so clear in a situation of this kind.
- (7) There must be legally prescribed punishment for the harmful conduct.

- The classicists regard crime as behaviour which violates the social contract, which is detrimental not to the state but to the personal safety and property of those individuals in society whose decision to 'contract in' founded the authority of the state (see, Fitzgerald, et al, op. cit.: 248-307).

- The new deviancy theorists (like Howard Becker), who believe in the notion of labelling, hold that crime is a behaviour which violates the interests of the powerful.
- An action, to be termed criminal or deviant, demands not one but two activities:
- an individual or a group must act in a particular fashion, and second, another individual or group with different values must label the initial activity as deviant.

- The Marxists accept the legal definition of crime. While the new deviancy theorists believe that crime is an action which is severely against the interests of the powerful, the Marxists have a different opinion.
- They maintain that law protects the interests of not only the ruling class but also of the working class in a society.

- According to them, every society is a class society, consisting of the ruling class and the working class.
- Legal institutions represent the interests of the ruling class but the state being and remaining the state of the ruling class nevertheless sustains universal law and thereby guarantees at least a modicum of equality and security for the whole society.

- A crime is an offence against the public law. It is an act committed or omitted in violation of a law forbidding or commanding it and for which punishment is imposed upon conviction.
- Crimes violate the law and order of a society and it negatively affects the social structure and the society's fundamental values, morale and belief system.

Criminal & it's classification

- a person who has committed a crime.
- A criminal is defined as a person who has done something illegal.

- Ferri (Criminal Sociology, 1917: 138-39) has classified them as follows:
- the insane,
- the born,
- the habitual,
- the occasional, and
- the passionate.

Lombroso's theory of crime

- Cesare Lombroso (1835-1909), Italian psychiatrist and military medical doctor developed theories about the criminals. His theories are no longer valid today.
- Only credit which can be given to Lombroso is that he was the pioneer in inducement of scientific methods to criminology.

Cesare Lombroso (1835–1909)

- From this belief, he developed a Theory of Deviance. In which a person's bodily constitution indicates whether or not an individual is a "**born criminal**". These "born criminals" are a throwback to an earlier stage of human evolution with the physical makeup, mental Capabilities and instincts of primitive man.



- **Classification of Criminals:**
- **Several classifications of criminals are available. The famous Italian criminologist, Lombroso (1911) gives a five-fold classification:**
 - (1) The born criminal;
 - (2) The insane criminal;
 - (3) The criminal by passion;
 - (4) The habitual criminal; and
 - (5) The occasional criminal.

- Lombroso developed the theory about "born criminal". In 3000 anthropometric measurements he found some biological traits of criminals.

Cesare Lombroso (1835–1909)

Characteristics of Criminal:

- A twisted nose
- Excessive cheekbones
- Long arms
- Excessive wrinkles on the skin
- Large jaw
- Large chin



- Alexander and Staub (The Criminal, the Judge and the Public, 1931: 145-52) have classified criminals as:
- **the accidental and the chronic.**
- The accidental criminal is one who commits a single crime or only a few crimes because of unusual circumstances.
- While the chronic criminal is one who commits crime repeatedly either because of his association with criminals (normal criminal) or because of his anxieties, guilt feelings and personality conflicts (neurotic criminal) or who engages in criminal behaviour because of an organic condition (pathological criminal).

- Lindesmith and Dunham ("Some Principles of Criminal Typology", Social Forces, March 1941: 307-14) have suggested two types of criminals:
- **the social criminal and the individualized criminal.**
- The social criminal is one whose criminal behaviour is supported and prescribed by his cultural milieu. In this milieu, crime is customary, and by committing it skillfully, he achieves status and recognition within a certain minority group. In this group, he learns to be a criminal because of his association with criminals.
- For committing crime, he uses means which are generally regarded as illegitimate. The best example of this type of criminal is the professional criminal.

- The individualized criminal is one who commits crime only for his personal ends. He may commit crime under the stress of economic needs or in a state of emotional disturbance, etc.

Types of crime

- Some crimes, such as murder or kidnapping, are considered serious crimes by society. Other crimes, such as speeding or trespassing, are not considered serious.
- Although all crimes mean a violation of the law, there's a wide range of punishments that can be imposed on a criminal.

- **Felony Crimes**

- A **felony** is considered a serious crime. Most states and the federal government classify a crime that's punishable by more than one year in prison as a felony. Some states consider a felony as any crime that's punishable by any length of time in prison. A felony that's punishable by death is considered a **capital crime**.
- There are many different crimes that are considered felonies in most states. Some common felonies include:
 - Murder
 - Rape
 - Burglary
 - Kidnapping
 - Arson
 - Robbery

Misdemeanor Crimes

- A **misdemeanor** is considered a less serious crime. Most states and the federal government classify a crime that's punishable by less than one year in prison as a misdemeanor. Some states consider a misdemeanor as any crime that's punishable only by fine or a small length of time in jail. If a misdemeanor is considered a very minor offense, such as jaywalking, the crime may be classified as a **petty offense**.
- There's a wide variety of crimes that are considered misdemeanors in most states. Some common misdemeanors include:
 - Public intoxication
 - Trespassing
 - Speeding
 - Prostitution
 - Vandalism
 - Use of a false ID
- Whether a crime is considered a felony or a misdemeanor will many times depend on any **aggravating factors**. These are factors that make a crime more serious. For example, the theft of a very inexpensive item from a store may be considered a misdemeanor. However, the theft of multiple items that are worth thousands of dollars may be considered a felony

- **Crimes against the Person**

- A crime against the person is a crime that's committed using direct harm or force against the victim. Usually the most serious crimes, such as murder or rape, are crimes against the person. These crimes are many times felonies because of the seriousness of harming another person. However, some lower level crimes, such as harassment or assault without a weapon, may be considered misdemeanors.

- **Crimes against Property**

- A crime against property is a crime that's committed by damaging or intruding on the property of the victim.
- Burglary and arson are two crimes against property that are normally felonies. Criminal mischief, which involves the intentional destruction of property, goes from a misdemeanor to a felony based on the value of the damage.
- Criminal trespass is usually classified as a misdemeanor.

- **Crimes against Public Order**
- A crime against public order is a crime that harms the community. Some examples include disorderly conduct, public lewdness, and prostitution.
- Many crimes against public order are considered misdemeanors. However, if a minor child is a victim, the misdemeanor may be raised to a felony.

- Garofalo (Criminology, 1914: 111-32) has classified them into four groups:
- murderers,
- violent criminals,
- criminals deficient in probity and
- lascivious (with feeling of lust) criminals.