



NATIONAL OPEN UNIVERSITY OF NIGERIA

SCHOOL OF ART AND SOCIAL SCIENCES

COURSE CODE: CSS 352

COURSE TITLE: CRIME THEORY

**COURSE
GUIDE**

**CSS 352
THEORY OF CRIME AND CRIME CONTROL**

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INTRODUCTION

Welcome to CSS 352: THEORY OF CRIME AND CRIME CONTROL
This course is a three-credit unit course for undergraduate students in the arts and social sciences. The materials have been developed with the Nigerian context in view. This Course Guide gives you an overview of the course. It also provides you with information on the organization and requirements of the course.

COURSE AIMS

The aims are to help you to understand the precursors of crime, the theories of crime and crime control and the practical implications of crime in the society. Also to help you gain better understanding of the preventive mechanism put in place by government and individuals to combat crime in Nigeria as well as appreciate the modern sophisticated trends of crime prevention from a global perspective. These broad aims will be achieved by:

- (i) Introducing you to crime, and its crucial precursors, consequences, its cost and the present and potential prevention mechanisms.
- (ii) Expatiating on the theories of crime and crime control.
- (iii) Extrapolating the trends in crime theorisation to potential crime reduction.

COURSE OBJECTIVES

To achieve the aims set out above, CSS 352 has overall objectives. (In addition, each unit also has specific objectives. The unit objectives are at the beginning of each unit. I advise that you read them before you start working through the unit. You may want to refer to them during your study of the unit to check your progress).

Here are the wider objectives for the course as a whole. By meeting the objectives, you count yourself as having met the aims of the course. On successful completion of the course, you should be able to:

- define what crime is
- appreciate the place of crime in the society
- list the attributes of the criminal justice system
- explain some theories of crime and crime control
- identify sources of crime and their consequences

- differentiate between different types of crime
- apply crime theories to reality
- know the crime preventive methods used in Nigeria and abroad
- differentiate between psychological and sociological theories of crime
- discuss the shortcomings of crime theorising
- discuss the future of crime theorizing
- explain the crime control methods in Nigeria and abroad.

WORKING THROUGH THIS COURSE

To complete the course, you are required to read the study units and other related materials. You will also need to undertake practical exercises for which you need a pen, a note – book, and other materials that will be listed in this guide. The exercises are to aid you in understanding the concepts being presented. At the end of each unit, you will be required to submit written assignments for assessment purposes. At the end of the course, you will write a final examination.

COURSE MATERIALS

The major materials you will need for this course are:

- (i) Course guide.
- (ii) Study units.
- (iii) Assignments file.
- (iv) Relevant textbooks including the ones listed under each unit.
- (v) You may also need to visit the varied arms of the criminal justice system.
- (vi) As a beginner, you need to read newspapers and interact with other mass media as often as possible.

STUDY UNITS

There are 23 units (of five modules) in this course. They are listed below:

Module 1 Nature and Place of Crime in Human Society

Unit 1	Defined Crime
Unit 2	History of Crime
Unit 3	Classification of Crime
Unit 4	Criminal Behaviour
Unit 5	Impact of Crime

Module 2 Criminology

Unit 1	Criminology Defined
Unit 2	Criminalisation
Unit 3	Criminology and Criminal Justice System
Unit 4	Sociology of Punishment
Unit 5	Crime and Theory

Module 3 Overview of Crime Theories

Unit 1	Crime Theories
Unit 2	Sociological Crime Theories I
Unit 3	Sociological Crime Theories II
Unit 4	Sociological Crime Theories III
Unit 5	Sociological Crime Theories IV

Module 4 Overview of Sociological and Psychological Theories of Crime

Unit 1	Sociological Theories of Crime V
Unit 2	Psychological Theories of Crime I
Unit 3	Psychological Theories of Crime II
Unit 4	Overview of Miscellaneous Theories of Crime

Module 5 Crime Control and Management

Unit 1	Meaning of Crime control
Unit 2	Crime control techniques
Unit 3	Policing and crime control
Unit 4	Levels of crime control

TEXTBOOKS AND REFERENCES

Certain books have been recommended in the course. You may wish to purchase them for further reading.

ASSESSMENT FILE

An assessment file and a marking scheme will be made available to you. In the assessment file, you will find details of the works you must submit to your tutor for marking. There are two aspects of the assessment of this course; the Tutor-Marked Assignment (TMA) and the written examination. The marks you obtain in these two areas will make up your final marks. The assignment must be submitted to your tutor for formal assessment in accordance with the deadline stated in the presentation schedule and the Assignment file. The work you submit to your tutor for assessment will count for 30% of your total score.

TUTOR-MARKED ASSIGNMENTS (TMAS)

You will have to submit a specified number of the Tutor-Marked Assignments (TMAs). Every unit in this course has a tutor marked assignment. You will be assessed on four of them but the best three performances from the Tutor-Marked Assignments (TMAs) will be used for your 30% grading. When you have completed each assignment, send it together with a Tutor-Marked Assignment form, to your tutor. Make sure each assignment reaches your tutor on or before the deadline for submissions. If for any reason, you cannot complete your work on time, contact your tutor for a discussion on the possibility of an extension. Extensions will not be granted after the due date unless in exceptional circumstances.

FINAL EXAMINATION AND GRADING

The final examination will be a test of three hours. All areas of the course will be examined. Find time to read the units all over before your examination. The final examination will attract 70% of the total course grade. The examination will consist of questions, which reflects the kinds of self assessment exercises and Tutor-Marked Assignment you have previously encountered. And all aspects of the course will be assessed. You should use the time between completing the last unit, and taking the examination to revise the entire course.

COURSE MARKING SCHEME

The following table lays out how the actual course mark allocation is broken down.

Assessment	Marks
Assignments (Best Three Assignments out of Four marked)	= 30%
Final Examination	= 70%
Total	= 100%

Presentation Scheme

The dates for submission of all assignments will be communicated to you. You will also be told the date of completing the study units and dates for examinations.

COURSE OVERVIEW AND PRESENTATION SCHEDULE

Unit	Title of work	Weeks Activity	
Course Guide Module 1	Nature And Place of Crime in Human Society		
Unit 1	Crime defined	Week 1	Assignment 1
Unit 2	Types of crime	Week 1	Assignment 2
Unit 3	Nature of crime	Week 2	Assignment 3
Unit 4	Crime and society	Week 2	Assignment 4
Unit 5	Sociology of punishment	Week 3	Assignment 5
Module 2	Criminology		
Unit 1	Criminology defined	Week 4	Assignment 1
Unit 2	Criminalisation	Week 4	Assignment 2
Unit 3	Criminology and Criminal Justice System	Week 5	Assignment 3
Unit 4	Sociology of punishment	Week 6	Assignment 4
Unit 5	Crime and theory	Week 7	Assignment 5
Module 3	Overview of Crime Theories		
Unit 1	Crime theories	Week 7	Assignment 1
Unit 2	Sociological crime theories I	Week 8	Assignment 2
Unit 3	Sociological crime theories II	Week 8	Assignment 3
Unit 4	Sociological crime theories III	Week 9	Assignment 4
Unit 5	Sociological crime theories IV	Week 9	Assignment 5

Module 4	Overview of Sociological And Psychological Crime Theories		
Unit 1	Sociological theories of crime V	Week 10	Assignment 1
Unit 2	Psychological theories of crime I	Week 10	Assignment 2
Unit 3	Psychological theories of crime II	Week 11	Assignment 3
Unit 4	Miscellaneous theories of crime	Week 11	Assignment 4
Module 5	Crime Control and Management		
Unit 1	Meaning of Crime control	Week 12	Assignment 1
Unit 2	Crime control techniques	Week 12	Assignment 2
Unit 3	Policing and Crime control	Week 13	Assignment 3
Unit 4	Levels of Crime control	Week 13	Assignment 4
	Revision	14	
	Examination	15	
	Total		

HOW TO GET THE MOST FROM THIS COURSE

In distance learning, the study units replace the university lecture. This is one of the great advantages of distance learning; you can read and work through specially designed study materials at your own pace, and at a time and place that suits you best. Think of it as reading the lecture instead of listening to the lecturer. In the same way a lecturer might give you some reading to do, the study units tell you where to read, and which are your text materials or set books. You are provided exercises to do at appropriate points, just as a lecturer might give you an in-class exercise. Each of the study units follows a common format. The first item is an introduction to the subject matter of the unit, and how a particular unit is integrated with the other units and the course as a whole. Next to this is a set of learning objectives. These objectives let you know what you should be able to do by the time you have completed the unit. These learning objectives are meant to guide your study. The moment a unit is finished, you must go back and check whether you have achieved the objectives. If this is made a habit, then you will significantly improve your chances of passing the course. The main body of the unit guides you through the required reading from other sources. This will usually be either from your set books or from a Reading section. The following is a practical strategy for working

through the course. if you run into any trouble, telephone your tutor. Remember that your tutor's job is to help you. When you need assistance, do not hesitate to call and ask your tutor to provide it.

1. Read this Course Guide thoroughly, it is your first assignment.
2. Organize a Study Schedule. Design a 'Course Overview' to guide you through the Course. Note the time you are expected to spend on each unit and how the Assignments relate to the units. Whatever method you choose to use, you should decide on and write in your own dates and schedule of work for each unit.
3. Once you have created your own study schedule, do everything to stay faithful to it. The major reason why students fail is that they get behind with their course work. If you get into difficulties with your schedule, please, let your tutor know before it is too late to help.
4. Turn to Unit I, and read the introduction and the objectives for the unit.
5. Assemble the study materials. You will need your set books and the unit you are studying at any point in time. As you work through the unit, you will know what sources to consult for further information.
6. Keep in touch with your study centre. Up-to-date course information will be continuously available there.
7. Well before the relevant due dates (about 4 weeks before due dates), keep in mind that you will learn a lot by doing the assignment carefully. They have been designed to help you meet the objectives of the course and, therefore, will help you pass the examination. Submit all assignments not later than the due date.
8. Review the objectives for each study unit to confirm that you have achieved them. If you feel unsure about any of the objectives, review the study materials or consult your tutor.
9. When you are confident that you have achieved a unit's objectives, you can start on the next unit. Proceed unit by unit through the course and try to pace your study so that you keep yourself on schedule.
10. When you have submitted an assignment to your tutor for marking, do not wait for its return before starting on the next unit. Keep to your schedule. When the assignment is returned, pay particular attention to your tutor's comments, both on the tutor-

marked assignment form and also the written comments on the ordinary assignments.

11. After completing the last unit, review the course and prepare yourself for the final examination. Check that you have achieved the unit objectives (listed at the beginning of each unit) and the course objectives (listed in the Course Guide).

TUTORS AND TUTORIALS

Information relating to the tutorials will be provided at the appropriate time. Your tutor will mark and comment on your assignments, keep a close watch on your progress and on any difficulties you might encounter and provide assistance to you during the course. you must take your tutor-marked assignments to the study centre well before the due date (at least two working days are required). They will be marked by your tutor and returned to you as soon as possible.

Do not hesitate to contact your tutor if you need help. Contact your tutor if:

- You do not understand any part of the study units or the assigned readings
- You have difficulty with the exercises
- You have a question or problem with an assignment or with your tutor's comments on an assignment or with the grading of an assignment.

You should try your best to attend the tutorials. This is the only chance to have face-to-face contact with your tutor and ask questions which are answered instantly. You can raise any problem encountered in the course of your study. To gain the maximum benefit from course tutorials, prepare a question list before attending them. You will learn a lot from participating in discussion actively.

SUMMARY

The course guide gives you an overview of what to expect in the course of this study. The course teaches you the basic principles of news reporting and writing, and how these principles can be applied. It also acquaints you with the legal and ethical rules guiding your job as a reporter.

We wish you success in the course and hope that you will find it both interesting and useful.

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MODULE 1 NATURE AND PLACE OF CRIME IN HUMAN SOCIETY

Unit 1	Defined Crime
Unit 2	History of Crime
Unit 3	Classification of Crime
Unit 4	Criminal Behaviour
Unit 5	Impact of Crime

UNIT 1 DEFINING CRIME

CONTENTS

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2.0	Objectives
3.0	Main Content
3.1	Nature and Place of Crime in Human Society
3.2	Definition of Crime?
3.3	Complexity of Defining Crime
4.0	Conclusion
5.0	Summary
6.0	Tutor-Marked Assignment
7.0	References/Further Reading

1.0 INTRODUCTION

Crime has been and will continue to be a crucial issue in the affairs of Homo sapiens. In human society, crime has existed since the days of yore to plague human beings in form of threatening their lives and their properties. The constantly touted phraseology “threat to lives and property” is a pointer to the fact that crime is a dangerous phenomenon which should be properly studied to understand what crime is and its place in human society.

In this unit, we are going to critically examine the rudiments of the “WHAT” of crime. After this, the nitty gritty of how crime evolved and the WHERE of crime will be investigated thoroughly.

2.0 OBJECTIVES

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

- give concise definitions of crime
- identify the intricacies of crimes
- state the reasons why crime exists in the human society
- apply crime concepts and terminologies.

3.0 MAIN CONTENT

3.1 Nature and Place of Crime in Human Society

Crime is the breach of a rule or law for which a punishment may ultimately be prescribed by some governing authority or force. The word *crime* originates from the Latin *crimen* (genitive *criminis*), from the Latin root *cernō* and Greek κρινω = "I judge". Originally it meant "charge (in law), guilt, accusation."

Informal relationships and sanctions have been deemed insufficient to create and maintain a desired social order, resulting in formalized systems of social control by the government, or more broadly, the State. With the institutional and legal machinery at their disposal, agents of the State are able to compel individuals to conform to behavioural codes and punish those that do not. Various mechanisms are employed to regulate behaviour, including rules codified into laws, policing people to ensure they comply with those laws, and other policies and practices designed to prevent crime. In addition are remedies and sanctions, and collectively these constitute a criminal justice system.

Not all breaches of the law, however, are considered crimes, for example, breaches of contract and other civil law offenses. The label of "crime" and the accompanying social stigma are normally reserved for those activities that are injurious to the general population or the State, including some that cause serious loss or damage to individuals. The label is intended to assert an hegemony of a dominant population, or to reflect a consensus of condemnation for the identified behavior and to justify a punishment imposed by the State, in the event that an accused person is tried and convicted of a crime. The term "crime" can also technically refer to the use of criminal law to regulate minor infractions, such as traffic violations. Usually, the perpetrator of the crime is a natural person, but in some jurisdictions and in some moral environments, legal persons are also considered to have the capability of committing crimes. The State also commonly commits crimes, although this is underrepresented in the justice system.

SELF ASSESSMENT EXERCISE 1

What does the term crime mean to you?

3.2 Definition of Crime

A normative definition views crime as deviant behavior that violates prevailing norms, specifically, cultural standards prescribing how humans ought to behave. This approach considers the complex realities surrounding the concept of crime and seeks to understand how changing social, political, psychological, and economic conditions may affect the current definitions of crime and the form of the legal, law enforcement, and penal responses made by the State. These structural realities are fluid and often contentious. For example, as cultures change and the political environment shifts, behavior may be criminalised or decriminalised, which will directly affect the statistical crime rates, determine the allocation of resources for the enforcement of such laws, and influence the general public opinion.

Similarly, changes in the way that crime data are corrected and/or calculated may affect the public perception of the extent of any given "crime problem". All such adjustments to crime statistics, allied with the experience of people in their everyday lives, shape attitudes on the extent to which law should be used to enforce any particular social norm. There are many ways in which behaviour can be controlled without having to resort to the criminal justice system. Indeed, in those cases where there is no clear consensus on the given norm, the use of criminal law by the group in power to prohibit the behaviour of another group may be considered an improper limitation of the second group's freedom, and the ordinary members of society may lose some of their respect for the law in general whether the disputed law is actively enforced or not.

Laws that define crimes which violate social norms are set by legislatures, and are called *mala prohibita*. These laws vary from time to time and place to place, such as gambling laws. Other crimes, called *mala in se*, are nearly universally outlawed, such as murder, theft and rape.

SELF ASSESSMENT EXERCISE 2

Discuss the various definitions of crime?

3.3 Complexity in Defining Crime

Why is crime so difficult to define?

This is a surprisingly difficult question to answer. What constitutes crime varies from culture to culture, and from time to time. Criminals have been various things to different people throughout time. They have variously been seen as heroes, villains, fools, revolutionaries, deviants, scumbags etc. However, criminologists try to be scientifically objective and open-minded, rather than succumb to popular definitions. It's an important part of what makes criminology a science (other than its research and research methods). Some people regard the definitional problem as the most important task in criminology. Here's a list of some of the most common definitional approaches:

- **Legalistic**

In this view, crime is defined as behavior that violates the criminal code. Although this isn't suitable for criminologists of the criminal law (who take law as problematic,) it's by far the most common approach in criminology, and it makes the field inherently conservative. It's associated with the arguments made in 1947 by Paul Tappan ("Who is the Criminal?" *American Sociological Review* 12,1, 96-102) who was responding to a challenge thrown down by the famous philosopher Mortimer Adler. The legalistic approach in criminology believes in the same principles of criminal law (culpability or criminal intent, *mala in se versus mala prohibita*, and responsibility or justifications and excuses).

- **Conduct norms**

In this view, popularized by a 1938 book written by Thorstein Sellin (pronounced "cell-eene") (*Culture Conflict and Crime*, NY: Social Science Research Council), crime is just one form of conduct norm violations. Every group one belongs to, regardless of political boundaries, regardless of embodiment in law, has conduct norms. Norms are the unspoken rules of right (normal) and wrong (abnormal) that are contained in custom, tradition, ethics, religion, family, and other social institutions. The importance of the Sellin definition is that it frees criminologists as scientists to define their own subject matter.

- **Social harm**

This view is most closely associated with Sutherland's interests in white collar crime (1949, *White Collar Crime*, New Haven, Yale Univ. Press) although there are other influences. To Sutherland (and to most

criminologists), it is clearly unfair that white collar criminals get off with civil fines rather than criminal punishments. Corporations that pollute the environment have to pay a million dollar penalty (nothing more than a slap on the wrist to them) while someone who shares a marijuana cigarette with a friend gets 6 years in prison for trafficking (quite a lengthy restriction of liberty). Criminologists adhering to this sense of unfairness tend to believe that crime is any socially harmful act or analogous social injury, whether legally permissible or not. In this view, crime includes untimely death, illness or disease, deprivation of food, shelter, clothing, medical care, racism, sexism, and tobacco, etc.

- **Human rights violation**

This view is most closely associated with the arguments made by Herman and Julia Schwendinger (1975, "Defenders of Order or Guardians of Human Rights" in *Critical Criminology*, ed. by Ian Taylor, Paul Walton & Jock Young, pp. 113-46, London, Routledge & Kegan Paul) although there are other influences. For the Schwendingers, not only anything that causes social injury (imperialism, sexism, racism, poverty) is crime, but also anything that thwarts the right to a dignified human existence (freedom of movement, free speech, a good education, employment, the right to unionize, life, liberty, happiness, and so on). The concept of human rights has the advantage of cutting across cultures and over time.

- **Deviance and Social Control**

The view that crime is deviance or norm-violating behavior is associated most with sociological criminology. The norms can originate from any source; religion, political belief, etiquette, fashion, or criminal law. In fact, deviance occurs whenever there is stigmatization, isolation, rejection, segregation, punishment, treatment, or rehabilitation. Social control can be coercive (forceful), normative (attitudinal), or an exchange solution (sets of rewards and incentives). Not all deviant acts are criminal (and vice versa). Deviance is in the eye of the beholder. Law is but one form of social control, a coercive, governmental solution. The term "criminalization" refers to the process whereby criminal law is selectively applied to certain behaviors, and many criminalization specialists adhere to a deviance and social control viewpoint, asking the question if criminalization is a neutral process or if it serves the interests of the powerful. Other forms of social control are sometimes studied, like dispute resolution, mediation, therapeutic, counseling, rehabilitation, reconciliation, restitution (self-help, avoidance, negotiation, settlement, and toleration). Deviance and social control specialists tend to focus on distinguishing kinds of acts (contextual explanations) from kinds of people (compositional explanations). Those

who adhere to a compositional explanation used to be called social pathologists, and study the three D's (delinquent, defective, and dangerous classes), but they are a dying breed.

- **Social problem**

As almost any college student who has taken a social problems class knows, crime is but one of many enduring conditions that seems to have always been there and shows no signs of going away (like homosexuality, teenage pregnancy, poverty, or aging). The social problems approach tries to avoid "reductionism", or explaining crime by virtue of any one explanation, biological, psychological, or even sociological. It tends to look at the social meanings, or collective definitions, of crime. It therefore closely studies things like media polls or public opinion. Media portrayals, images of crime, and the measurement of crime are serious concerns to social problems specialists, although they wouldn't call themselves specialists because they are anti-specialists, among other things, in adhering to the principles outlined in a little book called *The Sociological Imagination* by C. Wright Mills (1959, NY: Oxford Univ. Press). In that book, some of the most important principles are: never infer value from fact; remember that a social problem, or issue, is trans-jurisdictional, not a local trouble; imagine micro-macro links; and keep a playfulness of mind (pure reason limits freedom) in shifting from levels of abstraction (no grand theory and no abstracted empiricism either).

- **Sin or evil**

Few scholars hesitate to add this point of view, but there are some similarities between theology and criminology worth noting. One of these is theodicy (the study of suffering) which has many similarities to a social harm approach. Another is the similarity between criminal intent (*mens rea*, or guilty mind) and evil mind. Although the Gluecks (a famous husband and wife research team of criminologists at Harvard during 1930-1950), among others, pretty much pointed out the futility of the evil causes evil fallacy, the fact remains that the law imputes a certain amount of blameworthiness that resembles the imputation of evil. There are other similarities we need not go into. It's not really an important area of study in criminology.

- **Chaos**

Reseachers also hesitate to add this, because they basically don't feel all that literate in postmodern, chaos theory approaches, to defining crime. There are things called oscillators and attractors, the former referring to what a time-series analysis of crime rates would look like if plotted on a

three-dimensional graph, the latter referring to laws or social control mechanisms that produce nonlinear effects indicating more or less steady states of chaos (randomness). The presence of factors that leads to chaos encourage crime. The case of terrorism in the Niger-Delta is a case in point.

SELF ASSESSMENT EXERCISE 3

Why is it difficult to define crime?

4.0 CONCLUSION

Crime is a critical phenomenon within Nigeria like in any other country. The term crime pervades the vocabulary of both literate and illiterate individual in the society because it is an important concept that has to do with threat to life and property. Crime is so threatening that various techniques such as electronic, mechanical and personnel have been employed by governments, institutions, organisations and private citizens to combat it. The expressions of criminality pervade the society and the negative repercussions of not addressing it stare us in the face every day. Armed robbery attacks, assassinations, hired killings, arson, hostage taking, terrorism, intertribal battles, ethnic conflicts, land disputes, student riots, cultism, pickpockets, area boyism, extortion, police brutality, reckless driving, poor environmental sanitation, e.t.c are all criminal activities. The solutions to the problems of crime will depend on the understanding of its antecedents.

5.0 SUMMARY

In this unit, we have been able to discuss a number of subjects on crime. We gave definitions of crime, after which we critically examined the history of crime. We also identified the reasons why it is difficult to define crime. In the next unit we shall critically examine the history of crime. Congratulations for the successful completion of this unit.

6.0 TUTOR-MARKED ASSIGNMENT

- i. Define crime in its legal form and in a personalised manner.
- ii. Critically examine the contribution of crime to the lives and property of the Nigerian populace.
- iii. Discuss the complexity involved in defining crime.

7.0 REFERENCES/FURTHER READING

Cohen, Stanley (1985). *Visions of Social Control: Crime, Punishment, and Classification*. Polity Press. ISBN 0745600212

Foucault, Michel (1975). *Discipline and Punish: the Birth of the Prison*, New York: Random House.

Andrew, A and Bonta, F.E (1998). *Crime and Everyday Life*. Thousand Oaks, Calif.: Pine Forge Press.

UNIT 2 HISTORY OF CRIME

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- 2.0 Objectives
- 3.0 Main Content
 - 3.1 History of Crime
 - 3.2 Reasons for crime
 - 3.3 Risk Factors
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

Crime is a ubiquitous phenomenon that occurs everywhere and at the same time. This crucial issue in human existence, spans time, age and space. When man came into being it was there and it exists till date in all human societies. It affects all individuals and groups in one way or the other. Crime has local, national and international variants. In this unit we will critically assess the matrices surrounding the origin of crime, its precursors and risk factors responsible for its existence in human society.

We will examine the when, why and which of crime in the society.

2.0 OBJECTIVES

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

- explain the origin of crime
- identify the causes of crime
- discuss the type of crime in human society
- list some precursors of crime in society.

3.0 MAIN CONTENT

3.1 History of Crime

According to biblical accounts the first crime was committed by Adam and Eve when they disobeyed God and ate the fruit of the knowledge of good and evil thus contravening a law. The second crime was the murder of Abel by Cain. Other crimes followed which led to the

destruction of the earth by a flood. Other religious literature seem to have similar stories about how crime started. It should be noted however that crime is impossible where there is no law.

The first civilizations had codes of law, containing both civil and penal rules mixed together, though these codes were not always recorded. The first known written codes were produced by the Sumerians, and it is known that Urukagina had an early code that does not survive (Attenborough, 1922). A later king, Ur-Nammu left the earliest code that has been discovered, creating a formal system of prescribed penalties for specific cases in 57 articles, the *Code of Ur-Nammu*. The Sumerians later issued other codes including the "code of Lipit-Ishtar" (last king of Isin - 20th century BCE). This code contains some fifty articles and has been reconstructed by the comparison among several sources.

The Sumerian was deeply conscious of his personal rights and resented any encroachment on them, whether by his King, his superior, or his equal. No wonder that the Sumerians were the first to compile laws and law codes (Kramer, 1971).

Successive legal codes in Babylon, including the code of Hammurabi, reflected Mesopotamian society's belief that law was derived from the will of the gods (see Babylonian law) (Blythe, 1992). Many states at this time were theocratic, and their codes of conduct were religious in origin or reference.

Sir Henry Maine (1861) studied the ancient codes available in his day and failed to find any criminal law in the 'modern' sense of the word. While modern systems distinguish between offences against the "State" or "Community", and offences against the "Individual", what was termed the penal law of ancient communities was not the law of "Crimes" (*crimina*); it was the law of "Wrongs" (*delicta*). Thus, the Hellenic laws treated all forms of theft, assault, rape, and murder as private wrongs, and action for enforcement was up to the victim or their survivors (which was a challenge in that although there was law, there were no formalized courts in the earliest system) (Cohen, 1985).. It was the Romans who systemized law and exported it to their Empire. Again, the initial rules of Roman Law were that assaults were a matter of private compensation. The significant Roman Law concept was of *dominion* (Daube, 1969).

The *pater familias* was in possession of all the family and its property (including slaves). Hence, interference with any property was enforced by the *pater*. The Commentaries of Gaius on the Twelve Tables treated *furtum* (modern theft) as a tort. Similarly, assault and violent robbery were allied with trespass as to the *pater's* property (so, for example, the

rape of a slave would be the subject of compensation to the *pater* as having trespassed on his "property") and breach of such laws created a *vinculum juris* (an obligation of law) that could only be discharged by the payment of monetary compensation (modern damages). Similarly, in the consolidated Teutonic Laws of the Germanic tribes, there was a complex system of money compensations for what would now be considered the complete range of criminal offences against the person from murder down (Driver & Mills, 1952-55).

Even though Rome abandoned England sometime around 400 AD, the Germanic mercenaries who had largely been enforcing the Roman occupation, stayed on and continued to use a mixture of Roman and Teutonic Law, with much written down by the early Anglo-Saxon Kings (Gagarin, 1986). But, it was not until a more unified Kingdom emerged following the Norman invasion and the King was attempting to assert power over the land and its peoples, that the modern concept emerged, namely that a crime is not only an offence against the "individual", it is also a wrong against the "State" (Garner, 1987). This is a common law idea and the earliest conception of a criminal act involved events of such major significance that the "State" had to usurp the usual functions of the civil tribunals and direct a special law or *privilegium* against the perpetrator. All the earliest criminal trials were wholly extraordinary and arbitrary without any settled law to apply, whereas the civil delictual law was highly developed and consistent in its operation (except where the King wanted to raise money by selling a new form of Writ). The development of the idea that it is the "State" dispensing justice in a court only emerges in parallel with or after the emergence of the concept of sovereignty.

In continental Europe, Roman Law persisted, but with a stronger influence from the Church. With the more diffuse political structure based on smaller State units, rather different legal traditions emerged. These have remained more strongly rooted in Roman jurisprudence modified to meet the prevailing political climate. In Scandinavia, the effect of Roman law was not felt until the 17th century, and the courts grew out of the *things*, which were the assemblies of the people. The cases were decided by the people (usually largest freeholders dominating) which later gradually transformed into a system of a royal judge nominating a number of most esteemed men of the parish as his board, fulfilling the function of "the people" of yore (Guterman, 1990). From the Hellenic system onwards, the policy rationale for requiring the payment of monetary compensation for wrongs committed has been to avoid feuding between clans and families. If families' feelings could be mollified by compensation, this would help to keep the peace. On the other hand, the threat of feudal warfare was played down also by the institution of oaths. Both in archaic Greece and in medieval

Scandinavia, the accused was released if he could get a sufficient number of male relatives to swear him unguilty. This may be compared with the United Nations Security Council where the veto power of the permanent members ensures that the organization is not drawn into crises where it could not enforce its decisions. These means of restraining private feuds did not always work or prevent the fulfillment of justice but, in the earliest times, the "States" were not prepared to provide an independent police force (Kern, 1948). Thus, criminal law grew out of what is now tort and, in real terms, many acts and omissions that are classified as crimes overlap civil law concepts.

SELF ASSESSMENT EXERCISE 1

Give a brief history about the origin of crime.

3.2 Reasons for Crime

Antisocial behaviour is criminalised and treated as offences against society which justifies punishment by the government. A series of reasons exist for the prevalence of crime in the society:

- Poverty.
- Criminal tendencies of some individuals.
- Public normlessness/environmental instability.
- Poor administration of justice.
- Religious sentiment and faith.
- Greed.
- Weak law enforcement agencies.
- Weak laws.
- Poor socialisation.
- Mental instability.
- Ignorance of the law.

Individuals need to be responsible for their own actions. An understanding of root causes cannot and should not be seen as a way to absolve us from personal accountability. However, while individuals

have an obligation to act responsibly and with respect for their fellow citizens, communities have a responsibility to address those conditions, which hinder healthy development and can become the breeding ground for crime. The root causes of crime are well documented and researched. Crime is primarily the outcome of multiple adverse social, economic, cultural and family conditions. To prevent crime it is important to have an understanding of its roots.

These are many, complex and interrelated, but can be summarized in three main categories:

- Economic Factors/Poverty
- Social Environment
- Family Structures

Economic Factors/Poverty

In addition to lack of financial resources, poverty manifests itself in a lack of educational opportunities, lack of meaningful employment options, poor housing, lack of hope and the prejudice against persons living in poverty.

Social Environment

Our social structure mirrors to citizens and communities what we value and how we set priorities. Social root causes of crime are: inequality, not sharing power, lack of support to families and neighborhoods, real or perceived inaccessibility to services, lack of leadership in communities, low value placed on children and individual well-being, the overexposure to television as a means of recreation.

Family Structures

The families are uniquely placed in contributing to raising healthy responsible members of society. But the task of putting children first goes well beyond the family to include communities and society. Dysfunctional family conditions contribute to future delinquency.

The Root Causes of Crime

These conditions include:

- Parental inadequacy
- Parental conflict

- Parental criminality
- Lack of communication (both in quality and quantity)
- Lack of respect and responsibility
- Abuse and neglect of children
- Family violence

3.3 Risk Factors for Crime

When several risk factors are combined, there is a higher probability that crime occurs. "Root Cause" is not the most accurate term when talking about risk factors. In fact a cause-effect mindset makes it too easy to assume that the existence of a risk factor inevitably leads to criminality. For example, the research literature overwhelmingly points to poverty as a factor in criminal behaviour. However, many poor people do not engage in crime. A great deal of research and study has taken place in the field of criminology over the past 50 years. The data is supported by life-cycle studies in other disciplines including health, education and social science. Research from studies in Europe, Canada and the U.S. examined personal characteristics of convicted offenders, relationships with family and peers, self reporting data, neighborhood characteristics and other data to come to four major conclusions:

Occasional and Persistent Delinquents

We need to distinguish between occasional and persistent offenders. For example, 81% of adolescents commit a criminal offence at some time during their adolescence (e.g. mischief, experimentation with drugs, shoplifting, etc.); 9% of adolescent offenders commit serious offenses. In economically disadvantaged areas, 7% of men are responsible for over 50% of all offenses. Persistent offenders engage in criminal behavior earlier and continue longer.

High Crime Areas

Crime rates differ markedly within cities as well as different areas across Canada. For example, northern communities in Canada have substantially higher violent and property crimes than the national average. Police forces everywhere can point to neighbourhoods and urban areas which experience higher crime rates.

The Criminal Justice System

There are many regional and area differences: dismissal of charges, reporting criteria for crime, media attention to certain crimes are not consistent across Nigeria. It can also be difficult to obtain an accurate picture of crime because many criminal offenses are not reported. Conversely, policies of zero tolerance in schools can significantly "increase" reported crime statistics, and public perception of the problem.

Multiple Factors

Risk factors combine to make the probability of criminal behavior more likely. No one variable should be considered in isolation. Following are the major risk factors supported in research. Many persistent offenders begin their involvement in anti-social activities before and during adolescence. Age alone is not a risk factor. It must be looked at in context of poverty, racism, family violence, parental and community neglect and problems at school. Research into persistent offending has emphasized the need to focus prevention efforts on early childhood years. Birth to age 5 is the most critical time for healthy social and emotional development.

Gender

While crime rates for females have increased in recent years, males are much more likely to be involved in crime. The research points out that crime usually involve aggression, risk taking and predatory behavior.

Social and Economic Disadvantage

In Canada, aboriginals represent a disproportionate number of those incarcerated. This situation, in reality, is the consequence of people being kept at a social and economic disadvantage. These factors combined, greatly increase the risk of turning to crime.

Low family income and poor housing often amplify poor parental supervision, marital disharmony, inconsistent care, poor nutrition, chronic health care problems, poor school performance and psychological disorders. Unsatisfactory living conditions are particularly stressful during pregnancy. Fetal development is negatively affected by maternal stress. Such stress has shown to be closely related to ill-health, neurological problems, slow development and behaviour disturbances in children. While there is not direct cause and effect relationship between poverty and crime, the conditions arising out of poverty combine to

create "high" risk populations who are over-represented in the criminal justice system.

Persistent Unemployment

Many studies find that a high number of youth and adults admitted to correctional facilities are unemployed. Persistent unemployment often creates a sense of despair, particularly amongst youth and can provoke angry expression including theft, substance and alcohol abuse, as well as child and family violence. Similarly, unemployed men released after terms of incarceration are more likely to re-offend. Failure in school and an unstable job situation can combine to continue an individual's involvement in crime.

Home Environment

There is a direct link between the abuse of women and child abuse and future delinquent behavior. This link is well researched and documented and shows that over 50% of violent young offenders witnessed wife abuse in the home. Physically abused children are five times more likely to be violent adults. Sexually abused children are eight times more likely to be sexually violent as adults.

It has been estimated that up to 80% of incarcerated males have experienced some form of physical or sexual abuse as a child.

