Programme-	**LL.M.-IInd year (III sem.) (Criminal Group)**
Course -	**Privileged Class Deviance**
Course Code-	**LL.M-211**
Sem-	**IIIrd sem.**
Year-	**2020-21**
Unit-	**1 (P-3)**
Topic-	**Crime: Socio-Legal Approaches**
Sub-Topic-	**Crime: Social and Legal Definitions, Explanation of Crime: Socio-Legal Approaches, Social Institutions and Crime Causation**
Faculty-	**Parag Garg**
E-mail-	drparagad@gmail.com

Crime:Socio-Legal Approaches

Crime is inevitable in any human society since some violation or the other of any code of conduct prescribed for the members of a society is bound to occur. Not only is crime inevitable but, paradoxical as it may sound, some sociologists have gone to the extent of saying that crime, to some extent, helps in promoting social solidarity among people constituting the society.

According to Durkheim, even a society composed of persons possessing angelic qualities would not be free from violations of the norms of that society with the result that faults which appear venial to the layman will create there the same scandal that the ordinary offence does in ordinary consciousness

Be that as it may, the fact remains that crime is a phenomenon is of primary concern to every member of the human society. The concern for crimes and criminals is reflected in various forms of curiosity among people. First, there is the idle curiosity in certain minds where the object is not so much to understand something seriously crime but just to get some sort of thrill or kick out of it. This need is generally catered to by horror comics, movies based on violence and through other means of mass media. There are many who expect spicy crime reporting in their newspapers just as they would expect their breakfast every morning. It is a curious fact of life that crime, something horrible in itself, should provide so much relief and recreation to many when written about in fiction or portrayed in movies or on television.

Crime: Social and Legal Definitions

The most convenient starting point for understanding the nature and scope of criminology is obviously the concept of crime itself since the subject concerns itself with the study of crime and criminals from various perspectives.

The obvious way of defining crime is in legal terms, to distinguish it from sin, religious and moral wrongs. A legal definition gives a basic premise in which the pitfalls resulting from individual or group opinions are avoided, to give, as far as possible, a scientific and precise character to criminology.

The lawyer-sociologist Paul W. Tappan has defined crime as "an intentional act or omission in violation of criminal law, committed without defence or justification, and sanctioned by the laws as felony or misdemeanour". It appears, however, that the definition could conveniently be reduced to "an act or omission in violation of criminal law", since any defence or justification is to be found within the criminal law, and there is no question of violating the criminal law if some defence or justification is available for a particular act or omission in certain circumstances. Further, it is not necessary for an act or omission to be intentional in order to be a crime; it could be made punishable on the basis of knowledge, recklessness or negligence or even without any reference to the mental element of the wrongdoer i.e. based on the concept of strict responsibility.

Elmer Hubert Johnsondefined crime as "an act which the group (social) regards as sufficiently menacing to its fundamental interests, to justify formal reaction to restrain the violator"

Raffeale Garofalo, one of the three leading exponents of the Italian school of criminology, rejected the radical" conception of crime which according to him fails in that it both includes and excludes behaviour properly encompassed in a logical notion of crime". For his sociological purpose, he formulated his theory of "natural crime". By "natural crime" he meant acts which offend the basic moral sentiments of pity (revulsion against the voluntary infliction of suffering on others) and probity (respect for property rights of others).

The legal definition has been criticized on the ground that whether any act or omission is recognized as a crime at a given time in a society depends upon values which are relative and not on any intrinsic worth of the act or omission and that makes the study of crime unscientific. As aptly commented upon by an advocate of the sociological approach, the categories set-up by criminal law are of a "fortuitous nature" and do not arise intrinsically from the nature of the subject-matter the scientists attempt to analyse. This charge of variation in the legal attitude towards various acts is countered by the supporters of the legalistic approach by pointing out that not only do the legal norms vary due to various circumstances but also all the social norms which are essentially relative and impermanent.

Explanation of Crime: Socio-Legal Approaches

Social change is inevitable in a dynamic society and though not bad in itself, it results sometimes in disharmony, conflict and cultural dichotomy. This is especially true when the social change happens to be of a fast pace. Developing nations, like India, are attempting to achieve within a short span developmental targets which took industrially advanced societies centuries to achieve. This kind of unnatural pace obviously is inevitable to lead to disorderly social change. Goals are the same as in developed countries but conditions are totally different in terms of population, productivity and political participation. Social change may in such a situation, produce what is called "social disorganization".

