

Criminology essays - crime criminality law



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Crime Criminality Law

Introduction:

The word crime has originated from the Latin *crimen* - meaning charge, guilt or allegation. Most definitions view crime as unexpected behaviour that abuses prevailing norms, more particularly, cultural standards suggesting how humans might behave. The methodology considers the intricate realities around the concept of crime and tries to understand how changing social, political, psychological, and economic circumstances may affect the contemporary definitions of crime and the form of the legal, law enforcement, and penal responses made by the State. These structural realities are unpredictable and often contentious. For example, as cultures change and the political environment shifts, behaviour may be criminalised or decriminalised, which will directly affect the statistical crime rates, determine the allocation of resources for the enforcement of such laws, and influence the general public opinion.

" Criminality is a probabilistic event determined by the frequency and quality of interaction with persons holding definitions favourable or unfavourable to violation of the law."

Keel. Robert O: 2001

This paper will look to discuss what ' criminological theory' can tell us about crime and the workplace by looking to take into account this issue with reference to one particular type of workplace crime, thereafter, looking to effectively conclude upon this issue. Therefore, with this in mind, it will first

be necessary to look to understand why the study of crime is so important and how 'criminological theories' have developed, before then going on to look to consider some of these theories and the policies for controlling crime that originates from them for policymakers to consider, as well as the theory behind why people actually commit crimes. Then, having done that successfully, it will then be necessary to consider how 'criminological theory' applies in the workplace, before moving on to consider how this theory is applied to a particular type of crime in the workplace - in this case, 'white collar' corporate crime, before a finally conclusion on the subject. Get help with your essay from our expert essay writers...

Criminology Theory:

To start with, it is important to consider the fact that it must be recognized that the concept of 'crime' is a social fact that clearly requires the attention and energy of all of any given society because whenever crime statistics are announced the public demands "something be done", since it is clear that people are concerned about the security and safety of their families and their property. This means that it is for those in charge and power to look to regulate crime and enforce the laws of the land to restrict the advent of crime and look to, eventually, attempt to prevent it (Jones S (1998) at pp. 1-8). Keeping this in mind, it should be understood that 'Criminological Theories' in general defines the study of crime, main causes of crime and the people's reaction to crime. It has not been a long time that criminology with its own uniqueness parted from sociology having some sort of universal continuities. Since then criminology developed its own way of describing crime and study criminal behavior.

Generally, however, criminologists use words in a certain way to indicate relationships between causes (independent variables) and effects (dependent variables) (Jones S (1998)). But criminology in reality has many different perspectives, approaches, and theories - although many believe that the study dates back to Lombroso (1876) - Though the Middle Class and Integrated theories may be described as a general blend of other theories, but the policy implications of other theories may also be taken into account while applying these theories to workplace related crimes. Therefore, '*Biological ('Positivist') Theory*' (Lombroso (1876)) uses estimation based on scientific judgement to put forward views on originators of crimes, as crime is either caused or established. Then the decision makers try to fix the defect while attempting to save the society from the incurables of drugs, psychoplastic surgeries and psychotherapies: thus focuses to 'medicalise' the justice issue while considering eugenics for the untreatable. But '*Disorganization-Ecological Theory*' (Shaw & McKay (1931) and (1942)) revolves around the idea that disorganized muddled communities cause crime because they lack the efficiency to fight disorder so that it is necessary to look to policies of *acculturation and assimilation* along with community empowerment to help immigrants and isolated subcultures feel like part of mainstream society, but with a inclination to have social engineering and ethnocentric implications and a failure to explain the insulation of some people from inner-city influences.

On the other hand, '*Anomie-Strain Theory*' (Merton (1938)) considers the lacking in society's institutional balance while focusing on the economy, which results into strain and pressure. This compels the policy makers to

look for encouraging changes in the society to ensure equal opportunity by making adjustments through stress programmes, socioeconomic reforms permitted by the society. To eradicate greed, jealousy and disproportionate financial ambition this also aims at calculating salaries dependant on individual's input to the society. Similarly, 'Radical-Conflict' and 'Rational Choice' Theory (as a step on from 'Classical Theory' (Beccaria (1764)) -allied to 'Critical Theory' (Bonger (1916)) - also considers the idea that crime is influenced by circumstances and desires to prosper leading to 'street' and 'corporate' crime due to the inequality of power. At this point, the decision makers bring changes in the society by redistributing the properties, which allows employees to observe the inherent exploitations of the capitalism. This is generally done through legalizing consensual crimes, offences related to drugs, discarding institutions and theories of bourgeois and having employee ownership corporations through redistribution of wealth. Moreover, in keeping with this idea, 'Feminist Theory' (Adler (1975)) men commit crimes against women to state their power over them also looks to promote changes in the society and also to remove power structures based on gender which provides equal access for decision making process, but there may be a trend to side away with females as possible offenders. This may also call for a possible retreat from diversity issue considering the disparities as instances of women desperately trying to have a concrete definition for themselves.