Lack of parental supervision, parental rejection and lack of parent-child involvement are consistent indicators of delinquent behavior. Parenting that features inconsistent, incoherent, overly punitive or too permissive methods of discipline also increase the risk of delinquency.

Studies show that unwanted pregnancy and teen pregnancy create higher risk factors towards criminality. Ineffective parenting encourages youth to associate with peers who are involved in criminal activities. At the risk of oversimplifying a complex problem, research suggests that there is a direct link between dysfunctional parenting and the tendency for the youth to associate with delinquent peers.

As children, offenders are less successful in school, have lower attendance rates and are more likely to leave school early than their peers. Early school leavers experience many difficulties, the most obvious being unemployment or under-employment. Canadian studies show that 40% of federal inmates have a learning disability which remained undetected throughout their childhood.

Substance Abuse

Alcohol and substance abuse are often associated with criminal behavior. Many offenders are under the influence of drugs or alcohol when offenses are committed. Regular alcohol use during adolescence can lead to higher conviction rates in adulthood. To a lesser extent, research speaks of the influence of television and other multi-media on the behavior of children. There is also some evidence that there are links between diet and violent behavior.

SELF ASSESSMENT EXERCISE 2

Write short notes on the risk factors responsible for crime.

4.0 CONCLUSION

Crime variables are numerous. These variables are usually topical problems that affect the safety and security of the citizenry in different ways. It is necessary to have an idea of how these issues affect humanity and how they are applicable to the Nigerian context.

5.0 SUMMARY

In this unit, we have been able to discuss crime from historical dimensions. We delved into issues ranging from, the history, causes and risk factors of crime. In the next unit we shall critically examine the classification of crime. Congratulations for the successful completion of this unit.

6.0 TUTOR-MARKED ASSIGNMENT

- i. In your own words describe the origin of crime.
- ii. Write short notes on the precursors of crime.
- iii. What are the risk factors responsible for high crime rate in the society?

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UNIT 3 CLASSIFICATION OF CRIME

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Type of Crime
 - 3.2 International crimes
 - 3.3 Racial crimes
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

Crime occurs in various forms and can be exhibited in a variety of ways. According to the law, different crimes carry different weight. Some are major crimes while others are minor crimes.

We will examine the different types of crime in the society.

2.0 OBJECTIVES

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

- identify the types of crime in human society.

3.0 MAIN CONTENT

3.1 TYPES OF CRIME

Nigeria has a hydra headed crime problem. Crimes come in different shades and forms. Some of the types of crime are categorized and explained below.

Drug crimes

The drug-crime category encompasses a range of offenses connected with the use, transportation, purchase, and sale of illegal drugs.

Street crime

The most common forms of predatory crime—rape, robbery, assault, burglary, larceny, and auto theft—occur most frequently on urban streets.

Organized crime

The term “organized crime” refers to the unlawful activities of members of criminal organizations that supply illegal goods and services.

Political crime

The political-crime category contains both crimes by the government and crimes against the government. Political goals motivate political criminals.

Victimless crime

Consensual acts (in which people are willing participants,) and violations in which only the perpetrator is hurt, such as the personal use of illegal drugs, are called victimless crimes.

White-collar crime

White-collar crimes are offenses that persons commit while acting in their legitimate jobs and professions. White-collar criminals behave in unethical ways for self-gain (for example, embezzlement) or for the benefit of a business (for example, corporate price-fixing). Victims of white-collar crime include the economy, employers, consumers, and the environment.

Crime is generally classified into categories, including **violent crime** (murder and criminal homicide (voluntary manslaughter), forcible rape, aggravated assault, and robbery), **property crime** (burglary, arson, larceny/theft, and motor vehicle theft), and public order crime.

Crimes are also grouped by severity, some common categorical terms being: felonies (US and previously UK), indictable offences (UK), misdemeanors (US and previously UK), and summary offences (UK). For convenience, infractions are also usually included in such lists although, in the U.S., they may not be the subject of the criminal law, but rather of the civil law.

Crimes against international law

Crime against international law are crimes defined by treaty and include crime against peace, waging a war of aggression, crimes of apartheid, piracy, genocide, war crimes, and the slave trade. They may be prosecuted by extraordinary procedures, usually international courts

such as the International Criminal Court at The Hague in the Netherlands.

Religious crime

The relationship between religion and crime notions is a complex one. Not only have many secular jurisdictions been influenced by the (socially accepted or from the top imposed) religious morality, while the actual corollary in that sphere is answerable only to one's conscience and divinity, often in the aftermath), in various historical and/or present societies or institutionalized religions, systems of earthly justice have been established which punish crimes against the divine will and/or specific religious (devotional, organisational and other) rules under a specific code, such as Islamic sharia or canon law (notably within the Roman Catholic church).

In the para-military sphere, both 'regular' crimes and specific ones, such as mutiny, can be persecuted by special procedures and/or codes.

SELF ASSESSMENT EXERCISE 1

Write short notes on five types of crime.

3.2 Crime Against Humanity

In public international law, a **crime against humanity** is an act of persecution or any large scale atrocities against a body of people, and is the highest level of criminal offense. The Rome Statute Explanatory Memorandum states that crimes against humanity "are particularly odious offences in that they constitute a serious attack on human dignity or grave humiliation or a degradation of one or more human beings. They are not isolated or sporadic events, but are part either of a government policy (although the perpetrators need not identify themselves with this policy) or of a wide practice of atrocities tolerated or condoned by a government or a de facto authority. However, murder, extermination, torture, rape, political, racial, or religious persecution and other inhumane acts reach the threshold of crimes against humanity only if they are part of a widespread or systematic practice. Isolated inhumane acts of this nature may constitute grave infringements of human rights, or depending on the circumstances, war crimes, but may fall short of falling into the category of crimes under discussion."

First uses

On May 24, 1915, the Allied Powers, Britain, France, and Russia, jointly issued a statement explicitly charging for the first time ever

another government of committing "a crime against humanity". An excerpt from this joint statement reads:

In view of these new crimes of Turkey against humanity and civilization, the Allied Governments announce publicly to the Sublime Porte that they will hold personally responsible for these crimes all members of the Ottoman Government, as well as those of their agents who are implicated in such massacres.

Nuremberg trials

The London Charter of the International Military Tribunal was the decree that set down the laws and procedures by which the post-World War II Nuremberg trials were to be conducted. The charter defined that only crimes of the European Axis Powers could be tried. Article 6 stated that the Tribunal was established for the trial and punishment of the major war criminals of the European Axis countries; paragraph 6.a defined crimes against peace, 6.b war crimes and paragraph 6.c, **Crimes Against Humanity** defined as

"Murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated".

In the Judgment of the International Military Tribunal for the Trial of German Major War Criminals it was also stated:

The Tribunal therefore cannot make a general declaration that the acts before 1939 were crimes against humanity within the meaning of the Charter, but from the beginning of the war in 1939 war crimes were committed on a vast scale, which were also crimes against humanity; and insofar as the inhumane acts charged in the Indictment, and committed after the beginning of the war, did not constitute war crimes, they were all committed in execution of, or in connection with, the aggressive war, and therefore constituted crimes against humanity.

SELF ASSESSMENT EXERCISE 2

Briefly discuss what you understand by international crimes with examples.

3.3 Racial Crimes

Apartheid

The systematic persecution of one racial group by another, such as occurred during the South African apartheid government, was recognized as a crime against humanity by the United Nations General Assembly in 1976. The Charter of the United Nations (Article 13, 14, 15) makes actions of the General Assembly advisory to the Security Council. In regard to apartheid, the UN General Assembly has not made any findings, nor have apartheid-related trials for crimes against humanity been conducted.

United Nations

The United Nations has been primarily responsible for the prosecution of crimes against humanity since it was chartered in 1948. The UN has been where all modern prosecutions for crimes against humanity have occurred. The International Criminal Court (ICC) was recently organized by the Rome Statute and the UN has delegated several crimes against humanity cases to the ICC. Because these cases were referred to the ICC by the UN, the ICC has broad authority and jurisdiction for these cases. The ICC acting without a UN referral lacks the broad jurisdiction to prosecute crimes against humanity, and cannot prosecute many cases, particularly if they occur outside of ICC-member nations. The most recent 2005 UN referral to the ICC of Darfur has not progressed well, according to many commentators. The first person to be handed over to the ICC was Thomas Lubanga. His trial has still not been completed. The ICC still is seeking Joseph Kony. When the ICC President reported to the UN regarding its progress handling these crimes against humanity case, Judge Phillipe Kirsch said "The Court does not have the power to arrest these persons. That is the responsibility of States and other actors. Without arrests, there can be no trials. The UN has not referred any further crimes against humanity cases to the ICC since March 2005.

UN Security Council responsibility

UN Security Council Resolution 1674, adopted by the United Nations Security Council on 28 April 2006, "reaffirms the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity". The resolution commits the Council to action to protect civilians in armed conflict.

International Criminal Court

In 2002, the International Criminal Court (ICC) was established in The Hague (Netherlands) and the Rome Statute provides for the ICC to have jurisdiction over genocide, crimes against humanity and war crimes. The definition of what is a "crime against humanity" for ICC proceedings has significantly broadened from its original legal definition or that used by the UN, and Article 7 of the treaty stated that:

For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- (i) Enforced disappearance of persons;
- (j) The crime of apartheid;
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

The Rome Statute Explanatory Memorandum states that crimes against humanity are particularly odious offences in that they constitute a serious attack on human dignity or grave humiliation or a degradation of one or more human beings. They are not isolated or sporadic events, but are part either of a government policy (although the perpetrators need not identify themselves with this policy) or of a wide practice of atrocities tolerated or condoned by a government or a de facto authority. However, murder, extermination, torture, rape, political, racial, or religious persecution and other inhumane acts reach the threshold of crimes against humanity only if they are part of a widespread or systematic practice. Isolated inhumane acts of this nature may constitute grave infringements of human rights, or depending on the circumstances, war crimes, but may fall short of meriting the stigma attaching to the category of crimes under discussion.

On the other hand, an individual may be guilty of crimes against humanity even if he perpetrates one or two of the offences mentioned above, or engages in one such offence against only a few civilians, provided those offences are part of a consistent pattern of misbehavior by a number of persons linked to that offender (for example, because they engage in armed action on the same side or because they are parties to a common plan or for any similar reason.) Consequently when one or more individuals are not accused of planning or carrying out a policy of inhumanity, but simply of perpetrating specific atrocities or vicious acts, in order to determine whether the necessary threshold is met one should use the following test: one ought to look at these atrocities or acts in their context and verify whether they may be regarded as part of an overall policy or a consistent pattern of an inhumanity, or whether they instead constitute isolated or sporadic acts of cruelty and wickedness.

Council of Europe

The Committee of Ministers of the Council of Europe on 30 April 2002 issued a recommendation to the member states, on the protection of women against violence. In the section "Additional measures concerning violence in conflict and post-conflict situations", states in paragraph 69 that member states should: "penalise rape, sexual slavery, forced pregnancy, enforced sterilisation or any other form of sexual violence of comparable gravity as an intolerable violation of human rights, as crimes against humanity and, when committed in the context of an armed conflict, as war crimes;"

In the Explanatory Memorandum on this recommendation when considering paragraph 69:

Reference should be made to the Statute of the International Criminal Tribunal adopted in Rome in July 1998. Article 7 of the Statute defines rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation or any other form of sexual violence of comparable gravity, as crimes against humanity. Furthermore, Article 8 of the Statute defines rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation or any other form of sexual violence as a serious breach of the Geneva Conventions and as war crimes.

To fall under the Rome Statute, a crime against humanity which is defined in Article 7.1 must be "part of a widespread or systematic attack directed against any civilian population". Article 7.2.a states "For the purpose of paragraph 1: "Attack directed against any civilian population means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack." This means that an individual crime on its own, or even a number of such crimes, would not fall under the Rome Statute unless they were the result of a State policy or an organizational policy. This was confirmed by Luis Moreno-Ocampo in an open letter publishing his conclusions about allegations of crimes committed during the invasion of Iraq in March 2003 which might fall under the ICC. In a section entitled "Allegations concerning Genocide and Crimes against Humanity" he states that "the available information provided no reasonable indicia of the required elements for a crime against humanity, i.e. 'a widespread or systematic attack directed against any civilian population'".

SELF ASSESSMENT EXERCISE 3

Why is apartheid a crime against humanity?

4.0 CONCLUSION

Crime is expressed in numerous ways. These expressions of crime spans time and space and has long range effect on the citizenry in different ways. It is necessary to have an idea of various types of crime and how they are applicable to the Nigerian context.

5.0 SUMMARY

In this unit, we have been able to discuss various types of crime. In the next unit we shall critically examine the criminal behaviour. Congratulations for the successful completion of this unit.

6.0 TUTOR-MARKED ASSIGNMENT

- i. Classify crime in a simplistic manner.
- ii. Write short notes on the precursors of crime.
- iii. What are the risk factors responsible for high crime rate in the society?

7.0 REFERENCES/FURTHER READING

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UNIT 4 CRIMINAL BEHAVIOUR

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Criminal Behaviour
 - 3.2 Criminality and Delinquency
 - 3.3 Recidivism
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

Criminal behaviour is a problem that has assailed society for a long time. This abhorrent behaviour has been a threat to members of society and it continues to do so because it generates from society itself. The exhibition of criminal behaviour and its recurrence in society is such an enormous problem that it keeps the government and other concerned citizens on their toes. It is a must to understand criminal behaviour viz its meaning, its form and the recurrence levels so as to be able to appreciate its etiology and its solution.

In this unit, we are going to critically examine the concept of criminal behaviour and its relevance to society.

2.0 OBJECTIVES

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

- examine criminal behaviour
- differentiate between criminality and delinquency
- distinguish the principles of recidivism or the recurrence of criminal behaviour.

3.0 MAIN CONTENT

3.1 Criminal Behaviour

Criminal behaviour suggests a large number and variety of acts. Andrew and Bonta (1998) suggest four broad definitions of criminal behaviour and the acts and behaviours that fit within these domains. These four areas are legal *criminal* behaviour or actions that are prohibited by the

state and punishable under the law, moral criminal behaviour which refers to actions that violate the norms of religion and morality and are believed to be punishable by a supreme spiritual being, social criminal behaviour which refers to actions that violate the norms of custom and tradition and are punishable by a community and finally psychological criminal behaviour that refers to actions that may be rewarding to the actor but inflict pain or loss on others - it is criminal behaviour that is anti-social behaviour.

A good working definition can be seen as: "*antisocial* acts that place the actor at risk of becoming the focus of the attention of the criminal and juvenile professionals (Andrews and Bonta, 1998). It is difficult to define criminal behaviour as ideas of what is considered immoral, unconventional, illegal or antisocial is not stable over time or place. For example, not wearing seatbelt, homosexual activity or spanking a child are all items that have been considered either illegal or legal at one point in time.

SELF ASSESSMENT EXERCISE 1

What is criminal behaviour?.

3.1 Criminality and Delinquency

Delinquency must be distinguished from criminality. Delinquency is defined as behaviour that is illegal, immoral or deviant with respect to societal values. Criminality on the other hand is defined as a breaking of existing laws, there is little or no confusion as to what constitutes illegal and legal behaviors (Travis, 1992).

When measuring criminal behaviour we are trying in a way to predict future criminal behaviours. We may measure criminal behaviour by arrests and charges, however not everyone charged is found guilty. We can also measure the amounts of convictions and incarcerations. We can also measure the amount of self-reported offences and some believe that this may be a more accurate way to measure criminal behaviour. This is debatable as there may be reasons that the individuals participating in the anonymous self-report surveys may distrust that their responses are anonymous. As well, individuals may over or underestimate their crimes for personal reasons. Therefore, when we study criminal behaviour we typically study what is known about persons who have been defined as criminals through the criminal justice system Tanashi, (2001).

Estimates of actual *crime rates* are usually obtained from official sources, yet different sources may yield different estimates. Crime

reports generally categorize crimes by type of crime and offender characteristics such as age, gender, race and location.

SELF ASSESSMENT EXERCISE 2

Differentiate between criminality and delinquency.

3.3 Recidivism

By estimating crime rates we want to predict *recidivism*. Recidivism is the future criminal offences following a previous offence and is defined through new arrests, new charges and new convictions. In general the best single predictor of recidivism is number and type of previous criminal offences, and these rates will vary due to age, gender and type of crime. Items such as prior youth or adult offences, present offences, charges or and arrests under the age of 16. As well, offence history is important - such as the use of a weapon, an assault on authority, sexual assault and impaired driving - in predicting future offences.

A risk factor for criminality is anything in a person's psychology, developmental or family history that may increase the likelihood that he/she will become involved at some point in criminal activities. A protective factor is anything in a person's biology, psychology, developmental or family history that will decrease the likelihood that e/she will become involved in criminal activity.

Risk factors generally include: lower class origin, family of origin, poor personal temperament, lower aptitude, early behavioural histories, poor parenting, school based factors, poor educational/vocational/socioeconomic achievement, poor interpersonal relationships, antisocial associates which support crime, antisocial attitudes/values/beliefs and feelings and psychopathology.

Delinquency also has a relationship to attachment to peers. Brownfield and Thompson (1991) found that boys who had committed delinquent acts were more likely to have friends who had done so as well. This increased when the friend was considered a "best friend." As well, risk factors can be divided into the various childhood time periods that they may occur and increase later criminal activity. Patterson, De Baryshe and Ramsey (1989) proposed the Patterson model. Risk factors that may be experienced in early childhood include poor parental discipline and monitoring, poor family environment, coercive parent-child relationships, instability in the family and early childhood conduct problems. Middle childhood risk factors include rejection by normal or conventional peers, and academic failure and underachievement. Late

childhood and early adolescence risk factors include a commitment to a deviant peer group.

The "cycle of violence hypothesis" predicts that abused children will become abusers and victims of violence will become violent offenders. Abused and neglected children are more likely to exhibit delinquent characteristics as well as criminal and violent behaviour as adults.

Some possible factors about the individual that may lead to crime can be speculated. Things such as chromosomal patterns, physiological under arousal, hyperactivity/ADHD, impulsivity, learning disabilities, fetal alcohol syndrome and other neurological damage, low IQ, hormonal imbalances, antisocial personality disorder, *psychopathology* and biochemical imbalances may contribute to risk of criminal behaviour.

SELF ASSESSMENT EXERCISE 3

Briefly explain the principle of recidivism.

4.0 CONCLUSION

Criminal behaviour is blight in any society the world over. These behaviours directly violate the laws of the society and trespasses on the rights of other citizens within the state. Stealing, killing, embezzlement, e.t.c are all criminal behaviours. The fact that criminal behaviours is exhibited by both young and old people goes a long way to heighten the anxiety of the members of society. Criminal behaviour also reoccurs among the same individuals consistently and this fact does not allay the fears of innocent citizens. An indepth understanding of criminal behaviour is a sine qua non to addressing the scourge effectively.

5.0 SUMMARY

In this unit, we have been able to discuss criminal behaviour. We gave definitions of criminal behaviours, after which we examined the issue of delinquency. We also differentiated criminality from delinquency. Finally we examined the precursors of recidivism. In the next unit we shall critically examine the impact of crime. Congratulations for the successful completion of this unit.

6.0 TUTOR-MARKED ASSIGNMENT

- i. How would you define criminal behaviour?
- ii. What is responsible for criminal behaviour?

- iii. Compare and contrast criminality and delinquency.
- iv. What do you understand by the term “recidivism”?

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UNIT 5 IMPACT OF CRIME

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Victims of Crime
 - 3.2 Government and Crime
 - 3.3 Criminal Justice System and Crime
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References / Further Reading

1.0 INTRODUCTION

Crime affects different people in different ways. It affects the health, the emotions, the finances and the overall wellbeing of both victims and witnesses either at a first hand or a second hand level.. It affects all individuals and groups in one way or the other. In this unit we will critically assess how crime affects the members of the society.

2.0 OBJECTIVES

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

- define describe the impact of crime
- relate between the criminal justice system and criminology
- discuss the importance of theory in academic research on crime.

3.0 MAIN CONTENT

3.1 Victims of Crime

Crime Has an Impact on Everyone. This includes the victims, the criminals, the criminal justice system, the government and the society at large.

Victims of crime and their family and friends go through a difficult adjustment period following a crime. Whether they have been physically hurt or had their house broken into, chances are the crime will have an impact on them. The trauma that people experience after being victimised is not a sign of weakness. It is a stress reaction to the loss of safety and security brought about by the crime. If you or someone close

to you has been the victim of a crime, you may find that you are experiencing some or all of the reactions listed below:

Feeling:

- Extremely fearful!
- Angry, resentful/revengeful and easily agitated
- Anxious - on edge, easily startled and suspicious of everyone
- Violated and vulnerable
- Embarrassed about some of the details of the event
- Guilty – about your actions or reactions
- Alone – disconnected and different from others
- Scattered – unable to focus on work or daily activities

Wondering:

- Why Me?
- What If...
- If Only...

Having:

- Sleepless nights, nightmares, headaches, changes in appetite
- Recurring thoughts about the event
- Difficulty concentrating on work/school

Traumatic memories are stored in the form of vivid sensations and images that may be fragmented and without context. When something happens in the present that reminds you of the crime, it may “trigger” the same emotional/physical reactions you had when it first happened. Although these thoughts and feelings are most upsetting, it is important to remember that they are normal reactions to trauma and/or victimisation. These reactions can last for several hours, days, weeks, months or even years depending on the individual and the circumstances that they are faced with.

Crime victims often suffer a broad range of psychological and social injuries that persist long after their physical wounds have healed. Intense feelings of anger, fear, isolation, low self-esteem, helplessness, and depression are common reactions. Like combat veterans, crime victims may suffer from post-traumatic stress disorder, including recurrent memories of the incident, sleep disturbances, feelings of alienation, emotional numbing, and other anxiety-related symptoms. Janoff-Bulman suggests that victimization can shatter basic assumptions about the self and the world which individuals need in order to function normally in their daily lives—that they are safe from harm, that the world is

meaningful and just, and that they are good, decent people. This happens not only to victims of violent assaults but also to victims of robbery and burglary and to their friends and family. Herman has suggested that "survivors of prolonged, repeated trauma," such as battered women and abused children, often suffer what she calls "complex post-traumatic stress disorder," which can manifest as severe "personality changes, including deformations of relatedness and identity [which make them] particularly vulnerable to repeated harm, both self-inflicted and at the hands of others."

The emotional damage and social isolation caused by victimization also may be compounded by a lack of support, and even stigmatization, from friends, family and social institutions, that can become a "second wound" for the victim. Those closest to the victim may be traumatized by the crime in ways that make them unsupportive of the victim's needs. Davis, Taylor and Bench found that close friends and family members, particularly of a victim of sexual assault, sometimes withdraw from and blame the victim.

Crime victims must also contend with society's tendency to blame them for the crime, which compounds the trauma of the event. To protect their belief in a just world where people get what they deserve, and to distance themselves from the possibility of random or uncontrollable injury, many prefer to see victims as somehow responsible for their fate. The lack of support for victims trying to recover from a crime can exacerbate the psychological harm caused by victimization and make recovery even more difficult.

When victims do seek help, they may be treated with insensitivity. They may feel ignored or even revictimized by the criminal justice process, which has traditionally been more concerned with the rights of the accused than with the rights and needs of the victim. Family members of homicide victims in particular may feel left out of the justice process. When one woman whose child had been murdered asked to be informed as the case progressed, she was asked, "Why do you want to know? You're not involved in the case."

SELF ASSESSMENT EXERCISE 1

Briefly discuss how crime affects victims.

3.2 Government, Society and Crime

Criminals

Criminals gain a lot by committing crime. Whether they physically hurt people, take their lives or property or generally engage in creating public disorder or mayhem, criminals are enriched both psychologically and financially. While engaging in criminal activities, criminals have reported feelings ranging from elation to anger, hatred and satisfaction.

Criminal Justice System

The Criminal Justice System is impacted negatively by crime. This is because they are the machinery that is supposed to prevent crime, more especially the policing arm of it. The courts and the prison arm will also feel a high level of frustration because they will come to an understanding that their activities are not quite successful in deterring criminals from engaging in their nefarious activities.

Government

The Government is impacted negatively by crime. This is because the government is responsible for ensuring security within the geopolitical confines of the state and for providing safety for the citizens within its boundary. The government will experience feelings of frustration and failure when crime continually occurs because they will feel they have failed in protecting the citizenry from the terrible consequences of crime.

Society

The Society is impacted negatively by crime. This is because the society can only be enjoyed in a peaceful and secured form. Crime threatens peace, safety and security of lives and property as such members of the society will continually live in fear when crime occurs either in its violent form or in its sophisticated form. Crime represents the unknown and when this situation exists at a high level it causes anxiety and mortal terror among the citizenry.

SELF ASSESSMENT EXERCISE 2

List four groups affected by crime and explain how crime affects government and society.

3.3 Criminal Justice System and Crime

Criminal Justice System is the system of practices, and organisations, used by national and local governments, directed at maintaining social control, deter and controlling crime, and sanctioning those who violate laws with criminal penalties. The primary agencies charged with these responsibilities are law enforcement (police and prosecutors), courts, defense attorneys and local jails and prisons which administer the procedures for arrest, charging, adjudication and punishment of those found guilty.

When processing the accused through the criminal justice system, government must keep within the framework of laws that protect individual rights. The pursuit of criminal justice is, like all forms of "justice," "fairness" or "process," essentially the pursuit of an ideal. Throughout history, criminal justice has taken on many different forms which often reflect the cultural mores of society. Criminal justice system is the means for society to enforce the standards of conduct necessary to protect individuals and the community from the activities of undesirable members of the society."

Components of the criminal justice system

The criminal justice system consists of law enforcement (police), courts, prosecutors, defense attorneys and corrections. Criminal justice agencies are intended to operate within the rule of law.

Police Force

The first contact an offender has with the criminal justice system is usually with the police (or *law enforcement*) that investigates and makes the arrest. Police or law enforcement agencies and officers are empowered to use force and other forms of legal coercion and legal means to effect public and social order. The term is most commonly associated with police departments of a state that are authorized to exercise the police power of that state within a defined legal or territorial area of responsibility. The word comes from the Latin *politia* ("civil administration"), which itself derives from the Ancient Greek πόλις, for *polis* ("city") (Alastair, 2003).

The first police force comparable to the present-day police was established in 1667 under King Louis XIV in France, although modern police usually trace their origins to the 1800 establishment of the Marine Police in London, the Glasgow Police, and the Napoleonic police of Paris (Walker, 1977).

The notion that police are primarily concerned with enforcing criminal law was popularised in the 1930s with the rise of the Federal Bureau of Investigation as the pre-eminent "law enforcement agency" in the United States; this, however, has constituted only a small portion of policing activity (Brodeur et al, 1992). Policing has included an array of activities in different contexts, but the predominant ones are concerned with order maintenance and the provision of services (*Neocleous, 2004*). Within the Nigerian context we have the NIGERIAN POLICE FORCE. This body engages in arresting criminals and providing security for Nigerians. Presently the CIVIL DEFENCE CORP has also been empowered by the Nigerian government to engage in policing activities.

Courts of Law

The courts serve as the venue where disputes are then settled and justice is administered. With regard to criminal justice, there are a number of critical people in any court setting. These include the judge, prosecutor, and the defense attorney. The judge, or magistrate, is a person who should be knowledgeable in the law, and whose function is to objectively administer the legal proceedings and offer a final decision to dispose of a case (Garland, 2002).

In America and a growing number of nations, guilt or innocence is decided through the adversarial system. In this system, two parties will both offer their version of events and argue their case before the court (sometimes before a judge or panel of judges, sometimes before a jury). The case should be decided in favor of the party that offers the most sound and compelling argument based on the law as applied to the facts of the case.

The prosecutor is the lawyer who brings charges against an individual or corporation. It is the prosecutor's duty to explain to the court what crime was committed and to detail what evidence has been found which incriminates the accused. The prosecutor should not be confused with a plaintiff or plaintiff's counsel. Although both serve the function of bringing a complaint before the court, the prosecutor is a servant of the state who makes accusations on behalf of the state in criminal proceedings, while the plaintiff is the complaining party in civil proceedings.

A defense attorney counsels the accused on the legal process, likely outcomes for the accused and suggests strategies. The accused, not the lawyer, has the right to make final decisions regarding a number of fundamental points, including whether to testify, and to accept a plea offer or demand a jury trial in appropriate cases. It is the defense attorney's duty to represent the interests of the client, raise procedural

and evidentiary issues, and hold the prosecution to its burden of proving guilt beyond a reasonable doubt. Defense counsel may challenge evidence presented by the prosecution or present exculpatory evidence and argue on behalf of their client. At trial, the defense attorney may attempt to offer a rebuttal to the prosecutor's accusations.

In modern America, an accused person is entitled to a government-paid defense attorney if he or she is in jeopardy of losing his/her liberty. Those who cannot afford a private attorney may be provided one by the state. Historically, however, the right to a defense attorney has not always been universal. For example, in Tudor England criminals accused of treason were not permitted to offer arguments in their defense. In many jurisdictions, there is no right to an appointed attorney, if the accused is not in jeopardy of losing his or her liberty.

The final determination of guilt or innocence is typically made by a third party, who is supposed to be disinterested. This function may be performed by a judge, a panel of judges, or a jury panel composed of unbiased citizens. This process varies depending on the laws of the specific jurisdiction. In some places the panel (be it judges or a jury) is required to issue a unanimous decision, while in others only a majority vote is required. In America, this process depends on the state, level of court, and even agreements between the prosecuting and defending parties. Other nations do not use juries at all, or rely on theological or military authorities to issue verdicts.

Some cases can be disposed of without the need for a trial. In fact, the vast majority are. If the accused confesses their guilt, a shorter process may be employed and a judgment may be rendered more quickly. Some nations, such as America, allow plea bargaining in which the accused pleads guilty, *nolo contendere* or not guilty, and may accept a diversion program or reduced punishment, where the prosecution's case is weak or in exchange for the cooperation of the accused against other people. This reduced sentence is sometimes a reward for sparing the state the expense of a formal trial. Many nations do not permit the use of plea bargaining, believing that it coerces innocent people to plead guilty in an attempt to avoid a harsh punishment.

The entire trial process, whatever the country, is fraught with problems and subject to criticism. Bias and discrimination form an ever-present threat to an objective decision. Any prejudice on the part of the lawyers, the judge, or jury members threatens to destroy the court's credibility. Some people argue that the often Byzantine rules governing courtroom conduct and processes restrict a layman's ability to participate, essentially reducing the legal process to a battle between the lawyers. In this case, the criticism is that the decision is based less on sound justice

and more on the lawyer's eloquence and charisma. This is a particular problem when the lawyer performs in a substandard manner. The jury process is another area of frequent criticism, as there are few mechanisms to guard against poor judgment or incompetence on the part of the layman jurors.

Within the Nigerian context, courts of law exist at different levels ranging from the SUPREME COURTS, FEDERAL HIGH COURTS, COURT OF APPEAL, MAGISTRATE COURTS etc to process criminal elements. These courts try their best to sort the innocent from the guilty under the auspices of the law.

Correctional Institutions (Prisons and Remand Homes)

Offenders are then turned over to the correctional authorities, from the court system after the accused has been found guilty. Like all other aspects of criminal justice, the administration of punishment has taken many different forms throughout history. Early on, when civilizations lacked the resources necessary to construct and maintain prisons, exile and execution were the primary forms of punishment. Historically shame punishments and dismemberment have also been used as forms of censure (Wolfgang, 1990).

The most publicly visible form of punishment in the modern era is the prison. Prisons may serve as detention centers for prisoners after trial. For containment of the accused jails are used. Early prisons were used primarily to sequester criminals and little thought was given to living conditions within their walls. In America, the Quaker movement is commonly credited with establishing the idea that prisons should be used to reform criminals. This can also be seen as a critical moment in the debate regarding the purpose of punishment.

Punishment (in the form of prison time) may serve a variety of purposes. First, and most obviously, the incarceration of criminals removes them from the general population and inhibits their ability to perpetrate further crimes. Many societies also view prison terms as a form of revenge or retribution, and any harm or discomfort the prisoner suffers is "payback" for the harm he/she caused his/her victims. A new goal of prison punishments is to offer criminals a chance to be rehabilitated. Many modern prisons offer schooling or job training to prisoners as a chance to learn a vocation and thereby earn a legitimate living when they are returned to society. Religious institutions also have a presence in many prisons, with the goal of teaching ethics and instilling a sense of morality in the prisoners.

There are numerous other forms of punishment which are commonly used in conjunction or in place of prison terms. Monetary fines are one of the oldest forms of punishment still used today. These fines may be paid to the state or to the victims as a form of reparation. Probation and house arrest are also sanctions which seek to limit a person's mobility and their opportunities to commit crimes without actually placing them in a prison setting. Many jurisdictions may require some form of public service as a form of reparations for lesser offenses.

Execution or capital punishment is still used around the world. Its use is one of the most heavily debated aspects of the criminal justice system. Some societies are willing to use executions as a form of political control, or for relatively minor misdeeds. Other societies reserve execution for only the most sinister and brutal offenses. Others still have outlawed the practice entirely, believing the use of execution to be excessively cruel or hypocritical.

Within the Nigerian context correctional institutions can be found at Federal and State levels and these are dichotomised into PRISON and REMAND HOMES. More often than not, one finds adolescents in some Nigerian prisons rather than in remand homes.

SELF ASSESSMENT EXERCISE 3

Write short notes on the arms of the criminal justice system?

4.0 CONCLUSION

The understanding of the impact of crime is indispensable for addressing the issue of crime. The knowledge derived will go a long way in assisting stakeholders in security and crime control perform their duties with a degree of competence.

5.0 SUMMARY

In this unit, we have been able to discuss the impact of crime. We also examined how crime affects the stakeholders in the society. Congratulations for the successful completion of this unit.

6.0 TUTOR-MARKED ASSIGNMENT

- i. How does crime impact on victims?
- ii. How does crime affect the government?.
- iii. What is the impact of crime on the criminal justice system?

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MODULE 2 CRIMINOLOGY

Unit 1	Criminology Defined
Unit 2	Criminalisation
Unit 3	Criminology and Criminal Justice System
Unit 4	Sociology of Punishment
Unit 5	Crime and Theory

UNIT 1 CRIMINOLOGY DEFINED

CONTENTS

1.0	Introduction
2.0	Objectives
3.0	Main Content
3.1	Criminology
3.2	Typing theories of Crime
3.3	Other theories of Crime
4.0	Conclusion
5.0	Summary
6.0	Tutor-Marked Assignment
7.0	References / Further Reading

1.0 INTRODUCTION

The discipline known as criminology is a highly relevant one because it provides empirical information about crime and its concomitant variables. Criminology is indispensable to members of the criminal justice system and scholars who are interested in crime. Criminology as a discipline has provided people with deep insights into the nature and expression of crime. It has also assisted to map out strategies for nipping crime in the bud and rehabilitating criminals. It is necessary to understand criminology as both a course of study and as a practical issue.

In this unit, we are going to critically examine the concept of criminology and its general make up.

2.0 OBJECTIVES

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

- deduce the meaning of criminology
- Identify the how it started

- Have a better comprehension of how it applies to reality
- discuss the theoretical underpinning of criminology
- give a general overview of its usefulness as a course of study.

