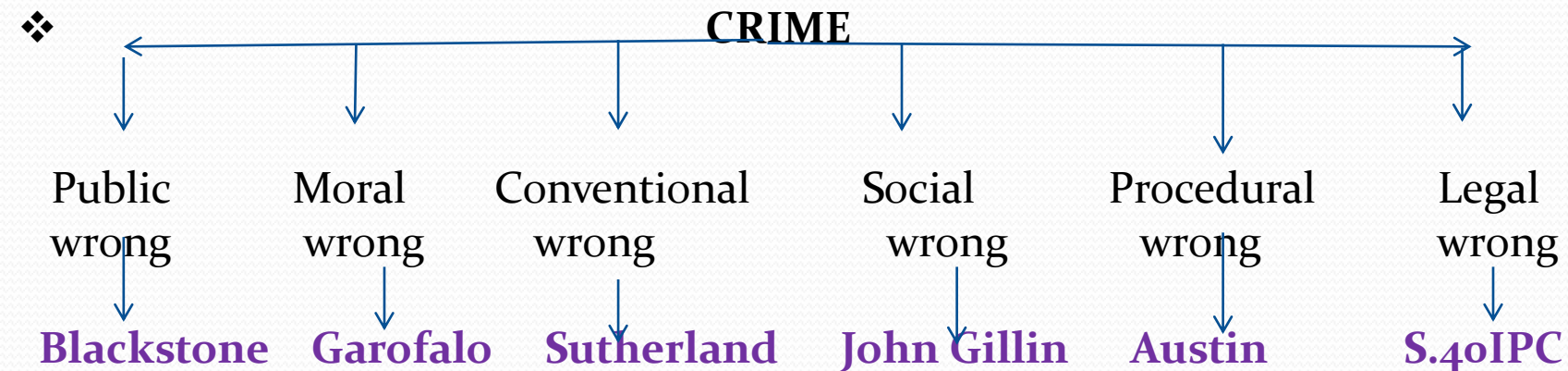




Theories of Causes of Crime, White Collar Crimes & Financial Crimes

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❖ **CRIMINOLOGY** is the systematic /scientific study of crime in all its aspects.



❖ When a penal statute prescribes punishment for an act or illegal omission (s.32IPC), it becomes crime. S.40 IPC states:

“ Except in the chapters and sections mentioned in clauses two and three of the section, the word ‘**offence**’ denotes a thing made punishable by this Code....or under any special or local law.”

The General Clauses Act, 1897 S. 3(38) states:

“Offences shall mean any act or omission made punishable by any law for the time being.”

These are just statements of fact.

