

First Chapter: Introduction and Basic Concepts

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Criminology

- ❑ In the middle ages, human learning was commonly divided into four areas: law, medicine, theology, and philosophy.
- ❑ In 1885, the Italian law professor Raffaele Garofalo coined the term ‘Criminology’. The French anthropologist Paul Topinard used it for the first time in French in 1887.
- ❑ The term immediately gained acceptance all over the world and criminology became a subject taught at universities.

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❑ Criminology is a science, an empirical science. More particularly, it is one of the social or behavioral sciences. It has been defined in various ways by its scholars. The definition provided in 1934 by Edwin H. Sutherland, one of the founding scholars of American Criminology, is widely accepted:

‘Criminology is the body of knowledge regarding crime as a social phenomenon. It includes within its scope the process of making laws, of breaking laws, and of reacting toward the breaking of laws...The objective of criminology is the developments of a body of general and verified principles and of other types of knowledge regarding this process of law, crime, and treatment or prevention.’

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- ❑ The term ‘criminology’ obviously suggests that ‘crime’ lies at its core, and the Shorter Oxford Dictionary stretches the definition to ‘the scientific study of crime’.
- ❑ **A Dictionary of Criminology defines criminology as:**
‘The study of crime, of attempts to control it, and attitudes to it. **Crime is interpreted in its widest sense**, so as to include minor as well as major law-breaking, **and also conduct which**, but for the special status or role of those involved, **would be regarded as law-breaking**; e.g. excessive punishment of children by parents, antisocial practices of commercial undertakings. (Walsh and Poole, 1983: 56).’

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- ❑ Moreover a glance at the three editions of The Oxford Handbook of Criminology (Maguire et al., 1994; 1997; 2002), for instance, indicates the **wide range of activities in which criminology takes an interest**: the politics of law and order; crime data; violent, white-collar, professional and organized crime; crime prevention; policing; pre-trial processes; sentencing policies; probation and community sanctions; prisons; ‘race’, gender and mental disorder and crime; victims.
- ❑ Criminology studies the impacts of criminal behavioral and social causes on how they relate to crime. In a word, criminology is the study of crime and criminals.

Misconceptions about Criminology

- ❑ Criminology is an interesting and widely spoken about field, which in turn welcomes many misconceptions. Some common myths debunked include:
- ❑ **Criminologists solve crimes:** The Portrayal of criminology in media has led people to believe that criminologists are detectives that solve crimes. Whilst a criminology degree can help you to become a detective, an actual criminologist has more of a hands-off role and focuses on studying crime data and trends.
- ❑ **Criminologists always work with criminals:** Some criminologists may work directly with criminals, however there are many roles in which you would be working in settings that don't require direct interaction.

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- ❑ **Criminology focuses on violent crimes:**
because this is what we see in TV shows, you might think criminologists only deal with murder cases, however, criminologists can deal with a wide range of cases, from theft and drug offences to cybercrime.

Subject Matter and Scope of Criminology: What Criminologists Do

□ Criminology is a fascinating field, encompassing a wide variety of topics that have both practical and theoretical importance. Criminologists bring to their field a wide variety of skills, education, and experience that enhance their primary professional role: applying the scientific method to the study and analysis of crime and criminal behavior. The subject matter and scope of criminology are given below:

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- ❑ **Criminal Statistics/Crime Measurement:** Criminologists interested in computing criminal statistics focus on creating valid and reliable measures of criminal behavior. Criminologists:
- Formulate techniques for collecting and analyzing institutional records and activities.
 - Develop survey instruments that estimate the percentage of people who commit crimes but escape detection by the justice system.
 - Create surveys designed to have victims report loss and injury that may not have been reported to the police.
 - Create databases that make it possible to investigate the relationship between an independent variable (population living in poverty) and a dependent variable (neighborhood violent crime rates).