It may be loosely said that alteration of biological attributes in woman can be also of particular relevance to crime control. Some authors opine that woman are affected by hormones and the same authors view a link between the

criminality (to be more specific - violence) of woman and their pre or early menstrual period (Wilson and Herrnstein, 1985: 121).

Though the medical scientists are divided in their opinion regarding premenstrual tension as an established source of violence by women but the English courts have already successfully argued the potential link between female offending and hormonal imbalance related to their menstrual cycle;

“ A woman faced a murder charge which was reduced to manslaughter due to diminished responsibility attributed to PMT, and had received a probationary sentence with a proviso that she undergo hormone treatment (R v Craddock [1981] 1 C1 49). Only a few months after the first offence, the same woman was charged with threatening to kill a police officer and of possessing an offensive weapon. Although convicted, PMT acted as a factor to reduce sentence and she was again placed on probation and required to undergo an increased hormone dose (R v Smith Court of Appeal (Criminal Division)” Lexis Enggen, 27 April 1982; Craddock and Smith are the same person).

(Williams, 1991: 314-15)

As we may find that during both occasions the woman was convicted and the PMT could not really serve as a complete defence, but while dealing with the

woman it appeared that 'treatment' rather than 'punishment' was more appropriate. In this context, the positive views on biological attributes were more predominant while addressing the crime control by two English courts. While evaluating the commitment of violent crime by men, 'testosterone' - the level of male sex hormone has been frequently linked, with particular reference to aggressive men committing more crime. In accordance to the evidence provided by Wilson and Herrnstein, the men and women differ in the tendency to commit crime does not necessarily relate to their difference in upbringing but it is more reliant on their hormone;

"(1) Males are more aggressive than females in all human societies for which evidence is available. (2) The sex differences are found too early in life, at a time when there is no evidence that differential socialization pressures have been brought to bear by adults to 'shape' aggression differently in the two sexes ... (3) Similar sex differences are found in man and subhuman primates. (4) Aggression is related to sex hormones and can be changed by experimental administration of these hormones."

(Maccoby & Jacklin, 1974, quoted in Wilson & Herrnstein, 1985: 117-18)

However, 'Learning Theory' ('Developmental Life Course') (Sampson & Laub (1993) refers crime to be a learned behavior where policy makers focus to generate a policy of rehabilitation by means of re-education and re-socialization, where offenders are separated and the suggestible people are

kept away from adverse influences, having the trend of better success at performance oriented changes, not necessarily clarifying solitary offending or middle class deviation. However, 'Control Theory' (Hagan (1989) relates more about presence or absence, somewhat control directing to crime, demanding prevention and healing through cemented bondage by creating trust affiliations, developing prospects for the future, and believing in the basic societal framework allowing criminological theories to have full success, particularly when work retaining schemes are combined which may seem difficult to work in a diverse society having ethnic and social class differences. Nevertheless, 'Labeling Theory' is concerned with the idea that people are 'labeled' in criminal roles, so that policymakers (Lemert (1951)) are more concerned with prevention through limiting the social shaming reaction in others so as to replaced moral resentment with patience having options for diversion, client empowerment projects, negotiation, pacification, criminal-victim exoneration rituals, compensation and reimbursements.

Though it is important to study the main components and the policy implications of theories, it is also equally important to enhance the understanding of why someone decides to commit a crime. According to Clarke and Cornish's (1986), *free will* is generally taken into account but certain backdrops and circumstantial factors which pre-influence someone to commit crime which may include family history, intelligence, peer pressure, intoxication and the atmosphere prevailing in the living area. Additionally, the '*need for money or status*' is identified as '*motive*' by Clarke and Cornish (1986) but the generalized needs are considered to be the real requirements.

