

CRIME AND THE SOCIAL SCIENCES (1)

Crime is both universal and variable. Viewed as behaviour, crime may be said to exist in all human societies; as content, however, all human societies devise their own definitions of what constitutes criminal behaviour. What passes for crime in one society may well be regarded as normal behaviour in another. The frame of reference for the definition of crime in a given society may be said to be the prevailing system of norms, the prescription which spells out what that society regards as acceptable behaviour on the part of the individual.

In recent years a great deal has been written about the effect of society upon the individual. His behaviour has been said to be the result of conditioning, of training to the system of norms of his society. In some quarters, there has been a disproportionate emphasis upon this "deterministic" point-of-view: the human being has been considered almost entirely as a mechanistic organism, responding to the socially inherited modes of behaviour. While this conception is vital to the social sciences, the fact that certain elements (and the criminal group is such an element) of a population in a given society participate in the type of behaviour which does not conform to the "normal" must be taken into account for more complete understanding of social life.

Crime then may be defined as consisting of behaviour which society feels does not conform to what society defines as desirable. From this, it follows that, in order to be placed in the category of crime, behaviour must be of the type that is felt to threaten the welfare of the group, the socially recognized "rights of individuals or groups of individuals in society. As a safeguard against such "dangerous" behaviour, societies devise systems of social control for the allocation of authority in order to ensure that the behaviour of the individual will conform to the "collective will": by providing threats of retribution to the would-be offender and by formulating appropriate punishment for the individual who has been found guilty of anti-social behaviour.

Two outstanding types of social control have been recognized by the social scientists: the "internal" control arising from isolated, informal homogeneous social life characteristic of the small primitive group and, to a lesser extent, of contemporary informal groups; and the more formal "exterior" application of sanctions upon the individual so prevalent in modern life. Sutherland offers a brief functional description of these two types:

"During all previous history society was organized on the basis of primary, face-to-face groups. Each group was largely self-sufficient and isolated from other groups. All members of a group had the same traditions and were confronted by the same problems. In that situation control was spontaneous and easy. . . . The control of. . . . secondary relations has not yet been developed. We do not have sufficient uniformity of interests or sufficient uniformity of attitudes regarding our interests to have a spontaneous control. Each individual or small group attempts to get the desired objects, with little regard for society as a whole. . . . At the same time, the present is an age of diversity of opinions, standards, and codes. . . . We do not like the variant activities of other groups and we attempt to stop them by laws. We attempt to compel uniformity in the beliefs and activities we regard proper." (2)

1. For a more elaborate treatment of the ideas expressed in this paper consult: BARNES, H. E. and TEETERS, N. K., *New Horizons in Criminology*, New York, Prentice Hall, Inc., 1945 and HOUSE, F. N., *The Range of Social Theory*, New York, Henry Holt and Company, 1929.
2. SUTHERLAND, E. H., *Criminology*, Philadelphia, 1924, p. 21.

Man's conception of crime and criminal behaviour has changed radically with the changing times. In early primitive days — and among the few remaining primitive groups — the criminal was regarded as an individual infested with evil spirits. The metaphysical temper of a superstitious people interpreted criminal behaviour as the work of evil spirits, and punishment was designed to rid the group of the evil spirits in one way or another. It is interesting to note that retribution was directed not specifically toward the individual, but toward the evil spirits which were believed to possess him.

The pagan spirit gave way to the Christian interpretation of crime. Early Christianity regarded the pagan "evil spirits" as the "Devil." The criminal was a man possessed of the Devil; this was the contrast conception of Christ. The Christian religion, according to this early view, offered sanctions and meaning to the socially accepted behaviour patterns, while the Devil and his cohorts struggled to conquer man's soul. Criminal behaviour, therefore, was an index of the fact that the Devil had gained full possession.

Another contribution to the theory of crime, and one that persists to the present day, was that provided by the prolific Greek philosophers in their doctrine of "free will." According to this doctrine, the criminal is a perverse free moral agent; he is a criminal by choice, and not because of circumstances or conditions. In the same way, of course, the law-abiding person has also chosen his own "way of life." This notion of "free will" as an explanation of criminal behaviour, according to Barnes and Tecters, "still provides the foundation for nearly every existing criminal code and constitutes the intellectual frame of reference for our court procedures and our administration of criminal institutions." (3)