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- ❑ **Socio-Legal Studies:** Socio-legal studies is a subarea of criminology concerned with the role that social forces play in shaping criminal law and the role of criminal law in shaping society. Criminologists may use their research skills to assess the effects of a proposed legal change.
- ❑ **Developing Theories of Crime Causation:** Criminologists also explore the cause of crime. Some who have a psychological orientation view crime as a function of personality, development, social learning, or cognition. Others investigate the biological correlates of antisocial behavior and study the biochemical, genetic, and neurological linkages to crime. Those with a sociological orientation look at the social forces producing criminal behavior, including neighborhood conditions, poverty, socialization, and group interaction.

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- ❑ **Understanding and Describing Criminal Behavior:**
Another subarea of criminology involves research on specific criminal types and patterns: violent crime, theft crime, public order crime, organized crime, and so on. Numerous attempts have been made to describe and understand particular crime types. Edwin Sutherland's analysis of business-related offenses helped coin a new phrase, white-collar crime, to describe economic crime activities of the affluent. Criminologists are constantly broadening the scope of their inquiry because new crimes and crime patterns are constantly emerging.

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□ Penology: Punishment, Sanctions, and Corrections

The study of penology involves the correction and sentencing of known criminal offenders. Some criminologists are advocates of rehabilitation. They direct their efforts at identifying effective treatment strategies for individuals convicted of law violations. Others argue that crime can be prevented only through a strict policy of social control. They advocate such measures as capital punishment and mandatory sentences.

Criminologists interested in penology may help evaluate crime control programs in order to determine whether they are effective and how they will impact people's lives.

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- ❑ **Victimology:** Criminologists recognize that the victim plays a critical role in the criminal process and that the victim's behavior is often a key determinant of crime. Victimology includes the following areas of interest:
- using victim surveys to measure the nature and extent of criminal behavior and to calculate the actual costs of crime to victims.
 - Calculating probabilities of victimization risk.
 - Studying victim capability in the precipitation of crime.
 - Designing services for crime victims, such as counseling and compensation programs.

Summary Table

❑ The following subareas constitute the discipline of Criminology:

Criminal Statistics	Gathering valid crime data. Devising new research methods; measuring crime patterns and trends.
Sociology of Law	Determining the origin of law; Measuring the forces that can change laws and society.
Theory Construction	Predicting individual behavior. Understanding the cause of crime rates and trends.
Criminal Behavior Systems	Determining the nature and cause of specific crime patterns. Studying violence, theft, organized crime, white-collar crime, and public order crimes.
Penology: Punishment, Sanctions, and Corrections	Studying the correction and control of criminal behavior. Using the scientific method to assess the effectiveness of criminal sanctions designed to control crime through the application of criminal punishments.
Victimology	Studying the nature and cause of victimization. Aiding crime victims; understanding the nature and extent of victimization; developing theories of victimization risk.

How did this field of study develop?

A Brief History of Criminology

- ❑ The scientific study of crime and criminality is a relatively recent development. **During the middle ages** (1200-1600), people who violated social norms or religious practices were believed to be witches or possessed by demons. The use of cruel torture to extract confessions was common.
- ❑ By the **mid-eighteenth century**, social philosophers began to argue for a **more rational approach to punishment**. They sought to eliminate cruel public executions, which were designed to frighten people into obedience. Reformers stressed that the relationship between crime and punishment should be balanced and fair. This more moderate view of criminal sanctions can be traced to the writings of an Italian scholar, **Cesare Beccaria**, who was one of the first scholars to develop a systematic understanding of why people commit crime.

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- ❑ Beccaria believed in the concept of **utilitarianism**: In their behavior choice, people want to achieve pleasure and avoid pain. Crimes occur when the potential pleasure and reward from illegal acts outweigh the likely pains of punishment. To deter crime, punishment must be sufficient- no more, no less- **to counterbalance criminal gain**. Beccaria's famous theorem was that in order for punishment to be effective it must be **public, prompt, necessary, the least possible in the given circumstances, proportionate, and dictated by law**.
- ❑ The writings of Beccaria and his followers form the core of what today is referred to as Classical Criminology.