The " Previous learning and experience" relates to more direct or explicit familiarity with crime as the criminal might be comparing the target with own successes in the past. In such cases the offender may also take into account his own perception of other's successes while considering evading the law enforcement by their own ability and skills. Furthermore, "*Blocked opportunities*" is a concept from strain theory and would probably not be used by a rational choice theorist, but it is the criminal's assessment of what legitimate avenues are available for satisfying their needs, whilst the "*amount of effort required*" fits into this as the amount of time spent considering and evaluating whether the rewards (and costs) of crime outweigh alternative avenues. Finally, the idea of "*Readiness to commit crime*" may be interpreted as the psychological preparation of the criminal, which the strain theory translates as the departure of legitimacy or faith in an unfair society, but again here 'diffusion' dominates the spirit of the theme as the criminal involves in self-talk, enhance their own belief of committing the crime.

Workplace Crime:

On this basis, because of the fact that the workplace is such a focal point of reference for all modern societies, for an effective study on criminality in the workplace may be found to be one of the most appropriate areas.'in the service and'? (Would the para below in Yellow be better suited above?) This particular argument may be substantiated by the present day economic transformation, which primarily revolves around information and services as the basic means. Such opportunities generated scopes of 'white collar'

crimes and also facilitated general workplace crimes; thus spreading more crime oriented apprehensions.

In this context, the workplace clearly stands out at its own as a potential source for crime and violence because of significant rise of violent activities within workplace as per the recent understanding (Baxter & Margavio (1996)), in the service and information settings, workplace crime is more common as financial crime and fraud are generally less visible and difficult to detect when compared to general theft. (Jensen & Hodson (2004)). Therefore the difficult connotations of regulatory law broadly define the 'white collar' crime rather than what the criminal law does (Friedrichs (1996)), As such corporate malaise is an important issue to be studied at the interface of workplace and crime study (Braithwaite (1984) and Clinard & Yeager (1980)) where issues like illegal environmental dumping, labor law violations and unauthorized trading are covered.

The study of workplace crime is also facilitated by the continuous expansion of 'shadow economy' in the USA, because of the fact that most of these economic activities appear out of the parameters of official establishments and significantly, in many developing economies (Portes, Castells & Benton, (1989)). This is because relevant activities are not restricted to the provision of illegal goods and services, such as drugs and gambling, since the greater part of this economy is based on the production of legal goods and services paid for 'off the books' to avoid taxation (Jensen & Hodson (2004)). As such while examining the opportunity structures for economic endeavors basing on the study of economic laws, offers a vital link between workplace concepts and criminology; primarily for the reason that

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the role of institutional shareholders may also be significant for the analysis of crimes related to workplaces. (Freeman & Medoff (1984)). The studies of opportunity structures in the workplace crime bears and analogous role to the organizational structure in the sociology of work (Cohen & Felson (1979)), since the cast of actors are provided by the incumbents of organizational positions having different power and autonomy levels.

As a matter of fact, it has now become imperative to have a closer study of workplace related crimes as an important growth area in criminology and sociology of work, as corporate nonfeasance increases to greater degrees due to persistent growth of vast '*transnational*' corporations. It may be well argued that the study of issues of workplace crime where criminology may serve as a crucial tool and may be done through the extension of concepts and theories, focusing at explaining street crimes, circumstantially undifferentiated crime within new types and settings that are particularly relevant to examinations of workplace crimes or crimes committed by the individuals of institutions. (Jensen & Hodson (2004)). However, although there is growing interest in crimes occurring within specific contexts, such as the workplace, offending behavior and victimization within such settings has not received the experimental or hypothetical awareness diverted to explain or comprehend 'street crime' for the reason that criminology theory and subsequent research concentrate on '*etiology*' of crime which focuses on '*street crimes*' more often as official statistics. However 'work' characteristics are often referred as independent variables and joblessness as well as low paid jobs is of primary focus. (Allan & Steffen Meier (1989) and Chiricos (1987)). Nevertheless, some attention has also been paid to the effect of the

' command-versus-obey' status of parents' occupations regarding their children's delinquent behavior (Hagan, Gillis, & Simpson (1985) and (1987)), but neither crime at the workplace nor crime generated by workplace experiences has received much attention.