3.0 MAIN CONTENT

3.1 Criminology

The statement ‘**Are criminals born, or made?**’ is wide reaching and has remained the subject of many debates. Beginning over a hundred years ago in the late 18th century, social and criminal anthropologists began to wonder at the causes of criminality and delinquency and set about to investigate them. Most theorists at the time believed that it had to be a deep-rooted trait, an innate tendency. Over the years that followed, many other sociologists and psychologists have tried to decipher this complicated question, some staying on the side of biological causes, and some looking further into environmental causes. There are many factors surrounding the arguments for both sides, a few of which will be addressed in this essay. We will attempt to conclude which of these theories holds the most weight, and why. This essay will show evidence from different fields of investigation in biological studies and environmental studies, beginning with the works of **Cesare Lombrosso and William Sheldon**.

SELF ASSESSMENT EXERCISE 1

Are criminals born or made? Argue.

3.2 Typing Theories of Crime

Called ‘**The father of Modern Criminology**’, Cesare Lombrosso believed that particular physical characteristics or attributes could predict criminality, creating a ‘**born**’ criminal. This was, he theorised, a result of certain atavisms whereby the criminal would be both mentally and physically inferior to ‘normal’ human beings, and that they would resemble our predecessor, the ape. He used certain physical characteristics as indicators of criminality, and measured them.

These included:

1. Size or shape of the head;
2. Enlarged cheekbones and jaw;
3. Fleshy protruding lips;

4. Abnormal teeth and dark skin to name but a few.

If a person were to portray five or more of these atavisms, then they were seen to be a born criminal. He also added other factors to this theory, including that of an excessive use of tattooing, excessive idleness and a tendency to express ideas pictorially!

Sheldon had similar ideas, but these were mainly based around body types. He described three basic body types and different temperaments that corresponded with them.

These were:

1. **Endomorphs** who would be soft and round with relaxed extrovert personalities;
2. **Mesomorphs** who were athletic and tended to be aggressive; and finally;
3. **Ectomorphs** who were thin frail and introverted.

Sheldon rated these physical attributes in any given individual, and gave ratings of 1 – 7 to indicate the extent of each body type they possessed then the person would be given a three figure rating showing his/her possession of characteristics. Sheldon compared these ratings on a group of 200 male delinquents, against 200 non-delinquent students. He found that the delinquents were significantly higher in mesomorphy and lower in ectomorphy (1949). He concluded that a Mesomorph was the most likely to be a criminal.

SELF ASSESSMENT EXERCISE 2

Compare and contrast Lombroso and Sheldon's somatotyping theories of crime.

3.3 Other Theories of Crime

Other studies, based around heredity, by **Francis Galton** and his students, were set up to measure degrees of resemblance or correlation. **Charles Goring** used these new statistical techniques in the analysis of criminality. He concluded that crime was inherited much in the same way as ordinary physical traits and features. He also found that those with frequent and lengthy terms of imprisonment were physically smaller and less intelligent than other people and although there could be a distinct environmental explanation for this, Goring believed that these were primarily inherited characteristics.

As you can imagine, there are many criticisms of these theories mainly that a majority of Lombroso's atavisms could describe almost any ethnic minority, and any fit or sporty person in Sheldon's books, would be delinquent. Lombroso's theory however, was very popular at the turn of the century and dispelled any theories that a person became criminal, simply because they fell victim to unfortunate social circumstances. However, the '**International Congress of Criminal Anthropology**' was critical. They believed that the origins of crime lay in social conditions rather than with innate tendencies. This however was initially a dangerous tact as it bred a belief that the prevention of crime required the development of eugenics, whereby state agencies could implement programs of social and moral improvement through breeding.

This kind of genetic engineering was dependent on chromosomal studies. **Patricia Jacobs et al** held one of the first studies of this kind in a maximum-security prison in Scotland. They found that a statistically significant percentage of men had an extra Y chromosome. Normal patterns are XX for females and XY for males yet this study found that the subnormal wing of the hospital had patients with XYY patterns. Patricia Jacobs described these men as having 'dangerous, violent or criminal predisposition's'. This was seen as a breakthrough but since then the extra Y chromosome has been found in the general population also, in non-criminal members of society.

Nevertheless these three theories do not explain the reasons why poorer areas of society have more criminals, or the theories that chemical imbalances are to blame. This leads us to environmental theories of criminality, or that criminals are made.

There have also been many studies into the effects of certain vitamins and minerals and their toxic effects in relation to criminality. For instance the toxic effects of **lead** and its adverse effects on learning are widely accepted, yet **Bradley** has only recently suggested the link between lead levels and criminality in 1988. **Bryce-Smith** (1983) also found that high levels of lead could be linked to impulsiveness, daydreaming and frustration.

Other minerals have also been linked with negative behaviour patterns, namely **Cobalt** (vitamin B12) and **Vitamin B**. Two recent studies on Cobalt found that there was a definite link between Cobalt and violent behaviour, the lower the mineral level, the more violent the behaviour pattern. With Vitamin B, it has been found that a deficiency is common amongst both criminals and hyperactive children. A shortage of **B1** gives rise to aggression, hostility and irrational behaviour and **B3**, it is claimed by **Lesser** (1980), may cause people to become fearful and act

immorally as they are unable to discern right from wrong. A concoction of any of these deficiencies could produce a violent, criminal personality.

Poverty, unemployment and class are also social issues connected closely with crime and delinquent behaviour. **Sainsbury** (1955) found that crime was closely linked to poverty, but criticisms show many tribes, and peoples who are materially poor but have no crime, therefore poverty itself does not cause crime but is only a factor. Evidence now suggests that criminality is linked to economic and income inequalities.

Glaser & Rice (1959) found unemployment to be a significant factor when it came to property crime for example. They also found that delinquency is inversely related to unemployment; that is, delinquency is high when unemployment is low, and vice versa. They suggested that this might be due to the fact that in times of unemployment, parents are more available to their children. However, **Block** found in 1979 that it is young adults who are most likely to have criminal tendencies if they are also unemployed.

It is therefore a very complex and ongoing argument about whether criminals are born, or made. Goring continued his studies into criminality and eventually postulated that it was caused neither by environment nor heredity, but as the result of an interaction between the two. A view held by many criminologists today. He did however still favour heredity.

Despite this, it can certainly be shown that modern studies and theories are much more in favour of environmental causes of criminality, causes that can be controlled and repressed. In addition to the theories we have discussed, there are many others on the side of environmental factors, such as labeling, and learning theories tested by psychologists like **Bandura** and **Skinner** showing how criminality can be conditioned. It is therefore much more likely, taking into account the evidence we have seen on behalf of both biological and environmental factors; that with today's mass array of chemical substances, enhancers, and habit forming hobbies; conjoined with poor living conditions, conditioned morals and lifestyles; and lack of wealth and education, that criminality is certainly not an innate tendency, but a lifestyle imposed upon certain individuals by their environment. It could be an imbalance in their genetic make-up caused by a lack of vitamins or exposure to certain minerals. In retrospect, it is a definite fact shown through the evidence in this essay, that criminals are **made** and not born.

SELF ASSESSMENT EXERCISE 3

Briefly discuss three other theoretical explanations for crime.

4.0 CONCLUSION

The study of criminology is indispensable for a clearer understanding of crime in the society. The knowledge garnered from this discipline has gone a long way in assisting stakeholders in security and crime control performs their duties with a degree of competence. The advent of criminology as a discipline is quite funny if you look at it from the Lombrosian perspective, but development in form of advanced technology seems to have changed its face drastically. Having knowledge of the old and new additions to the discipline makes for a gestaltist understanding.

5.0 SUMMARY

In this unit, we have been able to discuss the criminology. We defined criminology after which we investigated the theories of Lombroso and Sheldon. Finally we examined other theories explaining criminal behaviour in a simplistic form. Congratulations for the successful completion of this unit.

6.0 TUTOR-MARKED ASSIGNMENT

- i. What does criminology entail?
- ii. Is the nature and nurture controversy regarding criminality a fact or a fallacy? Argue.
- iii. Differentiate between Lombroso and Sheldon's somatotype theories of crime.
- iv. Write short notes on five other theoretical explanations for crime.

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UNIT 2 CRIMINALISATION

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Criminalisation
 - 3.2 Criminalisation and the State
 - 3.3 Natural Law Theory
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

The principles of criminalisation have served as a deterrent of sorts to potential criminals and actual criminals because it has tried to make it an institutionalized issue. Criminalisation has done a lot to keep humanity safe from criminal elements. The creation of a criminal justice system procedure for processing criminals and rendering them harmless behind a prison block and branding them by giving them numbers and a uniform is quite impressive but still has its own loopholes. It is necessary to understand how criminalisation stems crime and how it evolves in the first place.

In this unit, we are going to critically examine the concept of criminalisation and its relevance in crime alleviation.

2.0 OBJECTIVES

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

- list the principles of criminalisation
- identify the process of criminalisation
- identify how the state criminalizes individuals
- discuss the theoretical underpinning of criminalisation
- critique the criminalisation process.

3.0 MAIN CONTENT

3.1 Criminalisation

1. Criminalisation might be intended as a pre-emptive, harm-reduction device, using the threat of punishment as a deterrent to those proposing to engage in the behavior causing harm. The State becomes involved because they usually believe costs of not criminalizing (i.e. allowing the harms to continue unabated) outweigh the costs of criminalizing it (i.e. restricting individual liberty in order to minimize harm to others).
2. Criminalisation may provide future harm reduction even after a crime, assuming those incarcerated for committing crimes are more likely to cause harm in the future.
3. Criminalisation might be intended as a way to make potential criminals pay for their crimes. In this case, criminalisation is a way to set the price that one must pay (to society) for certain actions that are considered detrimental to society as a whole. In this sense criminalisation can be viewed as nothing more than State-sanctioned revenge. Polinsky & Shavell (1997)

SELF ASSESSMENT EXERCISE 1

What is criminalisation?

3.2 Criminalisation and the State

The process of criminalisation is controlled by the State because:

1. Even if the victims recognize that they are victims, they may not have the resources to investigate and seek legal redress for the injuries suffered: the enforcers formally appointed by the State have the expertise and the resources.
2. The victims may only want compensation for the injuries suffered, while being indifferent to a possible desire for deterrence: see Polinsky & Shavell (1997) on the fundamental divergence between the private and the social motivation for using the legal system.
3. Victims or witnesses of crimes might be deterred from taking any action if they fear retaliation. Even in policed societies, fear may inhibit reporting or co-operation in a trial.

4. Victims do not have economies of scale to administer a penal system, let alone collect any fines levied by a court (see Polinsky (1980) on the enforcement of fines). Garoupa & Klerman (2002) warn that a rent-seeking government's primary motivation is to maximize revenue and so, if offenders have sufficient wealth, a rent-seeking government is more aggressive than a social-welfare-maximizing government in enforcing laws against minor crimes (usually with a fixed penalty such as parking and routine traffic violations), but more lax in enforcing laws against major crimes.
5. The victims may be incapacitated or dead as a result of the crime

SELF ASSESSMENT EXERCISE 2

Itemise reasons why the state is the controller of the criminalisation process?

3.3 Natural Law Theory

The consistent theoretical problem has been to justify the State's use of force to coerce compliance with its laws. One of the earliest justifications was the theory of natural law. This posits that the standards of morality are derived from or constructed by the nature of the world or of human beings. Thomas Aquinas said: "the rule and measure of human acts is the reason, which is the first principle of human acts" (Aquinas, ST I-II, Q.90, A.I), i.e. since people are by nature rational beings, it is morally appropriate that they should behave in a way that conforms to their rational nature. Thus, to be valid, any law must conform to natural law and coercing people to conform to that law is morally acceptable. William Blackstone (1979: 41) describes the thesis:

"This law of nature, being co-eval with mankind and dictated by God himself, is of course superior in obligation to any other. It is binding over all the globe, in all countries, and at all times: no human laws are of any validity, if contrary to this; and such of them as are valid derive all their force, and all their authority, mediately or immediately, from this original."

But John Austin, an early positivist, applied utilitarianism in accepting the calculating nature of human beings and the existence of an objective morality, but denied that the legal validity of a norm depends on whether its content conforms to morality, i.e. a moral code can objectively determine what people ought to do, the law can embody whatever norms the legislature decrees to achieve social utility, but every individual is

free to choose what he or she will do. Similarly, Hart (1961) saw the law as an aspect of sovereignty with lawmakers able to adopt any law as a means to a moral end. Thus, the necessary and sufficient conditions for the truth of a proposition of law were simply that the law was internally logical and consistent, and that State power was being used with responsibility. Dworkin (2005) rejects Hart's theory and argues that fundamental among political rights is the right of each individual to the equal respect and concern of those who govern him. He offers a theory of compliance overlaid by a theory of deference (the citizen's duty to obey the law) and a theory of enforcement, which identifies the legitimate goals of enforcement and punishment. Legislation must conform to a theory of legitimacy, which describes the circumstances under which a particular person or group is entitled to make law, and a theory of legislative justice, which describes the law they are entitled or obliged to make.

Indeed, despite everything, the majority of natural law theorists have accepted that a primary function of the law is to enforce the prevailing morality. The problem with this view is that it makes any moral criticism of the law impossible in that, if conformity with natural law is a necessary condition for legal validity, all valid law must, by definition, be morally just. Thus, on this line of reasoning, the legal validity of a norm necessarily entails its moral justice. The solution to this problem is to admit some degree of moral relativism and to accept that norms may evolve over time and, therefore, the continued enforcement of old laws may be criticized in the light of the current norms. The law may be acceptable but the use of State power to coerce citizens to comply with that law is not morally justified. In more modern conceptions of the theory, crime is characterized as the violation of individual rights. Since so many rights are considered as natural, hence the term "right", rather than man-made, what constitutes a crime is also natural, in contrast to laws, which are man-made. Adam Smith illustrates this view, saying that a smuggler would be an excellent citizen, "*...had not the laws of his country made that a crime which nature never meant to be so.*"

Natural law theory therefore distinguishes between "criminality" which is derived from human nature, and "illegality" which is derived from the interests of those in power. The two concepts are sometimes expressed with the phrases *malum in se* and *malum prohibitum*. A crime *malum in se* is argued to be inherently criminal; whereas a crime *malum prohibitum* is argued to be criminal only because the law has decreed it so. This view leads to a seeming paradox, that an act can be illegal that is no crime, while a criminal act could be perfectly legal. Many Enlightenment thinkers such as Adam Smith and the American Founding Fathers subscribed to this view to some extent, and it remains influential among so-called classical liberals and libertarians.

SELF ASSESSMENT EXERCISE 3

Use the natural law theory to explain the process of criminalisation.

4.0 CONCLUSION

Criminalisation is a process that has worked well in controlling crime both in Nigeria and in other societies. The systematic process has been used by the state to segregate criminal elements and to place them on a nomenclature of ostracism from the generality of the society. The police force, the criminal courts and the prisons which are agents of the criminal justice system play a crucial role on behalf of the state to curtail criminal behaviour and curb its excesses through punishment. The criminalisation process might not be perfect but there is room for improvement.

5.0 SUMMARY

In this unit, we have been able to discuss the criminalisation process. We defined criminalisation after which we investigated the part the state played in the process of socialisation. Finally we examined the natural law theory and how it influences the criminalisation process. In the next unit we shall critically examine the issue of criminology. Congratulations for the successful completion of this unit.

6.0 TUTOR-MARKED ASSIGNMENT

- i. How would you describe criminalisation?
- ii. Is criminalisation effective in the Nigerian state?
- iii. Discuss the relationship between the state and the criminalisation process.
- iv. Use the natural law theory to explain the criminalisation process.

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UNIT 3 CRIMINOLOGY AND CRIMINAL JUSTICE SYSTEM

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Criminology revisited
 - 3.2 Criminal Justice System revisited
 - 3.3 Difference between Criminology and Criminal Justice System
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

Criminology points to the Criminal Justice System as a solution to the problem of crime while the Criminal Justice System seriously engages in the study of Criminology in order to carry out its duty very well. A lot of people tend to mistake these two terms; one for the other. It should be noted that they are interwoven but different with regards to their importance. In this unit we will critically assess the entity of Criminology and Criminal Justice System and the difference between them

2.0 OBJECTIVES

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

- define criminology and criminal justice system
- establish the relationship between criminology and criminal justice system.

3.0 MAIN CONTENT

3.1 Criminology Revisited

What is criminology? In a classic definition, the father of American criminology, Edwin Sutherland (Sutherland & Cressey, 1960, *Principles of Criminology*, 6th ed., Philadelphia: Lippencott, p. 3) said:

Criminology includes the scientific study of making laws, breaking laws, and reacting toward the breaking of laws.

Note that the three (3) areas in Sutherland's definition (making, breaking, and reacting) form the foundation of specialty areas in criminology. Those who specialize in the study of making laws are criminologists with a legal bent (many have law degrees), and they refer to their area of study as the criminology of criminal law, or in the case of criminologists with sociology degrees, the sociology of law. An example would be the conflict criminologist, William Chambliss, who in 1964 wrote a famous treatise on the law of vagrancy to argue for a ruling class domination theory of crime. Also, there are criminologists with psychology degrees, human criminology. Theories in this specialty area are sometimes called theories of criminalisation, not theories of crime. They involve the study of why some acts, but not others, come to the attention of authorities, and why some acts, but not others, come to be formally penalized by the state as crimes.

The second area of specialization (breaking laws) is what most people think of when they think of criminology, and it is generally referred to as the area of criminogenesis, etiology (the study of causes), or crime causation. This area is the most interdisciplinary one in criminology, and pretty much, anyone with an interest in studying the criminal mind is welcome, regardless of whether their degree is in anthropology, economics, political science, psychology, or sociology (although sociology dominated criminology for most of the twentieth century). It is important to note that this specialty area is NOT concerned with fighting crime or catching criminals more effectively. It is concerned with scientific theory and method for uncovering truth. Any insights gained from studying the criminal mind are supposed to be useful in understanding human nature and the society we live in. There is some disagreement about this, however, with so-called clinical, applied, and praxis (theory in action) criminology, as well as the field of criminal justice, advocating better management, investigation, social change, and systems, respectively.

The third area (reacting to lawbreaking) is the most sociological of the three, and specialists here tend to refer to themselves as societal reaction theorists, social response theorists, normative theorists, relativity of crime researchers, or less commonly as criminologists of criminal justice. The authors of your textbook for this course represent this specialty area. Societal reaction theorists study things like media glamorization of crime or the moral boundaries by which communities tolerate or do not tolerate crime in their midst. Social response theorists are interested in the justifications and consequences of different styles of

reacting to crime (e.g., lock-em-up strategies versus mediation). Normative theorists are interested in the determinants of norms (expectations for behavior), since norm violations are often the root source of both deviance and crime. Relativity of crime specialists are interested in whether there is a consensus of public opinion about the seriousness of various criminal acts. Criminologists of criminal justice are often indistinguishable from criminal justice specialists (criminal justice being a separate, but related discipline) in that they study things like society's carrying capacity (rates of imprisonment and how many prisoners prisons can hold) or police strength (as an indicator of repressive social control). *The three parts of Sutherland's definition are sometimes abbreviated as the study of lawmaking, lawbreaking, and reactions.*

SELF ASSESSMENT EXERCISE 1

Define criminology in as concise a manner as possible.

3.2 Criminal Justice System Revisited

Components of the criminal justice system

The criminal justice system consists of law enforcement (police), courts, prosecutors, defense attorneys and corrections. Criminal justice agencies are intended to operate within the rule of law.

Police Force

The first contact an offender has with the criminal justice system is usually with the police (or *law enforcement*) who investigate and make the arrest. Police or law enforcement agencies and officers are empowered to use force and other forms of legal coercion and legal means to effect public and social order. The term is most commonly associated with police departments of a state that are authorized to exercise the police power of that state within a defined legal or territorial area of responsibility. The word comes from the Latin *politia* ("civil administration"), which itself derives from the Ancient Greek πόλις, for *polis* ("city") (Alastair, 2003).

Courts of Law

The courts serve as the venue where in disputes are then settled and justice is administered. With regard to criminal justice, there are a number of critical people in any court setting. These include the judge, prosecutor, and the defense attorney. The judge, or magistrate, is a person who should be knowledgeable in the law, and whose function is

to objectively administer the legal proceedings and offer a final decision to dispose of a case (Garland, 2002).

Correctional Institutions (Prisons and Remand Homes)

Offenders are then turned over to the correctional authorities, from the court system after the accused has been found guilty. Like all other aspects of criminal justice, the administration of punishment has taken many different forms throughout history. Early on, when civilizations lacked the resources necessary to construct and maintain prisons, exile and execution were the primary forms of punishment. Historically shame punishments and dismemberment have also been used as forms of censure (Wolfgang, 1990).

The most publicly visible form of punishment in the modern era is the prison. Prisons may serve as detention centers for prisoners after trial. For containment of the accused jails are used. Early prisons were used primarily to sequester criminals and little thought was given to living conditions within their walls.

SELF ASSESSMENT EXERCISE 2

What is the Criminal Justice System?

3.3 Differences Between Criminology And Criminal Justice Systems

Criminology is an older, larger field of study than criminal justice. Criminology adheres to the natural science model, trying to be like Biology, Chemistry, or Physics. Criminal justice adheres to the social science model, and is more receptive to disciplines like business, the arts, and humanities. Criminology borrows heavily from philosophy, psychology and sociology. Criminal justice borrows heavily from administrative public policy and lay sciences (like police science or investigative science). Criminology has many theories, some of which conflict with one another. Criminal justice has very few theories.

Many criminologists are hard-core, Vienna-school (measurable concepts only), logical positivists (Williams 1984). The most hard-core "numbers crunchers", or quantitative criminologists, dominate the top journals. Criminologists conduct research incrementally, by data mining, and by working on puzzles that have been in existence for decades. Criminal justice research operates by serendipity, and by going on "fishing expeditions" for topics to study.

Academic criminology is essentially a discursive discipline based on talk between its practitioners. Academic criminal justice is essentially ideological factionalization. Both fields suffer from the Wozzle Effect (where unique terms lose their unique meaning) and Obliteration By Incorporation (where unique contributors are lost), aka the Matthew Effect. Criminal justice is ascending vis-à-vis criminology because of its system focus and financial support. Theories in criminology may devolve into "theories of the system" that emphasize pragmatic efficiency, reification of social control, and political falsifiability. Now, more than ever, we need to increase our criminological IQ.

SELF ASSESSMENT EXERCISE 3

Distinguish between criminology and the criminal justice system.

4.0 CONCLUSION

The understanding of the criminology and the criminal justice system is indispensable for addressing the issue of crime. The knowledge derived will go a long way in assisting stakeholders in security and crime control performs their duties with a degree of competence.

5.0 SUMMARY

In this unit, we have been able to discuss the difference between criminology and the criminal justice system. We also examined how these factors interact. Congratulations for the successful completion of this unit.

6.0 TUTOR-MARKED ASSIGNMENT

- i. What do you think criminology is?
- ii. Write short notes on the components of the criminal justice system?
- iii. What is the difference if any between criminology and the criminal justice system?

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UNIT 4 SOCIOLOGY OF PUNISHMENT

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Sociology of punishment
 - 3.2 Retributivism
 - 3.3 Utilitarianism
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
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1.0 INTRODUCTION

The Criminal Justice System is an instrument of punishment as stipulated from sociological studies and from reality. Without punishment, crime will escalate out of the control of the stakeholders who combat it. In this unit we will examine how punishment works in attenuating crime.

2.0 OBJECTIVES

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

- explain the different perspectives from which punishment deters the commission of crime and the reasons.

3.0 MAIN CONTENT

3.1 Sociology of Punishment

The sociology of punishment seeks to understand **why and how we punish**. Punishment usually involves the intentional infliction of pain or suffering or the deprivation of rights and/or liberties. These actions are generally understood to be morally wrong. However punishment is the state-sanctioned use of these methods in relation to law-breaking. The sociology of punishment seeks to understand why people allow the legitimization of this type of violence. As is usually the case, there are a number of different theories to explain this. Two of the most often used justifications of punishment are utilitarianism and retributivism. Both these theories have been articulated by law-makers and law-enforcers and can be seen to be descriptive rather than explanative. Marxist theories of punishment say that while people may justify punishment

according to either of the principles, this does not explain why it happens.

Modern punishment has created a sense of its own inevitability and of the necessary rightness of the status quo. Our taken for granted ways of punishing have relieved us of the need for thinking deeply about punishment. The institution of punishment conveniently provides us with a definition of what criminality is and how it will be sanctioned, how much punishment is appropriate and what emotions can be expressed, who is entitled to punish and wherein their authority to do so lies. They are authoritatively settled, at least in principle, and only matters of detail need to be concluded - details which can be left to experts and administrators in specialist institutions set aside for that purpose.

Through repeated use and respect for their authority, these instituted ways of doing things create their own 'regime of truth' which simultaneously shores up the institutional structure and closes off any fundamental questions which might undermine it. The penal system's very existence helps us to forget that there are other answers to these problems are possible: those institutions are based upon the convention rather than nature.

But institutions and their regimes are not unshakable or beyond challenge, particularly where they fail to serve needs, contain conflicts, or answer troublesome questions in a way that is perceived as satisfactory. And, despite their institutional girding and a historical entrenchment stretching back to the early nineteenth century, a growing sense of doubt has now begun to emerge around our modern penal practices. This shift of attitude began to emerge towards the end of the 1960s when rising crime rates, growing prison unrest, and the collapse in faith in the rehabilitation ideal combined to undermine confidence in 'penal progress' and the inevitability of 'penal reform'. The new era has been one of continuing crisis and disruption in a penal system which no longer takes seriously the rehabilitative values and ideologies upon which it was originally based. Conventional wisdom appears to be increasingly 'irrational', 'dysfunctional', and counterproductive. Like the crime it is supposed to deal with, punishment is nowadays seen as a chronic social problem.

The most celebrated discussion of punishment's failure is to be found in the work of Michael Foucault, who argued that penological failure has been a persistent and indeed a 'functional' characteristic of the modern prison system since its inception. Lawrence Stone's view was shared by many, that 20th century prisons survive simply because they have taken on a quasi independent life of their own, which enables them to survive

the overwhelming evidence of their social dysfunction. This extends with slightly less force to probation, fines, and community corrections. Nowadays, punishment appears to lack a future - or at least a vision of one which might be different or preferable to that which currently prevails. All social institution has a margin of failure or ineffectiveness. If the institution is meeting normal expectations and if its overall direction and basic legitimacy are unchallenged, then such failures are of no great consequence.

We need to remind ourselves that the phenomena we refer to as 'punishment', is in fact a complex set of interlinked processes and institutions, rather than a uniform object or event.

Punishment then, is not reducible to a single meaning or a single purpose. It is not susceptible to a logical or formulaic definition because it is a social institution embodying and condensing a range of purposes and a stored up depth of historical meaning. To understand 'punishment', one has to explore its many dynamics and forces and build up a complex picture of the circuits of meaning and action within which it currently functions.

Punishment here is taken to be the legal process whereby violators of the criminal law are condemned and sanctioned in accordance with specified legal categories and procedures. This process itself is complex and differentiated, being composed of interlinked processes of law making, conviction, sentencing and the administration of penalties. It involves discursive frameworks of authority and condemnation, ritual procedures of imposing punishment, a repertoire of penal sanctions and rhetoric of symbols, figures, and images by means of which the penal process is represented to its various audiences.

Although legal punishment is understood to have a variety of aims, its primary purpose is usually represented as being the instrumental one of reducing or containing rates of criminal behaviour. It is thus possible to conceive of punishment as being simply a means to a given end - to think of it as a legal approved method designed to facilitate the task of crime control.

In some instances, certain theorists have gone so far as to deny punishment's crime control function altogether, arguing that penalty is not well adapted to this particular end, and that therefore some other end must be posited to explain its character. Emile Durkheim's declaration that 'if crime is not pathological then the purpose of punishment cannot be to punish it.' Writers such as Mead, Rusche and Kirchheimer, and more recently Michael Foucault point to the failure of punishment as a method of crime control and argues that it is badly adapted to this end,

before going on to discuss alternate ways of understanding the phenomenon.

Punishment is a delimited legal process, but its existence and operation are dependent upon a wide array of other social forces and conditions. These conditioning circumstances take a variety of forms - some of which have been explicated by historical and sociological work in this field. Thus, for example, modern prisons presuppose definite architectural forms, security devices, disciplinary technologies, and developed regimes which organise time and space - as well as the social means to finance, construct and administer such complex organisations. And as recent work has shown, specific forms of punishment are also dependent for their support upon less obvious social and historical circumstances including political discourses and specific forms of knowledge, legal, moral, and cultural categories, and specific patterns of psychic organisation or sensibility. It is a product of tradition as much as present policy: hence the need for a developmental as well as functional perspective in the understanding of penal institutions. It is only by viewing punishment against the background of these wider forms of life and their history that we can begin to understand the informal logic which underpins penal practice.

Like all social institutions, punishment interacts with its environment, forming part of the mutuality constructing configuration of elements which make up the social world.

Punishment is often discussed in terms of two concepts: the **general justifying aim of punishment** (why we punish) and the **principle of distribution** (how we punish).

SELF ASSESSMENT EXERCISE 1

Is punishment justifiable in controlling crime? Discuss.

3.2 Retributivism

Retributivism covers all theories that justify punishment because the offender deserves it. This is interpreted in two ways, either:

1. a person must be punished because he/she deserves it (desert if a sufficient reason for punishment), or
2. a person must not be punished unless he/she deserves it (desert is a necessary but not sufficient necessary condition of punishment).

Retributive theories usually put forward that desert is a sufficient reason for punishment.

The main strands of retributivism are:

1. **Intrinsic Retribution**

Offender deserves punishment because there is intrinsic good in the guilty suffering.

2. **Lex Talionis**

To restore the balance between offender and victim.

3. **Unfair Advantage Principle**

To restore the balance by the imposition of extra burdens on those who have usurped more than their fair share of benefits. (Note the focus of Lex Talionis is on what others have lost, the focus of the unfair advantage principle is on what the offender gained.)

4. **Hegelian Retribution**

Punishment annuls the wrong done.

5. **Liability**

The offender had knowledge that he would be punished if he committed the acts, and he therefore deserves punishment if he does it.

6. **Social Contract Theory**

We make a contract to give up certain rights in order for other rights to be protected, when we break that contract we deserve to have our rights taken away.

7. **Grievance Theory**

The offender has caused a grievance for the victim, and the punishment of the offender will satisfy the victim, and make up for that grievance (although proposed as a form of retribution, it is questionable as to whether it really is retributivist in principle)

The nature of desert means that the offender must be blameworthy and that an offender deserves punishment simply because he has offended, and so his punishment must relate to his wrongdoing. It can therefore be said to be backward-looking.

The theory of retributivism does propose a number of purposes of punishment: to restore the balance (whether according to Lex Talionis or the Unfair Advantage Principle), to openly and emphatically denounce crime, or to provide satisfaction. The principles of distribution can be derived from these purposes.

There are 3 main methods for deciding on punishment:

1. The first is in accordance with Lex Talionis; that punishment should be equal or equivalent to the crime.
2. The second is the culpability principle; that punishment should be in proportion to the harmfulness and blameworthiness of an offender's actions;
3. The third is in accordance with the grievance principle; that punishment should give satisfaction equal to the grievances caused.

Critique of Retributivism

The above explanations for deciding on punishment raise a few issues:

1. The idea of equal or equivalent punishment, however, proves to be impractical. How can the equivalent of sexual assault be found in any current punishment?
2. To decide on punishment in terms of satisfaction in accordance with grievances caused is also questionable. Honderich [1989:34] says that punishment is not wholly justified in terms of the offence, but provides "the contention that a man's punishment must provide satisfactions". However if punishment is not wholly dependent on the offence, but is in part to do with satisfaction, then it is in part, consequentialist (and therefore not retributive).
3. The culpability principle is often used in deciding the punishment of offenders. However there are large numbers of punishments handed down which do not obey this principle. Particularly, this is the case where the harmfulness and blameworthiness of offender's actions are not proportionate to the punishment. For example, in Nigeria the punishment for speeding up to 30km over the legal speed limit is a fine. The punishment for a passenger of your vehicle not wearing their seatbelt is also a fine. According to the retributivist explanation of punishment, two offences that have the same punishment should be fairly similar in terms of the

harmfulness and blameworthiness. However in this example it can be seen that this is not the case.

Therefore it can be seen that retributivist theories are not adequate to explain why and how we punish.

Retributivism as a justification for punishment can be seen to fall under the category of a Theory of the Right rather than a Theory of the Good.

SELF ASSESSMENT EXERCISE 2

What do you understand by retributivism.

3.3 Utilitarianism

Utilitarianism, as the name suggests, covers all theories that justify the evil of punishment only when that punishment has some utility. It is therefore forward looking, and consequentialist in nature [Baker, 1971:69], as it holds the belief that, ultimately, the only morally significant features of an act are the good and bad consequences produced by it.

The word utility has been used to justify punishment in two different ways in utilitarian writing:

1. Use

That punishment is only justified when it has some use – that is, preventing further crime [Lessnoff, 1971:141].

2. Value

That punishment is only justified when it is most conducive to the welfare of society [Ten, 1987:3], that is, the value society gains from the punishment are more than the disadvantages incurred by the offender.

However most utilitarians agree that not only must punishment have both use and value, but also that there be no other solution that would deter as effectively with less distress [Honderich 1989:59].

While utilitarianists may slightly disagree on why the evil of punishment can be justified, authors agree that the purpose of punishment is to reduce crime. This purpose directly relates to the principle of distribution of utilitarianism. Most utilitarianists agree that there are three ways to reduce crime: incapacitation, deterrence and reform.

There are 2 main types of prevention: **specific** and **general** prevention. Specific prevention is aimed at the offender him/herself whilst general prevention is aimed at the public in general.

Specific Prevention

Wright [1982] in his discussion of Utilitarianism describes three main goals of individual prevention.

1. “Firstly”, he begins “imprisonment deters [the] individual from committing crime” [p.26]. So one reason for sending the offender to prison for a crime is to make him less likely to commit further crimes through fear of more imprisonment.
2. “Secondly”, he continues, “prison is...to protect the public from certain offenders” [p.27]. So his second reason is we send offenders to prison to render them incapable of committing crimes.
3. Thirdly, he concludes, “prisons [are]...to rehabilitate”. So we send offenders to prison to rehabilitate them, so that they no longer need to commit crimes. There is some debate about this third point, with some authors following the above example, focusing on rehabilitation as the third goal [Braithwaite & Petit, 1990:4; Bean, 1981:44; Walker, 1994:212], others quoting reform [Bentham in Honderich, 1989:51; Mabbot in Acton, 1969:17], and still others mistakenly using the two words interchangeably.

General Prevention

General prevention uses the punishment of the offender to prevent others from committing crimes. It has been argued that sending an offender to prison has three effects.

1. Firstly through fear of suffering a similar fate to the offender, the general public is deterred from committing similar crimes [Lessnoff, 1971:141].
2. Secondly, by sending an offender to prison, a proclamation is issued specifying that it is morally wrong to disobey the law.
3. Lastly, “with fear or moral influence as the intermediate link...unconscious inhibitions against crime...establish a condition of habitual lawfulness” [Andenaes, 1974:8].

A number of issues are associated with the utilitarian justification of punishment:

1. Firstly, utilitarianism allows for innocents to be punished. Moberly [1968:44] states that utilitarianism can account for “when no direct partaker of the crime can be apprehended, other people may be punished in his stead”.
2. Secondly, the utilitarian justification of punishment as an investment does not uphold the claim of punishment to be “something more and other” [Moberly, 1968:70] than burdens such as quarantine, war, etc imposed by the state. Moberly argues that it cannot, as this claim is only upheld when an essential attribute of punishment is that it relates to transgression of a law, and therefore the crime committed.

