Examining the concept of crime and its dimensions criminology essay

Tappan (1947:) defined crime as" an intentional act or omission in violation of criminal law, committed without defense or justification, and penalized by the state" and vehemently advocated the notion that the legal definition of crime is representative of what society consensually defines crime as. However, as both Greer and Hagan (2001) and Morrison (2009) emphasised, whilst what is deemed a crime will be based on the shared societal perceptions in many instances, ultimately acts are legislated as criminal by those in authority and therefore disagreement between what is legally deemed a crime and what is perceived as a crime by members of the society to which the law applies will inevitably exist. Furthermore, Henry and Lanier (1998) also highlighted that if the concept of crime is based purely on the legal definition then actions such as racism, sexism, and other denials of human rights as well as other deviant and anti-social behaviour may fail to be recognised, since these have often been excluded from what constitutes crime in the definition proposed by law. As such, Hagan (1977) posited that crime should be regarded as a subcategory of all harmful acts, regardless of whether they are proscribed by law, thus emphasising that the legal definition of crime alone is too narrow. Similarly, some theorists (Burgress 1950; Durkheim 1933; Roshier 1989) have attempted to expand the legal definition further still to include a universal sense of morality and argue that actions should be defined as crime when moral outrage ensues from a breach of social norms. This perspective thus considers the reactions of society, although as Blackburn (1993) emphasised, not all criminal acts violate moral codes, such as supposed victimless crimes including the gambling, drug abuse and prostitution. Hence this definition may still not encompass the crime phenomenon fully.

Whilst a good starting point in terms of defining crime, evidently, the legal definition alone is too narrow since it lacks recognition for the social nature of crime, social harm and morality and is ultimately determined by those in power rather than a general consensus. As Lindgren (2005) emphasised, social constructionists, alternatively, argue that what is defined as crime in law is historically, temporally and culturally relative and as Sumner (2003) argued, we, as a society, have an impact on what is defined as crime, firstly by the social conditions that enable or encourage the behaviour that causes harm and secondly by our reactions to that behaviour and our collective disapproval and condemnation of such behaviours, which ultimately lead them to becoming defined as criminal, but which are subject to change over time as our societal attitudes change. The notion that the definition of crime is subject to change with changing societal attitudes, was supported by Feldman (1993) who suggested that whilst the core of criminal law is consistent across societies, the " borders move". So whilst, as Lemert (1972) found in a cross cultural comparison, murder, rape and theft are universally condemned crimes whatever the prevailing legal system and time context, the definition of many other acts as criminal depends heavily of which societies are examined and when. For example, in 1533 English law identified homosexuality as punishable by hanging, and until the Sexual Offences Act 1967 was passed, homosexuality remained illegal within the UK. The prohibition of alcohol between 1920 and 1933 in America is another example of crime being context and time dependent. Notably in both cases, homosexuality and the consumption of alcohol are still illegal in various other cultures. This definition of crime therefore accounts for the social nature of crime, and explains how societal attitudes influence what becomes legally

defined as crime, how definitions of crime are time and context dependent, and is able to recognise that not all actions are legally classified as criminal but nevertheless constitute behaviour worthy of the definition according to societal beliefs.

In an initial attempt to integrate the aforementioned components of crime into one conceptual model, Hagan (1977) postulated that deviance and crime are akin and fall under " rule breaking" which constitutes anything from minor deviance from accepted standards of behaviour such as public drunkenness to highly offensive acts involving serious harm such as terrorism or murder. He emphasised that crime is a deviation from a social norm proscribed by criminal law, thus recognising the social constructionists' idea of relativity of crime via norm violation, the legal tradition of law violation, as well as societal consensus and social harm. Hagan (1977) demonstrated his attempt to integrate the various definitions of crime within a framework named the " Pyramid of Crime" which is illustrated below, and reflected the definitions within three measures of seriousness each ranging from low/weak to high/strong, namely societal consensus regarding the crime, the severity of the legal response, including fines, imprisonment, the death penalty and so on, and the level of harm inflicted, arguing that some crimes such as drug use, gambling and prostitution are victimless crimes, thus producing less social than individual harm.

Source: Henry and Lanier (1998)

In response to Hagan's (1977) pyramid of crime, Henry and Lanier (1998) decided to redesign the visual presentation of the pyramid into a prism, to

expand on some elements of the crime phenomenon, namely dimensions of social agreement, probable social response, individual and social harm and the extent of victimisation into a more integrated approach. The complex visual representation of the definition of crime highlights the complexity of defining crime. Their model is illustrated below, with the upper pyramid representing the highly visible crimes, typically those of the structurally powerless, which are committed in public including assault, murder, stranger rape, and arson, and the lower, inverted pyramid representing relatively invisible crimes, including a variety of crimes of the powerful, such as offences by government officials, corporations, organisations, crime that people commit through their occupations such as fraud and embezzlement, and even some offences such as domestic violence, sexism and hate crimes. These crimes are typically perpetrated in private settings such as the workplace, homes and involve violations of trusted relationships.

The manner in which the prism is formed has several implications for the way crime is examined. Firstly, the position of crimes in the prism varies over time. As vocal dominant groups and mass-mediated culture focus on different issues so the public awareness of what counts as crime is formed and reformed. In such a formation acts are recognised as more or less visible, more or less serious and more or less harmful, for example the position of domestic violence and sexual harassment have changed, both recently have begun to move from the lower to the upper half of the prism. Second, the upper half of the prism contains predominantly conventional crimes whereas the lower half contains white collar crimes. It is arguable that those committing most of the conventional/street crimes are relatively

powerless in society whereas those committing most of the white collar crimes hold structural positions of power. Due to this, white collar crimes are located at the bottom of the prism as they are very harmful, but often obscured as they harm their victims indirectly and diffusely. Often the victims are not aware of who the offender or even if they have been victimised.

By developing Hagan's (1977) analysis, Henry and Lanier (1998) have produced an integrated approach to defining crime, which consider the major constitutive dimensions of what counts as crime. The prism is able to capture the contingent and changing nature of crime, locating its constitutive features into a framework that allows criminologists to see their combined and interactive effects, but is by no means definitive. The prism allows one to see how specific crimes are related to one another and to wider social forces that intersect with those crimes at certain moments in time, rendering some acts rather than others serious crimes.