

Crime, Criminalisation & Criminal Justice

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What is Crime?

- 'Crime' is as central to criminology as 'society' is to sociology.
- Crime is not anything which legislature chooses to call it a 'crime.' It is not anti social conduct which police would like to suppress. It is not any conduct legislature chooses to attach 'criminal' penalty. (Hart, 1971)
- Crime is a conduct that incurs moral condemnation of the community.

Legal Definition of crime

- There are two popular legal definitions of crime:
- According to the first definition, 'crime is what the law says it is.'
- The second legal definition defines 'crime' as 'an act or omission punishable by law.'

Political Definition

- Criminal law is an instrument of social control in the hands of powerful interest groups.
- Defining a particular behaviour as criminal is an act of authority by people or groups who have the power or the means to use the law to protect their own interests and to impose their own values, ideas or beliefs on society as a whole. (Quinney, Chambliss, Taylor, Walton, and Young)
- 'Crime is a definition of human conduct that is created by authorized agents in a politically organized society.' (Richard Quinney, 1970)

Sociological Definition

- *Maurice Parmelee* defined crime as:

A crime is usually an anti-social act of such a nature that its repression is necessary or is supposed to be necessary to the preservation of the existing system of society.

Psychiatric and Psychological Definition

- A form of social maladjustment which can be designated as a more or less pronounced difficulty that the individual has in reacting to the stimuli of his environment in such a way as to remain in harmony with that environment.

Gender & Crime

- It is critical of the system of patriarchy and of the social structures responsible for women's powerlessness and for maintaining women in a state of economic dependency.
- women's crimes are the crimes of the powerless and committed in different circumstances to men's.

Crimes of the Powerful

- Law has created many crimes of the powerless, and too few crimes of the powerful.
- The key concept here is power: who has power, and who doesn't: who uses power, and who are its victims.

M.J. Lynch and W.B. Groves (1989:40)

A Primer in Radical Criminology

Types of crimes

- Crimes by Corporations: Bhopal gas case
- White-Collar Crime: Nirav Modi,
- Crimes by Professionals: CAs, Doctors, Lawyers
- Crimes by the Police: Kasturilal case, 1964, Ramsagar Yadav case, 1985.
- Organized Crime/Criminal Organisations

What is Criminalisation?

- The process where law considers a particular conduct as crime.
- It moreover produces the whole of the criminal justice system and agencies of judges, Police, Prosecution, Prison officials etc.
- It brings new mechanisms of penalisation.
- Torture and its processes and methods leads to whole instruments and industry.

Criminal Justice

- The rise of constitutional law casts shadow over normative claims made by criminal law.
- Crime control model vs. due process model.
- Age old debate between crime restrictions vs. constitutional guarantees.
- Constitutional law sets an absolute boundary to state action based upon the autonomy of self and human dignity.

Causes of Crime

- **Why does a person commit a crime?**
- **What causes crime and deviance?**
- **Are people basically good?**
- **Why are some people violent and aggressive?**
- **Are people motivated only by self-interest?**
- **Criminologists search for answers to those types of questions.**

Thank you