Utilitarianism as a justification for punishment can be seen to fall under the category of a Theory of the Good rather than a Theory of the Right.

Critique of Utilitarianism

If utilitarian justifications of punishment were sound, then one would expect to find certain conditions met by those who are punished. Looking specifically at imprisonment, one would conclude that the people in our prisons are dangerous or have a long criminal record (and are therefore in need of incapacitation), that the amount of recidivism is low (as offenders will have been deterred from committing future crimes) and that there will be programs for rehabilitation and opportunities for reform in place.

However a New South Wales (NSW) Prison Report found that:

1. 13% of inmates have an intellectual disability [p.20]
2. at the point of sentencing, indigenous persons are sentenced to imprisonment at about 10 times the rate expected given their relative population size [p.21]
 - a. of the above, 50% of crimes fell into theft, driving or offences against justice [p.22]
3. 50% of offences resulting in imprisonment were for non-violent crimes [p.28]
4. 14,154 (37%) out of a total of 38,626 persons who spent some time in full custody between June 1995 and June 1999, have been

to prison at least once before, and almost half of those (18%) have been at least twice. [p.31]

5. “the majority of prisoners who pass through the system serve sentences of less than 6 months and are in minimum security or serving periodic detention. [p.32]

From these and other statistics, researchers [including Wright, 1982; Sutherland & Cressey, 1960; Melossi, 1998; Rusche, 1998; Duff, 1994; Carlen, 1994] and Mann, 1995] have suggested utilitarian justifications cannot be overwhelming assumed from the studied data. One conclusion that can and is often drawn from prison statistics however is that:

Whatever regional and national differences there might be in opinions about which offences deserve custody, the poor, the disturbed, the migrant, [and] disadvantaged ethnic minorities are consistently over-penalised and over-imprisoned. [Hudson, 1993:3]

What then is the reason that we imprison these people? Utilitarianists have no answer.

Marxist Theories of punishment

These theories offer explanations as to why we imprison offenders not with claims of crime preventions, but that it is done with the goal of controlling those groups “whose socially disadvantaged position makes them volatile, disaffected and thus threatening”, Duff, 1994:306].

Criminal conduct is not a lower class monopoly, but is distributed throughout the various classes. But as has been shown, the same is not true of the distribution of punishment, which falls, overwhelmingly and systematically, on the poor and the disadvantaged. Discriminatory decision-making throughout the whole criminal justice system ensures that the socially advantaged are routinely filtered out: they are given the benefit of the doubt, or are defined as good risks, or simply have access to the best legal advice. Serious, deep-end punishments such as imprisonment are predominantly reserved for the unemployed, the poor, the homeless, the mentally ill, the addicted, and those who lack social support and personal assets. Increasingly, this class bias had taken on a racial complexion, as disadvantaged minority groups come to be massively over-represented in the prison population., Duff, 1994:306] The benefits of using a Marxist framework to answer this question is that it allows us to understand why offenders from the working class are imprisoned and offenders from the middle/upper classes are not. Marxist theory is based upon the idea of class struggle and ideology. Important

to our understanding of imprisonment are the two concepts of hegemony and relative autonomy. Hegemony is in simple terms leadership with the consent of the led (that is leadership that is considered by those who are led to be the legitimate exercise of leadership).

Marxist theories tell us then, that the reason we imprison offenders is to control those who are a threat to dominant values.

SELF ASSESSMENT EXERCISE 3

What do you understand by utilitarianism?

4.0 CONCLUSION

The understanding of how punishment deters crime is a necessity for members of society and crime fighters. The knowledge derived has a way of discouraging crime among potential criminals and also empowers members of the criminal justice system to perform well at their respective jobs.

5.0 SUMMARY

In this unit, we have been able to discuss how punishment discourages crime. We also examined the concrete nature of punishment as a tool for crime control. Congratulations for the successful completion of this unit.

6.0 TUTOR-MARKED ASSIGNMENT

- i. Does punishment really discourage crime? Argue?
- ii. What does Marx have to say about punishment?
- iii. What is the difference between retributivism and utilitarianism?

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UNIT 5 CRIME AND THEORY

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Crime and theory interphase
 - 3.2 Importance of theory
 - 3.3 Problems of Natural Theorising
- 4.0 Conclusion
- 5.0 Summary
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1.0 INTRODUCTION

Theories explain relationship between phenomena within the society. Theories have also been generated to explain crime within the society. It should be noted that these theories look at crime from various perspectives. In this unit we will critically examine the relationship between theory and crime.

2.0 OBJECTIVES

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

- explain the relationship between crime and theory interphase
- state the importance of theory in the explanation of crime
- discuss the problems associated with theorising.

3.0 MAIN CONTENT

3.1 Crime and Theory

The function of theory is to provide puzzles for research (Lewis Coser)

To understand criminal justice, it is necessary to understand crime. Most policy-making in criminal justice is based on criminological theory, whether the people making those policies know it or not. In fact, most of the failed policies (what doesn't work) in criminal justice are due to misinterpretation, partial implementation, or ignorance of criminological theory. Much time and money could be saved if only policymakers had a thorough understanding of criminological theory.

At one time, criminological theory was rather pure and abstract, with few practical implications, but that is not the case anymore. For example, almost all criminologists today use a legalistic rather than *normative* definition of crime. A legalistic definition of crime takes as its starting point the statutory definitions contained in the penal code, legal statutes or ordinances. **A crime is a crime because the law says so.** Sure, there are concerns about *overcriminalisation* (too many laws) and *undercriminalisation* (not enough laws), but at least on the surface, a legalistic approach seems practical. It is also advantageous to a normative definition, which sees crime as a violation of norms (social standards of how humans ought to think and behave), although there are times when criminology can shed light on norms and norm violators.

Every criminological theory contains a set of assumptions (about human nature, social structure, and the principles of causation, to name a few), a description of the phenomena to be explained (facts a theory must fit), and an explanation, or prediction, of that phenomenon. The assumptions are also called meta-theoretical issues, and deal with debates like those over free will v. determinism or consensus v. conflict. The description is a statistical profile, figure, diagram, or table of numbers representing the patterns, trends, and correlates of the type of crime taken as an exemplar (most appropriate example) of all crime. The explanation is a set of variables (things that can be tweaked or changed) arranged in some kind of causal order so that they have statistical and meaningful significance. Criminological theories are primarily concerned with etiology (the study of causes or reasons for crime), but occasionally have important things to say about actors in the criminal justice system, such as police, attorneys, correctional personnel, and victims.

SELF ASSESSMENT EXERCISE 1

What is the use of theory in the explanation of crime?

3.2 Importance of Theory

Regardless of specialty area, all criminologists strive toward good theory. What is theory? As any dictionary definition makes clear, a theory is any system of ideas arranged in rational order that produce general principles which increase our understanding and explanations.

The general principles in a theory are derived from, and representative, of particular facts, but those principles are not dependent upon the particular thing to be explained (Kaplan 1964). This means that theories have a life of their own in the ever-increasing generalities they provide. Theories are like children. Someone gives birth to them, and they go out into the world and no longer belong to anyone. Some of them become

ideologies (get used for political purposes) and others become endless puzzles that scientists work on for centuries.

Ideally, theory should: (1) focus attention on a particular phenomenon; (2) fit the known facts about a particular phenomenon; (3) contribute to scientific paradigms; (4) provide a way it can be tested or falsified; (5) establish boundaries and domains by which laws and truth statements can be generalized; and (6) enable propositions which can be added or compared to those of other theories. In addition, theories should shed light on some of the more fundamental issues in metaphysics -- the problem of action, and the problem of order. Briefly, the fundamental problem of action has to do with motivation, whether behavior is motivated selfishly and rationally or whether it is motivated emotionally, unconsciously, or in non-rational fashion.

The term "action" is used to distinguish behavior motivated by some purpose, or instrumentally, in other words. The fundamental problem of order is the basic quest of sociology when sociologists ask "How is society possible", and involves how collective systems, structures, and patterns are linked, if at all, to individual choices, decisions, and freedom. Criminology has an extensive set of fundamental issues it is concerned with. These include:

Rational Irrational	v.	The problem of action, the metaphysics of motivation
Macro v. Micro		The problem of order, the metaphysics of societal possibility
Structure Process	v.	Time or temporality; whether behavior is best explained by a snapshot observation or over a length of time
Consensus Conflict	v.	Conceptions of society; whether people agree or disagree on the seriousness of crime and/or the building blocks of society
Freewill Determinism	v.	Also known as the Classical v. Positivist debate
Optimism Pessimism	v.	Concerns about whether crime control can be effective or not

Every theory has at least 2-3 meta-theoretical levels above it. The fundamental issues are usually addressed at the APPROACH level, and are often called the assumptions, or starting points, of a theory. However, the term "assumptions" more strictly refers to the background or domain boundaries one can draw generalizations about. Above the approach level is the PERSPECTIVE level, the largest unit of agreement

within a scientific community, and in fact, the names for the scientific disciplines. Perspectives are sometimes called paradigms or viewpoints, although some people use the term paradigm to refer to untestable ideologies such as: (1) rational choice; (2) pathogenesis; (3) labeling; (4) critique for the sake of critique; and (5) theoretical integration.

Theory is the foundation of criminology and of criminal justice, and we study theory to know why we are doing what we do (Bohm 1985). Theory without research is not science. All research must be based on theory. People who are uninterested in theory choose to move blindly through life, or in the case of criminal justice, intervene in people's lives with only vague notions about why they are doing what they are doing.

The most important task of theory is explanation, which is also called prediction. An explanation is a sensible way of relating the facts about some particular phenomenon to the intellectual atmosphere of a people at a particular time or place. Any group of like-minded, receptive people at a particular time and place is called a school of thought. Explanations are always tied to context (inter-subjective reliability) and concepts (the intellectual words and phrases in use at any given time). What makes a person a "theorist" is their creative ability at wordsmithing, the ability to describe something that everyone knows is there, but no one has come along before to say it exactly like that. The theorist's creativity is based on what are called constructs (images, ideas, or new words in the theorist's head), and the art of theory construction is the translation of constructs into concepts. The notion that concepts always deal with something observable or something that can be experimented upon is called empiricism.

Importance of Causation

Criminology has no monopoly on explanation. Everyone makes explanations all the time. There are popular ones, spiritual ones, natural ones, unscientific ones. What makes a theory scientific is that it focuses on causal relationships between variables. What is a cause? Causes are sequential changes in the properties of one thing brought about by sequential, determinant changes in the properties of another thing. Causes are distinguished from primitive terms like factors. Causes get down into the qualities or properties of particulars. We call these properties variables, and they represent not the totality of an object, but various aspects or subsets of an object we suspect are involved in its efficient operation. In other words, we find causes where we find things that move about, which may only be present in varying degrees.

A variable is some subset of a phenomenon that you can have more or less of, as opposed to a constant, which you either have or don't have.

That's why they're called variables, because they vary. There are no such things as theories about constants. Everything in science is about variables. The cause of something is called the independent variable (you have more or less of what makes you want to commit crime), and the effect of something is called the dependent variable (you engage in crime on a more or less regular basis). This IV-DV relationship is important for two reasons: (1) concomitant variation is the basis for almost all the statistical methods in mathematics; and (2) by focusing upon a relationship of some kind, theories are inherently predictive. That makes prediction of something an important part of criminology, however:

1. **Classical criminology**

This free will approach is more concerned with explanation than with prediction. That's because the independent variable (motivation to commit crime) is taken for granted or treated as a constant (everyone is equally possessed of free will). Classical criminologists therefore use variables like changes in the law and how that affects crime rates. That's why they are often criminalisation or deterrence theorists.

2. **Positivist criminology**

This deterministic approach is more concerned with prediction than with explanation. It takes the motivation as problematic (each person is exposed to a different set of forces that might make them want to commit a crime) and then relates that to variable outcomes (either generalized or specialized criminal behavior). That's why positivists are often theorists interested in etiology (the causes of crime).

Finally, theories can be **verified, falsified, or integrated**. Verification is the process of testing theories, bit by bit, piece by piece. It's the incremental process of science, moving slowly, going over each and every word the theorist had to say, and constructing a hypothesis about it. It also involves designing an experiment to test it, carrying out research on it, and reporting the statistical results. It's the most common procedure for handling theories in criminology, and involves two additional approaches: specification and elaboration.

Specification is any effort to figure out the details of a theory (especially its dependent variable side, or the effect), how the variables work together; usually associated with a belief that many, competing theories are better than integrated efforts.

Elaboration is any effort to figure out the implications of a theory, what other variables might be added to the theory (especially on the

independent variable side, or the cause); often associated with the belief that theory competition is better than theoretical integration.

Falsification is when the researcher does some of their own thinking, and devises a negative test case or some hypothetical situation which would test exactly what the opposite of what the theory is saying. It is intended to disprove or prove the theory, or at least some bit of it. It's not done much in criminology; first of all, because theorists rarely provide any leads for constructing falsification statements; and second of all, because the theorist can always say it wasn't a fair test, or that wasn't what they meant.

Integration doesn't often involve any research at all, although it can with causal modeling and other advanced statistical techniques. Instead, it's usually when the researcher (or another theorist) combines the similarities or differences between two different theories to construct a bigger theory.

SELF ASSESSMENT EXERCISE 2

Why is theory important in crime research?

3.3 Problems of Natural Theorising

The consistent theoretical problem has been to justify the State's use of force to coerce compliance with its laws. One of the earliest justifications was the theory of natural law. This posits that the standards of morality are derived from or constructed by the nature of the world or of human beings. Thomas Aquinas said: "the rule and measure of human acts is the reason, which is the first principle of human acts" (Aquinas, ST I-II, Q.90, A.1), i.e. since people are by nature rational beings, it is morally appropriate that they should behave in a way that conforms to their rational nature. Thus, to be valid, any law must conform to natural law and coercing people to conform to that law is morally acceptable. William Blackstone (1979: 41) describes the thesis:

"This law of nature, being co-eval with mankind and dictated by God himself, is of course superior in obligation to any other. It is binding over all the globe, in all countries, and at all times: no human laws are of any validity, if contrary to this; and such of them as are valid derive all their force, and all their authority, mediately or immediately, from this original."

But John Austin, an early positivist, applied utilitarianism in accepting the calculating nature of human beings and the existence of an objective

morality, but denied that the legal validity of a norm depends on whether its content conforms to morality, i.e. a moral code can objectively determine what people ought to do, the law can embody whatever norms the legislature decrees to achieve social utility, but every individual is free to choose what he or she will do. Similarly, Hart (1961) saw the law as an aspect of sovereignty with lawmakers able to adopt any law as a means to a moral end. Thus, the necessary and sufficient conditions for the truth of a proposition of law were simply that the law was internally logical and consistent, and that State power was being used with responsibility.

Dworkin (2005) rejects Hart's theory and argues that fundamental among political rights is the right of each individual to the equal respect and concern of those who govern him. He offers a theory of compliance overlaid by a theory of deference (the citizen's duty to obey the law) and a theory of enforcement, which identifies the legitimate goals of enforcement and punishment. Legislation must conform to a theory of legitimacy, which describes the circumstances under which a particular person or group is entitled to make law, and a theory of legislative justice, which describes the law they are entitled or obliged to make.

Indeed, despite everything, the majority of natural law theorists have accepted that a primary function of the law is to enforce the prevailing morality. The problem with this view is that it makes any moral criticism of the law impossible in that, if conformity with natural law is a necessary condition for legal validity, all valid law must, by definition, be morally just. Thus, on this line of reasoning, the legal validity of a norm necessarily entails its moral justice. The solution to this problem is to admit some degree of moral relativism and to accept that norms may evolve over time and, therefore, the continued enforcement of old laws may be criticized in the light of the current norms.

The law may be acceptable but the use of State power to coerce citizens to comply with that law is not morally justified. In more modern conceptions of the theory, crime is characterized as the violation of individual rights. Since so many rights are considered as natural, hence the term "right", rather than man-made, what constitutes a crime is also natural, in contrast to laws, which are man-made. Adam Smith illustrates this view, saying that a smuggler would be an excellent citizen, "*...had not the laws of his country made that a crime which nature never meant to be so.*"

Natural law theory therefore distinguishes between "criminality" which is derived from human nature, and "illegality" which is derived from the interests of those in power. The two concepts are sometimes expressed with the phrases *malum in se* and *malum prohibitum*. A crime *malum in*

se is argued to be inherently criminal; whereas a crime *malum prohibitum* is argued to be criminal only because the law has decreed it so. This view leads to a seeming paradox, that an act can be illegal that is no crime, while a criminal act could be perfectly legal. Many Enlightenment thinkers such as Adam Smith and the American Founding Fathers subscribed to this view to some extent, and it remains influential among so-called classical liberals and libertarians.

SELF ASSESSMENT EXERCISE 3

Why is natural theorising problematic in crime research?

4.0 CONCLUSION

The issue of crime theorising is a topical one. These issues are usually hydra-headed problems and they tend to impact on societal demeanour in a variety of ways. It is necessary to have an idea of how theories pertain to crime as seen by scholars and other stakeholders within the society.

5.0 SUMMARY

In this unit, we have been able to discuss the relationship between crime and theory. We also looked at the importance of theories in research and in reality.. In the next unit we shall critically examine the theories of crime. Congratulations for the successful completion of this unit.

6.0 TUTOR-MARKED ASSIGNMENT

- i. Is crime really explained by theories? Argue?
- ii. Are theories important in researching crime in the society?

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MODULE 3 OVERVIEW OF CRIME THEORIES

Unit 1	Crime Theories
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UNIT 1 CRIME THEORIES

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1.0 INTRODUCTION

Sociological theories explain social relationship between factors that cause crime within the society. These theories were propounded by experts in the field of sociology to explain crime within the society. It should be noted that these theories look at crime from personal and societal perspectives in this unit we will critically examine the theories that explain crime from a sociological perspective.

2.0 OBJECTIVES

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

- identify the sociological theories of crime
- discuss how these theories explain criminal behaviour
- explain the theoretical underpinning of crime from a sociological perspective
- give a general overview of the usefulness of these theories.

3.0 MAIN CONTENT

3.1 Overview of Crime Theories

The function of theory is to provide puzzles for research (Lewis Coser)

To understand criminal justice, it is necessary to understand crime. Most policy-making in criminal justice is based on criminological theory, whether the people making those policies know it or not. In fact, most of the failed policies (what doesn't work) in criminal justice are due to misinterpretation, partial implementation, or ignorance of criminological theory. Much time and money could be saved if only policymakers had a thorough understanding of criminological theory.

At one time, criminological theory was rather pure and abstract, with few practical implications, but that is not the case anymore. For example, almost all criminologists today use a legalistic rather than *normative* definition of crime. A legalistic definition of crime takes as its starting point the statutory definitions contained in the penal code, legal statutes or ordinances. A crime is a crime because the law says so. Sure, there are concerns about *overcriminalisation* (too many laws) and *undercriminalisation* (not enough laws), but at least on the surface, a legalistic approach seems practical. It is also advantageous to a normative definition, which sees crime as a violation of norms (social standards of how humans ought to think and behave), although there are times when criminology can shed light on norms and norm violators.

Every criminological theory contains a set of assumptions (about human nature, social structure, and the principles of causation, to name a few), a description of the phenomena to be explained (facts a theory must fit), and an explanation, or prediction, of that phenomenon. The assumptions are also called meta-theoretical issues, and deal with debates like those over free will v. determinism or consensus v. conflict. The description is a statistical profile, figure, diagram, or table of numbers representing the patterns, trends, and correlates of the type of crime taken as an exemplar (most appropriate example) of all crime. The explanation is a set of variables (things that can be tweaked or changed) arranged in some kind of causal order so that they have statistical and meaningful significance. Criminological theories are primarily concerned with etiology (the study of causes or reasons for crime), but occasionally have important things to say about actors in the criminal justice system, such as police, attorneys, correctional personnel, and victims.

There are basically thirteen (13) identifiable types of criminological theory, only three (3) of which are considered "mainstream" or conventional criminology (strain, learning, control). The oldest theory

(biochemistry) goes back to 1876 and the last four theories (left realism, peacemaking, feminist, postmodern) have only developed in the past twenty-five years. The following table illustrates, with more information about each theory below the table:

THEORY	CAUSES	POLICY
1. Biochemistry	heredity, vitamin deficiency, allergy, tumor, toxins, brain dysfunction, hormonal imbalance	isolation, treatment
2. Psychology	low intelligence, psychopathy, stress	treatment, counseling
3. Ecology	disorganized neighborhoods	community empowerment
4. Strain	economic goal blockage	increased opportunities
5. Learning	imitation, reinforcement schedules	more effective negative reinforcement, more use of positive reinforcement
6. Control	socialization, low self-control	child-rearing, social bonds
7. Labeling	shunning, identity immersion	nonintervention, reintegration
8. Conflict	power differentials, competition	increased equality
9. Radical	class struggle, capitalism	praxis, socialism
10. Left Realism	predatory relationships	more effective police protection
11. Peacemaking	inner suffering and turmoil	spiritual rejuvenation
12. Feminist	gender inequity, patriarchy	end sex discrimination
13. Postmodern	hierarchical privileges and language	more informal social control

SELF ASSESSMENT EXERCISE 1

Itemise the sociological theories of crime.

3.2 Summary of Crime Theories

1. Biochemistry is known by many names: biological, constitutional (having to do with the structure of the body's morphology), genetic, and anthropological criminology. The oldest field is criminal anthropology, founded by the father of modern criminology, Cesare Lombroso, in 1876. He was one of the first exponents of the *positivist* approach to explaining crime, positivism meaning a search for the causes of crime using scientific method, as opposed to the *classical* approach, which relies upon free will as the main cause of crime. Historically, theories of the biochemistry type have tried to establish the biological inferiority of criminals, but modern biocriminology simply says that heredity and body organ dysfunctions produce a predisposition toward crime.
2. Psychological criminology has been around since 1914, and attempts to explain the consistent finding that there is an eight-point IQ difference between criminals and noncriminal. That gap isn't enough to notice, but it might make them more impulsive and foolhardy, and even smart people with high IQs are vulnerable to folly. Other psycho criminologists focus on personality disorders, like the psychopaths, sociopaths, and antisocial personalities.
3. Ecological criminology was the first sociological criminology, developed during the 1920s at the Department of Sociology at the University of Chicago. Hence, it is also called Chicago School sociology. Ecology is the study of relationships between an organism and its environment, and this type of theory explains crime by the disorganized eco-areas where people live rather than by the kind of people who live there.
4. Strain, sometimes called by the French word *anomie*, is a 1938 American version of French sociology, invented by the father of modern sociology, Emile Durkheim (1858-1917). This type of theory sees crime as the normal result of an "American dream" in which people set their aspirations (for wealth, education, occupation, any status symbol) too high, and inevitably discover strain, or goal blockages, along the way. The only two things to do are reducing aspirations or increase opportunities.
5. Learning theories tend to follow the lead of Edwin Sutherland's theory of differential association, developed in 1947, although ideas about imitation or modeling go back to 1890. Often oversimplified as "peer group" theories, learning is much more

than that, and involves the analysis of what is positively and negatively rewarding (reinforcing) for individuals.

6. Control theories in criminology are all about social control. Only those called containment or low-self control theories have to do with individual psychology. Control theory has pretty much dominated the criminological landscape since 1969. It focuses upon a person's relationships to their agents of socialization, such as parents, teachers, preachers, coaches, scout leaders, or police officers. It studies how effective bonding with such authority figures translates into bonding with society, hence keeping people out of trouble with the law.
7. Labeling theory was a child of the 1960s and 1970s which saw criminals as underdogs who initially did something out of the ordinary, and then got swept up in a huge, government-sponsored labeling or shunning reaction. It argues that anyone facing such an overwhelming, negative labeling social reaction will eventually become more like the label because that is the only way out for their identity formation. It points out that sometimes it's best to do nothing (for minor offending), and that there are few re-integrative rituals designed to help people fit back into their communities.
8. Conflict theory holds that society is based on conflict between competing interest groups; for example, rich against poor, management against labor, whites against minorities, men against women, adults against children, etc. These kind of dog-eat-dog theories also have their origins in the 1960s and 1970s, and are characterized by the study of power and powerlessness.
9. Radical theories, also from the 1960s and 1970s, typically involve Marxist (referring to Karl Marx 1818-1883) critiques of capitalist society which allows things to exist like millions of billionaires and millionaires while the vast majority of people live in poverty or just get by. Such fundamental economic disparities reflect basic contradictions in the way work is organized into demoralizing, brutalizing, and oppressive conditions. Crime is seen as a reflection of class struggle, a kind of primitive rebellion with criminals behaving as rebels without a clue. Only through praxis (informed action based on theoretical understanding) will the new socialist society be formed and crime will go away.
10. Left realism is a mid-1980s British development that focuses upon the reasons why people of the working class prey upon one another, that is, victimize other poor people of their own race and

kind. It wants the police to have more power in protecting poor people, but on the other hand, doesn't want the police to be invasive or intrusive.

11. Peacemaking criminology came about during the 1990s as the study of how "wars" on crime only make matters worse. It suggests that the solution to crime is to create more caring, mutually dependent communities and strive for inner rebirth or spiritual rejuvenation (inner peace).
12. Feminist criminology matured in the 1990s, although feminist ideas have been around for decades. The central concept is patriarchy, or male domination, as the main cause of crime. Feminists also tend to call for more attention to female points of view.
13. Postmodern criminology matured in the 1990s, although postmodernism itself (as a rejection of scientific rationality to the pursuit of knowledge) was born in the late 1960s. It tends to focus upon how stereotypical words, thoughts, and conceptions limit our understanding, and how crime develops from feelings of being disconnected and dehumanized. It advocates replacing our current legal system with informal social controls such as group and neighborhood tribunals.

SELF ASSESSMENT EXERCISE 2

Write short notes on the theories of crime.

3.3 Elaboration of Sociological Theories

This unit focuses on the three major sociological theories of crime and delinquency: strain, social learning, and control theories. It then briefly describes several other important theories of crime, most of which represent elaborations of these three theories. Finally, efforts to develop integrated theories of crime are briefly discussed.

All of the theories that are described explain crime in terms of the social environment, including the family, school, peer group, workplace, community, and society. These theories, however, differ from one another in several ways: they focus on somewhat different features of the social environment, they offer different accounts of why the social environment causes crime, and some focus on explaining individual differences in crime while others attempt to explain group differences in crime (e.g., why some communities have higher crime rates than other communities).

Structural-Functionalism

A Structural-Functionalist perspective believes that deviations come from the formation of norms and values which are enforced by institutions. Deviations are not deviant by nature, but are caused when institutions arbitrarily institute particular prescriptions or proscriptions. Therefore, deviation is simply what is defined as not normal by norms, values, or laws. Theorists from this school study how institutions on a macro level affect deviance.

Durkheim's anomie

Emile Durkheim was a nineteenth century French sociologist who studied suicide and the role of institutions in suicide. When he studied the connections between suicide and people's lives, he noticed that social integration and social regulation rates were **inversely correlated** with suicide rates. Suicidal people tended to have less, *"to bind and connect them to stable social norms and goals."*^[1] However, those who were well integrated into society and those who were well regulated (good social bonds) tended to have the lowest suicide rates.

There are two dimensions of the social bond which are social integration and social regulation, and they are for the most part independent (in other words, the rate of integration does not determine the rate of regulation, and vice versa, but both affect the social bond). Social integration is the attachment to groups and institutions, while social regulation is the adherence to the norms and values of the society. Those who are very integrated fall under the category of "altruism" and those who are very unintegrated fall under "egoism." Similarly, those who are much regulated fall under "fatalism" and those who are much unregulated fall under "anomie". Durkheim's strain theory attributes social deviance to extremes of the dimensions of the social bond. Altruistic suicide (death for the good of the group), egoistic suicide (death for the removal of the self due to or justified by the lack of ties to others), and anomic suicide (death due to the confounding of self-interest and societal norms) are the three forms of suicide that can happen due to extremes. Likewise, individuals may commit crimes for the good of an individual's group, for the self due to or justified by lack of ties, or because the societal norms that place the individual in check no longer have power due to society's corruption.

Two dimensions of the social bond:

1. Integration (Attachment to groups, and strength of ties)
 - Altruism (+)

- Egoism (-)
- 2. Regulation (The attachment to norms of society)
 - Fatalism (+)
 - Anomie (-)
- 3. Mechanical Solidarity
- 4. Organic Solidarity

+economic anomie +domestic anomie

Institutional anomie theory: Steven Messner and Richard Rosenfeld's institutional anomie theory draws on control and social learning theories to explain the high crime rate in the United States. According to the theory, the high crime rate partly stems from the emphasis placed on the "American Dream." Everyone is encouraged to strive for monetary success, but little emphasis is placed on the legitimate means to achieve such success: "it's not how you play the game; it's whether you win or lose." As a consequence, many attempt to obtain money through illegitimate channels or crime. Further, the emphasis on monetary success is paralleled by the dominance of economic in lower-class persons, but ignore or mildly sanction the harmful actions of business and industry (e.g., pollution, unsafe working conditions). And capitalists act to increase their profits; for example, they resist improvements in working conditions and they attempt to hold down the wages of workers. This is not to say that the capitalist class is perfectly unified or that the government always acts on its behalf. Most Marxists acknowledge that disputes sometimes arise within the capitalist class and that the government sometimes makes concessions to workers in an effort to protect the long-term interests of capitalists.

SELF ASSESSMENT EXERCISE 3

Briefly explain the structural functionalism and anomie theory.

4.0 CONCLUSION

The topic of sociological crime theorising is very rich. These theories examine crime from a myriad of angles and generate from varied sociological backgrounds. These theories are quite enlightening and need to be critically examined for better appreciation.

5.0 SUMMARY

In this unit, we have been able to discuss various sociological theories. We also looked at explanation of these theories with regards to crime. In the next unit we shall continue this critical examination of theories of crime. Congratulations for the successful completion of this unit.

6.0 TUTOR-MARKED ASSIGNMENT

- i. List the theories of crime you know.
- ii. Compare and contrast the theories of crime.

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UNIT 2 SOCIOLOGICAL CRIME THEORIES (CONT)

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 - 3.1 Sociological Theories I
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1.0 INTRODUCTION

Sociological theories explain social relationship between factors that cause crime within the society. These theories were propounded by experts in the field of sociology to explain crime within the society. It should be noted that these theories look at crime from personal and societal perspectives. In this unit we will critically examine the theories that explain crime from a sociological perspective.

2.0 OBJECTIVES

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

- identify the sociological theories of crime
- discuss how these theories explain criminal behaviour
- explain the theoretical underpinning of crime from a sociological perspective
- list the usefulness of these theories.

3.0 MAIN CONTENT

3.1 Sociological Crime Theories I

Symbolic Interactionism

Symbolic interactionism draws on the phenomenology of Edmund Husserl and George Herbert Mead, as well as sub-cultural theory and conflict theory.^[22] This school of thought focused on the relationship between the powerful state, media and conservative ruling elite on the one hand, and the less powerful groups on the other. The powerful groups had the ability to become the 'significant other' in the less

powerful groups' processes of generating meaning. The former could to some extent impose their meanings on the latter, and therefore they were able to 'label' minor delinquent youngsters as criminal. These youngsters would often take on board the label, indulge in crime more readily and become actors in the 'self-fulfilling prophecy' of the powerful groups. Later developments in this set of theories were by Howard Becker and Edwin Lemert, in the mid 20th century.^[23] Stanley Cohen who developed the concept of "moral panic" (describing societal reaction to spectacular, alarming social phenomena such as post-World War Two youth cultures (e.g. the *Mods and Rockers* in the UK in 1964), AIDS and football hooliganism).

Deviance comes from the individual, who learns deviant behavior. The deviant may grow up alongside other deviants or may learn to give excuses for deviance. The focus is upon the consciousness and the mind of the individual as opposed to the institutions from where the norms come from.

Sutherland's Differential Association

In his differential association theory, Edwin Sutherland posited that criminals learn criminal and deviant behaviors and that deviance is not inherently a part of a particular individual's nature. Also, he argues that criminal behavior is learned in the same way that all other behaviors are learned, meaning that the acquisition of criminal knowledge is not unique compared to the learning of other behaviours.

Sutherland outlined some very basic points in his theory, such as the idea that the learning comes from the interactions between individuals and groups, using communication of symbols and ideas. When the symbols and ideas about deviation are much more favorable than unfavorable, the individual tends to take a favorable view upon deviance and will resort to more of these behaviors.

Criminal behavior (motivations and technical knowledge), as with any other sort of behavior, is learned. Some basic assumptions include:

1. Learning in interaction using communication within intimate personal groups.
2. Techniques, motives, drives, rationalizations, and attitudes are all learned.
3. Excess of definitions favorable to deviation.

4. Legitimate and illegitimate behaviours both express the same general needs and values.

Neutralization Theory

Gresham Sykes and David Matza's neutralization theory explains how deviants justified their deviant behaviors by adjusting the definitions of their actions and by explaining to themselves and others the lack of guilt of their actions in particular situations. There are five different types of rationalizations, which are the denial of responsibility, the denial of injury, the denial of the victim, the condemnation of the condemners, and the appeal to higher loyalties.

The denial of responsibility is the argument that the deviant was helplessly propelled into the deviance, and that under the same circumstances, any other person would resort to similar actions. The denial of injury is the argument that the deviant did not hurt anyone, and thus the deviance is not morally wrong, due to the fundamental belief that the action caused no harm to other individuals or to the society. The denial of the victim is the argument that possible individuals on the receiving end of the deviance were not injured, but rather experiences righteous force, due to the victim's lack of virtue or morals. The condemnation of the condemners is the act by which the deviant accuses authority figures or victims for having the tendency to be equally deviant, and as a result, hypocrites. Finally, the appeal to higher loyalties is the belief that there are loyalties and values that go beyond the confines of the law; friendships and traditions are more important to the deviant than legal boundaries.

The Neutralization Theory says that criminals rationalize actions by neutralizing the definitions of crime. There are five major types of neutralization:

1. Denial of responsibility: Propelled helplessly into crime.
2. Denial of injury: Crime does not hurt anyone, not morally wrong.
3. Denial of the victim: Victim did not receive injury but rather, rightful force.
4. Condemnation of the condemners: Condemners are hypocrites, deviants as well.
5. Appeal to higher loyalties: Loyalty to a higher power than law, like friendship.

SELF ASSESSMENT EXERCISE 1

What is neutralising theory all about?

3.2 Sociological Crime Theories II

Merton's Strain Theory

Why do people engage in crime according to strain theory? They experience strain or stress, they become upset, and they sometimes engage in crime as a result. They may engage in crime to reduce or escape from the strain they are experiencing. For example, they may engage in violence to end harassment from others, they may steal to reduce financial problems, or they may run away from home to escape abusive parents. They may also engage in crime to seek revenge against those who have wronged them. And they may engage in the crime of illicit drug use to make themselves feel better.

A recent version of strain theory is Robert Agnew's 1992 general strain theory. Agnew's theory draws heavily on previous versions of strain theory, particularly those of Robert Merton, Albert Cohen, Richard Cloward and Lloyd Ohlin, David Greenberg, and Delbert Elliott and associates. Agnew, however, points to certain types of strain not considered in these previous versions and provides a fuller discussion of the conditions under which strain is most likely to lead to crime.

Agnew describes two general categories of strain that contribute to crime: (1) others prevent you from achieving your goals, and (2) others take things you value or present you with negative or noxious stimuli. While strain may result from the failure to achieve a variety of goals, Agnew and others focus on the failure to achieve three related goals: money, status/respect, and—for adolescents—autonomy from adults.