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- ❑ **Classical Criminology:** Classical criminology theory had several basic elements. These are:
 1. People have free will to choose criminal or lawful solutions to meet their needs or settle their problems.
 2. Crime is attractive when it promises great benefits with little effort.
 3. Crime may be controlled by the fear of punishment.
 4. Punishment is perceived to be severe, certain, and swift will deter criminal behavior.
- ❑ This classical perspective influenced judicial philosophy, and sentences were geared to be proportionate to the seriousness of the crime. Executions were still widely used but gradually came to be employed for only the most serious crimes. The catchphrase was **‘Let the punishment fit the crime’**.

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❑ **Positivist Criminology:**

- ❖ During the **nineteenth century**, a new vision of the world challenged the validity of classical theory and presented an **innovative way of looking at the causes of crime**. People embrace a rational, scientific view of the world. Comte called this the positive stage, and those who followed his writings became known as positivists. Positivism has a number of elements:
 1. Use of the scientific method to conduct research. The scientific method is objective, universal, and culture-free.
 2. Predicting and explaining social phenomena in a logical manner. This means identifying necessary and sufficient conditions under which a phenomenon may or may not occur.
 3. Empirical verification. All beliefs or statements must be proved through empirical investigation guided by the scientific method. Such concepts as 'God' and the 'soul' cannot be measured empirically and therefore are not the subject of scientific inquiry; they remain a matter of faith.
 4. Science must be value-free and should not be influenced by the observer.

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❑ **Early Criminological Positivism:**

- J.K. Lavater studied the facial features of criminals and found that the shape of the ears, nose, and eyes and the distances between them were associated with antisocial behavior. Although this technique and theory is no longer applied or taken seriously, this effort was an early attempt to use a scientific method to study human behavior.
- Franz Joseph Gall and Johann K. Spurzheim studied the shape of the skull and bumps on the head and concluded that these physical attributes were linked to criminal behavior.
- English physician Henry Maudsley believed that insanity and criminal behavior were strongly linked. These early research efforts shifted attention to brain functioning and personality as the keys to criminal behavior.

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❑ **Biological Determinism:**

- In Italy, Cesare Lombroso (1835-1909), known as the father of criminology, began to study the cadavers (dead body) of executed criminals in an effort to determine scientifically how criminals differed from non-criminals. Lombroso was soon convinced that serious and violent offenders had inherited criminal traits.
- These ‘born criminals’ suffered from ‘atavistic anomalies’; physically they were throwbacks to more primitive times when people were savages and were believed to have the enormous jaws, long arms, long ears and strong canine teeth common to carnivores that devour raw flesh.
- Although Lombroso’s version of strict biological determinism is no longer taken seriously, some criminologists have recently linked crime and biological traits.

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- ❑ **Sociological Criminology:** At the same time that biological views were dominating criminology, another group of positivists were developing the field of sociology to study scientifically the major social changes taking place in nineteenth-century society. The foundations of sociological criminology can be traced to the work of pioneering sociologists L.A.J. Quetelet (1796-1874) and Emile Durkheim (1858-1917).
- ❑ Quetelet was a Belgian mathematician who used social statistics that were just being developed in Europe to investigate the influence of social factors on the propensity to commit crime.

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- ❑ In addition to finding that age and sex had a strong influence on crime, Quetelet uncovered evidence that season, climate, population composition, and poverty were also related to criminality. He was one of the first criminologists to link crime rates to alcohol consumption.
- ❑ According to Durkheim's vision of social positivism, crime is normal because it is virtually impossible to imagine a society in which criminal behavior is totally absent. Durkheim believed that crime is inevitable because people are so different from one another and use such a wide variety of methods and types of behavior to meet their needs.

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- ❑ Even if 'real' crimes were eliminated, human weaknesses and petty vices would be elevated to the status of crimes. Durkheim suggested that crime can be useful- and occasionally even healthful- for society in that it paves the way for social change.
- ❑ To illustrate this concept, Durkheim offered the example of the Greek philosopher Socrates, who was considered a criminal and was put to death for corrupting the morals of youth simply because he expressed ideas that were different from what people believed at that time.