These three approaches to the understanding of crime have fallen or been replaced, however, by the trend toward a more rational, scientific understanding of human society and human behaviour. The emerging prominence of the social sciences toward the close of the 19th century was marked by the discarding of these previous notions, and crime began to be regarded as a social phenomenon. In their attempt to achieve a rational understanding of human behaviour, social scientists found it necessary to study man within the context of his social life. Out of this attempt there arose the formula that criminality results from the social conditions in which the criminal lives, or from the personality which emerges out of his social and psychological background. Devine's statement is a graphic illustration of this changed thinking:

"The question which I raise is whether the wretched poor, the poor who suffer in their poverty, are poor because they are shiftless, because they are undisciplined, because they drink, because they steal, because they have superfluous children, because of personal depravity, personal inclination, and natural preference; or whether they are shiftless, and undisciplined and drink and steal and are unable to care for their too numerous children because our social institutions and economic arrangements are at fault . . . I hold that personal depravity is as foreign to any sound theory of the hardships of the modern poor as witchcraft or demoniacal possession; that these hardships are economic, social, transitional, measurable, manageable. Misery, as we say of tuberculosis, is communicable, curable, and preventable." (4)

Most of the social sciences have contributed to this changed thinking. Psychology, for example, has directed our attention to the possible relationships between abnormal mental make-up and abnormal behaviour. Psychologists have devised tests which attempt to discover the relationship — if any — between feeble-mindedness and criminal behaviour. This does not mean that all feeble-minded individuals are potential criminals, but it must be recognized that the suggestibility of the feeble-minded make them particularly prone to criminal behaviour when the proper social conditions are present.

3. *op. cit.*, p. 3

4. DEVINE, E. T., *Misery and its Causes*, New York, 1909, Chap. 1.

More recently, psychiatry has been preoccupied with the study of mental diseases, which has provided some clues to the mental causes of crime. Moreover, the method of psychiatry, individual treatment of mental illness, illustrates the importance of studying the individual in order to get at the factors which make the person criminal in his behaviour.

The contribution of economics was that of emphasizing the economic aspects of crime. This point of view, in its extreme form, regards poverty as the prime cause of crime. More extreme economists have seen fit to employ Marxian ideas in their theories of crime, and one Dutch economic criminologist has defined crime as a term applying to acts harmful to the interests of some groups of persons who have at their command the power necessary to enforce their will. (5) Economic causation, especially that relating to poverty, is not rigidly true, however. In our own contemporary society, the phenomenon of "white-collar crime" can hardly be explained by this theory. Rather, it has been pointed out, the "economic causes of crime are not due to want alone. Greed as well as need encourage crime. Indeed in our day, greed and economic ambition produce far more serious crimes than any that result from misery and poverty. (6) Sociology and Social Psychology have stressed the social factors inherent in crime. "Any society has the criminals it deserves," runs an aphorism devised by French sociologists and criminologists. One of the early French sociologists who suggested interpreting crime as a social phenomenon put forward the theory that "imitation" is the main force causing and governing crime. (7) Later Durkheim, another French sociologist believed that crime stood in direct proportion to the degree of integration and solidarity of the social group to which the individual belongs. (8)

More contemporary studies by sociologists have recognized the importance of other social aspects of crime. Research has shown that there is a tendency for crime to occur in urban areas, and attempts have been made to study the relationship between the cultural background of the areas to the type and frequency of crime; slums and semi-slums have been pin-pointed as "delinquency areas." Sociology has shown the necessity for taking into account such facts as cultural conflict and the mobility of modern life.

These contributions, among others, have resulted in the development of a science of crime. The phenomenon of crime is viewed as a function of individual and social factors which cannot be rationalized in terms of a general single-cause theory. Treatment of the criminal must be governed by this view of crime. We have already witnessed a startling transformation in the treatment of juvenile delinquents, but the new techniques have not spread to all branches.

Too often, in the study of criminal law, the student must make a full-time pursuit of becoming familiar with rules and regulations, precedents and judgments, their implications and relationships. There is, perhaps, very little time in which to ponder the social implications of crime. Enlightened treatment of the criminal and, perhaps, a lessening in the occurrence of criminal behaviour can only result from an understanding of crime in all its social implications. It is far too idealistic and unrealistic to hope that crime itself can be abolished; the weakness and fallibility of human nature is too universal to make this applicable. But crime can be diminished.

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5. BOGNER, A. *Criminality and Economic Conditions*, tr. by H. P. Norton, Modern Criminal Science Series, Boston, 1916, p. 379.
6. BARNES, H. E. and TEETERS, N. K., *op. cit.*, p. 6.
7. See discussion on TARDE, G., in HOUSE, F. N., *op. cit.*, p. 323.
8. See discussion on DURKHEIM, EMILE, in BARNES, H. E. and TEETERS, N. K., *op. cit.*, p. 6.