Money is perhaps the central goal in the United States. All people, poor as well as rich, are encouraged to work hard so that they might make a lot of money. Further, money is necessary to buy many of the things we want, including the necessities of life and luxury items. Many people, however, are prevented from getting the money they need through legal channels, such as work. This is especially true for poor people, but it is true for many middle-class people with lofty goals as well. As a consequence, such people experience strain and they may attempt to get money through illegal channels—such as theft, selling drugs, and prostitution. Studies provide some support for this argument. Criminals and delinquents often report that they engage in income-generating crime because they want money but cannot easily get it any other way. And some data suggest that crime is more common among people who

are dissatisfied with their monetary situation—with such dissatisfaction being higher among lower-class people and people who state that they want "a lot of money."

Closely related to the desire for money is the desire for status and respect. People want to be positively regarded by others and they want to be treated respectfully by others, which at a minimum involves being treated in a just or fair manner. While people have a general desire for status and respect, theorists such as James Messerschmidt argue that the desire for "masculine status" is especially relevant to crime. There are class and race differences in views about what it means to be a "man," although most such views emphasize traits like independence, dominance, toughness, competitiveness, and heterosexuality. Many males, especially those who are young, lower-class, and members of minority groups, experience difficulties in satisfying their desire to be viewed and treated as men. These people may attempt to "accomplish masculinity" through crime. They may attempt to coerce others into giving them the respect they believe they deserve as "real men." In this connection, they may adopt a tough demeanor, respond to even minor shows of disrespect with violence, and occasionally assault and rob others in an effort to establish a tough reputation. There have been no large scale tests of this idea, although several studies such as that of Elijah Anderson provide support for it.

Finally, a major goal of most adolescents is autonomy from adults. Autonomy may be defined as power over oneself: the ability to resist the demands of others and engage in action without the permission of others. Adolescents are often encouraged to be autonomous, but they are frequently denied autonomy by adults. The denial of autonomy may lead to delinquency for several reasons: delinquency may be a means of asserting autonomy (e.g., sexual intercourse or disorderly behavior), achieving autonomy (e.g., stealing money to gain financial independence from parents), or venting frustration against those who deny autonomy.

In addition to the failure to achieve one's goals, stress may result when people take something someone values or present one with noxious or negative stimuli. Such negative treatment may upset or anger people and crime may be the result. Studies have found that a range of negative events and conditions increase the likelihood of crime. In particular, crime has been linked to child abuse and neglect, criminal victimization, physical punishment by parents, negative relations with parents, negative relations with teachers, negative school experiences, negative relations with peers, neighborhood problems, and a wide range of stressful life events—like the divorce/separation of a parent, parental unemployment, and changing schools.

Factors influencing the effect of stress on delinquency: Stressful events and conditions make people feel bad. These bad feelings, in turn, create pressure for corrective action. This is especially true of anger and frustration, which energize the individual for action, create a desire for revenge, and lower inhibitions. There are several possible ways to cope with strain and these negative emotions, only some of which involve delinquency. Strain theorists attempt to describe those factors that increase the likelihood of a criminal response.

Among other things, strain is more likely to lead to crime among individuals with poor coping skills and resources. Some individuals are better able to cope with strain legally than others. For example, they have the verbal skills to negotiate with others or the financial resources to hire a lawyer. Related to this, strain is more likely to lead to delinquency among individuals with few conventional social supports. Family, friends, and others often help individuals cope with their problems, providing advice, direct assistance, and emotional support. In doing so, they reduce the likelihood of a criminal response.

Strain is more likely to lead to delinquency when the costs of delinquency are low and the benefits are high; that is, the probability of being caught and punished is low and the rewards of delinquency are high. Finally, strain is more likely to lead to delinquency among individuals who are disposed to delinquency. The individual's disposition to engage in delinquency is influenced by a number of factors. Certain individual traits—like irritability and impulsivity—increase the disposition for delinquency. Another key factor is whether individuals blame their strain on the deliberate behavior of someone else. Finally, individuals are more disposed to delinquency if they hold beliefs that justify delinquency, if they have been exposed to delinquent models, and if they have been reinforced for delinquency in the past (see below).

A variety of factors, then, influence whether individuals respond to strain with delinquency. Unfortunately, there has not been much research on the extent to which these factors condition the impact of strain—and the research that has been done has produced mixed results.

Robert K. Merton's Deviance Typology

		Institutionalised means	
		Accept	Reject
Cultural goals	Accept	Conformity	Innovation
	Reject	Ritualism	Retreatism
		New means	
		New goals	
		Rebellion	

Robert K. Merton discussed deviance in terms of goals and means as part of his strain/anomie theory. Where Durkheim states that anomie is the confounding of social norms, Merton goes further and states that anomie is the state in which social goals and the legitimate means to achieve them do not correspond. He postulated that an individual's response to societal expectations and the means by which the individual pursued those goals were useful in understanding deviance. Specifically, he viewed collective action as motivated by strain, stress, or frustration in a body of individuals that arises from a disconnection between the society's *goals* and the popularly used *means* to achieve those goals. Often, non-routine collective behavior (rioting, rebellion, etc.) is said to map onto economic explanations and causes by way of strain. These two dimensions determine the adaptation to society according to the cultural goals, which are the society's perceptions about the ideal life, and to the institutionalized means, which are the legitimate means through which an individual may aspire to the cultural goals.

Merton expanded on the idea that anomie is the alienation of the self from society due to conflicting norms and interests by describing 5 different types of actions that occur when personal goals and legitimate means come into conflict with each other. When an individual accepts the goals and means together, he is working under conformity. (Example: White collar employee who holds a job to support a family.) When an individual accepts the goals but uses illegitimate means in order to achieve them, he commits crimes in order to emulate the values of those who conform; in other words, they must use innovation in order to achieve cultural goals. (Example: Drug dealer who sells drugs to

support a family.) An individual may lose faith in cultural goals but still feel obligated to work under the routines of legitimate daily life. This person is practicing ritualism. (Example: A white collar employee who holds a job, but has become completely discontent with the American Dream.) Individuals may also reject both goals and means and fall under retreatism, when they ignore the goals and the means of the society. (Example: Drug addicts who have stopped caring about the social goals and use drugs as a way to escape reality.) Finally, there is a fifth type of adaptation which is that of rebellion, where the individual rejects the cultural goals and the institutionalized means, but seeks to redefine new values for society. (Example: Radicals who want to repair or even destroy the capitalist system in order to build a new social structure.

SELF ASSESSMENT EXERCISE 2

Explain the general strain theory of crime.

3.3 Sociological Crime Theories III

Labeling Theory

The above theory examine how the social environment causes individuals to engage in crime, but they typically devote little attention to the official reaction to crime, that is, to the reaction of the police and other official agencies. Labeling theory focuses on the official reaction to crime and makes a rather counterintuitive argument regarding the causes of crime.

According to labeling theory, official efforts to control crime often have the effect of increasing crime. Individuals who are arrested, prosecuted, and punished are labeled as criminals. Others then view and treat these people as criminals, and this increases the likelihood of subsequent crime for several reasons. Labeled individuals may have trouble obtaining legitimate employment, which increases their level of strain and reduces their stake in conformity. Labeled individuals may find that conventional people are reluctant to associate with them, and they may associate with other criminals as a result. This reduces their bond with conventional others and fosters the social learning of crime. Finally, labeled individuals may eventually come to view themselves as criminals and act in accord with this self-concept.

Labeling theory was quite popular in the 1960s and early 1970s, but then fell into decline—partly as a result of the mixed results of empirical research. Some studies found that being officially labeled a criminal (e.g., arrested or convicted) increased subsequent crime, while other studies did not. Recent theoretical work, however, has revised the theory

to take account of past problems. More attention is now being devoted to informal labeling, such as labeling by parents, peers, and teachers. Informal labeling is said to have a greater effect on subsequent crime than official labeling. Ross Matsueda discusses the reasons why individuals may be informally labeled as delinquents, noting that such labeling is not simply a function of official labeling (e.g., arrest). Informal labeling is also influenced by the individual's delinquent behavior and by their position in society—with powerless individuals being more likely to be labeled (e.g., urban, minority, lower-class, adolescents). Matsueda also argues that informal labels affect individuals' subsequent level of crime by affecting their perceptions of how others see them. If they believe that others see them as delinquents and trouble-makers, they are more likely to act in accord with this perception and engage in delinquency. Data provide some support for these arguments.

John Braithwaite extends labeling theory by arguing that labeling increases crime in some circumstances and reduces it in others. Labeling increases subsequent crime when no effort is made to reintegrate the offender back into conventional society; that is, when offenders are rejected or informally labeled on a long-term basis. But labeling reduces subsequent crime when efforts are made to reintegrate punished offenders back into conventional society. In particular, labeling reduces crime when offenders are made to feel a sense of shame or guilt for what they have done, but are eventually forgiven and reintegrated into conventional groups—like family and conventional peer groups. Such reintegration may occur "through words or gestures of forgiveness or ceremonies to decertify the offender as deviant" (pp. 100–101). Braithwaite calls this process "re-integrative shaming." Re-integrative shaming is said to be more likely in certain types of social settings, for example, where individuals are closely attached to their parents, neighbors, and others. Such shaming is also more likely in "communitarian" societies, which place great stress on trust and the mutual obligation to help one another (e.g., Japan versus the United States). Braithwaite's theory has not yet been well tested, but it helps make sense of the mixed results of past research on labeling theory.

Frank Tannenbaum and Howard S. Becker created and developed labeling theory. Tannenbaum's "dramatization of evil." Becker said that "social groups create deviance by making the rules whose infraction constitutes deviance." Labeling theory suggests that deviance is caused by the deviant person being negatively labeled, internalizing the label, and acting according to the label. As time goes on, the "deviant" takes on traits that define what a real deviant is supposed to do and takes on the role of such a label by committing deviations that conform to the label. Individual and societal preoccupation with the deviant label leads

the deviant individual to follow a self-fulfilling prophecy of conformity to the ascribed label.

This theory, while very much a symbolic-interactionist theory, also has elements of conflict theory as the dominant group has the power to decide what is deviant and acceptable, and enjoys the power behind the labeling process. An example of this theory is a prison system that labels people convicted of theft, and because of this they start to view themselves as thieves.

Primary and secondary deviation

Edwin Lemert developed the idea of primary and secondary deviation as a way to explain the process of labeling. Primary deviance is any general deviance before the deviant is labeled as such. Secondary deviance is any action that takes place after primary deviance as a reaction to the institutions.

When an actor commits a crime (primary deviance), however mild, the institution will bring social penalties down on the actor. However, punishment does not necessarily stop crime, so the actor might commit the same primary deviance again, bringing even harsher reactions from the institutions. At this point, the actor will start to resent the institution, while the institution brings harsher and harsher repression. Eventually, the whole community will stigmatize the actor as a deviant and the actor will not be able to tolerate this, but will ultimately accept his or her role as a criminal, and will commit criminal acts that fit the role of a criminal.

Primary And Secondary Deviation is what causes people to become harder criminals. Primary deviance is the time when the person is labeled deviant through confession or reporting. Secondary deviance is deviance before and after the primary deviance. Retrospective labeling happens when the deviant recognizes his acts as deviant prior to the primary deviance, while prospective labeling is when the deviant recognizes future acts as deviant. The steps to becoming a criminal are:

1. Primary deviation.
2. Social penalties.
3. Secondary deviation.
4. Stronger penalties.
5. Further deviation with resentment and hostility towards punishers.

6. Community stigmatizes the deviant as a criminal. Tolerance threshold passed.
7. Strengthening of deviant conduct because of stigmatizing penalties.
8. Acceptance as role of deviant or criminal actor.

SELF ASSESSMENT EXERCISE 3

Summarise the labeling theory of crime.

4.0 CONCLUSION

Sociological crime theorising is quite interesting. These theories examine crime from a myriad of angles and generate from varied sociological backgrounds. These theories are quite enlightening and need to be critically examined for better appreciation.

5.0 SUMMARY

- In this unit, we have been able to discuss the following sociological theories: Symbolic interaction, Theory, Differential Association Theory, Neutralisation Theory,
- Strain Theory and Labeling Theory. We also looked at how these theories throw more light on the happenstances of crime. In the next unit we shall continue this critical examination of theories of crime. Congratulations for the successful completion of this unit.

6.0 TUTOR-MARKED ASSIGNMENT

- i. List the theories of crime you know.
- ii. Explain three theories of crime.

7.0 REFERENCES/FURTHER READING

Emile Durkheim Archive: Suicide

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UNIT 3 SOCIOLOGICAL CRIME THEORIES (CONT)

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Sociological Theories IV
 - 3.2 Sociological Crime Theories V
 - 3.3 Sociological Crime Theories VI
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References / Further Reading

1.0 INTRODUCTION

Sociological theories explain social relationship between factors that cause crime within the society. These theories were propounded by experts in the field of sociology to explain crime within the society. It should be noted that these theories look at crime from personal and societal perspectives. In this unit we will critically examine the theories that explain crime from a sociological perspective.

2.0 OBJECTIVES

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

- identify the sociological theories of crime
- discuss how these theories explain criminal behaviour
- explain the theoretical underpinning of crime from a sociologists perspective
- give a general overview of the usefulness of these theories.

3.0 MAIN CONTENT

3.1 Sociological Crime Theories IV

Control Theory

Strain and social learning theorists ask why people engage in crime. They then focus on the factors that push or entice people into committing criminal acts. Control theorists, however, begin with a rather different question. They ask; why do people conform? Unlike strain and social learning theorists, control theorists take crime for granted. They argue that all people have needs and desires that are more easily

satisfied through crime than through legal channels. For example, it is much easier to steal money than to work for it. So in the eyes of control theorists, crime requires no special explanation: it is often the most expedient way to get what one wants. Rather than explaining why people engage in crime, we need to explain why they do not.

According to control theorists, people do not engage in crime because of the controls or restraints placed on them. These controls may be viewed as barriers to crime—they refer to those factors that prevent them from engaging in crime. So while strain and social learning theory focus on those factors that push or lead the individual into crime, control theory focuses on the factors that restrain the individual from engaging in crime. Control theory goes on to argue that people differ in their level of control or in the restraints they face to crime. These differences explain differences in crime: some people are freer to engage in crime than others.

Control theories describe the major types of social control or the major restraints to crime. The control theory of Travis Hirschi dominates the literature, but Gerald Patterson and associates, Michael Gottfredson and Travis Hirschi, and Robert Sampson and John Laub have extended Hirschi's theory in important ways. Rather than describing the different versions of control theory, an integrated control theory that draws on all of their insights is presented.

This integrated theory lists three major types of control: direct control, stake in conformity, and internal control. Each type has two or more components.

Direct control; when most people think of control they think of direct control: someone watching over people and sanctioning them for crime. Such control may be exercised by family members, school officials, coworkers, neighborhood residents, police, and others. Family members, however, are the major source of direct control given their intimate relationship with the person. Direct control has three components: setting rules, monitoring behavior, and sanctioning crime.

Direct control is enhanced to the extent that family members and others provide the person with clearly defined rules that prohibit criminal behavior and that limit the opportunities and temptations for crime. These rules may specify such things as who the person may associate with and the activities in which they can and cannot engage.

Direct control also involves monitoring the person's behavior to ensure that they comply with these rules and do not engage in crime. Monitoring may be direct or indirect. In direct monitoring, the person is

under the direct surveillance of a parent or other conventional "authority figure." In indirect monitoring, the parent or authority figure does not directly observe the person but makes an effort to keep tabs on what they are doing. The parent, for example, may ask the juvenile where he or she is going, may periodically call the juvenile, and may ask others about the juvenile's behavior. People obviously differ in the extent to which their behavior is monitored.

Finally, direct control involves effectively sanctioning crime when it occurs. Effective sanctions are consistent, fair, and not overly harsh. Level of direct control usually emerges as an important cause of crime in most studies.

Stake in conformity: The efforts to directly control behavior are a major restraint to crime. These efforts, however, are more effective with some people than with others. For example, all juveniles are subject to more or less the same direct controls at school: the same rules, the same monitoring, and the same sanctions if they deviate. Yet some juveniles are very responsive to these controls while others commit deviant acts on a regular basis. One reason for this is that some juveniles have more to lose by engaging in deviance. These juveniles have what has been called a high "stake in conformity," and they do not want to jeopardize that stake by engaging in deviance.

So one's stake in conformity—that which one has to lose by engaging in crime—functions as another major restraint to crime. Those with a lot to lose will be more fearful of being caught and sanctioned and so will be less likely to engage in crime. People's stake in conformity has two components: their emotional attachment to conventions and their actual or anticipated investment in conventional society.

If people have a strong emotional attachment to conventional relationships members and teachers, they have more to lose by engaging in crime. Their crime may upset people they care about, cause them to think badly of them, and possibly disrupt their relationship with them. Studies generally confirm the importance of this bond. Individuals who report that they love and respect their parents and other conventional figures usually commit fewer crimes. Individuals who do not care about their parents or others, however, have less to lose by engaging in crime. A second major component of people's stake in conformity is their investment in conventional society. Most people have put a lot of time and energy into conventional activities, like "getting an education, building up a business, [and] acquiring a reputation for virtue" (Hirschi, p. 20). And they have been rewarded for their efforts, in the form of such things as good grades, material possessions, and a good reputation. Individuals may also expect their efforts to reap certain rewards in the

future; for example, one might anticipate getting into college or professional school, obtaining a good job, and living in a nice house. In short, people have a large investment—both actual and anticipated—in conventional society. People do not want to jeopardize that investment by engaging in delinquency.

Internal control: People sometimes find themselves in situations where they are tempted to engage in crime and the probability of external sanction (and the loss of those things they value) is low. Yet many people still refrain from crime. The reason is that they are high in internal control. They are able to restrain themselves from engaging in crime. Internal control is a function of their beliefs regarding crime and their level of self-control.

Most people believe that crime is wrong and this belief acts as a major restraint to crime. The extent to which people believe that crime is wrong is at least partly a function of their level of direct control and their stake in conformity: were they closely attached to their parents and did their parents attempt to teach them that crime is wrong? If not, such individuals may form an amoral orientation to crime: they believe that crime is neither good nor bad. As a consequence, their beliefs do not restrain them from engaging in crime. Their beliefs do not propel or push them into crime; they do not believe that crime is good. Their amoral beliefs simply free them to pursue their needs and desires in the most expedient way. Rather than being taught that crime is good, control theorists argue that some people are simply not taught that crime is bad. Finally, some people have personality traits that make them less responsive to the above controls and less able to restrain themselves from acting on their immediate desires. For example, if someone provokes them, they are more likely to get into a fight. Or if someone offers them drugs at a party, they are more likely to accept. They do not stop to consider the long-term consequences of their behavior. Rather, they simply focus on the immediate, short-term benefits or pleasures of criminal acts. Such individuals are said to be low in "self-control."

Self-control is indexed by several personality traits. According to Gottfredson and Hirschi, "people who lack self control will tend to be impulsive, insensitive, physical (as opposed to mental), risk-taking, short-sighted, and nonverbal" (p. 90). It is claimed that the major cause of low self-control is "ineffective child-rearing." In particular, low self-control is more likely to result when parents do not establish a strong emotional bond with their children and do not properly monitor and sanction their children for delinquency. Certain theorists also claim that some of the traits characterizing low self-control have biological as well as social causes.

Gottfredson and Hirschi claim that one's level of self-control is determined early in life and is then quite resistant to change. Further, they claim that low self-control is the central cause of crime; other types of control and other causes of crime are said to be unimportant once level of self-control is established. Data do indicate that low self-control is an important cause of crime. Data, however, suggest that the self-control does vary over the life course and that other causes of crime are also important. For example, Sampson and Laub demonstrate that delinquent adolescents who enter satisfying marriages and obtain stable jobs (i.e., develop a strong stake in conformity) are less likely to engage in crime as adults.

In sum, crime is less likely when others try to directly control the person's behaviour, when the person has a lot to lose by engaging in crime, and when the person tries to control his or her own behaviour.

The theory stresses how weak bonds between the individual and society free people to deviate; and how by contrast, strong bonds make deviance costly. This theory asks why people refrain from criminal behaviour, instead of why people commit criminal behaviour, according to Hirschi. The control theory developed when norms emerge to deter deviant behavior. Without this "control" deviant behavior would happen more often. This leads to conformity and groups. People will conform to a group when they believe they have more to gain from conformity than by deviance. If a strong bond is achieved there will be less chance of deviance than if a weak bond has occurred. Hirschi argued a person follows the norms because they have a bond to society. The bond consists of four factors: commitment, attachment, belief, and involvement, these are positively correlated. When any of these bonds are weakened or broken they will be more likely to perform deviance (e.g. you would be less likely to deviate after working hard to get your PhD because the risk would be too great.)

More contemporary control theorists, such as Robert Crutchfield take the theory into a new light, suggesting labor market experiences not only affect the attitudes and the "stakes" of individual workers, but can also affect the development of their children's views toward conformity and cause involvement in delinquency. This is still an ongoing study as he has found a significant relationship between parental labor market involvement and children delinquency; he has not empirically demonstrated the mediating role of parents or children's attitude. The research will try to show a correlation between labor market stratification and individual behavior (juvenile behavior).

SELF ASSESSMENT EXERCISE 1

Explain control theory of crime.

3.2 Sociological Crime Theories V

Conflict theory

Conflict theorist generally sees deviance as a result of conflict between individuals and groups. The theoretical orientation contributes to labeling theory in that it explains that those with power create norms and label deviants. Deviant behavior is actions that do not go along with the socially prescribed worldview of the powerful, and is often a result of the present social structure preventing the minority group access to scarce resources. Power conflict theorists see the manifestations of power into certain institutions as what cause deviance. The institution's ability to change norms, wealth, status, etc come into conflict with the individual's self. Since it explains deviance as a reaction due to conflict between groups and individuals due to scarce resources, it does a great job of explaining deviance by poor citizens, etc. However, it does not do such an excellent job in explaining white-collar crime. This theory also states that the powerful define crime. This raises the question: Whom is this theory functional to? In this theory, laws are instruments of oppression; in other words, tough on the powerless and less tough on the powerful.

SELF ASSESSMENT EXERCISE 2

Explain conflict theory of crime.

3.3 Sociological Theories of Crime VI

Marxist theories

Marxist theories argue that those who own the means of production (e.g., factories, businesses) have the greatest power. This group—the capitalist class—uses its power for its own advantage. Capitalists work for the passage of laws that criminalize and severely sanction the "street" crimes of lower-class persons, but ignore or mildly sanction the harmful actions of business and industry (e.g., pollution, unsafe working conditions). And capitalists act to increase their profits; for example, they resist improvements in working conditions and they attempt to hold down the wages of workers. This is not to say that the capitalist class is perfectly unified or that the government always acts on its behalf. Most Marxists acknowledge that disputes sometimes arise within the capitalist

class and that the government sometimes makes concessions to workers in an effort to protect the long-term interests of capitalists.

Marxists explain crime in several ways. Some draw on strain theory, arguing that workers and unemployed people engage in crime because they are not able to achieve their economic goals through legitimate channels. Also, Marxists argue that crime is a response to the poor living conditions experienced by workers and the unemployed. Some draw on control theory, arguing that crime results from the fact that many workers and the unemployed have little stake in society and are alienated from governmental and business institutions. And some draw on social learning theory, arguing that capitalist societies encourage the unrestrained pursuit of money. Marxist theories, then, attempt to explain both class and societal differences in crime.

Marx himself did not write about deviant behavior but he wrote about alienation between the proletariat as well as between the proletariat and the finished product which causes conflicts and thus deviant behavior.

Many Marxist writers have used the theory of the capitalist state in their arguments. For example, Steven Spitzer utilized the theory of Bourgeoisie control over social junk and social dynamite; George Rusche was known to present analysis of different punishments correlated to the social capacity and infrastructure for labor. He theorized that throughout history, when more labor is needed, the severity of punishments decreases and the tolerance for deviant behavior increases. Jock Young, another Marxist writer, presented the idea that the modern world did not approve of diversity but was not afraid of social conflict. The late modern world, however, is very tolerant of diversity but is extremely afraid of social conflicts, which is an explanation for the political correctness movement. The late modern society easily accepts difference, but it labels those that it does not want as deviant and relentlessly punishes and persecutes them.

Michel Foucault

Michel Foucault believed that torture had been phased out from modern society due to the dispersion of power; there was no need any more for the wrath of the state on a deviant individual. Rather, the modern state takes praises itself for its fairness and dispersion of power which, instead of controlling each individual, controls the mass. He also theorized that institutions control people through the use of discipline. For example, the modern prison (more specifically the panopticon) is a template for these institutions because it controls its inmates by the perfect use of discipline.

Foucault theorizes that, in a sense, the postmodern society is characterized by the lack of free will on the part of individuals. The hyper-fatalistic and extreme structural function view that institutions of knowledge, norms, and values, are simply in place to categorize and control humans.

SELF ASSESSMENT EXERCISE 3

Summarise the Marxist theory of crime.

4.0 CONCLUSION

Sociological crime theorising is quite interesting. These theories examine crime from a myriad of angles and generate from varied sociological backgrounds. These theories are quite enlightening and need to be critically examined for better appreciation.

5.0 SUMMARY

In this unit, we have been able to discuss sociological theories like control theory, conflict theory and Marxist theory. We also looked at how these theories throw more light on the happenstances of crime. In the next unit we shall continue this critical examination of theories of crime. Congratulations for the successful completion of this unit.

6.0 TUTOR-MARKED ASSIGNMENT

- i. List the theories of crime you know.
- ii. Explain three theories of crime.

7.0 REFERENCES/FURTHER READING

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UNIT 4 SOCIOLOGICAL CRIME THEORIES (CONT)

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Sociological Theories VII
 - 3.2 Sociological Crime Theories VIII
 - 3.3 Sociological Crime Theories IX
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References / Further Reading

1.0 INTRODUCTION

Sociological theories explain social relationship between factors that cause crime within the society. These theories were propounded by experts in the field of sociology to explain crime within the society. It should be noted that these theories look at crime from personal and societal perspectives. In this unit we will critically examine the theories that explain crime from a sociological perspective.

2.0 OBJECTIVES

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

- identify the sociological theories of crime
- illustrate how these theories explain criminal behaviour
- explain the theoretical underpinning of crime from a sociological perspective
- give a general overview of the usefulness of these theories.

3.0 MAIN CONTENT

3.1 Sociological Crime Theories VII

Social Disorganization Theory

The leading sociological theories focus on the immediate social environment, like the family, peer group, and school. And they are most concerned with explaining why some individuals are more likely to engage in crime than others. Much recent theoretical work, however, has also focused on the larger social environment, especially the community

and the total society. This work usually attempts to explain why some groups—like communities and societies—have higher crime rates than other groups. In doing so, however, this work draws heavily on the central ideas of control, social learning, and strain theories.

Social disorganization theory seeks to explain community differences in crime rates (see Robert Sampson and W. Bryon Groves; Robert Bursik and Harold Grasmick). The theory identifies the characteristics of communities with high crime rates and draws on social control theory to explain why these characteristics contribute to crime.

Crime is said to be more likely in communities that are economically deprived, large in size, high in multiunit housing like apartments, high in residential mobility (people frequently move into and out of the community), and high in family disruption (high rates of divorce, single-parent families). These factors are said to reduce the ability or willingness of community residents to exercise effective social control, that is, to exercise direct control, provide young people with a stake in conformity, and socialize young people so that they condemn delinquency and develop self-control.

The residents of high crime communities often lack the skills and resources to effectively assist others. They are poor and many are single parents struggling with family responsibilities. As such, they often face problems in socializing their children against crime and providing them with a stake in conformity, like the skills to do well in school or the connections to secure a good job. These residents are also less likely to have close ties to their neighbors and to care about their community. They typically do not own their own homes, which lowers their investment in the community. They may hope to move to a more desirable community as soon as they are able, which also lowers their investment in the community. And they often do not know their neighbors well, since people frequently move into and out of the community. As a consequence, they are less likely to intervene in neighborhood affairs—like monitoring the behavior of neighborhood residents and sanctioning crime. Finally, these residents are less likely to form or support community organizations, including educational, religious, and recreational organizations. This is partly a consequence of their limited resources and lower attachment to the community. This further reduces control, since these organizations help exercise direct control, provide people with a stake in conformity, and socialize people. Also, these organizations help secure resources from the larger society, like better schools and police protection. Recent data provide some support for these arguments.

Social disorganization theorists and other criminologists, such as John Hagan, point out that the number of communities with characteristics conducive to crime—particularly high concentration of poor people—has increased since the 1960s. These communities exist primarily in inner city areas and they are populated largely by members of minority groups (due to the effects of discrimination). Such communities have increased for several reasons. First, there has been a dramatic decline in manufacturing jobs in central city areas, partly due to the relocation of factories to suburban areas and overseas. Also, the wages in manufacturing jobs have become less competitive, due to factors like foreign competition, the increase in the size of the work force, and the decline in unions. Second, the increase in very poor communities is due to the migration of many working- and middle-class African Americans to more affluent communities, leaving the poor behind. This migration was stimulated by a reduction in discriminatory housing and employment practices. Third, certain government policies—like the placement of public housing projects in inner-city communities and the reduction of certain social services—have contributed to the increased concentration of poverty.

SELF ASSESSMENT EXERCISE 1

Summarise the social disorganisation theory of crime.

3.2 Sociological Crime Theories VIII

In criminology, the **Rational Choice Theory** adopts a utilitarian belief that man is a reasoning actor who weighs means and ends, costs and benefits, and makes a rational choice.

In democratic countries, like that of the United States or United Kingdom, the broad appeal of both liberal and rationalist philosophies has steadily led to the strengthening in importance of the Western Hemisphere's overall ideological premise from the point of view of defending the ideas of John Stuart Mill, the founder of Utilitarianism.

It is easier to accept on civil grounds that after what political decisions are made to further expand upon industrial ventures, it would be safe to assume that due to the historical position of technology in shaping the identity of cities and conurbations, many people through their successful adaption to the kinds of environmental changes that the offset by capitalism brings, excel in ways that allow for further ascensions to be achieved towards the notion of territories becoming identified as adopting nationality.

Rational Choice Theory has sprung from older and more experimental collections of hypothesis surrounding what have been essentially, the empirical findings from many scientific investigations into the workings of human nature. The conceiving and semblance of these social models which are hugely applicable to the methodology expressed through the function of microeconomics within society are also similarly placed to demonstrate that a sizable amount of data is collated using behavioural techniques which are tweaked and made adjustable in order to ensure compatibly with the spontaneous motivational drives displayed by the consumer.

The theory is related to earlier Drift Theory (Matza: 1964) where people use the techniques of neutralisation to drift in and out of delinquent behaviour, and the Systematic Crime Theory (an aspect of Social Disorganisation Theory developed by the Chicago School), where Edwin Sutherland proposed that the failure of families and extended kin groups expands the realm of relationships no longer controlled by the community, and undermines governmental controls. This leads to persistent "systematic" crime and delinquency. He also believed that such disorganisation causes and reinforces the cultural traditions and cultural conflicts that support antisocial activity. The systematic quality of the behaviour was a reference to repetitive, patterned or organised offending as opposed to random events. He depicted the law-abiding culture as dominant as and more extensive than alternative criminogenic cultural views and capable of overcoming systematic crime if organised for that purpose (1939: 8). In a similar vein, Cohen and Felson (1979) developed Routine Activities Theory which focuses on the characteristics of crime rather than the characteristics of the offender. This is one of the main theories of environmental criminology as an aspect of Crime Prevention Theory. It states that for a crime to occur, three elements must be present, i.e. there must be:

1. an available and suitable target;
2. a motivated offender; and
3. no authority figure to prevent the crime from happening.

Routine Activities Theory relates the pattern of offending to the everyday patterns of social interaction. Between 1960 and 1980, women left the home to work which led to social disorganisation, i.e. the routine of leaving the home unattended and without an authority figure increased probability of criminal activity. The theory is supplemented by the crime triangle or the problem analysis triangle [1] which is used in the analysis both of a crime problem by reference to the three parameters of victim, location, and offender, and of an intervention

strategy by reference to the parameters of target/victim, location and absence of a capable guardian with the latter helping to think more constructively about responses as well as analysis.

SELF ASSESSMENT EXERCISE 2

Write short note on the rational choice theory of crime.

3.3 Sociological Crime Theories IX

Situational Crime Prevention Theory

Crime Prevention Theory, as proposed by Clarke (1995, 1997), focuses on reducing crime opportunities rather than on the characteristics of criminals or potential criminals. The strategy is to increase the associated risks and difficulties, and reduce the rewards. It asserts that crime is often committed through the accident of a practical or attractive opportunity, e.g. that a car is found unlocked or a window left open. Patterns in criminal activity are not simply based on where criminals live, but also reflect a concentration of opportunities for crime constituting "hot spots". For example, theft may concentrate on particular "hot products" and some repeat victims are more likely to experience crime than other people. Shoplifting and mugging may be endemic to identifiable locations. Hence, by using statistical data, enforcement resources can target areas, and education can reduce the number of opportunities. See crime mapping, Chainey & Ratcliffe (2005).

SELF ASSESSMENT EXERCISE 3

What do you understand by the situation crime prevention theory of crime?

4.0 CONCLUSION

Sociological crime theorising is quite interesting. These theories examine crime from a myriad of angles and generate from varied sociological backgrounds. These theories are quite enlightening and need to be critically examined for better appreciation.

5.0 SUMMARY

In this unit, we have been able to discuss sociological theories like social disorganisation theory, rational choice theory and situation crime prevention theory. We also looked at how these theories throw more light on the happenstances of crime. In the next unit we shall continue

this critical examination of theories of crime. Congratulations for the successful completion of this unit.

6.0 TUTOR-MARKED ASSIGNMENT

- i. List the theories of crime you know.
- ii. Explain three theories of crime.

7.0 REFERENCES/FURTHER READING

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UNIT 5 SOCIOLOGICAL CRIME THEORIES (CONT)

CONTENTS

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- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Sociological theories X
 - 3.2 Sociological crime theories XI
 - 3.3 Sociological crime theories XII
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- 6.0 Tutor-Marked Assignment
- 7.0 References / Further Reading

1.0 INTRODUCTION

Sociological theories explain social relationship between factors that cause crime within the society. These theories were propounded by experts in the field of sociology to explain crime within the society. It should be noted that these theories look at crime from personal and societal perspectives. In this unit we will critically examine the theories that explain crime from a sociological perspective.

2.0 OBJECTIVES

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

- identify the sociological theories of crime
- discuss how these theories explain criminal behaviour
- explain the theoretical underpinning of crime from a sociological perspective
- give a general overview of the usefulness of these theories.

3.0 MAIN CONTENT

3.1 Sociological Crime Theories X

Rational Choice Theory

Through Rational Choice Theory, Cornish and Clarke (1986) describe crime as an event that occurs when an offender decides to risk breaking the law after considering his or her own need for money, personal values or learning experiences and how well a target is protected, how affluent the neighborhood is or how efficient the local police are. Before committing a crime, the criminal weighs the chances of getting

caught; the severity of the expected penalty; the value to be gained by committing the act and his or her immediate needs for that value. Sutton describes how Clarke links Crime Prevention Theory to Rational Choice Theory by his proposed set of opportunity reduction techniques. The intention is to increase the perceived effort necessary to commit a crime, or increase the perceived risks of apprehension, or reduce the anticipated rewards of a crime, or remove the excuses to compliance with the law. (Clarke, 1997: 15-25).