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❑ **The Chicago school:**

- ❑ The primacy of sociological positivism was secured by research begun in the early twentieth century by Robert Ezra Park, Ernest W. Burgess, Louis Wirth, and their colleagues in the Sociology Department at the University of Chicago. The scholars who taught at this program created what is still referred to as the Chicago school in honor of their unique style of doing research.
- ❑ These urban sociologists examined how neighborhood conditions, such as poverty levels, influenced crime rates. They found that social forces operating in urban areas created a crime-promoting environment; some neighborhoods were 'natural areas' for crime.

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- ❑ In urban neighborhoods with high levels of poverty, the fabric of critical social institutions, such as school and the family, came undone. Their traditional ability to control behavior was undermined, and the outcome was a high crime rate.
- ❑ Chicago school sociologists argued that **crime was not a function of personal traits or characteristics but rather a reaction to an environment that was inadequate for proper human relations and development.** Thus they challenged the widely held belief that criminals were biologically or psychologically impaired or morally inferior. Instead, crime was a social phenomenon and could be eradicated by improving social and economic conditions.

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- ❑ **Conflict Criminology:** While most criminologists of **the late nineteenth and early twentieth centuries** embraced either the ecological view or the socialization view of crime, the writings of another social thinker, Karl Marx, had sown the seeds for a new approach in criminology.
- ❑ In his communist manifesto and other writings, Marx described the oppressive labor conditions prevalent during the rise of industrial capitalism. The economic system controls all facets of human life; consequently, people's lives revolve around the means of production. Marx believed, **The exploitation of working class would eventually lead to class conflict and crime.** This indicated that economic system as producing the conditions that support high crime rate.

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❑ **Developmental Criminology:**

- ❑ In the **1940s and 1950s**, Sheldon and Eleanor Glueck, a husband-and-wife team of criminologists and researchers at Harvard Law school, conducted numerous studies of delinquent and criminal behavior that profoundly influenced criminological theory. Their work integrated **sociological, psychological, and economic elements into a complex developmental view of crime causation.**
- ❑ The Glueck's research focused on early onset of delinquency as a harbinger of a criminal career: “the deeper the roots of childhood maladjustment, the smaller the chance of adult adjustment”. They also noted the stability of offending careers: children who are antisocial early in life are the most likely to continue their offending careers into adulthood.

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- ❑ The Glueck's identified a number of personal and social factors related to persistent offending, the most important of which was family relations. This factor was considered in terms of quality of discipline and emotional ties with parents. The adolescent raised in a large, single-parent family of limited economic means and educational achievement was the most vulnerable to delinquency.
- ❑ The Gluecks did not restrict their analysis to social variables. When they measured such biological and psychological traits as body type, intelligence, and personality, they found that physical and mental factors also played a role in determining behavior. Children with low intelligence, who had a background of mental disease, and who had a powerful physique were the most likely to become persistent offenders.
- ❑ Glueck's vision integrated biological, social, and psychological elements. *It suggested that the initiation and continuity of a criminal career was a developmental process influenced by both internal and external situations, conditions, and circumstances.* Their developmental theory model is still influential in the field today.

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❑ **Contemporary Criminology:**

- ❑ These various schools of criminology, developed over 200 years, have been constantly evolving.
- ❑ Classical theory has evolved into **modern rational choice theory**, which argues that criminals are rational decision makers: before choosing to commit crime, criminals evaluate the benefits and costs of the contemplated criminal act; their choice is structured by the fear of punishment.
- ❑ Lombrosian biological positivism has evolved into **contemporary biosocial and psychological trait theory** views. Biological and psychological theorists study the association between criminal behavior and such factors as diet, hormonal makeup, personality and intelligence.

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- ❑ The original Chicago school sociological vision has transformed into a **social structure theory**, which maintains that the social environment directly controls criminal behavior. According to this view, people at the bottom of the social hierarchy, who cannot achieve success through conventional means, experience anomie, strain, failure, and frustration; they are the most likely to turn to criminal solutions to their problems.