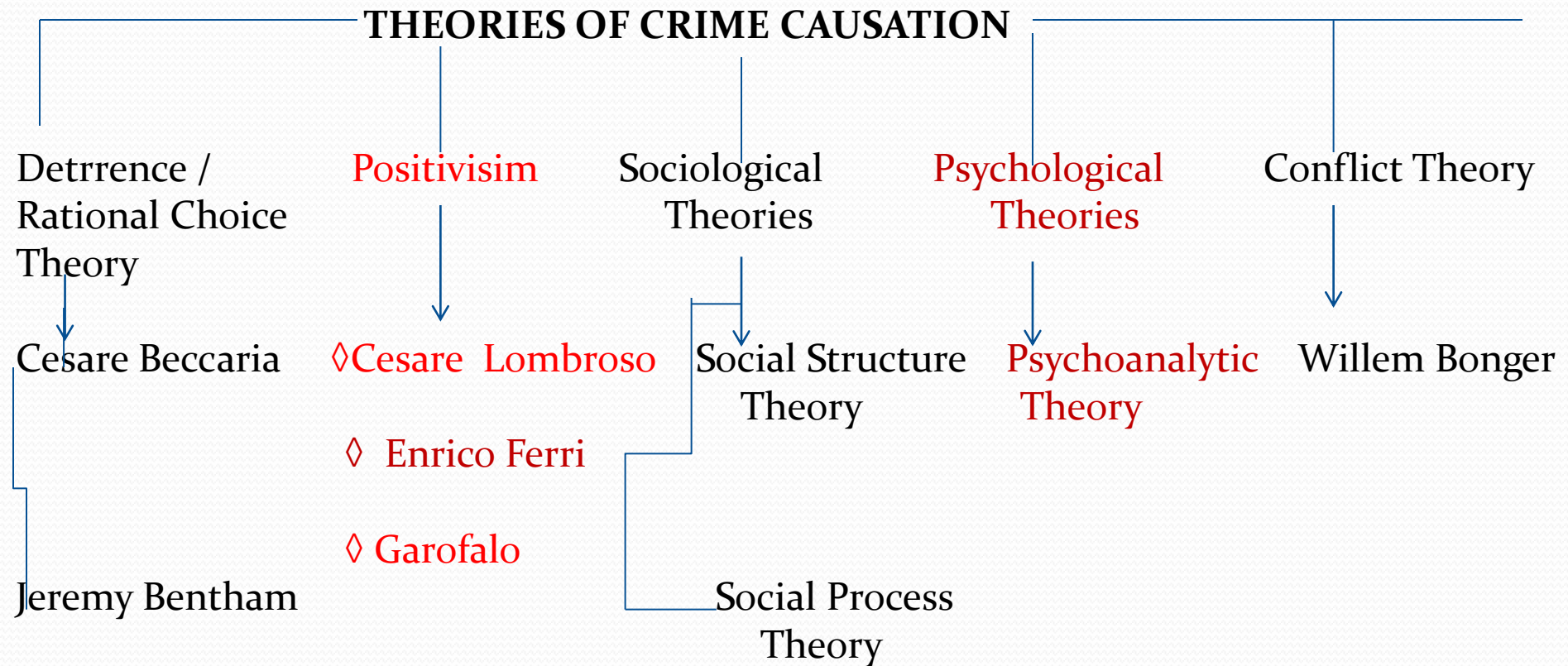


To understand what constitutes crime, one can follow three essential attributes:

1. Crime is an **act of commission or an act of omission** on the part of a **human being**, which is considered **harmful** by the State;
2. The transgression of such harmful acts is prevented by a threat or **sanction of punishment** administered by the State; and
3. the **guilt** of the accused is determined after the accusation against him has been **investigated in legal proceedings** of a special kind in accordance with the provisions of law.

THEORY: A set of concepts linked together by a series of statements to explain why an event or phenomenon occurs. So theory is a model of the phenomenon that is being discussed, which in our case is criminal behaviour.

All respected theories of crime in modern era are based on science. The emphasis is on scientific method and quality of observations that take place in testing the predictions.



DETERRENCE/ RATIONAL CHOICE THEORY: CLASSICAL SCHOOL

CESARE BECCARIA: (1738-1794) On Crimes and Punishment.

JEREMY BENTHAM: Panopticon prison

BASIC TENETS:

1. In every society people have **free will** to choose criminal or lawful solutions to meet their needs or settle their problems.
2. **Criminal solutions** are at times more attractive than lawful ones because they usually require **less work for more gain**.
3. A person's **choice** of criminal solutions may be **controlled by his or her fear of punishment**.
4. The more **severe, certain, and swift** the **punishment**, the better able it is to control criminal behaviour.

Beccaria believed that people want to achieve pleasure and avoid pain. So crimes must provide some pleasure to the criminal. And to deter crime pain is to be administered in a manner that it counterbalances the pleasure obtained from crime.

Bentham popularised Beccaria's work in England and gave the Hedonistic Calculus- to measure pleasure and pain

POSITIVISM: Scientific method instead of pure thought and reason

Lombroso (1835-1909): Based his work on Darwin's theory of natural selection
Book: *The Criminal Man*, 1876

1. Lombroso thought that certain groups or individuals were **atavistic** and likely to be **born to commit crime**.
1. Atavistic or atavism means that a **person or feature** of an individual is a throwback to an **earlier stage of evolutionary development**
2. Thus, he thought that serious criminals were lower forms of humanity in terms of evolutionary progression. So chronic offenders are more like earlier stages of humankind, like a *missing link*, and not like modern humans.
3. He also recognised other types of offenders like the mentally ill and criminaloids who committed offenses due to external or environmental circumstances.

4 To address crime problem, born criminals should be given more attention as they are chronic offenders, more serious and violent criminals. They cannot be stopped from their natural tendencies to be antisocial. They can be partially stopped or deterred as they can be identified early in life through their stigmata.

Stigmata are physical manifestations of atavism of an individual, features that indicate a prior evolutionary stage of development. In case a person has more than five stigmata, then it indicated atavism and the person will inevitably be a born criminal.

Enrico Ferri: (1856-1929) Added physical and social factors

Rafaele Garofalo (1852-1934) Criminal lack sentiments of pity and probity. Lack of sentiment has ORGANIC BASIS.