The intention would be to design out crime, i.e. to make the disincentives to the commission of crime consistently outweigh the potential benefits. This would involve concerted efforts by the manufacturers of standard equipment prone to theft, to design in-built security systems so that stolen goods cannot be used without a PIN or can be tracked. It also involves the adoption of surveillance technology to tag goods in stores electronically, install camera systems to monitor behavior, improve street lighting, have more police officers on patrol, assist householders to improve their home security, etc. A co-ordinated strategy would potentially prevent more crime and so be more cost-effective than imprisoning the few offenders that are currently apprehended.

This theory is predicated on the assumption that humans have sets of hierarchically ordered preferences, or utilities. By reducing the opportunities for the commission of crimes and "target hardening", i.e. making it more difficult to break into houses or to steal from shops, and encouraging more authority figures to assume responsibility, potential offenders will be deterred. There is some criticism that better protecting one area will simply displace crime into a less well protected area but the evidence is as yet equivocal on whether displacement does occur. However, the main problem is in re-ordering political priorities away from a penal-orientated strategy towards a crime prevention strategy. At present, many states have invested heavily in the former and see no immediate need to change their policies.

SELF ASSESSMENT EXERCISE 1

Explain the rational choice theory of crime.

3.2 Sociological Crime Theories XI

Routine activity theory

Routine activity theory is a sub-field of rational choice criminology, developed by Marcus Felson.

Routine activity theory says that crime is normal and depends on the opportunities available. If a target is not protected enough, and if the reward is worth it, crime will happen. Crime does not need hardened offenders, super-predators, convicted felons or wicked people. Crime just needs an opportunity.

The basic premise of routine activity theory is that most crimes are petty theft and unreported to the police. Crime is not spectacular nor dramatic. It is mundane and happens all the time.

Another premise is that crime is relatively unaffected by social causes such as poverty, inequality, unemployment. For instance, after World War II, the economy of Western countries was booming and the Welfare states were expanding. During that time, crime rose significantly. According to Felson and Cohen, this is because the prosperity of contemporary society offers so much opportunities of crime: there is much more to steal.

Routine activity theory is controversial among sociologists who believe in the social causes of crime. But several types of crime are very well explained by routine activity theory:

- copyright infringement related to peer-to-peer file sharing
- employee theft
- corporate crime

SELF ASSESSMENT EXERCISE 2

Explain the routine activity theory of crime.

3.3 Sociological Crime Theories XII

Social Learning Theory

Why do people engage in crime according to social learning theory? They learn to engage in crime, primarily through their association with others. They are reinforced for crime, they learn beliefs that are favorable to crime, and they are exposed to criminal models. As a consequence, they come to view crime as something that is desirable or at least justifiable in certain situations. The primary version of social learning theory in criminology is that of Ronald Akers and the description that follows draws heavily on his work. Akers's theory, in turn, represents an elaboration of Edwin Sutherland's differential

association theory (also see the related work of Albert Bandura in psychology).

According to social learning theory, juveniles learn to engage in crime in the same way they learn to engage in conforming behavior: through association with or exposure to others. Primary or intimate groups like the family and peer group have an especially large impact on what we learn. In fact, association with delinquent friends is the best predictor of delinquency other than prior delinquency. However, one does not have to be in direct contact with others to learn from them; for example, one may learn to engage in violence from observation of others in the media. Most of social learning theory involves a description of the three mechanisms by which individuals learn to engage in crime from these others: differential reinforcement, beliefs, and modeling.

Differential Reinforcement of Crime: Individuals may teach others to engage in crime through the reinforcements and punishments they provide for behavior. Crime is more likely to occur when it (a) is frequently reinforced and infrequently punished; (b) results in large amounts of reinforcement (e.g., a lot of money, social approval, or pleasure) and little punishment; and (c) is more likely to be reinforced than alternative behaviors.

Reinforcements may be positive or negative. In positive reinforcement, the behavior results in something good—some positive consequence. This consequence may involve such things as money, the pleasurable feelings associated with drug use, attention from parents, approval from friends, or an increase in social status. In negative reinforcement, the behavior results in the removal of something bad—a punisher is removed or avoided. For example, suppose one's friends have been calling her a coward because she refuses to use drugs with them. The individual eventually takes drugs with them, after which time they stop calling her a coward. The individual's drug use has been negatively reinforced.

According to social learning theory, some individuals are in environments where crime is more likely to be reinforced (and less likely to be punished). Sometimes this reinforcement is deliberate. For example, the parents of aggressive children often deliberately encourage and reinforce aggressive behavior outside the home. Or the adolescent's friends may reinforce drug use. At other times, the reinforcement for crime is less deliberate. For example, a harassed parent may give her screaming child a candy bar in the checkout line of a supermarket. Without intending to do so, the parent has just reinforced the child's aggressive behaviour.

Data indicate that individuals who are reinforced for crime are more likely to engage in subsequent crime, especially when they are in situations similar to those where they were previously reinforced.

Beliefs Favorable to Crime

Other individuals may not only reinforce our crime, they may also teach us beliefs favorable to crime. Most individuals, of course, are taught that crime is bad or wrong. They eventually accept or "internalize" this belief, and they are less likely to engage in crime as a result. Some individuals, however, learn beliefs that are favorable to crime and they are more likely to engage in crime as a result.

Few people—including criminals—generally approve of serious crimes like burglary and robbery. Surveys and interviews with criminals suggest that beliefs favoring crime fall into three categories. And data suggest that each type of belief increases the likelihood of crime.

First, some people generally approve of certain minor forms of crime, like certain forms of consensual sexual behavior, gambling, "soft" drug use, and—for adolescents—alcohol use, truancy, and curfew violation. Second, some people conditionally approve of or justify certain forms of crime, including some serious crimes. These people believe that crime is generally wrong, but that some criminal acts are justifiable or even desirable in certain conditions. Many people, for example, will state that fighting is generally wrong, but that it is justified if you have been insulted or provoked in some way. Gresham Sykes and David Matza have listed some of the more common justifications used for crime. Several theorists have argued that certain groups in our society—especially lower-class, young, minority males—are more likely to define violence as an acceptable response to a wide range of provocations and insults. And they claim that this "subculture of violence" is at least partly responsible for the higher rate of violence in these groups. Data in this area are somewhat mixed, but recent studies suggest that males, young people, and possibly lower-class people are more likely to hold beliefs favorable to violence. There is less evidence for a relationship between race and beliefs favorable to violence.

Third, some people hold certain general values that are conducive to crime. These values do not explicitly approve of or justify crime, but they make crime appear a more attractive alternative than would otherwise be the case. Theorists such as Matza and Sykes have listed three general sets of values in this area: an emphasis on "excitement," "thrills," or "kicks"; a disdain for hard work and a desire for quick, easy success; and an emphasis on toughness or being "macho." Such values can be realized through legitimate as well as illegitimate channels, but

individuals with such values will likely view crime in a more favorable light than others.

The imitation of criminal models: Behaviour is not only a function of beliefs and the reinforcements and punishments individuals receive, but also of the behavior of those around them. In particular, individuals often imitate or model the behavior of others—especially when they like or respect these others and have reason to believe that imitating their behavior will result in reinforcement. For example, individuals are more likely to imitate others' behavior if they observe them receive reinforcement for their acts.

Social learning theory has much support and is perhaps the dominant theory of crime today. Data indicate that the people one associates with have a large impact on whether or not one engages in crime, and that this impact is partly explained by the effect these people have on one's beliefs regarding crime, the reinforcements and punishments one receives, and the models one is exposed to.

SELF ASSESSMENT EXERCISE 3

What do you understand by the social learning theory of crime? of crime.

4.0 CONCLUSION

Sociological crime theorising is quite interesting. These theories examine crime from a myriad of angles and generate from varied sociological backgrounds. These theories are quite enlightening and need to be critically examined for better appreciation.

5.0 SUMMARY

In this unit, we have been able to discuss sociological theories like rational choice theory, routine activity theory and social learning theory. We also looked at how these theories throw more light on the happenstances of crime. In the next unit we shall continue this critical examination of theories of crime. Congratulations for the successful completion of this unit.

6.0 TUTOR-MARKED ASSIGNMENT

- i. List the theories of crime you know.
- ii. Explain three theories of crime.

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MODULE 4 OVERVIEW OF SOCIOLOGICAL AND PSYCHOLOGICAL THEORIES OF CRIME

Unit 1	Overview of Sociological Theories of Crime V
Unit 2	Overview of Psychological Theories of Crime I
Unit 3	Overview of Psychological Theories of Crime II
Unit 4	Overview of Miscellaneous Theories of Crime

UNIT 1 OVERVIEW OF SOCIOLOGICAL THEORIES OF CRIME

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1.0	Introduction
2.0	Objectives
3.0	Main Content
3.1	Sociological Theories XIII
3.2	Cross Cultural Crime Theories
3.3	Sociological Crime Theories Tabulation
4.0	Conclusion
5.0	Summary
6.0	Tutor-Marked Assignment
7.0	References / Further Reading

1.0 INTRODUCTION

Sociological theories explain social relationship between factors that cause crime within the society. These theories were propounded by experts in the field of sociology to explain crime within the society. It should be noted that these theories look at crime from personal and societal perspectives. In this unit we will critically examine the theories that explain crime from a sociological perspective.

2.0 OBJECTIVES

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

- identify the sociological theories of crime
- discuss how these theories explain criminal behaviour
- explain the theoretical underpinning of crime from a sociological perspective
- account for the usefulness of these theories.

3.0 MAIN CONTENT

3.1 Sociological Crime Theories XIII

Integrated Theorists

Several theorists have attempted to combine certain of the above theories in an effort to create integrated theories of crime. The most prominent of these integrations are those of Terence P. Thornberry and Delbert S. Elliott and associates. Elliott's theory states that strain and labeling reduce social control. For example, school failure and negative labeling may threaten one's emotional bond to conventions and investment in conventional society. Low social control, in turn, increases the likelihood of association with delinquent peers, which promotes the social learning of crime. Thornberry attempts to integrate control and social learning theories. Like Elliott, he argues that low control at home and at school promotes association with delinquent peers and the adoption of beliefs favorable to delinquency. Thornberry, however, also argues that most of the causes of crime have reciprocal effects on one another. For example, low attachment to parents increases the likelihood of association with delinquent peers, and association with delinquent peers reduces attachment to parents. Likewise, delinquency affects many of its causes: for example, it reduces attachment to parents and increases association with delinquent peers (an argument compatible with labeling theory). Further, Thornberry argues that the causes of crime vary over the life course. For example, parents have a much stronger effect on delinquency among younger than older adolescents. Factors like work, marriage, college, and the military, however, are more important among older adolescents.

Situations Conducive To Crime

The above theories focus on the factors that create a general willingness or predisposition to engage in crime, locating such factors in the immediate and larger social environment. People who are disposed to crime generally commit more crime than those who are not. But even the most predisposed people do not commit crime all of the time. In fact, they obey the law in most situations. Several theories argue that predisposed individuals are more likely to engage in crime in some types of situations than others. These theories specify the types of situations most conducive to crime. Such theories usually argue that crime is most likely in those types of situations where the benefits of crime are seen as high and the costs as low, an argument very compatible with social learning theory.

The most prominent theory in this area is the routine activities perspective, advanced by Lawrence Cohen and Marcus Felson and

elaborated by Felson. It is argued that crime is most likely when motivated offenders come together with attractive targets in the absence of capable guardians. Attractive targets are visible, accessible, valuable, and easy to move. The police may function as capable guardians, but it is more common for ordinary people to play this role—like family members, neighbors, and teachers. According to this theory, the supply of suitable targets and the presence of capable guardians are a function of our everyday or "routine" activities—like attending school, going to work, and socializing with friends. For example, Cohen and Felson point to a major change in routine activities since World War II: people are more likely to spend time away from home. This change partly reflects the fact that women have become much more likely to work outside the home and people have become more likely to seek entertainment outside the home. As a result, motivated offenders are more likely to encounter suitable targets in the absence of capable guardians. Homes are left unprotected during the day and often in the evening, and people spend more time in public settings where they may fall prey to motivated offenders. Other theories, like the rational-choice perspective of Derek B. Cornish and Ronald V. Clarke, also discuss the characteristics of situations conducive to crime.

Other theories

The Classical school of criminology comes from the works of Cesare Beccaria and Jeremy Bentham. Beccaria assumed a utilitarian view of society along with a social contract theory of the state. He argued that the role of the state was to maximize the greatest possible utility to the maximum number of people and to minimize those actions that harm the society. He argued that deviants commit deviant acts (which are harmful to the society) because of the utility it gives to the private individual. If the state were to match the pain of punishments with the utility of various deviant behaviors, the deviant would no longer have any incentive to commit deviant acts. (Note that Beccaria argued for *just* punishment as raising the severity of punishments without regard to logical measurement of utility would cause increasing degrees of social harm once it reached a certain point.)

The Italian school of criminology contends that biological factors may contribute to crime and deviance. Cesare Lombroso was among the first to research and develop the Theory of Biological Deviance which states that some people are genetically predisposed to criminal behavior. He believed that criminals were a product of earlier genetic forms. The main influence of his research was Charles Darwin and his Theory of Evolution. Lombroso theorized that people were born criminals or in other words, less evolved humans who were biologically more related to our more primitive and animalistic urges. He stated that little could be

done to cure born criminals because their characteristics were biologically inherited. Over time, most of his research was disproved. His only theory that still holds true today is that all criminals seem to have a severe lack of intelligence ^[3]

Social foundations of deviance

Deviance varies according to cultural norms. It is dependent upon beliefs, people who are deviant are only so because that is what others consider them to be. The breaking and making of rules involves social power.

Functions of deviance

- Deviant acts can be assertions of individuality and identity, and thus as rebellions against group norms

Deviance affirms cultural values and norms, it also clarifies moral boundaries, promotes social unity by creating an us/them dichotomy, encourages social change, and provides jobs to control deviance.

SELF ASSESSMENT EXERCISE 1

Summarise the argument of the classical theory of crime.

3.2 Cross-Cultural Communication and Deviance

Cross-Cultural Communication is a field of study that looks at how people from different cultural backgrounds endeavor to communicate. All cultures make use of nonverbal communication but the meanings of nonverbal communication vary across cultures. In one particular country, a non-verbal sign may stand for one thing, and mean something else in another culture or country. The relation of cross-cultural communication with deviance is that a sign may be offensive to one in one culture and mean something completely appropriate in another. This is an important field of study because as educators, business employees, or any other form of career that consists of communicating with ones from other cultures you; need to understand non-verbal signs and their meanings, so you avoid offensive conversation, or misleading conversation. Below is a list of non-verbal gestures that are appropriate in one country, and that would be considered deviant in another.

Asian	United States	Korea	United States	United States
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avoid eye contact- a greeting gesture	The O.K. signal	The middle finger is used to point	Thumbs up- used for hitch hiking, or approving of something	A sound of a beat or someone may whistle when happy.
United States	Japan	United States	Nigeria	Europe
When saying hello or talking to someone it is impolite to not look directly at the person.	The O.K. signal means that you are asking for money.	Using your middle finger is very offensive. Used in place of inappropriate language.	This is a rude gesture in Nigeria.	Whistling is a sign of disapproval at public events.

These are just a few signs of non-verbal cross-cultural communication that one should be aware of. Cross-Cultural communication can make or break a business deal, or even prevent an educator from offending a student. Different cultures have different ways of communicating with one another and when different cultures are mixed as we are here in the United States, it is important to understand cultures of others.

Types of deviance

A taboo is a form of behavior considered so deviant by the majority, that to speak of it publicly is condemned, and almost entirely avoided. Examples of such behavior can include coprofecundia, murder, rape, incest, necrophilia, child molestation or even something as commonplace as defecating or urinating.

Deviance in literature

Many works of literature provide allegories of the conflict between character and society, in which the character does not conform to the society's norms and is therefore alienated, ostracized, or even discriminated or persecuted. Examples: 1. Okonkwo in Things Fall Apart.

SELF ASSESSMENT EXERCISE 2

Explain the relationship between cross cultural communication and crime.

3.3 Sociological Crime Theory Tabulation

Theory	Main Points	Theorists/Researchers
Classical	Crime occurs when the benefits outweigh the costs—when people pursue self-interest in the absence of effective punishments. Crime is a free-willed choice. See also deterrence, rational choice.	Beccaria
Positivist	Crime is caused or determined. Lombroso placed more emphasis on biological deficiencies, whereas later scholars would emphasize psychological and sociological factors. Use science to determine the factors associated with crime.	Lombroso Guerry Quetelet
Individual Trait	Criminals differ from noncriminals on a number of biological and psychological traits. These traits cause crime in interaction with the social environment.	Glueck & Glueck Mednick Caspi Moffitt
Social Disorganization	Disorganized communities cause crime because informal social controls break down and criminal cultures emerge. They lack collective efficacy to fight crime and disorder.	Shaw & McKay Sampson Bursik & Grasmick
Differential Association Social Learning Subcultural	Crime is learned through associations with criminal definitions. These definitions might be generally approving of criminal conduct or be neutralizations that justify crime only under certain circumstances. Interacting with antisocial peers is a major cause of crime. Criminal behavior will be repeated and become chronic if reinforced. When criminal subcultures exist, then many individuals can learn to commit crime in one location and crime rates—including violence—may become very high.	Sutherland & Cressey Sykes & Matza Akers Wolfgang & Ferracuti Anderson
Anomie Institutional-Anomie	The gap between the American Dream's goal of economic success and the opportunity to obtain this goal creates structural strain. Norms weaken and 'anomie' ensues, thus creating high crime rates. When other social institutions (such as the family) are weak to begin with or also weakened by the American Dream, the economic institution is dominant. When such an institutional imbalance exists—as in the United States—then crime rates are very high.	Merton Messner & Rosenfeld

Strain General Strain	When individuals cannot obtain success goals (money, status in school), they experience strain or pressure. Under certain conditions, they are likely to respond to this strain through crime. The strains leading to crime, however, may not only be linked to goal blockage (or deprivation of valued stimuli) but also to the presentation of noxious stimuli and the taking away of valued stimuli. Crime is a more likely response to strain when it results in negative affect (anger and frustration).	Cohen Cloward & Ohlin Agnew
Control General Theory of Crime Control Balance Power Control	Asks the question, “Why don’t people commit crime?” They assume that criminal motivation is widespread. The key factor in crime causation is thus the presence or absence of control. These controls or containment might be rooted in relationships (e.g., social bonds) or be internal (e.g., self-control). Exposure to control also might differ by social location and by the historical period, such as the changing level and type of control given to males and females.	Hirschi Reckless Gottfredson Hagan
Rational Choice Deterrence	Building on classical theory, crime is seen as a choice that is influenced by its costs and benefits—that is, by its “rationality.” Crime will be more likely to be deterred if its costs are raised (e.g., more effort required, more punishment applied), especially if the costs are certain and immediate. Information about the costs and benefits of crime can be obtained by direct experiences with punishment and punishment avoidance, and indirectly by observing whether others who offend are punished or avoid punishment.	Stafford & Warr Patternoster Cornish & Clarke Matsueda
Routine Activities	Crime occurs when there is an intersection in time and space of a motivated offender, an attractive target, and a lack of capable guardianship. People’s daily routine activities affect the likelihood they will be an attractive target who encounters an offender in a situation where no effective guardianship is present. Changes in routine activities in society (e.g., women working) can affect crime rates.	Cohen & Felson

SELF ASSESSMENT EXERCISE 3

Draw a simple table containing the sociological theories of crime.

4.0 CONCLUSION

Sociological crime theorising is quite interesting. These theories examine crime from a myriad of angles and generate from varied sociological backgrounds. These theories are quite enlightening and need to be critically examined for better appreciation.

5.0 SUMMARY

In this unit, we have been able to discuss sociological theories like integrated theories, social contract theory and situations conducive to crime. We also looked at how these theories throw more light on the happenstances of crime. In the next unit we shall continue this critical examination of theories of crime. Congratulations for the successful completion of this unit.

6.0 TUTOR-MARKED ASSIGNMENT

- i. List the theories of crime you know.
- ii. Explain three theories of crime.

7.0 REFERENCES/FURTHER READING

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UNIT 2 OVERVIEW OF PSYCHOLOGICAL THEORIES OF CRIME

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Psychological Crime Theories I
 - 3.2 Psychological Crime Theories II
 - 3.3 Psychological Crime Theories III
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References / Further Reading

1.0 INTRODUCTION

Psychological theories explain how psychological and emotional factors cause crime within the society. These theories were propounded by experts in the field of psychology to explain crime within the society. It should be noted that these theories look at crime from personal and societal perspectives. In this unit we will critically examine the theories that explain crime from a psychological perspective.

2.0 OBJECTIVES

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

Identify the psychological theories of crime
Analyse how psychological theories explain criminal behaviour
Discuss the theoretical underpinning of crime from a psychological perspective
Outline the usefulness of these theories.

3.0 MAIN CONTENT

3.1 Psychological Theories of Crime I

Psychological theories of crime begin with the view that individual differences in behavior may make some people more predisposed to committing criminal acts. These differences may arise from personality characteristics, biological factors, or social interactions.

Psychoanalytic Theory

According to Sigmund Freud (1856-1939), who is credited with the development of psychoanalytic theory, all humans have natural drives and urges repressed in the unconscious. Furthermore, all humans have criminal tendencies. Through the process of socialization, however, these tendencies are curbed by the development of inner controls that are learned through childhood experience. Freud hypothesized that the most common element that contributed to criminal behavior was faulty identification by a child with her or his parents. The improperly socialized child may develop a personality disturbance that causes her or him to direct antisocial impulses inward or outward. The child who directs them outward becomes a criminal, and the child that directs them inward becomes a neurotic.

SELF ASSESSMENT EXERCISE 1

Draw a simple table containing the psychoanalytical theories of crime.

3.2 Psychological Theories of Crime II

Cognitive Development Theory

According to this approach, criminal behavior results from the way in which people organize their thoughts about morality and the law. In 1958, Lawrence Kohlberg, a developmental psychologist, formulated a theory concerning the development of moral reasoning. He posited that there are three levels of moral reasoning, each consisting of two stages. During middle childhood, children are at the first level of moral development. At this level, the pre-conventional level, moral reasoning is based on obedience and avoiding punishment. The second level, the *conventional* level of moral development, is reached at the end of middle childhood. The moral reasoning of individuals at this level is based on the expectations that their family and associates have for them. Kohlberg found that the transition to the third level, the post-conventional level of moral development, usually occurs during early adulthood. At this level, individuals are able to go beyond social conventions. They value the laws of the social system; however, they are open to acting as agents of change to improve the existing law and order. People who do not progress through the stages may become arrested in their moral development, and consequently become delinquents.

SELF ASSESSMENT EXERCISE 2

Briefly explain the cognitive development theory of crime.

3.3 Psychological Theories of Crime III

The Eysenck personality theory

Studies show that antisocial behavior is remarkably consistent over time; or, to be more precise, the relative ordering of individuals is remarkably consistent over time (Roberts and Del Vecchio). Psychologists assume that behavioral consistency depends primarily on the persistence of individuals' underlying tendencies to behave in particular ways in particular situations. These tendencies are termed personality traits, such as impulsiveness, excitement seeking, assertiveness, modesty, and dutifulness. Larger personality dimensions such as Extraversion refer to clusters of personality traits.

Historically, the best-known research on personality and crime was that inspired by Hans Eysenck's theory and personality questionnaires. Eysenck viewed offending as natural and even rational, on the assumption that human beings were hedonistic, sought pleasure, and avoided pain. He assumed that delinquent acts such as theft, violence, and vandalism were essentially pleasurable or beneficial to the offender. In order to explain why everyone was not a criminal, Eysenck suggested that the hedonistic tendency to commit crimes was opposed by the conscience, which he (like Gordon Trasler) viewed as a conditioned fear response.

Under the Eysenck theory, the people who commit offenses have not built up strong consciences, mainly because they have inherently poor conditionability. Poor conditionability is linked to Eysenck's three dimensions of personality, Extraversion (E), Neuroticism (N), and Psychoticism (P). People who are high on E build up conditioned responses less well, because they have low levels of cortical arousal. People who are high on N also condition less well, because their high resting level of anxiety interferes with their conditioning. Also, since N acts as a drive, reinforcing existing behavioral tendencies, neurotic extraverts should be particularly criminal. Eysenck also predicted that people who are high on P would tend to be offenders, because the traits included in his definition of psychoticism (emotional coldness, low empathy, high hostility, and inhumanity) were typical of criminals. However, the meaning of the P scale is unclear, and it might perhaps be more accurately labeled as psychopathy.

A review of studies relating Eysenck's personality dimensions to official and self-reported offending concluded that high N (but not E) was related to official offending, while high E (but not N) was related to self-reported offending (Farrington et al., 1982). High P was related to both, but this could have been a tautological result, since many of the items on

the P scale were connected with antisocial behavior or were selected in light of their ability to discriminate between prisoners and nonprisoners. In the prospective longitudinal study of over four hundred London boys, those high on both E and N tended to be juvenile self-reported offenders, adult official offenders, and adult self-reported offenders, but not juvenile official offenders. These relationships held independently of other criminogenic risk factors such as low family income, low intelligence, and poor parental child-rearing behavior. However, when individual items of the personality questionnaire were studied, it was clear that the significant relationships were caused by the items measuring impulsiveness (e.g., doing things quickly without stopping to think). Hence, it seems likely that research inspired by the Eysenck theory mainly identifies the link between impulsiveness and offending. Since 1990 the most widely accepted personality system has been the "Big Five" or five-factor model. This suggests that there are five key dimensions of personality: Neuroticism (N), Extraversion (E), Openness (O), Agreeableness (A), and Conscientiousness (C). Openness means originality and openness to new ideas, Agreeableness includes nurturance and altruism, and Conscientiousness includes planning and the will to achieve. Because of its newness, the "Big Five" personality theory has rarely been studied in relation to offending. However, in an Australian study, Patrick Heaven (1996) showed that Agreeableness and Conscientiousness were most strongly (negatively) correlated with self-reported delinquency.

Impulsiveness theories

Impulsiveness is the most crucial personality dimension that predicts offending. Unfortunately, there are a bewildering number of constructs referring to a poor ability to control behavior. These include impulsiveness, hyperactivity, restlessness, clumsiness, not considering consequences before acting, a poor ability to plan ahead, short time horizons, low self-control, sensation-seeking, risk-taking, and a poor ability to delay gratification. In the longitudinal study of over four hundred London males, three groups of boys all tended to become offenders later in life: (1) boys nominated by teachers as lacking in concentration or exhibiting restlessness; (2) boys nominated by parents, peers, or teachers as the most daring or risk-taking; and (3) boys who were the most impulsive on psychomotor tests at ages eight to ten. Later self-report measures of impulsiveness were also related to offending. Daring, poor concentration, and restlessness all predicted both official convictions and self-reported delinquency, and daring was consistently one of the best independent predictors (Farrington, 1992).

The most extensive research on different measures of impulsiveness was carried out in another longitudinal study of males (the Pittsburgh Youth

Study) by Jennifer White and her colleagues. The measures that were most strongly related to self-reported delinquency at ages ten and thirteen were teacher-rated impulsiveness (e.g., "acts without thinking"), self-reported impulsivity, self-reported under-control (e.g., "unable to delay gratification"), motor restlessness (from videotaped observations), and psychomotor impulsivity. Generally, the verbal behavior rating tests produced stronger relationships with offending than the psychomotor performance tests, suggesting that cognitive impulsiveness (based on thinking processes) was more relevant than behavioral impulsiveness (based on test performance). Future time perception and delay of gratification tests were less strongly related to self-reported delinquency. There have been many theories put forward to explain the link between impulsiveness and offending. One of the most popular theories suggests that impulsiveness reflects deficits in the executive functions of the brain, located in the frontal lobes (Moffitt). Persons with these neuropsychological deficits will tend to commit offenses because they have poor control over their behavior, a poor ability to consider the possible consequences of their acts, and a tendency to focus on immediate gratification. There may also be an indirect link between neuropsychological deficits and offending that is mediated by hyperactivity and inattention in school and the resulting school failure. A related theory suggests that low cortical arousal produces impulsive and sensation-seeking behavior.

James Q. Wilson and Richard Herrnstein (1985) also proposed an important criminological theory focusing on impulsiveness and offending, which incorporated propositions from several other psychological theories. Their theory suggested that people differ in their underlying criminal tendencies, and that whether a person chooses to commit a crime in any situation depends on whether the expected benefits of offending are considered outweighing the expected costs. Hence, there is a focus on cognitive (thinking and decision-making) processes.

The benefits of offending, including material gain, peer approval, and sexual gratification, tend to be contemporaneous with the crime. In contrast, many of the costs of offending, such as the risk of being caught and punished, and the possible loss of reputation or employment, are uncertain and long-delayed. Other costs, such as pangs of conscience (or guilt), disapproval by onlookers, and retaliation by the victim, are more immediate. As with many other psychological theories, Wilson and Herrnstein (1985) emphasized the importance of the conscience as an internal inhibitor of offending, suggesting that it was built up in a social learning process according to whether parents reinforced or punished childhood transgressions.

The key individual difference factor in the Wilson-Herrnstein theory is the extent to which people's behavior is influenced by immediate as opposed to delayed consequences. They suggested that individuals varied in their ability to think about or plan for the future, and that this factor was linked to intelligence. The major determinant of offending was a person's impulsiveness. More impulsive people were less influenced by the likelihood of future consequences and hence were more likely to commit crimes.

In many respects, Gottfredson and Hirschi's (1990) theory is similar to the Wilson-Herrnstein theory and typical of psychological explanations of crime because it emphasizes individual and family factors as well as continuity and stability of underlying criminal tendencies. Despite their sociological training, Gottfredson and Hirschi castigated criminological theorists for ignoring the fact that people differed in underlying criminal propensities and that these differences appeared early in life and remained stable over much of the life course. They called the key individual difference factor in their theory "low self-control," which referred to the extent to which individuals were vulnerable to the temptations of the moment. People with low self-control were impulsive, took risks, had low cognitive and academic skills, were self-centered, had low empathy, and lived for the present rather than the future. Hence, such people found it hard to defer gratification and their decisions to offend were insufficiently influenced by the possible future painful consequences of offending. Gottfredson and Hirschi also argued that between-individual differences in self-control were present early in life (by ages six to eight), were remarkably stable over time, and were essentially caused by differences in parental child-rearing practices.

SELF ASSESSMENT EXERCISE 3

How did Eysenck use personality to explain crime?

4.0 CONCLUSION

Psychological crime theorising is quite interesting. These theories examine crime from a myriad of angles and generate from varied psychological backgrounds. These theories are quite enlightening and need to be critically examined for better appreciation.

5.0 SUMMARY

In this unit, we have been able to discuss some psychological theories like psychoanalytic theory, cognitive development theory, Eysenck personality theory and impulsiveness theories. We also looked at how these theories throw more light on the happenstances of crime. In the

next unit we shall continue this critical examination of theories of crime. Congratulations for the successful completion of this unit.

6.0 TUTOR-MARKED ASSIGNMENT

- i. Write short notes on the psychological theories of crime.
- ii. Explain Eysenck personality theory of crime.

7.0 REFERENCES/FURTHER READING

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UNIT 3 OVERVIEW OF PSYCHOLOGICAL THEORIES OF CRIME II

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Psychological Crime Theories IV
 - 3.2 Psychological Crime Theories V
 - 3.3 Psychological Crime Theories VI
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References / Further Reading

1.0 INTRODUCTION

Psychological theories explain the relationship between personality, emotion, cognition, the mental state and crime within the society. These theories were propounded by experts in the field of psychology to explain crime within the society. It should be noted that these theories look at crime from personal and mental perspectives. In this unit, we will critically examine the theories that explain crime from a human behavioural and cognitive perspective.

2.0 OBJECTIVES

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

- identify the psychological theories of crime
- explain how psychological theories explain criminal behaviour
- discuss the theoretical underpinning of crime from a psychological perspective
- outline the usefulness of these theories.

3.0 MAIN CONTENT

3.1 Psychological Theories of Crime IV

Cognitive theories

While most psychologists have aimed to explain the development of offenders, some have focused on the occurrence of offending events. The most popular theory of offending events suggests that they occur in

response to specific opportunities, when their expected benefits (e.g., stolen property, peer approval) outweigh their expected costs (e.g., legal punishment, parental disapproval). For example, Ronald Clarke and Derek Cornish outlined a theory of residential burglary that included the following influencing factors: whether the house was occupied, looked affluent, had bushes to hide behind, had a burglar alarm, contained a dog, and was surrounded by nosy neighbors. This rational choice theory has inspired situational methods of crime prevention.

The importance of reasoning and thinking processes is also emphasized in other psychological theories of offending, for example in the moral development theory of Lawrence Kohlberg. According to this theory, people progress through different stages of moral development as they get older: from the pre-conventional stage (where they are hedonistic and only obey the law because of fear of punishment) to the conventional stage (where they obey the law because it is the law) to the post-conventional stage (where they obey the law if it coincides with higher moral principles such as justice, fairness, and respect for individual rights). The pre-conventional stage corresponds to rather concrete thinking, whereas abstract thinking is required to progress to the post-conventional stage. Clearly, the developing moral reasoning ability is related to the developing intelligence.

The key idea of moral reasoning theory is that moral actions depend on moral reasoning. Specifically, the theory posits that offenders have poor powers of moral reasoning and are mainly stuck in the pre-conventional stage. There is a good deal of evidence that offenders indeed show lower levels of moral reasoning than non-offenders, and some institutional treatment programmes have been designed to improve moral reasoning ability.

Some theories of aggression focus on cognitive processes. Rowell Huesmann and Leonard Eron put forward a cognitive script model in which aggressive behavior depends on stored behavioral repertoires (cognitive scripts) that have been learned during early development. In response to environmental cues, possible cognitive scripts are retrieved and evaluated. The choice of aggressive scripts, which prescribe aggressive behavior, depends on the past history of rewards and punishments, and on the extent to which children are influenced by immediate gratification as opposed to long-term consequences. According to Huesmann and Eron, the persisting trait of aggressiveness is a collection of well-learned aggressive scripts that are resistant to change.

There are other cognitive social learning theories that emphasize the role of modeling instructions, thought processes, and interpersonal problem-

solving strategies (e.g., Bandura). The individual is viewed as an information-processor whose behavior depends on cognitive processes as well as on the history of rewards and punishments received in the past. Robert and Rosslyn Ross explicitly linked offending to cognitive deficits, arguing that offenders tended to be impulsive, self-centered, concrete rather than abstract in their thinking, and poor at interpersonal problem solving because they failed to understand how other people were thinking and feeling. Cognitive-behavioral skills training programs for offenders are based on these ideas.

SELF ASSESSMENT EXERCISE 1

How do cognitive-oriented theories explain crime?

3.2 Psychological Theories of Crime V

Learning Theory

Learning theory is based upon the principles of behavioral psychology. Behavioral psychology posits that a person's behavior is learned and maintained by its consequences, or reward value. These consequences may be external reinforcement that occurs as a direct result of their behavior (e.g. money, social status, and goods), vicarious reinforcement that occurs by observing the behavior of others (e.g. observing others who are being reinforced as a result of their behavior), and self-regulatory mechanisms (e.g. people responding to their behavior). According to learning theorists, deviant behavior can be eliminated or modified by taking away the reward value of the behavior. Hans J. Eysenck, a psychologist that related principles of behavioral psychology to biology, postulated that by way of classical conditioning, operant conditioning, and modeling people learn moral preferences. Classical conditioning refers to the learning process that occurs as a result of pairing a reliable stimulus with a response. Eysenck believes, for example, that over time a child who is consistently punished for inappropriate behavior will develop an unpleasant physiological and emotional response whenever they consider committing the inappropriate behavior. The anxiety and guilt that arise from this conditioning process result in the development of a conscience. He hypothesizes, however, that there is wide variability among people in their physiological processes, which either increase or decrease their susceptibility to conditioning and adequate socialization.