Summary Table

❑ The following criminological perspectives:

Classical/ Choice Perspective	Situational forces: Crime is a function of free will and personal choice. Punishment is deterrent to crime.
Biological/ Psychological Perspective	Internal forces: Crime is a function of chemical, neurological, genetic, personality, intelligence or mental traits.
Structural Perspective	Ecological forces: Crime rates are a function of neighborhood conditions, cultural forces, and norm conflict.
Process Perspective	Socialization forces: Crime is a function of upbringing, learning, and control. Peers, parents, and teachers influence behavior.
Conflict Perspective	Economic and political forces: Crime is a function of competition for limited resources and power. Class conflict produces crime.
Developmental Perspective	Multiple forces: Biological, socio-psychological, economic, and political forces may combine to produce crime.

Deviance

- ❑ Criminologists use the term deviance to describe behavior that violates social norms, including laws. Deviance includes a broad spectrum of behaviors, ranging from the most socially harmful, such as rape and murder, to the relatively inoffensive, such as joining a religious cult.
- ❑ A deviant act becomes a crime when it is deemed socially harmful or dangerous. It will be specifically defined, prohibited, and punished under the criminal law.
- ❑ Deviance may be defined as non-conformity to a given set of norms that are accepted by a significant number of people in a community or society.

The Funnel of Deviance

□ **Jack D. Douglas and Frances C. Waksler** have presented the continuum of deviance as a funnel. This funnel consists of definitions ranging from broadest to the narrowest.

1. Feeling that something is vaguely wrong, strange, peculiar
2. Feelings of dislike, repugnance
3. Feeling that something violates values or rules
4. Feeling that something violates moral values or moral rules
5. Judgment that something violates values or rules

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6. Judgment that something violates moral values or rules
7. Judgment that something violates morally legitimate misdemeanor laws
8. Judgment that something violates morally legitimate felony laws
9. Judgment that something violates moral human nature
10. Judgment that something is absolutely evil

The concept of Crime

❑ The three most common concepts of crime used by criminologists are the **consensus view, the conflict view, and the interactionist view.**

❑ **Consensus View of Crime:**

According to the consensus view, crimes are behaviors that all elements of society consider repugnant. The rich and powerful as well as the poor and indigent are believed to agree on which behaviors are so repugnant that they should be outlawed and criminalized. **The term ‘consensus’ implies general agreement among a majority of citizens on what behaviors should be prohibited by criminal law and hence be viewed as crimes.**

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❑ **Conflict view of Crime:**

The conflict view **depicts society as a collection of diverse groups- such as owners, workers, professionals, and students- who are in constant and continuing conflict.** Groups able to assert their political power use the law and the criminal justice system to advance their economic and social position. Therefore, criminal laws are viewed as created to protect the haves from the have-nots.

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❑ **Interactionist View of Crime:**

According to the interactionist view, the definition of crime **reflects the preferences and opinion of people who hold social power in a particular legal jurisdiction.** They maintain their power by stigmatizing or **labeling people who fall outside their definition of right and wrong.** Therefore, criminals are individuals that society labels as outcasts or deviants because they have violated social rules.

Summary Table of Definition of Crime

Consensus View	• The law defines crime • Agreement exists on outlawed behavior • Laws apply to all citizens equally
Conflict View	• The law is a tool of the ruling class • Crime is a politically defined concept • “Real crimes” such as racism, sexism, and classism are not outlawed • The law is used to control the underclass
Interactionist View	• Moral entrepreneurs define crime • Acts become crimes because society defines them that way • Criminal labels are life-transforming events

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❑ **Integrated Definition of Crime:**

“Crime is a violation of societal rules of behavior as interpreted and expressed by the criminal law, which reflects public opinion, traditional values, and the viewpoint of people currently holding social and political power. Individuals who violate these rules are subject to sanctions by state authority, social stigma, and loss of status.”

❑ This definition combines the consensus view that the criminal law defines crimes, the conflict perspective’s emphasis on political power and control, and the interactionist concept of stigma.

The Ingredients of Crime

- ❑ Before we begin to measure specific crimes, we will examine the part of criminal law that deals with the common legal ingredients, or elements, found in all crimes. Generally speaking, if any one of these elements is not present, no crime has been committed. All the defenses available to a person charged with a crime allege that at least one of these elements is not present.
- ❑ American Criminal law scholar **Jerome Hall** has developed the theory that a human event, in order to qualify as a crime, must meet **seven basic requirements**.

