

CRIMINOLOGY

GENERAL CAUSES OF CRIME; PERSPECTIVES

Crime as a phenomenon dates back to only the 18th century. Prior to this date offences were handled privately through civil law (especially law of torts).

What constitutes crime varies from culture to culture e.g. though all known societies have a concept of murder, few of these define the act of murder in the same manner.

Others have argued “that the most precise and least ambiguous definition of crime is that which defines it as a behaviour which is prohibited by the criminal code.

It follows that a criminal is a person who has behaved in some way prohibited by the criminal law”.

Still others have claimed that “crime is an intentional act in violation of the criminal law committed without defence or excuse and penalized by the state as a felony or misdemeanour”. In both arguments crime is defined as a legalistic category of behaviour.

CRIME AS A LEGAL BEHAVIOR

All the definitions above contain elements whose origins can be traced to the English Common Law (customary law) of the 21st century.

First a crime must be forbidden by the criminal law.

Second the criminal law must provide punishment for a crime, a basic principle expressed in the English common law doctrine “nullo crimen sine lege, nulla poena, sine lege (no crime without law, not punishment without law).

Criminal law categories crime into two; first, crimes are either “mala in se” or “mala prohibita”. This refers to acts that are evil in themselves (“mala in se”) and acts that are prohibited or “(mala prohibites”).

Criminal Law distinguishes these to mean that crimes “mala in se” are acts so inherently evil that they are universally considered evil whereas “mala prohibita” are acts prohibited by statute.

Again criminal law distinguishes between felonies and misdemeanour.

The second element of crime is that it must contain a voluntarily illegal act or omission (known as the actus reus), meaning no one can be prosecuted for bad or evil thoughts. Failure to act (omission) can be criminal in circumstances where there is a legal duty to act. E.g. Failure to file annual tax returns to I.R.S or VAT returns to VAT office.

To prove someone has committed a crime, the criminal act must coincide with the person’s mental state variously known as “criminal intent” or “mens rea”

Again an act or omission may not be a crime if one lacks the necessary criminal responsibility or when the defendant has a justification.

The key element of the legalistic definition of crime i. e “means rea” is based on the assumption that crime is behaviour engaged by individuals who are capable of exercising free will.

SOCIOLOGICAL DEFINITIONS OF CRIME

There are number of sociological definitions but we shall basically consider four of these.

1. **CRIME AS A FORM OF DEVIANCE**

Deviance is a behaviour that does not conform to societies norms for expected behaviour and for which a deviant is punished. What constitutes deviant behaviour or practice however varies from era and from society to society. Even in the same society perception of deviance varies by class, gender, race and age.

2. **CRIME AS A VIOLATION OF HUMAN RIGHTS**

Some sociologists have advocated that any behaviour, which violates an individual’s human rights, is a crime. They argue that since each person has certain natural and inalienable rights (e.g. to life, liberty, happiness etc) any, violations to these rights is a crime. They continue to argue that these violations are a more objective unit of analysis than those of the legalistic definition of crime.

3. **CRIME AS A SOCIAL HARM OR ANALOGOUS SOCIAL INJURY**

The proponents of this definition argue that the essential characteristics of crime are that it is behaviour, which is prohibited by the state as an injury to the state and against which the state may react by punishment. These may include acts directly against the state. Example Treason, Causing Financial loss to the state etc.

4. **CRIME AS A VIOLATION OF CONDUCT NORMS**

The argument here is that modern societies contain a great number of conflicting groups and each group has conducts norms, which are normal (right) and abnormal (wrong) forms of conduct. Such norms are the rules that govern appropriate behaviour. These conduct norms include custom, tradition, ethics, religion and rules of criminal law. Conduct norms are thus universal and exist whenever social groups exist.

EXPLANATION OF CRIME

1. **SPIRITUAL/DEMONOLOGICAL EXPLANATION**

Most societies are hinged on some beliefs or the other, and most consider certain occurrences as coming from a Supreme Being e.g. draught and rain etc. These same beliefs may explain why certain attributes of human are also linked to such spiritual forces either in the negative or positive sense. Criminal

behaviour to some of these societies has its basis in these beliefs where they are described as bad behaviour brought upon a person to punish him/her or their families (certain traits run in families).

2. CLASSICAL (THOUGHT) AND NEO-CLASSICAL EXPLANATIONS

Classical theorists say man is imbued with rationality and can discern between good and bad, and thus act out of his own volition or free will. This concept is also called the Concept of Free will. This theory prescribes punishment for offenders.

The Neo classicalist took certain consideration in the application of the concept by using certain consideration as:-

- a) Age
- b) Sex
- c) Mental condition and
- d) Extenuating circumstances

Both the classical and neoclassical responsibility is based on the underlying principle of punishment.

3. BIOLOGICAL AND MODERN BIOLOGICAL EXPLANATION OF CRIME

ATAVISTIC THEORY:

Proposed by Caesar Lombroso (1835-1909) who concluded that criminals have abnormal physiognomy (physique). He gave a number of characteristics, which included small cranial capacity, left handedness, Facial protuberance, femininity in men and masculinity in female etc.

This theory is referred to as the theory of the Born Criminal or Atavistic theory later information led Lombroso to conclude that criminal behaviour is as a result of a multiplicity of factors.

Modern Biological explanations are based on:-

- a) Adoption Studies
- b) Identical Twins Studies and
- c) Chromosomal and Gland measurement

4. PSYCHIATRIC EXPLANATION

This explanation is based on measurement of human brain patterns. These patterns have linked people to criminal tendencies and abnormal behaviour.

- i) Brain damage is also associated with Criminal behaviour
- ii) Studies have also shown that epileptics are also prone to criminal behaviour.

- iii) Intelligence; Highly intelligent people with very high IQ's values and very dull people with very low IQ values are also prone to crime.
- iv) Alcohol and Drug Addiction
These drugs affect the psyche of the persons involved hence exposing them to criminal behaviour.

5. PSYCHOLOGICAL EXPLANATIONS

Here the emphasis is on the personality of the individual. Three main personality types are identified; Introvert, Extrovert and Ambivalent. The introvert and extrovert in extreme cases have criminal tendencies.

6. SOCIOLOGICAL EXPLANATION

Emile Durkheim (1858-1917) a Sociologist propounded the theory that the transitional period in the transformation from primitive or mechanical society into an advanced or organic society called a Period of Anomie or Period of Lawlessness or Normlessness is characterized by chaos, and is the genesis of criminal behaviour.

7. ECONOMIC EXPLANATIONS

This explanation is based on the socio-economic conditions that one lives in such factors or conditions include:

- a) Poverty; often cited as an explanation of crime. Poor people must survive hence as a modus vivendi resort to crime.

Associated with this, is;

- i) Depression or Recession
- ii) Unemployment and underemployment
- b) Affluence: People who are rich engage in criminal behaviour to gain more eg. Drug Barons.
- c) Capitalism; This is a Marxist explanation of crime. Here they argue that since capitalism encourages people to develop to their fullest potential, criminal behaviour cannot be ruled out since it is the end that justifies the means.