SELF ASSESSMENT EXERCISE 2

How does learning theory explain crime?

3.3 Psychological Theories of Crime VI

Intelligence and Crime

James Q. Wilson's and Richard J. Herrnstein's *Constitutional-Learning Theory* integrates biology and social learning in order to explain the potential causes of criminality. They argue that criminal and noncriminal behavior has gains and losses. If the gains that result from committing the crime (e.g. money) outweigh the losses (e.g. being punished), then the person will commit the criminal act. Additionally, they maintain that *time discounting* and *equity* are two other variables that play an important role in criminality. *Time discounting* refers to the immediate rewards that result from committing the crime vis-a-vis the punishment that may result from committing the crime, or the time that it would take to earn the reward by noncriminal means. Because people differ in their ability to delay gratification, some persons may be more prone to committing criminal acts than others.

Moreover, judgments of *equity* may result in the commission of a criminal act. The gains associated with committing the crime may help to restore a person's feelings of being treated unjustly by society. Wilson and Herrnstein hypothesize that there are certain constitutional factors (such as intelligence and variations in physiological arousal) that determine how a person weighs the gains and losses associated with committing a criminal act.

According to Wilson and Herrnstein, physiological arousal determines the ease in which people are classically conditioned; therefore, people who are unable to associate negative feelings with committing crime will not be deterred from committing criminal acts. In addition, they argue that impulsive, poorly socialized children of low intelligence are at the greatest risk of becoming criminals. However, they have only demonstrated that low intelligence and crime occur together frequently; they have not demonstrated that low intelligence is the cause of crime.

SELF ASSESSMENT EXERCISE 3

Does intelligence play any meaningful role in crime?

4.0 CONCLUSION

Psychological crime theorising is quite interesting. These theories examine crime from a myriad of angles and generate from varied psychological backgrounds. These theories are quite enlightening and need to be critically examined for better appreciation.

5.0 SUMMARY

In this unit, we have been able to discuss more psychological theories like cognitive theories, learning theory and constitutional learning theory. We also looked at how these theories throw more light on the happenstances of crime. In the next unit we shall continue this critical examination of theories of crime. Congratulations for the successful completion of this unit.

6.0 TUTOR-MARKED ASSIGNMENT

- i. Write short notes on the psychological theories of crime.
- ii. Explain learning theory of crime.

7.0 REFERENCES/FURTHER READING

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UNIT 4 OVERVIEW OF MISCELLANEOUS THEORIES OF CRIME II

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Feminist Theories
 - 3.2 Situation Conducive to Crime Theories
 - 3.3 Moral Reasoning Theory
 - 3.4 Future of Crime Theories
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References / Further Reading

1.0 INTRODUCTION

Various borderline theories explain crime within the society from some other perspective ranging from gender through music. These theories were propounded by experts in from varying fields of endeavour to explain crime within the society. It should be noted that these theories look at crime from a narrower perspectives than other theories. In this unit we will critically examine these theories that explain crime from gender perspective.

2.0 OBJECTIVES

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

- identify the feminist theories of crime
- state how these theories explain criminal behaviour
- discuss the theoretical underpinning of crime from a feminist perspective
- outline the usefulness of these theories.

3.0 MAIN CONTENT

3.1 Feminist Theories of Crime

Feminist theories

Feminist theories focus on gender differences in power as a source of crime. These theories address two issues: why are males more involved

in most forms of crime than females, and why do females engage in crime. Most theories of crime were developed with males in mind; feminists argue that the causes of female crime differ somewhat from the causes of male crime.

Gender differences in crime are said to be due largely to gender differences in social learning and control. Females are socialized to be passive, subservient, and focused on the needs of others. Further, females are more closely supervised than males, partly because fathers and husbands desire to protect their "property" from other males. Related to this, females are more closely tied to the household and to child-rearing tasks, which limits their opportunities to engage in many crimes.

Some females, of course, do engage in crime. Feminist theories argue that the causes of their crime differ somewhat from those of male crime, although female crime is largely explained in terms of strain theory. Meda Chesney-Lind and others argue that much female crime stems from the fact that juvenile females are often sexually abused by family members. This high rate of sexual abuse is fostered by the power of males over females, the sexualization of females—especially young females—and a system that often fails to sanction sexual abuse. Abused females frequently run away, but they have difficulty surviving on the street. They are labeled as delinquents, making it difficult for them to obtain legitimate work. Juvenile justice officials, in fact, often arrest such females and return them to the families where they were abused. Further, these females are frequently abused and exploited by men on the street. As a consequence, they often turn to crimes like prostitution and theft to survive. Theorists have pointed to still other types of strain to explain female crime, like the financial and other difficulties experienced by women trying to raise families without financial support from fathers. The rapid increase in female-headed families in recent decades, in fact, has been used to explain the increase in rates of female property crime. It is also argued that some female crime stems from frustration over the constricted roles available to females in our society. There are other versions of critical theory, including "postmodernist" theories of crime. A good overview can be found in the text by George Vold, Thomas J. Bernard, and Jeffrey B. Snipes.

SELF ASSESSMENT EXERCISE 1

Does gender play any meaningful role in crime?

3.2 Situation Conducive To Crime Theory

The above theory focuses on the factors that create a general willingness or predisposition to engage in crime, locating such factors in the immediate and larger social environment. People who are disposed to crime generally commit more crime than those who are not. But even the most predisposed people do not commit crime all of the time. In fact, they obey the law in most situations. Several theories argue that predisposed individuals are more likely to engage in crime in some types of situations than others. These theories specify the types of situations most conducive to crime. Such theories usually argue that crime is most likely in those types of situations where the benefits of crime are seen as high and the costs as low, an argument very compatible with social learning theory.

The most prominent theory in this area is the routine activities perspective, advanced by Lawrence Cohen and Marcus Felson and elaborated by Felson. It is argued that crime is most likely when motivated offenders come together with attractive targets in the absence of capable guardians. Attractive targets are visible, accessible, valuable, and easy to move. The police may function as capable guardians, but it is more common for ordinary people to play this role like family members, neighbors, and teachers. According to this theory, the supply of suitable targets and the presence of capable guardians are a function of our everyday or "routine" activities like attending school, going to work, and socializing with friends.

For example, Cohen and Felson point to a major change in routine activities since World War II: people are more likely to spend time away from home. This change partly reflects the fact that women have become much more likely to work outside the home and people have become more likely to seek entertainment outside the home. As a result, motivated offenders are more likely to encounter suitable targets in the absence of capable guardians. Homes are left unprotected during the day and often in the evening, and people spend more time in public settings where they may fall prey to motivated offenders. Other theories, like the rational-choice perspective of Derek B. Cornish and Ronald V. Clarke, also discuss the characteristics of situations conducive to crime.

SELF ASSESSMENT EXERCISE 2

Do certain situations predispose people to engage in crime? Discuss with realistic examples.

3.3 Moral Reasoning Theory

The most popular theory of offending events suggests that they occur in response to specific opportunities, when their expected benefits (e.g., stolen property, peer approval) outweigh their expected costs (e.g., legal punishment, parental disapproval). For example, Ronald Clarke and Derek Cornish outlined a theory of residential burglary that included the following influencing factors: whether the house was occupied, looked affluent, had bushes to hide behind, had a burglar alarm, contained a dog, and was surrounded by nosy neighbors. This rational choice theory has inspired situational methods of crime prevention.

The importance of reasoning and thinking processes is also emphasized in other psychological theories of offending, for example in the moral development theory of Lawrence Kohlberg. According to this theory, people progress through different stages of moral development as they get older: from the pre-conventional stage (where they are hedonistic and only obey the law because of fear of punishment) to the conventional stage (where they obey the law because it is the law) to the post-conventional stage (where they obey the law if it coincides with higher moral principles such as justice, fairness, and respect for individual rights). The pre-conventional stage corresponds to rather concrete thinking, whereas abstract thinking is required to progress to the post-conventional stage. Clearly, the developing moral reasoning ability is related to the developing intelligence.

The key idea of moral reasoning theory is that moral actions depend on moral reasoning. Specifically, the theory posits that offenders have poor powers of moral reasoning and are mainly stuck in the pre-conventional stage. There is a good deal of evidence that offenders indeed show lower levels of moral reasoning than non-offenders, and some institutional treatment programs have been designed to improve moral reasoning ability.

SELF ASSESSMENT EXERCISE 3

Does moral reasoning play any meaningful role in crime?

3.4 Future of Theories of Crime

Sociologists continue to refine existing theories and develop new theories of crime, including integrated theories of crime (e.g., Charles Tittle's control balance theory). Sociologists, however, are coming to recognize that it is not possible to explain crime solely in terms of the immediate social environment. As a consequence, they are devoting more attention to the larger social environment, which affects the

immediate social environment. And they are devoting more attention to the situations in which people find themselves, which affect whether predisposed individuals will engage in crime.

Further, sociologists are coming to recognize that they need to take account of the factors considered in biological, psychological, and other theories of crime. Most notably, they must take account of individual traits like intelligence, impulsivity, and irritability. These traits influence how individuals respond to their social environment. An irritable individual, for example, is more likely to respond to strain with crime. These traits also shape the individual's social environment. Irritable individuals, for example, are more likely to elicit hostile reactions from others and select themselves into social environments that are conducive to crime, like bad jobs and marriages. (At the same time, the social environment influences the development of individual traits and the ways in which individuals with particular traits behave.)

Further, sociologists are increasingly recognizing that their theories may require modification if they are to explain crime in different groups and among different types of offenders. As indicated above, theories may have to be modified to explain female versus male crime. And theories may have to be modified to explain crime across the life course. For example, the factors that explain why young adolescents start committing crime likely differ somewhat from those that explain why some older adolescents continue to commit crimes and others stop. Much recent attention, in fact, has been devoted to the explanation of crime across the life course, as described in the text by Vold, Bernard, and Snipes. Also, theories will have to be modified to explain crime among different types of offenders. Some offenders, for example, limit their offending to the adolescent years. Others offend at high rates across the life course.

Sociological theories, then, will become more complex, taking account of individual traits, the immediate social environment, the larger social environment, and situational factors. And modified versions of such theories will be developed to explain crime in different groups and among different types of offenders.

SELF ASSESSMENT EXERCISE 4

Crime theorising is open to improvement. Discuss.

4.0 CONCLUSION

Crime theorising is quite interesting. These theories examine crime from a myriad of angles and generate from varied situational moral and even

gender areas. These theories are quite enlightening and need to be critically examined for better appreciation.

5.0 SUMMARY

In this unit, we have been able to discuss miscellaneous theories with particular focus on feminist theories of crime. We also looked at how these theories throw more light on the happenstances of crime and the future of crime theorising. In the next module we shall critically discuss crime control and management in Nigeria. Congratulations for the successful completion of this unit.

6.0 TUTOR-MARKED ASSIGNMENT

- i. Write short notes on the feminist theories of crime.
- ii. Discuss how moral reasoning and situational issues contribute to crime.

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MODULE 5 CRIME CONTROL AND MANAGEMENT

Unit 1	Meaning of Crime Control
Unit 2	Crime Control Techniques
Unit 3	Policing and Crime Control
Unit 4	Levels of Crime Control

UNIT 1 MEANING OF CRIME CONTROL

CONTENTS

1.0	Introduction
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3.0	Main Content
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1.0 INTRODUCTION

Since the dawn of time, crime control has been, and will continue to be a crucial issue in the affairs of Homo sapiens. In human society, crime and its control has existed since the days of yore to safeguard human beings from dangerous human entities known as criminals. The constantly touted phraseology “security of lives and property” is a pointer to the fact that crime affects both the life of human beings and the physical accoutrements that gives them fiscal value, economic worth and social comfort. In this light it is necessary to understand what crime control is all about and its meaningfulness to human society.

In this unit, we are going to critically delve into the rudiments of the “WHAT” of crime control. After this, the profile of people who engage in crime control and the WHERE of crime control will be investigated thoroughly.

2.0 OBJECTIVES

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

- appraise definitions of crime control
- identify the stakeholders in crime control and management
- recognise the workings of crime control in the human society
- express crime control concepts and terminologies
- discuss crime control as a contextual issue in an in-depth manner.

3.0 MAIN CONTENT

3.1 Crime Control

The word “crime control” in general usage is synonymous with “security” or “safety”, but as a technical term, crime control the prevention, reduction or outright deterrence of crime within the society. It has to do with providing security for the citizenry against the wiles of law breakers who would otherwise take the lives and property of the said citizens on a whim.

Crime control guarantees a situation of being protected against danger or loss. In the general sense, it is a concept similar to safety. The nuance between the two is an added emphasis on being protected from dangers that originate from outside. Individuals or actions that encroach upon the condition of protection are responsible for the breach of security (Monahan, Torin, ed, 2006).

According to Schneier (2003) crime control or management has the following meanings:

A condition that results from the establishment and maintenance of protective measures that ensures a state of inviolability from hostile acts or influences.

1. With respect to the state, the condition that prevents unauthorized persons from having access to the lives and property of both the citizens and their leaders.
2. Measures taken by professional military or quasi military units to forestall individual or group activities that contravene the law of the land.
3. Any activity or installation to protect oneself against all acts designed to, or which may, impair the safety of an individual and his/her possession.

Crime control and management has to be compared and contrasted with other related concepts: Security, safety, continuity, reliability etc. The key discriminant value in crime control and management is that it must take into account the actions of active malicious agents attempting to cause mayhem, commotion and destruction to public lives and property.

SELF ASSESSMENT EXERCISE 1

What does the term crime control mean?

3.2 Stakeholders in Crime Control

Quite a number of personnel are involved in controlling crime. These personnel include:

Police Personnel

This refers to individuals who are specially trained to provide security within the sovereign confines of a nation state. They are empowered to prevent crime and arrest criminals who break the laws of the society. These individuals are given logistics that include automobiles, communication equipments, guns, restrictive instruments like handcuffs, violence control equipments like teargas, water canisters and batons etc to assist in their provision of security for the citizenry.

These personnel have uniforms that delineate them from other crime control personnel. Within this group you also have the detectives or experts in the Criminal Investigation Department (C.I.D), Anti vice squad, State Antirobbery squad (SARS) etc, who specialize in crime detection, investigation and prosecution.

Personnel of the Economic and Financial Crimes Commission (EFCC) and Independent Corruption and other Practices Commission (ICPC)

This refers to individuals who are specially trained to provide security within the sovereign confines of a nation state. They are empowered to prevent crime concerning financial misappropriation and corrupt practices and arrest criminals who break the laws of the society. These individuals are given logistics that include automobiles, communication equipments, etc to assist in their provision of security for the citizenry.

Military Personnel

This refers to individuals who are specially trained to provide security for the citizenry of a country against external aggressors or other sovereign countries. They are empowered to fight against military

members of other countries who violate the sovereignty of their country. These individuals are given logistics that include armored cars, tanks, aircrafts, ships, submarines, automobiles, speed boats, communication equipments, guns, rifles, missiles, restrictive instruments like handcuffs, violence control equipments like Kevlar armour, helmets, grenades, dynamite etc to assist in their provision of security for the citizenry. These personnel are subdivided into the Army, Navy and Air force and they have uniforms that differentiate them from other crime control personnel. The impact this group has on crime control can be felt in the “JOINT TASK FORCE AGAINST CRIME” where they collaborate with the Police Force to battle crime on the highways and in the cities.

Civil Defence/Man O War

This refers to individuals who are trained to provide security within the sovereign confines of a nation state. They are empowered to prevent crime and arrest criminals who break the laws of the society. These individuals are given logistics that include automobiles, communication equipments, etc to assist in their provision of security for the citizenry. These personnel have uniforms but do not have as much powers as the Police force or the military.

Customs and Immigration Personnel

This refers to individuals who are trained to provide security at the borders of a sovereign nation state. They are empowered to prevent the crime of smuggling, trafficking illegal immigration and have the power to arrest criminals who break the laws of the society concerning paying customs and excise duties and illegal immigration. These individuals are given logistics that include automobiles, communication equipments, etc to assist in their provision of security for the citizenry. These personnel also have uniforms that give them their identity as crime control personnel.

Road Safety Personnel

This refers to individuals who are trained to provide security on the highways of a nation state. They are empowered to prevent road accidents and to arrest citizens who break the highway and road users code of the society. These individuals are given logistics that include automobiles, communication equipments, breathalyzers etc to assist in their provision of security for road users in the country.

These personnel can arrest offenders and impound vehicles, but do not have as much powers as the Police force or the military.

Security Guard or Security Officer

This usually refers to a privately and formally employed person who is paid to protect property, assets, and/or people. Often, security officers are uniformed and act to protect property by maintaining a high visibility presence to deter illegal and/or inappropriate actions, observing (either directly, through patrols, or by watching alarm systems or video cameras) for signs of crime, fire or disorder; then taking action and/or reporting any incidents to their client, employer and emergency services as appropriate. The term **watchman** was more commonly applied to this function in local areas where the security of lives and property is provided by individuals who have no uniforms but who wield cutlasses or dane guns as deterrence.

Many security firms and proprietary security departments practice the "detect, deter, observe and report" methodology. Security officers are not required to make arrests (but have the authority to make a citizen's arrest) or otherwise act as an agent of law enforcement at the request of a police officer, sheriff, and others.

In addition to the methodology mentioned above, a private security officer's primary duty is the prevention and deterrence of crime. Security personnel enforce company rules and can act to protect lives and property. In fact, they frequently have a contractual obligation to provide these actions. Security officers are often trained to perform arrest and control procedures (including handcuffing and restraints), operate emergency equipment, perform first aid, CPR, take accurate notes, write detailed reports, and perform other tasks as required by the contractee they are serving.

Vigilantes

This refers to individuals who are organized by the community from among its citizenry to protect them from criminals. They are empowered to apprehend criminals and perpetrate "JUNGLE JUSTICE" of destroying them on the spot or handing them over to the police for prosecution. These individuals use weapons like cutlasses, cudgels, axes, dane guns, bow and arrow etc to control crime. Their crime control technique is tied to time and this is usually between the hours of 12 midnight and 6 in the morning. They are effective crime fighters but in some cases the innocent are punished grievously for inadvertently breaking the rules by this group.

Ethnic Militias

This refers to private ethnic individuals who are trained to provide security for members of their ethnic group from criminal elements within the group itself and against other ethnic aggressors' within the sovereign confines of a nation state. They are empowered to prevent crime and arrest criminals who break the laws of the society. They are also empowered to wage war against members of other ethnic groups. They usually have no legal backing by the constitution. These individuals have access to logistics that include automobiles, communication equipments, charms, firearms, cutlasses, axes sophisticated guns, firearms etc to assist in their provision of security for their ethnic groups. Within the Nigerian context, ethnic militias like the Oodua People's Congress, Egbesu Boys, Bakassi Boys, Arewa People's Congress etc exist.

These groups have no constitutional backings as such their activities are illegal.

SELF ASSESSMENT EXERCISE 2

Identify and discuss the stakeholders in Nigerian security

3.3 Perceived Crime Control Compared to Real Crime Control

It is very often true that people's perception of security is not directly related to actual security. For example, the presence of a police force might not necessarily reduce the number of criminal elements in the society. The tool may be mistaken for the effect, for example when multiple poorly equipped crime control operatives are present in the society so the citizens assumes he/she is secure when actual security has vanished.

Another side of this is a phenomenon called **security theatre** where ineffective security measures such as screening of airline passengers based on static databases are introduced with little real increase in security or even, according to the critics of one such measure - Computer Assisted Passenger Prescreening System - with an actual *decrease* in real security. For the Nigerian context, one sees this in the Niger-Delta, with the government military forces patrolling a huge stretch of the Niger-Delta lagoon and creeks but with little improvement in actual security for expatriates and other citizens.

Additionally, however, sometimes if it is perceived that there is security then there will be an increase in actual security, even if the perception of security is mistaken. Sometimes a sign may warn that video surveillance

is covering an area or the sign beware of dogs, and even if there is no actual visual surveillance or dogs then some malicious agents will be deterred by the belief that there may be.

Also, often when there *is* actual crime control mechanism present in an area, such as video surveillance, guard dogs, an alarm system in a home, or an anti-theft system in a car such as a LoJack, signs advertising this security will increase its effectiveness, protecting the value of the secured vehicle or area itself. Since some intruders will decide not to attempt to break into such areas or vehicles, there can actually be less damage to windows in addition to protection of valuable objects inside. Without such advertisement, a car-thief might, for example, approach a car, break the window, and then flee in response to an alarm being triggered. Either way, perhaps the car itself or the objects inside aren't stolen, but with perceived crime control mechanism, even the windows of the car have a lower chance of being damaged, increasing the financial security of its owner(s). It is important, however, for signs advertising security not to give clues as to how to subvert that security, for example in the case where a home burglar might be more likely to break into a certain home if he or she is able to learn beforehand which company makes its security system.

SELF ASSESSMENT EXERCISE 3

Juxtapose actual crime control and perceived crime control within a specified security theatre in Nigeria.

3.4 Security Concepts

Certain concepts recur throughout different fields of crime control (Monahan, Torin, ed, 2006).

1. **Risk** - a risk is a possible event which could cause a loss
2. **Threat** - a threat is a method of triggering a risk event that is dangerous
3. **Vulnerability** - a weakness in a target that can potentially be exploited by a threat
4. **Exploit** - a vulnerability that has been triggered by a threat - a risk of 1.0 (100%)
5. **Countermeasure** - a countermeasure is a way to stop a threat from triggering a risk event

6. **Defense in depth** - never rely on one single security measure alone but use a myriad of security measures.
7. **Assurance** - assurance is the level of guarantee that a security system will behave as expected.

SELF ASSESSMENT EXERCISE 4

Give concise definitions of the crime control concepts you are aware of.

3.5 Definition of Crime Control or Security Theater

Crime control or security theater has been defined as ostensible security measures which have little real influence on security whilst being publicly visible and designed to demonstrate to the lesser-informed that countermeasures have been considered. Crime control and security theater has been related to and has some similarities with superstition.

Crime control and security theater are security countermeasures that provide the feeling of security while doing little or nothing to actually improve security (Schneier, 2003). The term was coined by Bruce Schneier for his book *Beyond Fear* but has gained currency in security circles. Crime control and security theater gains importance both by satisfying and exploiting the gap between perceived risk and actual risk. **STOP and SEARCH programmes by the police, CHECKPOINTS, RAIDS of drinking parlours, red light districts and hotels, presence of police and security guards in banks and other important business concerns and the patrolling of the Niger-Delta by military personnel, serious searches in the AIRPORTS and BORDERS** are crime control or security theatres.

Disadvantages

Crime control and security theater has real monetary costs but does not necessarily provide tangible security benefits. Crime control and security theater typically involves restricting certain aspects of people's behaviour in very visible ways, that could involve potential restrictions of personal liberty and privacy, ranging from negligible (where bottled water can be purchased) to significant (prolonged screening of individuals to the point of harassment).

The direct costs of crime control and security theater may be lower than that of more elaborate security measures. However, it may divert portions of the budget for effective security measures without resulting in adequate, measurable gain in security. In many cases, intrusive security theater measures also create secondary negative effects whose

real cost is hard to quantify and likely to dwarf the direct expenses. Such ripple effects are often connected to fear. Visible measures such as armed guards and highly intrusive security measures may lead people to believe that there must be a real risk associated with their activity. Other reasons for ripple effects may be that people are simply unwilling to undergo such intrusions as would be required for some activity by the security measures imposed on it. An example for both issues is that after a recent increase in bank robberies, many frequent bank customers have expressed that they will try to avoid frequent banking in the future.

Crime control or security theater encourages people to make uninformed, counterproductive political decisions. The feeling of (and wish for) safety can actually increase the real risk. The disruption, cost, and fear caused by crime control or security theater acts as positive feedback for those who wish to exploit it: even if they fail to take lives, they can cause large economic costs. Crime control or security theater is a component of the culture of fear.

Benefits

While it may seem that crime control or security theater must always cause loss, it may actually be beneficial, at least in a localised situation. This is because *perception* of security is sometimes more important than security itself. If the potential victims of an attack feel more protected and safer as a result of the measures, then they may carry on activities they would have otherwise avoided. In addition, if the security measures in place appear effective, regardless if they actually are, then potential attackers may be dissuaded from proceeding, or may direct their attention to a target perceived as less-secure.

Crime control or security theater may also be useful where a threat is perceived to be more likely than it really is; in these cases, it can bring the risk's perception in line with its reality. For example, a gated community might have weak enough security that the gates don't really reduce the risk of crime, but if it is in a low-crime area anyway the gates can help ensure that people feel as safe as they ought to.

- Crime control or security theater has also proven itself effective in reducing shoplifting, particularly for businesses too small or otherwise unwilling to spend money on actual security measures. Examples of this include the use of mock surveillance cameras and empty camera housings; attachment of devices with blinking indicator lamps (and no other function) to high theft goods; and placing periodic make-believe security-related announcements on the store's public address system.

SELF ASSESSMENT EXERCISE 5

Briefly discuss selected crime control or security theatres in Nigeria.

4.0 CONCLUSION

Crime control and security is a crucial factor within Nigeria in particular and the world in general. The term crime control and security pervades the vocabulary of both literate and illiterate individual in the society because it is an important concept that has to do with the safety of life and property. Security is so essential that various techniques be they electronic, mechanical and personnel have been employed by governments, institutions, organisations and private citizens to ensure their safety. The theatres of crime control and security are always around us and the negative repercussions of not providing security stares us in the face every day. Armed robbery attacks, assassinations, hired killings, arson, hostage taking, terrorism, intertribal battles, ethnic conflicts, land disputes, student riots, cultism, pickpockets, area boyism, extortion, police brutality, reckless driving, poor environmental sanitation, etc is rife within the society. The solutions to these problems exist, but given the peculiar nature of the Nigerian state, these solutions usually self-destruct before they are actualised for the betterment of all.

5.0 SUMMARY

In this unit, we have been able to discuss a number of subjects on crime control. We gave definitions of crime control, after which we critically examined stakeholders in crime control e.g. police, the military, security guards etc. We also identified the difference between perceived crime control and actual crime control. We examined concepts that are common in crime control terminologies. Finally we examined the principles of crime control or security theatres which is built on the culture of fear. In the next unit we shall critically examine crime control techniques. Congratulations for the successful completion of this unit.

6.0 TUTOR-MARKED ASSIGNMENT

- i. Define crime control in its empirical form and in a personalised manner.
- ii. Critically examine the contribution of the crime control stakeholders to the safety of the Nigerian populace.
- iii. Discuss the different crime control or security theatres in the Nigerian context.

- iv. Apply the crime control concepts you are aware of to the Nigerian setting.
- v. Differentiate perceived crime control from actual crime control.

7.0 REFERENCES / FURTHER READING

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UNIT 2 CRIME CONTROL TECHNIQUES

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Physical crime control
 - 3.2 Computer crime control
 - 3.3 Human crime control
 - 3.4 Conclusion
- 4.0 Summary
- 5.0 Tutor-Marked Assignment
- 6.0 References/Further Reading

1.0 INTRODUCTION

Since the days of yore, crime control has been a salient necessity in human society. Humanity is a myriad and danger can generate from any source, as such, the control of crime has facets which are meant to protect humanity from the dangers inherent within its context which is the earth plane. In unit one, we learnt about crime control. In this unit we will critically assess the crime control techniques prevalent in human society.

We will examine the relevance of each crime control technique and how they work.

2.0 OBJECTIVES

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

- identify the different crime control techniques and have a better understanding of the workings of these crime control types in human society
- be able to competently apply these crime control techniques to the Nigerian context.

3.0 MAIN CONTENT

3.1 Physical Crime Control

Physical crime control describes measures that prevent or deter attackers from accessing a facility, resource, or information stored on physical media. It can be as simple as a locked door or as elaborate as multiple layers of armed guard posts.

The field of security engineering has identified three elements to physical crime control:

1. obstacles, to frustrate trivial attackers and delay serious ones;
2. alarms, security lighting, security guard patrols or closed-circuit television cameras, to make it likely that attacks will be noticed;
3. security response, to repel, catch or frustrate attackers when an attack is detected.

In a well designed system, these features must complement each other. There are four layers of physical crime control:

1. Environmental design
2. Mechanical and electronic access control
3. Intrusion detection
4. Video monitoring

The initial layer of security for a campus, building, office, or physical space uses environmental design to deter threats. Some of the most common examples are also the most basic - barbed wire, warning signs and fencing, concrete bollards, metal barriers, vehicle height-restrictors, site lighting and trenches.

The next layer is mechanical and includes gates, doors, and locks. Key control of the locks becomes a problem with large user populations and any user turnover. Keys quickly become unmanageable forcing the adoption of electronic access control. Electronic access control easily manages large user populations, controlling for user lifecycles times, dates, and individual access points. For example a user's access rights could allow access from 0700 to 1900 Monday through Friday and expires in 90 days.

The third layer is intrusion detection systems or alarms. Intrusion detection monitors for attacks. It is less a preventative measure and more of a response measure, although some would argue that it is a deterrent. Intrusion detection has a high incidence of false alarms. In many jurisdictions, law enforcement will not respond to alarms from intrusion detection systems.

The last layer is video monitoring systems. Like intrusion detection, these are not much of a deterrent. Video monitoring systems are more

useful for incident verification and historical analysis. For instance, if alarms are being generated and there is a camera in place, the camera could be viewed to verify the alarms. In instances when an attack has already occurred and a camera is in place at the point of attack, the recorded video can be reviewed. Although the term “closed-circuit television” (CCTV) is common, it is quickly becoming outdated as more video systems lose the closed circuit for signal transmission and are instead transmitting on computer networks. Advances in information technology are transforming video monitoring into video analysis. For instance, once an image is digitized it can become data that sophisticated algorithms can act upon. As the speed and accuracy of automated analysis increases, the video system could move from a monitoring system to an intrusion detection system or access control system. It is not a stretch to imagine a video camera inputting data to a processor that outputs to a door lock. Instead of using some kind of key, whether mechanical or electrical, a person's visage is the key.

Intertwined in these four layers are people. Guards have a role in all layers, in the first as patrols and at checkpoints; in the second to administer electronic access control; in the third to respond to alarms and in the fourth to monitor and analyze video. Users obviously have a role also by questioning and reporting suspicious people. Aiding in identifying people as known versus unknown are identification systems. Often photo ID badges are used and are frequently coupled to the electronic access control system. Visitors are often required to wear a visitor badge.

For example, the response force must be able to arrive on site in less time than it is expected that the attacker will require to breach the barriers; and

- persuading them that the likely costs of attack exceed the value of making the attack.

For example, ATMs (cash dispensers) are protected, not by making them invulnerable, but by spoiling the money inside when they are attacked. Attackers quickly learned that it was futile to steal or break into an ATM if all they got was worthless money covered in dye.

Conversely, safes are rated in terms of the time in minutes which a skilled, well equipped safe-breaker is expected to require opening the safe. These ratings are developed by highly skilled safe breakers employed by insurance agencies, such as Underwriters Laboratories. In a properly designed system, either the time between inspections by a patrolling guard should be less than that time, or an alarm response force should be able to reach it in less than that time. Hiding the resources, or

hiding the fact that resources are valuable, is also often a good idea as it will reduce the exposure to opponents and will cause further delays during an attack, but should not be relied upon as a principal means of ensuring security.

Burglar (or intrusion), fire and safety alarms are found in electronic form today. Sensors are connected to a control unit via either a low-voltage hardwire or narrowband RF signal, which is used to interact with a response device. The most common security sensors indicate the opening of a door or window or detect motion via passive infrared (PIR). In new construction systems are predominately hardwired for economy while in retrofits wireless systems may be more economical and certainly quicker to install. Some systems are dedicated to one mission; others handle fire, intrusion, and safety alarms simultaneously. Sophistication ranges from small, self-contained noisemakers, to complicated, multi-zoned systems with color-coded computer monitor outputs. Many of these concepts also apply to portable alarms for protecting cars, trucks or other vehicles and their contents (i.e., "**car alarms**"). See also fire alarm control panel for specific fire system issues. Burglar alarms are sometimes referred to as alarm systems, see burglar alarm control panel for a discussion of hard-wired burglar alarm system design.

Other types of physical security include the following:

- | | | |
|--------------------|---------------------|-------------------|
| 1. Access badge | | |
| 2. Access control | | |
| 3. Alarm | • Electronic lock | |
| 4. Alarm | • Fortification | |
| management | • ID Card | |
| 5. Bank vault | • IP video | |
| 6. Biometrics | surveillance | |
| 7. Burglar alarm | • Keycards | • Razor wire |
| 8. Castle | • Locksmithing | • Security |
| 9. Category: | • Lock picking | lighting |
| Security | • Logical security | • Security policy |
| companies | • Magnetic stripe | • Smart card |
| 10. Closed-circuit | card | • Surveillance |
| television | • Optical turnstile | • Swipe card |
| 11. Common | • Photo | • Wiegand effect |
| Access Card | identification | |
| 12. Computer | • Physical Security | |
| security | Professional | |
| 13. Credential | • Proximity card | |
| 14. Door security | | |

SELF ASSESSMENT EXERCISE 1

Give a concise description of physical crime control.

3.2 Computer Crime Control

Computer security or crime control is a branch of technology known as information security as applied to computers. The objective of computer security varies and can include protection of information from theft or corruption, or the preservation of availability, as defined in the security policy.

Computer security or crime control imposes requirements on computers that are different from most system requirements because they often take the form of constraints on what computers are not supposed to do. This makes computer security particularly challenging because we find it hard enough just to make computer programs just do everything they are designed to do correctly. Furthermore, negative requirements are deceptively complicated to satisfy and require exhaustive testing to verify, which is impractical for most computer programs. Computer security or computerised crime control provides a technical strategy to convert negative requirements to positive enforceable rules. For this reason, computer security or crime control is often more technical and mathematical than some computer science fields.

Typical approaches to computer security (in approximate order of strength) can include the following:

1. Computerisation of criminal database and profile for easy detection of crime. The use of computerised fingerprints, mug shots and criminal modus operandi for easy arrests in crime situations.
2. The use of computers for crime simulations in such a way that crimes can be re-enacted for easier crime busting.
3. Use of computers for designing the facial and bodily description of criminal suspects by law enforcement agencies from eyewitnesses accounts.
4. Computer tracking of internet crooks and unethical hackers.
5. The use of the Global Positioning System (GPS) for identifying trouble spot and directing law enforcement officers there for rapid intervention.

6. Operating system mechanisms that impose rules on programs to enable law enforcement officers design computer programs for mapping out crime prone areas and patrolling them.
7. Programming strategies to make computer programs dependable and resist subversion by crooks.

Secure Operating Systems

One use of the term computer security or crime control refers to technology to implement a secure operating system. Much of this technology is based on science developed in the 1980s and used to produce what may be some of the most impenetrable operating systems ever. Though still valid, the technology is almost inactive today, perhaps because it is complex or not widely understood. Such ultra-strong secure operating systems are based on operating system kernel technology that can guarantee that certain security policies are absolutely enforced in an operating environment. An example of such a Computer security policy is the Bell-LaPadula model. The strategy is based on a coupling of special microprocessor hardware features, often involving the memory management unit, to a special correctly implemented operating system kernel. This forms the foundation for a secure operating system which, if certain critical parts are designed and implemented correctly, can ensure the absolute impossibility of penetration by hostile elements. This capability is enabled because the configuration not only imposes a security policy, but in theory completely protects itself from corruption. Ordinary operating systems, on the other hand, lack the features that assure this maximal level of security. The design methodology to produce such secure systems is precise, deterministic and logical.