As a matter of fact, surprisingly the concept of *white-collar crime* was introduced by Edwin Sutherland ((1940) at p. 9) when he recognized it as "*crime committed by a person of respectability and high social status in the course of his occupation*" so as to direct attention to crimes, including price fixing, fraud, and corruption. This happens because when the concept is administered into the prevalent culture, it appeared to be mystifying as a well defined crime. For this different other criminologists, basing on such characteristics desired to have more precisely defined types of crime because Green ((1997) at p. 18) differentiates four categories of occupational crime based on several of these distinctions: (a) organizational occupational crime that encompasses crimes in which the employing organization benefits, (b) state authority occupational crime that encompasses criminal abuses of authority by officials, (c) professional occupational crime that encompasses "*crimes by professionals in their capacity as professionals*", and (d) individual occupational crime that encompasses crimes by individuals (Jensen & Hodson (2004)).

Nevertheless, in looking to focus on issues of ' white collar crime', although the focus of Zey's (1999) study of corporate fraud views Institutional framework and networks as the most important feature of this particular crime where aspects of conventional criminological theories still remains valid. This is aptly illustrated by the fact that, similar to Tillman and Pontell

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(1995), Zey ((1993) at p. 234) argues organizational structure facilitates corporate crime and certain types facilitate it more than others because “ *a key change in one organizational characteristic—corporate form—affects corporate crime*” (p. 234). Therefore, specifically the transformation from multidivisional corporate forms to ‘ multi-subsidary’ actually led to the development of autonomous and profitable subsidiary fraud networks (Jensen & Hodson (2004)). Therefore, even though at institutional level this perception was accepted, the theory virtually had little difference with conventional criminological theories because fraud was compelled to meet targets for a ‘ browbeaten’ economy which is free from corporate control by making profits.

As a result, as Zey ((1993) at p. 243) earlier espoused, “ *When change is rapid, the context is volatile, and control is missing at the state and organizational level, opportunism is to be expected*” , precisely meaning that when constraints (social control-deterrence theory) are lifted there is a rise in fraud and white collar crime as a derivative (Hagan (1989). which offers immediate gain by individuals and institutions with fewer commitment to self regulatory rules (*self control theory*) and within limited profits of legal enterprises having higher pressure for results (strain theory (Merton (1938). Additionally these efforts were further persuaded by institutional and individual codes of silence (*cultural deviance theory*) to allow conventional criminological theories and concepts to accommodate all possible positive appeared factor involved (Jensen & Hodson (2004)). However, although ‘ *etiological*’ theories of crime have dominated criminological research, the discipline has a much broader focus. In fact, criminology is most simply

defined as “ *the scientific study of the processes of making laws, of breaking laws, and of reacting to the breaking of laws*” (Sutherland & Cressey (1974) at p. 3).

Hence, professionals clearly make out a suitable group for the research of work place related crimes; for the reason that they enjoy some degree of freedom and power in the work place which allows them the scope of abusing their professional status. (Abbott (1988)) and Dabney and Hollinger’s (1999) view on drug abuse among pharmacists offers tangible insight into how such professional privilege can be abused and also easily be extended to the analysis of other professions. Nevertheless, as the 'white collar' crime issue is discussed, as the crime has vast recognition, to curtail these crimes Governments mostly resort to regulate economic activities; even though deregulation sometimes may open scopes for fresh crimes. (Jensen & Hodson (2004)). Since the economic regulations are generally very complex, thus these may offer functional scopes for criminal bustles and their control appears to be as further complicacies, despite the substantial economic consequences (Coleman (1994)).

As stated earlier, the concept of 'white collar crime' that was initially introduced by Edwin Sutherland at the presidents’ address to the American Sociological Society in Philadelphia in 1939. (Hollinger & Jason L Davis (2006)) In general terms and moving back to the start of the paper and ‘ criminology theory’ and to be critical about this theory. What does the theory state about the prevention strategies and methods and how affective these methods are within the workplace where fraud (occupational and/or corporate crime (Clinard & Quinney)) in the workplace is common and