SOCIOLOGICAL THEORIES

SOCIAL STRUCTURE THEORIES

- ❖ SOCIAL DISORGANISATION THEORY
- ❖ STRAIN THEORIES
 - Emile Durkheim
 - Robert Merton

SOCIAL PROCESS THEORIES

- ❖ LEARNING THEORIES: DIFFERENTIAL ASSOCIATION

PSYCHOLOGICAL THEORIES

PSYCHOANALYTIC THEORIES

- ❖ Sigmund Freud

PERSONALITY THEORIES

SOCIAL STRUCTURE THEORY

Crime is caused by the way societies are structurally organised.

SOCIAL DISORGANISATION THEORY : Shaw and McKay

- Crime related to neighbourhood ecological characteristics.
- Crime rates are high in unstable, mixed use and changing neighbourhoods where social bonds are not strong. These localities struggle to provide basic services e.g., education, health, proper housing etc.
- The common sources of control i.e. family, school, community etc. are weak and disorganised.

STRAIN THEORY

ANOMIE: In Greek means normlessness

EMILE DURKHEIM

An anomic society is one where rules of behaviour i.e. norms have broken down during periods of rapid economic change.

An anomic society is not able to control human aspirations and demands.

It is most likely to happen when societies are moving from mechanical to organic solidarity.

Anomie is a result of insatiable desires of human beings

ROBERT MERTON

Anomie happens when desires or needs though limited are not satisfied in socially acceptable ways.

The link between desires and means has led to this theory being called **Strain theory** and it is also known as '**means –end theory**'

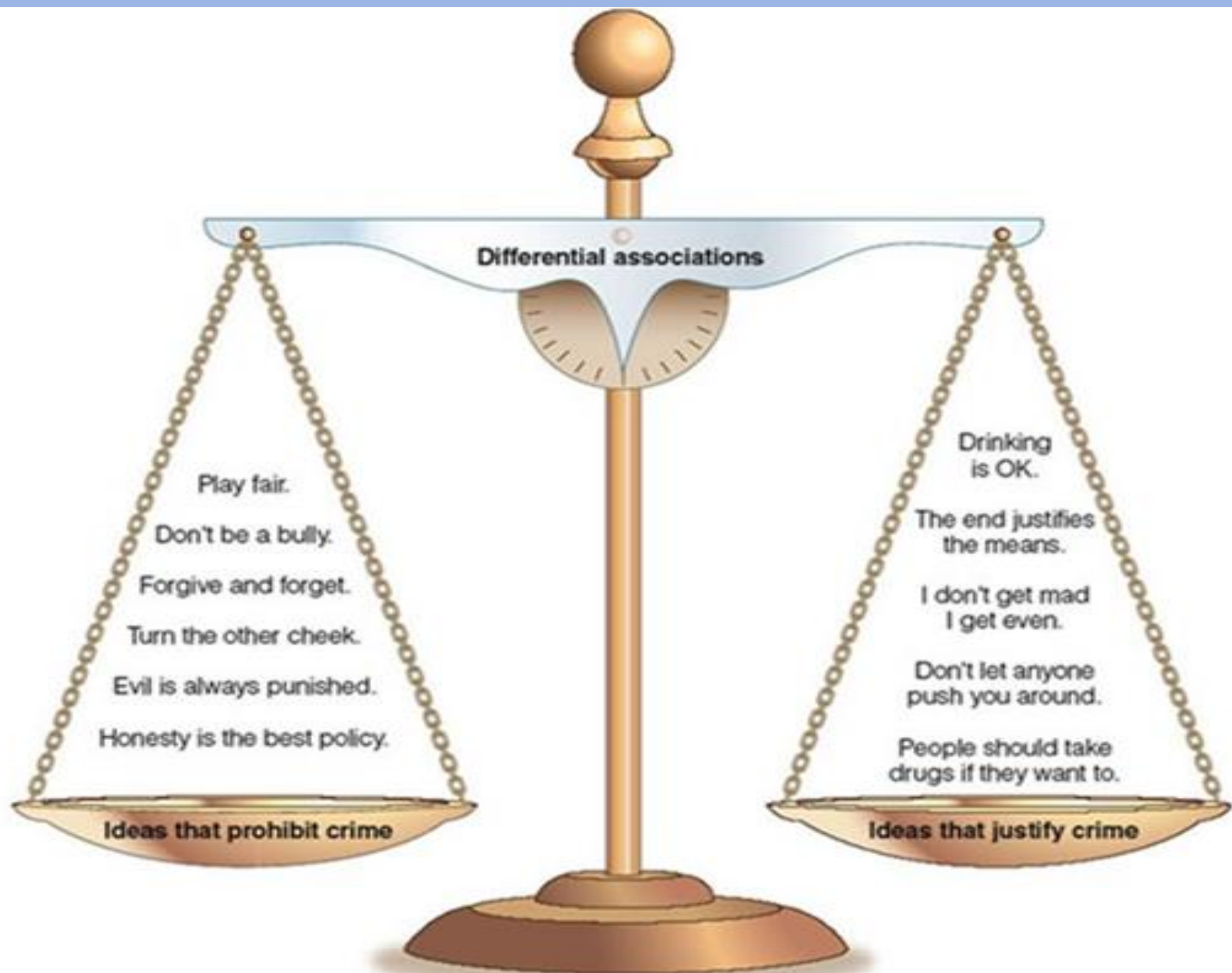
Modes of Adaptation: Conformity, Innovation, Ritualism, Retreatism and Rebellion.