Social disorganization has been defined as a decrease of the influence of existing social rules upon individual members of the group. The village society in India is still what is called the "sacred" society by sociologists; people are bound together by caste and kinship and social sanctions are powerful. There is no anonymity of the individuals as found in the bigger cities and the chances of any deviation are limited in such an environment. Industrialization and urbanization are causing substantial migration to cities and the hold of social kinship is slackening. This process, in itself good and desirable, is also resulting in relaxation of some social sanctions which were sometimes more effective in curbing anti-social behaviour than criminal law.

Social disorganization may be due to cultural conflicts between different values of different sections of society. The difference may be between old and new values, local and imported values and traditional values and the values imposed on a community by the government or other agencies.

The process of social disorganization is also sometimes explained on the grounds of "cultural lag". Cultural lag means that sometimes the various components of culture in a society grow unequally resulting in a gap between those components. It is said, for instance, that machines and

scientific inventions are developing at a much faster pace than other cultural components, say, relating to behaviour, thus resulting in deviant behaviour.

Social Institutions and Crime Causation

Delinquent and criminal behaviour is shaped within the various institutions of society. In other words, one who ultimately turns out to be a delinquent or criminal is the product of the different socioeconomic institutions of which he happens to be a member. Therefore, some understanding of the social institutions and their impact on human behaviour is imperative.

(i) Family and Crime Causation

The first and most important social institution which determines the individual's behaviour towards society in general subsequently is the family of the individual. The family not only gives him the first social contact in the world, i.e. with other members of the family, but also determines his position vis-à-vis the larger world. According to psychologists, the formation of the basic personality of a child is complete in the first ten or twelve years of his life and it is obvious that the family's impact in this period is almost exclusive.

Lack of affection, either actual or as perceived by the child, is graded as an important contributory factor in anti-social attitude. It is because the child is dependent on its parents for its physical as well as social needs. The lack of affection may arise due to different reasons, like disharmonious relationship between the parents, a broken home, when one or both parents are missing due to death, divorce or desertion.

A family may be either structurally normal or a broken family. A structurally normal family is the one in which both parents are alive and live together with the children while a family is designated as "broken" if the children do not live with both the parents either because one of the parents is dead or a separation has occurred between the two parents.Lack of affection can result from broken homes. Broken homes play a significant role in increasing juvenile delinquency.

(ii) Religious Control

The relationship between religious control and delinquent behaviour has attracted a great deal of attention from sociologists. The interrelation between religion and delinquency may be viewed from two angles, i.e. religion is considered in its positive sense as a source of constructive morality or as a negative instrument in terms of its undesirable leadership, distorted practices and abuses due to corruption and "commercialization".

According to sociologists, the influence of religion in the first sense plays a significant role in preventing criminal behaviour by moulding the individual personality. In this sense it can also be used as an instrument of reformation of a delinquent. In its negative aspect, religion is not only incapable of serving any useful purpose, it may in fact promote delinquent behaviour among young persons as a result of their disillusionment with the system based on hypocrisy and dishonesty.

(iii)Formal Education and Delinquency

After the family, it is the school which provides the most important opportunity to a child for the development of his social attitudes. Apart from other factors, the prime reason is that the child spends a very substantial part of his total time in a day at school.

Factors such as low socioeconomic status Of the family, low intelligence, lack of motivation and related poor school performance, emotional instability and personality defects, ineffective adjustment of instruction and subjects to pupil's needs, lack of participation in extracurricular activities, disinterest in subjects, unsympathetic attitude of parents to education, feeling of not "belonging" in the classroom are important factors affecting the attitudes towards school.

There is a general feeling that schools are dominated by middle class values which create problems of adjustment for children conform lower groups. Unconsciously, the teachers frequently react differently to children from different social classes. One reason could be that most of the school teachers come from typically middle-class families. They detest conduct which is more common among lower class families, such as profanity, vulgarity in language and physical aggressiveness.

(iv) Economic Factors and Crime

There is no doubt, however, that poverty does play an important role in delinquency and the capitalistic system may also contribute to poverty in certain sections of the society and give values which determine success in life purely in terms of money.There cannot be any doubt that poverty contributes a great deal, both directly and indirectly, to the commission of delinquent and criminal acts. But it is equally obvious that poverty alone cannot be made accountable for all the economic crimes committed. It hardly requires any research to say that there are many people who manage to keep themselves honest and upright even in the most trying circumstances while there may be others who after earning millions would like to earn another million by employing dishonest means.

There is a strong belief that terrorism is being caused by poverty and lack of education. But most terrorist leaders are economically well off and have a relatively high level of education. But the terrorism is more a political phenomenon than economic one and therefore, increasing education or reducing poverty may not be sufficient to eliminate terrorism.

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