particularly undesirable but is a reality of the modern global climate that we live? Bearing mind that 'occupation' white-collar crime focuses on benefits for the individual and 'corporate' crime focused on senior management and executives. In the main there are no concrete strategies in place in most workplaces where these acts by employees have adverse effects on monetary costs to the consumer which results in an estimated inflation cost to the consumer from 10 to 15% (Friedrich, 2004; Hollinger & Clark, 1983). Why do employees steal and become dishonest? " The most popular theories fall into three categories: (1) rational choice theories, (2) job satisfaction or workplace equity theories, and (3) organizational theories that concentrate on the effects of Informal workplace, that is, a 'culture of dishonesty'. " (Hollinger & Jason L Davis (2006)). What procedures can be initiated in aiding companies to deter employee theft and staff dishonesty; recruitment procedures now include extensive multiple interview and screening processes, drug testing, criminal background checks, credit evaluation and honesty testing. The larger companies are now ensuring that more sophisticated preventative measures within the workspace such as computer software packages, CCTV cameras, supervisors and general checks and balance procedures are being routinely used by companies to try and curb such activities The question being is whether theses preventative measures work or are simple there as 'wallpaper' or do they act as a active preventative threats in the workplace to employees? The staff that are most vulnerable or at risk to being recruited for this type of occupational leading to corporate fraud and what are the signs that staff are committing workplace fraud? Putting major office 'corporate' fraud aside the recruitment for such activities within the workplace starts with the younger staff and

they are particularly at risk to the 'coffee or smoke room' recruitment to office fraud. The signs of office fraud can vary from one living beyond one's means in comparison to their status and pay grade paying for gambling debts or simply to be able to pay for the day to day requirements of food, housing, status or entertainment; (Hollinger & Jason L Davis (2006)); some offenders refuse promotion in order to maintain continuity of their requirements as any change in status or movement to another department would seriously effect their opportunity of material or/and financial gain. What are the initial preventative measures that can be taken; a closer scrutiny at the recruitment level within any workplace should be introduced and thereafter, if staff are found to be guilty of workplace fraud this sacking, resignations and legal actions taken should be made public in order that the remainder of the workforce are reminder that serious measures that will be initiated if this crimes is proven against any staff member of a workforce. There is a tendency that making such fraudulent activities public by companies it could sacrifice the company's good name and good will, however, the other side of the argument is that it could remain as an entrenched or wider decease at a more senior level if such illegal actions are not terminated at the early stage prior to occupational workspace crime leading to corporate workplace criminality for example, the 'the Nat West three' and the major corporate fraud case. (Enron)

Conclusion:

In conclusion, as it is quite evident that ' criminological theories' can describe work place related crimes to us and when we consider this issue with reference to one particular type of work place crime, the 'criminological
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theory' may offer the same dividend as describing crimes in any other environment. Primarily though 'criminological theory' aims at describing work place crimes but it is still developing, so greater emphasis should lie in understanding the place of crime with due importance. This particular view may be supplemented by the fact that while attempting to discuss few 'criminological theory' along with their effect on policy making at the first part of this paper, it may be deduced that these theories may also be applied in crimes related to work place. This is so, as in the present day global context work place bears the testimony of high importance in the society and being perceived as 'microcosm' of the greater world. Hence for the study of criminal activities in the work place very clearly stands out as a significant arena in the world of crime.

However, complicated areas of regulatory law largely define 'white-collar' crimes, rather than by something, which is clearly defined (Friedrichs (1996)). In this context, for the study of crime in the work place, criminology may serve as a vital instrument by the extension of theories and concepts which explains crime in the streets; or undifferentiated perspective crimes within new settings and different types of crime those are quite relevant for investigating work place or in that context the organizational criminals . (Jensen & Hodson (2004)). Accordingly, in focusing upon issues of 'white collar crime', although the focus of Zey's (1999) study of corporate fraud regards organisational structure and networks as the most significant aspects of this kind of crime, elements of traditional criminological theory still apply.

As such, the progress of autonomous and profitable subsidiary fraud networks originated from the interchange of multidivisional corporate forms to 'multisubsidiary' (Jensen & Hodson (2004)). Therefore, though at institutional level this perception was accepted, the theory virtually had little difference with conventional criminological theories because fraud was compelled to meet targets for a 'downtrodden' economy which is free from corporate control by making profits. This quite effectively means in the face of lifting constraints, fraud and white collar crime will appear as a derivative (social control-deterrence theory (Hagan (1989)) and within limited profits from legal enterprises, this will further the gain by individuals and organizations having less commitment to self regulatory rules but where result demands high pressure. (Strain theory (Merton (1938))). In addition, this activity was further facilitated by institutions and interpersonal code of silence (cultural deviance theory) for allowing conventional criminological theories and concepts to encompass all possible ingredients that white collar crime could be involved with. (Jensen & Hodson (2004)). - I seem to think that this is not quiet finished or concluded?

I then have to do a double check this 'Bibliography'!!! - Peter, any advise/guidance would be greatly appreciated - thank you..... Roy

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