Systems designed with such methodology represent the state of the art of computer security and the capability to produce them is not widely known. In sharp contrast to most kinds of software, they meet specifications with verifiable certainty comparable to specifications for size, weight and power. Secure operating systems designed this way are used primarily to protect national security information and military secrets. These are very powerful security tools and very few secure operating systems have been certified at the highest level (Orange Book A-1) to operate over the range of "Top Secret" to "unclassified" (including Honeywell SCOMP, USAF SACDIN, NSA Blacker and Boeing MLS LAN.) The assurance of security depends not only on the soundness of the design strategy, but also on the assurance of correctness of the implementation, and therefore there are degrees of security strength defined for COMPUSEC. The Common Criteria quantifies security strength of products in terms of two components, security capability (as Protection Profile) and assurance levels (as EAL

levels.) None of this ultra-high assurance secures general purpose operating systems have been produced for decades or certified under the Common Criteria.

Crime Control or Security Architecture

Crime control or security Architecture can be defined as "The design artifacts that describe how the security controls (= security countermeasures) are positioned, and how they relate to the overall IT Architecture. These controls serve the purpose to maintain the system's quality attributes, among them confidentiality, integrity, availability, accountability and assurance.". In simpler words, security architecture is the plan that shows where security measures need to be placed. If the plan describes a specific solution then, prior to building such a plan, one would make a risk analysis. If the plan describes a generic high level design then (reference architecture) then the plan should be based on a threat analysis.

Crime control or Security by Design

The technologies of computer crime control or security are based on logic. There is no universal standard notion of what secure behavior is. "Security" is a concept that is unique to each situation. Security is extraneous to the function of a computer application, rather than ancillary to it, thus security necessarily imposes restrictions on the application's behavior.

There are several approaches to security in computing, sometimes a combination of approaches is valid:

1. Trust all the software to abide by a security policy but the software is not trustworthy (this is computer insecurity).
2. Trust all the software to abide by a security policy and the software is validated as trustworthy (by tedious branch and path analysis for example).
3. Trust no software but enforce a security policy with mechanisms that are not trustworthy (again this is computer insecurity).
4. Trust no software but enforce a security policy with trustworthy mechanisms.

Many systems have unintentionally resulted in the first possibility. Approaches one and three lead to failure. Since approach two is expensive and non-deterministic, its use is very limited. Because

approach number four is often based on hardware mechanisms and avoids abstractions and a multiplicity of degrees of freedom, it is more practical. Combinations of approaches two and four are often used in a layered architecture with thin layers of two and thick layers of four. There are myriad strategies and techniques used to design security systems. There are few, if any, effective strategies to enhance security after design.

One technique enforces the principle of least privilege to great extent, where an entity has only the privileges that are needed for its function. That way even if an attacker gains access to one part of the system, fine-grained security ensures that it is just as difficult for them to access the rest.

Furthermore, by breaking the system up into smaller components, the complexity of individual components is reduced, opening up the possibility of using techniques such as automated theorem proving to prove the correctness of crucial software subsystems. This enables a closed form solution to security that works well when only a single well-characterized property can be isolated as critical, and that property is also assessable to math. Not surprisingly, it is impractical for generalized correctness, which probably cannot even be defined, much less proven. Where formal correctness proofs are not possible, rigorous use of code review and unit testing represent a best-effort approach to make modules secure.

The design should use "defense in depth", where more than one subsystem needs to be violated to compromise the integrity of the system and the information it holds. "Defense in depth" works when the breaching of one security measure does not provide a platform to facilitate subverting another. Also, the cascading principle acknowledges that several low hurdles do not make a high hurdle. So cascading several weak mechanisms does not provide the safety of a single stronger mechanism.

Subsystems should default to secure settings, and wherever possible should be designed to "fail secure" rather than "fail insecure" (see fail safe for the equivalent in safety engineering). Ideally, a secure system should require a deliberate, conscious, knowledgeable and free decision on the part of legitimate authorities in order to make it insecure.

In addition, security should not be an all or nothing issue. The designers and operators of systems should assume that security breaches are inevitable. Full audit trails should be kept of system activity, so that when a security breach occurs, the mechanism and extent of the breach can be determined. Storing audit trails remotely, where they can only be

appended to, can keep intruders from covering their tracks. Finally, full disclosure helps to ensure that when bugs are found the "window of vulnerability" is kept as short as possible.

SELF ASSESSMENT EXERCISE 2

Briefly discuss the matrices comprising computer crime control.

3.3 Human Crime Control

Human crime control has to do with human beings engaging in or desisting from certain activities to forestall crime.

Security personnel are usually privately and formally employed persons who are paid to protect property, assets, and/or people. Often, security officers are uniformed and act to protect property by maintaining a high visibility presence to deter illegal and/or inappropriate actions, observing (either directly, through patrols, or by watching alarm systems or video cameras) for signs of crime, fire or disorder; then taking action and/or reporting any incidents to their client, employer and emergency services as appropriate.

Functions and Duties

Many security firms and proprietary security departments practice the "detect, deter, observe and report" methodology. Security officers are not required to make arrests (but have the authority to make a citizen's arrest) or otherwise act as an agent of law enforcement at the request of a police officer, sheriff, and others.

In addition to the methodology mentioned above, a private security officer's primary duty is the prevention and deterrence of crime. Security personnel enforce company rules and can act to protect lives and property. In fact, they frequently have a contractual obligation to provide these actions. Security officers are often trained to perform arrest and control procedures (including handcuffing and restraints), operate emergency equipment, perform first aid, CPR, take accurate notes, write detailed reports, and perform other tasks as required by the contractee they are serving. Many security officers are required to go through additional training mandated by the state for the carrying of weapons such as batons, firearms, and pepper spray (e.g. the Bureau of Security and Investigative Services in California has requirements that a license for *each* item listed must be carried while on duty). Also, the presence of security personnel (particularly in combination with effective security procedures) tends to diminish "shrinkage," theft, employee misconduct and safety rule violations, property damage, or

even sabotage. Many casinos hire security guards to protect money when transferring it from the casino to the casino's bank.

Security personnel may also perform access control at building entrances and vehicle gates; meaning, they ensure that employees and visitors display proper passes or identification before entering the facility. Security officers are often called upon to respond to minor emergencies (lost persons, lockouts, dead vehicle batteries, etc.) and to assist in serious emergencies by guiding emergency responders to the scene of the incident, helping to redirect foot traffic to safe locations, and by documenting what happened on an incident report. Armed security officers are frequently contracted to respond as law enforcement until a given situation at a client location is under control and/or public authorities arrive on the scene.

Patrolling is usually a large part of a security officer's duties. Often these patrols are logged by use of a guard tour patrol system, which require regular patrols. The most commonly used form used to be mechanical clock systems that required a key for manual punching of a number to a strip of paper inside with the time pre-printed on it. Recently, electronic systems have risen in popularity due to their light weight, ease of use, and downloadable logging capabilities. Regular patrols are, however, becoming less accepted as an industry standard, as it provides predictability for the would-be criminal, as well as monotony for the security officer on duty. Random patrols are easily programmed into these systems, allowing greater freedom of movement and unpredictability. Global positioning systems are also easing their way into the market as a more effective means of tracking officer movement and patrol behavior.

Although security officers differ greatly from police officers, military personnel, federal agents/officers, and the like, the United States has a growing proportion of security personnel that have former police or military experience, including senior management personnel. On the other hand, some security officers, young people in particular, use the job as practical experience to use in applying to law enforcement agencies.

Types of Security Personnel and Companies

Security personnel are classified as either of the following:

1. "In-house" or "proprietary" (i.e. employed by the same company or organization they protect, such as a mall, theme park, or casino); formerly often called works police or security police in the United Kingdom.

2. "Contract," working for a private security company which protects many locations.
3. "Public Security," "Private Police Officers," or security police.
4. "Private Patrol Officers", vehicle patrol officers that protect multiple client premises.

Industry terms for various security personnel include: Security guards, security agents, watchmen, security officers, safety patrol, Armed Security, Private Police, Company police, Loss Prevention, Bodyguards, Executive Protection Agents, or Access Managers. Other job titles in the security industry include dispatcher, receptionist, driver, supervisor, alarm responder, mall security officer, private patrol officer, Private Patrol Operator, and manager.

State and local governments sometimes regulate the use of these terms by law -- for example, certain words and phrases that "give an impression that he or she is connected in any way with the federal government, a state government, or any political subdivision of a state government" are forbidden for use by private security personnel. So the terms: "private homicide police, detective, private detective, law enforcement, police, or officer or "special agent" would be unlawful for a security personnel. Also restrictions on uniform and vehicle colours and markings are introduced to make private security personnel clearly distinctive from police personnel.

There is a marked difference between persons performing the duties historically associated with watchmen and persons who take a more active role in protecting persons and property. The former, often called "guards," are taught the mantra "observe and report," are minimally trained, and not expected to deal with the public or confront criminals. The latter are often highly trained, sometimes armed depending on contracts agreed upon with clientele, and are more likely to interact with the general public and to confront the criminal element. These employees tend to take pride in the title "Security Officer" or "Protection Officer" and disdain the label of "guard." Ironically enough, there may be no relationship between duties performed and compensation -- many malls "security officers" who are exposed to serious risks make less per hour than "industrial security guards" with less training and responsibility. However, there are now more positions in the security role that separate not just the titles, but the job itself. The roles have progressed and so have the areas for which security people are needed. All security jobs vary in pay and duties at present.

The term "agent" is particularly problematic in the security industry because it can describe not only a civil legal relationship between an employee and their employer or contractor ("agent of the owner"), but also describes a person in government service ("Special Agent Jamiu of the Criminal Investigation Department.") However we should then also consider the fact that this title is also made available to banking agents, loan agents and real estate agents. Security "agents" found in loss prevention and personal or executive protection (bodyguards) typically work in plainclothes, without a uniform, and are usually highly trained to act lawfully in direct defense of life and/or property. There is also confusion with bail enforcement agents, or as they are popularly known "bounty hunters," who are sometimes regulated by the same agencies which regulate private security.

SELF ASSESSMENT EXERCISE3

Juxtapose the modus operandi of government security agents and private security agents within the Nigerian security context.

4.0 CONCLUSION

Crime control is sine qua non for safety within the Nigerian socio-political sphere in particular and the earth plane in general. Crime control exists in different forms and serves society in divergent ways. It is so essential that various techniques be they electronic, mechanical and personnel have been employed by governments, institutions, organisations and private citizens to ensure safety of life and property.

5.0 SUMMARY

In this unit, we have been able to discuss a number of subjects on crime control techniques. We delineated the crime control types, after which we critically examined each of these types. In the next unit we shall critically examine policing and crime control. Congratulations for the successful completion of this unit.

6.0 TUTOR-MARKED ASSIGNMENT

Compare and contrast the various techniques of crime control and extrapolate this information to the Nigerian context.

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UNIT 3 POLICING AND CRIME CONTROL

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 History of Policing
 - 3.2 History of Nigerian Police Force
 - 3.3 Policing Techniques
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References / Further Reading

1.0 INTRODUCTION

Crime causes loss of life and property as well as overwhelming fear of insecurity. These have serious consequences for democracy, economic development, social capital and associational life generally. Nigeria has witnessed upsurge in crimes during the past three decades. Increasing incidence of armed robbery has led to a paralyzing fear which has in turn affected economic and social life in the country. In order to address the issue of crime a lot of social controls were put in place. The most crucial human oriented crime control mechanism put in place by any society is the police. In unit two, we learnt about crime control techniques. In this unit we will critically examine policing as a conventional crime control technique prevalent in all human society.

We will examine the relevance of this crime control technique and how it works.

2.0 OBJECTIVES

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

- identify policing as a crime control technique
- describe the workings of the Police Force in human society
- appraise the Police Force as a crime control technique in the Nigerian context.

3.0 MAIN CONTENT

3.1 History of Policing

Any organized human community like the modern nation-state requires an agency that will oversee the sustenance of law and order within it. For this reason, the police force, an agency of the state responsible for maintaining public order, preventing and detecting crime in close collaboration with other agencies, are created and empowered to use force where necessary for the attainment of this public goal.

The word Police is derived from the Greek word “Polis”, meaning that part of non-ecclesiastical administration having to do with the safety, health and order of the state. The Greek politeria meant the art of governing and regulating the welfare, security needs and order of the city-state in the interest of the public.

Although Police is derived from the Greek, it was the Romans who perfected the system. The Roman politia meant the same thing as the Greek politeria. It was a symbol of power residing in central Authority.

During the duration of the Roman Empire, Police in Rome was organized from the ranks. There was the Roman Prefect which had under his control fourteen Magistrates, each responsible for a district and assisted by vigiles who patrolled the streets, lictores who were law enforcement officers and stationarii who were residents of the city blocks.

In Britain, Policing developed as a local affair with a role which has remained till now. That it is the responsibility of every person to maintain law and order. This role is rooted in history and common law tradition of Britain that each citizen had a duty to suppress crime and disorder within his area.

Failure to do so entailed the payment of fines. The burden of policing was placed on every adult citizen. It was an avocational obligatory policing, manifesting itself in the forms of tythingman of the Saxon Police, the frankpledge in the South and East of England after the Norman conquest 1066 and later as the Parish Constable system after the enactment of the Statute of Winchester 1285.

Before describing these systems in brief it is relevant to observe that policing and police work did not start as a paid profession. It started as a noble, incorruptible profession with considerable responsibility and distinction. It was the Justices of the Peace system, which corrupted the Parish Constable System.

When the first paid professional police force was proposed in Britain, it was strongly opposed by those who feared that such force would lead to repression and threat to the freedom of the individual and to democracy. The Police Force as we know it today went through three distinct stages before it became a profession. As Hewitt, W.A. puts it. “ At first the populace, though small was responsible for maintaining law and order. Then Justices of the Peace emerged on the scene to provide both the law and order and Justice at the bar. Then, in the present era, paid professional police were established to maintain law and order”

The Metropolitan Police established by Sir Robert Peel in 1829 to work on crime prevention is the world’s first organized modern police force after which many other political systems across the world modeled their police forces. Its work was (and still is) guided by the belief that effectiveness in its appointed task will only be possible where they have the consent and support of the public (Mazower, 1997:8). According to the enabling Act, police constables were expected to be civil and courteous to members of the public, and an early operating procedure required policemen to walk in the gutter to indicate their status as servants of the public rather than masters and overlords who could act with impunity and outside the law that they are mandated to enforce.

SELF ASSESSMENT EXERCISE 1

Describe the history of policing.

3.2 History of the Nigeria Police

In April 1861, the British Consul in Lagos obtained permission from his principal in London to establish a Consular Guard comprising of 30 men. Two years later in 1863, this small body of men became known as the "Hausa Guard". It was further regularized in 1879 by an Ordinance creating a Constabulary for the Colony of Lagos. An Inspector-General of Police commanded this Force recruited mainly from Hausas and known as the "Hausa Constabulary".

On 1st January 1896, the Lagos Police Force was created and armed like the "Hausa Constabulary". While the developments were taking place in Lagos and part of the Yoruba heartland, the areas now known as Edo, Delta, Akwa Ibom, River and Cross River States were declared the Oil Rivers protectorate in 1891 with Headquarters at Calabar where an armed constabulary was formed. In 1893 the area was proclaimed the Niger Coast. Constabulary, modeled on the Hausa Constabulary, was formed. It existed for six years and featured prominently in the British expedition to Benin in 1896.

In the Northern parts of the Country the Royal Niger Company, which was granted a Royal Charter in 1886 by the British Government, set up the Royal Niger Constabulary in 1888 with Headquarters at Lokoja to protect its installations along the banks of the River Niger. It had a mounted company known as Carrol's Hoses. The Royal Niger Constabulary played an important role in British campaigns against Bida and Ilorin.

When the British Government in 1900 following the transfer of administration from the Royal Niger Company proclaimed protectorates of Northern and Southern Nigeria, the Royal Niger Constabulary was split into the Northern Nigeria Police Force and the Northern Nigeria Regiment. In the South, the Lagos Police Force and part of the Niger Coast Constabulary became the southern Nigeria Police Force in 1906 while the bulk of the Niger Coast Constabulary formed the southern Nigeria Regiments.

After the amalgamation of Northern and Southern Nigeria in 1914 both Police Forces continued to operate separately until 1st April 1930 when they were merged to form the present Nigeria Police Force with Headquarters in Lagos Nigerians assumed overall leadership of the Force in 1964 when the late Mr. Louis Orok Edet was appointed the first indigenous Inspector-General of Police. Since then twelve other Nigerians, including the present incumbent Sir (Dr) Mike Mabama Okiro has held the Office.

The flag of the Nigeria Police is horizontally divided blue-yellow-green.



The meaning of the colours is as follows:

Blue:	love, loyalty and unity
Yellow:	discipline and resourcefulness
Green:	energy and life.

In Nigeria, Section 4 of the Nigeria police Act provides that the police force “shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of life and property and the due enforcement of all laws and

regulations with which it is directly charged.” In essence, the Nigeria Police force has a constitutional role of maintaining peace, ensuring public safety and restoring order and whenever there is a breakdown (Third Eye, 24/7/96, p.6).

The subjugation of territories within what is now known and referred to as Nigeria led to the establishment of a constabulary force for such areas (Alemika, 1993). In 1879, an armed paramilitary force (Hausa Constabulary of 1200 men was established for Southern Protectorate and in 1894 the Niger Coast Constabulary was established in Calabar; and in the North, the royal Niger Company set up a Constabulary headquartered in Lokoja in 1888. These constabulary forces were merged in 1914 when Sir Frederic Lugard effected the amalgamation of the Protectorates of Southern and Northern Nigeria. Later on, regional police forces were established but were disbanded in 1966 following the first military intervention.

The 1979 constitution (enacted when the military was making its first exit), and the 1999 constitution (enacted when the military was making its third exit) both prohibit the establishment of any other police force other than that established to act centrally with exclusive jurisdiction as the national police force. The key functions of the Nigeria police as spelt out under section 4 of the Police Act and Decree 23 of 1979 include:

... the prevention and detection of crime, apprehension of offenders, the preservation of law and order, the protection of life and property, and due enforcement of all laws and regulations with which they are charged and ...such military duties within or without Nigeria as may be required of them by, or under the authority of this and other Act.

Under Section 214 (1) of the 1999 constitution, the provision is that:

There shall be a police force for Nigeria, which shall be known as the Nigeria Police Force, and subject to the provisions of this section no other police force shall be established for the Federation or any part thereof.

The character of a police force reflects the social, political and economic structures of the society within which it operates (Tamuno, 1970, Abasilim, 1995, Akiga, 2001, Rotimi, 2001). As an institution, the police force helps to preserve, fortify and reproduce the prevailing social order. The origin and role of the police during the colonial era has, for

instance, been tendered as one factor which contributed substantially to its current problems (Alemika and Chukwuma, 2004). Thus when the social order is oppressive, exploitative or characterized by injustice, the police unwittingly preserve it by suppressing and defusing demands for reforms.

SELF ASSESSMENT EXERCISE 2

Describe the history of policing in Nigeria.

3.3 Policing Technique

Traditional policing philosophy places sole responsibility for maintenance of public order in the hands of the police force and other official law enforcement agencies, and this largely involves responding to calls for service once a crime has been committed. This reactive rather than preventive orientation more suited to effective policing is quite prevalent in developing countries. A lot of reforms have been introduced in advanced countries to correct the weaknesses inherent in the traditional police force.

The following are the big reform ideas in policing in advanced countries since 1967. These are the ideas that have generated real changes in policing. These are the ideas that police themselves consider to be important as well as controversial changes from past practice.

(1) Community-oriented policing

Refers to the recognition that the police must act to encourage the public to share responsibility for public safety; specifically by consulting with them, adapting their operations to local conditions, mobilizing volunteer resources, and problem-solving. (Bayley 1994, Goldstein 1990, Skolnick and Bayley, 1988, Trojanowicz and Bucqueroux 1990).

(2) Problem-oriented policing

Developed by Herman Goldstein, Problem oriented policing involves developing police programs that ameliorate or eliminate conditions that generate problems of insecurity and disorder that police are repeatedly called upon to prevent. (Goldstein 1979, 1990)

(3) Signs-of-crime policing

Where police, drawing on the logic of "broken windows" (Wilson and Kelling 1982), prosecute minor offences that contribute to the creation of milieu of incivility. This is sometimes mistakenly identified with

"zero tolerance policing," which I do not consider a major strategic innovation.

(4) **Hot-spots policing**

Meaning the short-lived or episodic concentration of police resources on areas or situations of repeated criminal activity. (Sherman et al. 1989)

(5) **Mandatory arrest for spouse-assault**

(Sherman and Berk 1984)

(6) **Enhancement of internal police discipline**

Primarily through the explicit articulation of values, the development of policies for problematic situations, and the acceptance of effective internal investigation of complaints against the police. (Chevigny, 1969, Walker, 2005)

(7) **External oversight of the quality of police activity**

Through civilian review, quasi-official independent supervision of management, and professionally driven accreditation. (Goldsmith and Lewis 2000, Walker, Archbold, Herbst 2002)

(8) **Compstat**

For computer-driven crime statistics, is the signature innovation in the development of evidence-based policing. (McDonald 2002) Evidence-based policing means evaluating police activity by systematically collecting information about police operations and their effects.

(9) **Enhanced diversity of personnel**

Through the creation of mechanisms to ensure equal-opportunity hiring and promotion for women and minorities.

SELF ASSESSMENT EXERCISE 3

Juxtapose the modus operandi of government security agents and private security agents within the Nigerian security context.

4.0 CONCLUSION

Crime control is sine qua non for safety within the Nigerian socio-political sphere in particular and the earth plane in general. Crime

control exists in different forms and serves society in divergent ways. It is so essential that various techniques be they electronic, mechanical and personnel have been employed by governments, institutions, organisations and private citizens to ensure safety of life and property.

5.0 SUMMARY

In this unit, we have been able to discuss a number of subjects on crime control techniques. We delineated the crime control types, after which we critically examined each of these types. In the next unit we shall critically examine levels of crime control. Congratulations for the successful completion of this unit.

6.0 TUTOR-MARKED ASSIGNMENT

Compare and contrast the various techniques of crime control and extrapolate this information to the Nigerian context.

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UNIT 4 LEVELS OF CRIME CONTROL

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- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Local Crime control
 - 3.2 National Crime Control
 - 3.3 International Crime Control
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

Crime control is a universal factor that is geared towards solving crime in its ubiquitous state. This salient factor in human existence, spans time, age and space. When man came into being it was instituted to fight the emergence and continuity of crime and it exists till date in all human societies. It is both individualized and group oriented. Crime control has local, national and international variants. In this unit we will critically assess the levels of crime control prevalent in human society.

We will examine the relevance of each crime control level to humanity.

2.0 OBJECTIVES

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

- identify the different levels of crime control
- state clearly the workings of these crime control levels in human society
- juxtapose these crime control levels as they apply to the Nigerian state.

3.0 MAIN CONTENT

3.1 Local Crime control

Local crime control describes measures that are taken at a personal level by individuals and the government to protect the lives and property of the citizens of a country. This type of security helps to prevent or deter attackers from violating the personal space of individual citizens and the government. It can be as simple padlocking ones door or as elaborate as using traditional and private security operatives.

Police officers are hired by the federal government to provide security for the populace. They have uniforms and can be called on the emergency hotlines 911. They have the powers to arrest and prosecute offenders.

Security police on the other hand are those persons, employed by private individuals and organization to provide police and security services to their properties. Security police have limited arrest authority. They generally protect their agency's facilities, properties, personnel, users, visitors and operations from harm and may enforce certain laws and administrative regulations.

Residential and traditional Security in the local setting

Residential security is a critical component of any personal security program. The following guidelines are used in ensuring personalised residential security:

1. All entrances, including service doors and gates, should have quality locks--preferably deadbolt. Checking and double checking the following and adhering to them are a necessity for proper security of the residential areas:
 - Front Door
 - Rear Door
 - Garage Door(s)
 - Service Door(s)
 - Patio Door
 - Sliding Glass Door
 - Gate
 - Swimming Pool Gate
 - Guest House Door(s).

Some advice that is usually available to ensure local crime control includes the following:

1. Don't leave keys "hidden" outside the home. It is better to leave an extra key with a trusted neighbor or colleague.

2. Keeping doors locked even when you or family members are at home.
3. Have window locks installed on all windows. Use them.
4. Lock louvered windows, especially on the ground floor.
5. Have locks installed on your fuse boxes and external power sources.
6. If you have window grilles and bars, review fire safety. Don't block bedroom windows with permanent grilles if the windows may be used for emergency egress.
7. If you have burglar or intrusion alarms, check and use them.
8. Keep at least one fire extinguisher on each floor, and be sure to keep one in the kitchen. Show family members and household help how to use them.
9. Periodically check smoke detectors and replace batteries when necessary.
10. Keep flashlights in several areas in the house. Check the batteries often, especially if you have children in your home. (They love to play with flashlights!)
11. A family dog can be a deterrent to criminals. But remember, even the best watch-dog can be controlled by food or poison. Do not install separate "doggy doors" or entrances. They also can admit small intruders.
12. Choose a location that offers the most security. The less remote, the safer your home will be, particularly in a neighborhood close to police and fire protection.
13. Know your neighbors. Develop a rapport with them and offer to keep an eye on each other's homes, especially during trips.
14. If you observe any unusual activity, report it immediately to the police or the residential security officer.
15. Establish safe family living patterns. If you understand the importance of your contribution to the family's overall security, the entire household will be safer.

16. While at home, you and your family should rehearse safety drills and be aware of procedures to escape danger and get help.
17. Educate family members and domestic help in the proper way to answer the telephone at home.
18. Vary daily routines; avoid predictable patterns.
19. Know where all family members are at all times.
20. Use these same guidelines while on leave or in travel status.

SELF ASSESSMENT EXERCISE 1

Give a concise description of local crime control.

3.2 National Crime Control

National Crime Control refers to the requirement to maintain the survival of the nation-state through the use of economic, military and political power and the exercise of diplomacy.

The late political scientist Hans Morgenthau, author of *Politics Among Nations*, defines national security as the integrity of the national territory and its institutions.

Measures taken to ensure national security include:

1. using diplomacy to rally allies and isolate threats eg the “AMNESTY PROGRAMME “ in the NIGER-DELTA area of Nigeria.
2. maintaining effective armed forces.
3. designing anti-crime effective programmes (OPERATION SWEEP, GBALE, FIRE FOR FIRE, JOINT TASK FORCES OF POLICE AND MILITARY PERSONNEL etc).
4. implementing civil defence and emergency preparedness measures (including anti-terrorism legislation).
5. ensuring the resilience and redundancy of critical infrastructure (Military and Police logistics including Arms, ammunition, transport, communications equipment etc).

6. using intelligence services to detect and defeat or avoid threats and espionage, and to protect classified information (State Secret Service, Criminal Investigation Department, Defence Intelligent Agency, Military Intelligence etc).
7. using counterintelligence services or secret police to protect the nation from internal threats (State Secret Service, Criminal Investigation Department, Defence Intelligent Agency, Military Intelligence etc).

History of national security

The first known use of the term "national security" was in the Clark Memorandum of 1928.

The concept of security of a nation goes back to the dawn of nation-states themselves. Armies for domestic peacekeeping and maintaining national sovereignty have existed since the dawn of recorded history. Civil and national police forces have also existed for millennia. Intelligence agencies and secret services of governments stretch back to antiquity such as the Roman Empire's *frumentarii* and *agens in rebus*. While the general concepts of keeping a nation secure are not new, the specific modern English term "national security" itself came into common parlance in the 20th Century. Methodologies to achieve and maintain the highest possible desired state of national security have been consistently developed over the modern period to this day.

Over the history of the United States, policies such as the Monroe Doctrine, the domestic establishment of the United States Secret Service in the wake of the American Civil War, and the so called "big stick" corollary to the Monroe Doctrine by President Theodore Roosevelt all show a maturation of policies and systems of establishing and ensuring diplomatic, military, and economic security. Each nation has its own history of establishing national security mechanisms.

The modern concept of national security was introduced in the United States after World War II and became an official guiding principle of foreign policy in the United States when the **National Security Act of 1947** was signed on July 26, 1947 by U.S. President Harry S. Truman.

The majority of the provisions of the Act took effect on 18 September 1947, the day after the Senate confirmed James V. Forrestal as the first Secretary of Defense. Together with its 1949 amendment, this act:

1. created the National Military Establishment (NME) which became known as the Department of Defense when the act was amended in 1949,
2. created a separate Department of the Air Force from the existing United States Army Air Forces,
3. subordinated the military branches to the new cabinet level position of the Secretary of Defense, and
4. established the National Security Council (NSC), a central place of coordination for national security policy in the Executive Branch, as well as the Central Intelligence Agency, the United States' first peacetime intelligence agency.

During the Cold War's bipolar system, states often relied heavily on the two superpowers and other aligned nations to assist their national security. This principal is referred to as collective security, a term which came into vogue after the Armistice of World War I.

Since the breakup of the Soviet Union and the end of the Cold War, and with the rise of terrorism, national security has had to shift its focus dramatically. Security Sector Reform (SSR) and Security Sector Management (SSM) is needed in many nations for different reasons. Some are nations emerging from repressive regimes or recovering from civil wars. Others are developing nations with weak governments where national security sectors never existed or were never strong before. The United States saw its own security sector overhaul with the establishment of the Department of Homeland Security in the wake of the 9/11 terrorist attacks.

The measures adopted to maintain national security in the face of threats to society has led to ongoing discussion, particularly in liberal democracies, on the scale and role of authority in matters of civil and human rights. Tension exists between the preservation of the state (by maintaining self-determination and sovereignty) and the rights and freedoms of individuals. Although national security measures are imposed to protect society as a whole, such measures will necessarily tend to restrict the rights and freedoms of individuals. The concern is that where the exercise of national security laws and powers is not subject to good governance, the rule of law, and strict checks and balances, there is a risk that "national security" may simply serve as a pretext for suppressing unfavorable political and social views. Taken to its logical conclusion, this view contends that measures which may ostensibly serve a national security purpose (such as mass surveillance, and censorship of mass media), could ultimately lead to a police state.

In the United States, the controversial USA Patriot Act and other government action has brought some of these issues to the citizen's attention, raising two main questions - to what extent, for the sake of national security, should individual rights and freedoms be restricted *and* can the restriction of civil rights for the sake of national security be justified?

Humanising National Crime Control

Many believe that the **national crime control** initiative in Nigeria has been drastically inefficient and ineffective given the soaring increase in crime within the society and the incompetent way that the law enforcement agencies are carrying out their duties of protecting the lives and properties of the citizens. Arguments exist which tend to excuse the failure of the nation's crime fighters to maintain peace and security. The arguments point to underfunding, poor remunerations and inadequate equipment and training. This pathetic excuse was brought to a head when the said Nigerian Police Force embarked on a one day strike (MADNESS). Others have argued that the crime fighters are corrupt and even engage in crime themselves directly or indirectly. In response to the growing sense of dissatisfaction with the national crime fighting agencies, growing numbers of scholars, NGOs, and policy makers have argued for the reforms of the crime fighting outfits in Nigeria. The security of the lives and property of citizens is best enhanced when state leaders focus on reducing human vulnerabilities by providing the right training, optimal remunerations, a sense of pride and national loyalty and adequate logistics for the crime fighting outfits in their countries.

SELF ASSESSMENT EXERCISE 2

Briefly discuss the issues involved in national crime control.

3.3 International Crime Control

International Crime Control consists of the measures taken by nations and international organizations, such as the United Nations, to ensure mutual survival and safety. These measures include military action and diplomatic agreements such as treaties and conventions. International and national crime controls are invariably linked.

Traditional Crime Control

The Traditional crime control paradigm refers to a realist construct of security in which the referent object of security is the state. The prevalence of this theorem reached a peak during the Cold War. For

almost half a century, major world powers entrusted the security of their nation to a balance of power among states. In this sense international stability relied on the premise that if state security is maintained, then the security of citizens will necessarily follow. Traditional security relied on the anarchistic balance of power, a military build-up between the US and the Soviet Union (the two superpowers), and on the absolute sovereignty of the nation-state. States were deemed to be rational entities, national interests and policy driven by the desire for absolute power. Security was seen as protection from invasion; executed during proxy conflicts using technical and military capabilities.

As Cold War tensions receded, it became clear that the security of citizens was threatened by hardships arising from internal state activities as well as external aggressors. Civil wars were increasingly common and compounded existing poverty, disease, hunger, and violence and human rights abuses. Traditional security policies had effectively masked these underlying basic human needs in the face of state security. Through neglect of its constituents, nation states had failed in their primary objective.

More recently, the traditional state centric notion of security has been challenged by more holistic approaches to security. Among approaches which seek to acknowledge and address these basic threats to human safety are paradigm includes cooperative, comprehensive, collective measures, aimed to ensure security for the individual and resultantly for the state.

To enhance international security and potential threats caused by terrorism and organised crime increased co-operation within police forces internationally has been applied. The international police (INTERPOL) shares information across international borders and this co-operation has been greatly enhanced by the arrival of the internet and the ability to transfer documents, film and photographs worldwide instantly.

The use of the EXTRADITION initiative is another useful aspect of international crime control.

FREEZING OF CRIMINAL ACCOUNTS and RETURN TO COUNTRY OF ORIGIN is another. (THE ABACHA LOOT).

Humanising International Crime Control

Human security is a school of thought about the practice of international crime control and within advanced context, a switch from the traditional conception of security, which is a state-centred approach, to a focus on

the individual. In advanced societies, human security has become the crux of foreign policy, which argues that a global civil society, an international mandate for "Responsibility to Protect", and a strong commitment to multilateralism is the way to keep the world a safe place. State-interest-based arguments for human security argue that the international system is too interconnected for the state to maintain an isolationist international policy. Therefore, it argues that a state can best maintain its security by ensuring the security of others. The western version of human security is called "freedom from fear" as opposed to a UNDP/Asian school of human security that argues that human security is "freedom from want" and the Nigerian version of human security "You are on your own"

Traditional versus Human Security

Type of Security	Referent	Responsibility	Threats
Traditional	The state	Integrity of the state	Interstate war, Nuclear proliferation, Revolution, Civil conflict
Human	The individual	Integrity of the individual	Disease, Poverty, Natural disaster, Violence, Landmines, Human rights abuses

SELF ASSESSMENT EXERCISE 3

Critically analyse the usefulness of crime control at the international level.

4.0 CONCLUSION

The levels of crime control span local, national and international boundaries. It is not just individualised but also applies to both nation states and the global community. Crime control in these spheres has both similarities and dissimilarities with regards to modus operandi, although the intensity of enforcement differs significantly. Crime control is so essential that a pot pourri of electronic, mechanical and personnel factors are employed by governments, institutions, organisations and private citizens to ensure safety of life and property.

5.0 SUMMARY

In this unit, we have been able to discuss the levels of crime control. We delineated the levels of crime control, after which we critically

examined the matrices involved in each of the levels crime control. Congratulations for the successful completion of this unit.

6.0 TUTOR-MARKED ASSIGNMENT

Outline and discuss similarities in the trends of crime control utilised at the local, national and international levels.

7.0 REFERENCES/FURTHER READING

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