DIFFERENTIAL ASSOCIATION THEORY (Social Process: learning Theory)

Edwin H. Sutherland 1883-1950 (Principles of Criminology)

The nine principles of differential association theory which specify the process by which a particular person comes to engage in criminal behaviour are as follows:

1. Criminal behaviour is learned
2. Criminal behaviour is learned as a result of interactions with others.
3. Learning criminal behaviour occurs within intimate personal groups
4. Learning criminal behaviour involves learning techniques of committing crime as well as specific directions of motives, drives, rationalisations and attitudes.
5. The specific directions of motives and drives is learnt from perceptions of various aspects of the legal code as favourable or unfavourable.



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6. A person becomes criminal when he or she perceives more favourable than unfavourable consequences to violating the law. This is the principle of differential association.
 7. Differential associations may vary in **frequency, duration, priority and intensity**.
 8. The process of learning criminal behaviour by association with criminal and anti- criminal patterns involves all the mechanisms that are involved in any other learning process.
 9. Criminal behaviour is not excused by general needs and values as the non criminal behaviour also expresses the same needs and values

WHITE COLLAR CRIME

- ❖ In 1939, distinguished criminologist Edwin Sutherland used the phrase “white collar crime” to describe the criminal activities of the rich and powerful.
- ❖ He defined it as “ **a crime committed by a person of respectability and high social status in the course of his occupation**”

SIGMUND FREUD 1856-1939

- ❖ **Psychodynamic or Psychoanalytic** perspective focuses on early childhood experience and its effect on the personality.
- ❖ Psychodynamic perspective was developed by Viennese psychiatrist Sigmund Freud.
- ❖ He believed that we all carry within us the residue of the most significant emotional attachments of our childhood and these guide our future interpersonal relationships.
- ❖ He developed **talking cure (psychoanalytic therapy)** to treat people suffering from emotional problems.
- ❖ This therapy is based on the premise that human thought and behaviour are controlled by unconscious portion of our mind and are so beyond ordinary conscious control. The therapist helps people reveal unconscious needs, motivations, wishes etc. so as to gain conscious control of their lives.

FUNCTIONS PERFORMED BY HUMAN MIND

Conscious mind	People are aware of it	Sensations and thoughts like hunger, pain etc.
Preconscious mind	Out of awareness	Can be brought to consciousness through memories and experiences
Unconscious mind	Biological desires and urges	By repression feelings of sex and hostility are kept below the surface of consciousness

FREUD'S MODEL OF THE PERSONALITY STRUCTURE

Personality Structure	Guiding principle	Description
Id	Pleasure Principle	Unconscious biological drives, requires instant gratification
Ego	Reality Principle	Helps the personality refine the demands of the Id, helps person adapt to conventions
Superego	The Conscience & ego ideal	The moral aspect of personality

CONFLICT THEORY

WILLEM BONGER (1876): Marxist socialist concept of crime causation

- Believed that crime is of social and not biological origin
- Believed that the society is divided into have and have-not groups on the basis of system of production and not their innate ability. The penal law serves the will of the ruling class. Though the criminal law is made to appear to be protecting all, in reality there is hardly any act which is not punished which harm the interest of ruling class. So Crimes are considered antisocial as they harm those who have power to control society.
- According to Bonger controlling law violations by use of force is a sign of weak society.
- Capitalist system is characterised by extreme competition and is held together by force rather than consensus and so is a weak system.
- In such a system social order is maintained for the benefit of capitalists at the expense of the majority.
- Though everyone desires wealth but in such a system only the most privileged can enjoy luxuries.
- Because of this inequity people become egotistical and more capable of crime. Both proletariat and bourgeoisie are crime-prone in this system but only crime of working class are recognised.
- It is the distribution of wealth that affects crime. Advocated redistribution of property according to maxim “ **EACH ACCORDING TO HIS NEEDS**” to reduce crime.