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☐ **The Act Requirement:**

- ☐ One fundamental ingredient of every crime is a human act. An act requires the interaction of mind and body. If only the mind is active and the body does not move. We do not have an act: Simply thinking about punching someone in the nose is not a crime. If we carry a thought into physical action, we commit an act, which may be a crime.
- ☐ Suppose a sleepwalker grabs a stone and hurls it at a passerby, subsequently killing him. The law does not consider this event to be an act. Before any human behavior can qualify as an act, there must be a conscious interaction between mind and body, a physical movement that results from the determination or effort of the actor.

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❑ The Legality Requirement:

- ❑ Police, prosecutors, and courts are not interested in the billions of acts human beings engage in unless such acts have previously been defined by law as criminal. The law is interested only in an act that is guilty, evil, and prohibited.
- ❑ ‘Being a common scold’ (habitually quarreling, arguing, or nagging their neighbors and family) is so vague a concept that to punish somebody for it would violate constitutional due process.

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☐ **The Harm Requirement:**

- ☐ From a criminological perspective, most crimes are grouped by the harm that each entails. Offenses against the person involve harm to an individual, and offenses against property involve damage to property or loss of its possession.
- ☐ For example: murder is prohibited because we don't want people to be killed. This detrimental consequence that we are trying to avoid is called harm. If the specified harm has not been created by the defendant's act, the crime is not complete.

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❑The Causation Requirement:

- ❑Causation requires that the actor achieve the result through his or her own effort. The causation requirement holds that a crime is not complete unless the actor's conduct necessarily caused the harm without interference by somebody else and that it is the proximate cause of the act.

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☐ **The guilty mind requirement:**

- ☐ It refers to the mental state of a defendant during the commission of a crime. It signifies the defendant's deliberate intent to cause harm or break the law. Strict liability is an exception to the mens rea requirement. There is a class of offenses for which legislatures or courts require no showing of criminal intent or mens rea. For example: traffic violations.

☐ **The Concurrence Requirement:**

- ☐ The concurrence requirement states that the criminal act must be accompanied by an equally criminal mind.

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❑ **The Punishment Requirement:**

- ❑ The last ingredient needed to constitute a crime is that of punishment. An illegal act coupled with an evil mind still does not constitute a crime unless the law subjects it to a punishment.
- ❑ The nature and severity of punishments also help us differentiate between grades of crime. Most penal codes recognize three degrees of severity: **Felonies** are severe crime, subject to punishments of a year or more in prison or to capital punishment. **Misdemeanors** are less-severe crimes, subject to a maximum of one year in jail. Violations are **minor offenses**, normally subject only to fines.

Morality

- ❑ Morality is one of the fundamental social institutions. Strictly speaking, morality deals with the rules of conduct. It prescribes good behavior and prohibits undesirable one.
- ❑ Moral values are the most dynamic, creative, and important driving force behind human actions and endeavors. Such concepts as justice, honesty, fairness, righteousness, freedom and so on are purely moral concepts because they represent the moral values.

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- ❑ As Gisbert has pointed out, in a strict and more accurate sense, the moral code is “that body of rules or principles concerned with the good and evil as manifested to us by conscience”. This body of rules is admitted at large by the society.
- ❑ P. Gisbert is of the opinion that, “the moral good is essentially different from the utilitarian and sectional good.” When we speak of Mr. Sharma as being good at business or in public speaking we ordinarily mean his ability in that particular field. But when we apply the term ‘good’ to man in the moral sense, we mean that he is living upto the moral code, and that he is trustworthy, helpful, sympathetic, and humble towards his fellowmen, faithful to his wife and children, honest in business, and loyal to the nation.

Immorality

- ❑ In sociology, immorality refers to behavior, actions, or practices that violate the moral values, ethical standards, or social group. What is considered immoral varies across cultures, religions, and historical periods because morality is socially constructed.
- ❑ Immorality is the failure to conform to the moral rules and ethical principles that a society considers right or acceptable.
- ❑ Examples of behaviors that many societies consider immoral include lying or cheating, theft and so on.

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