

History of what is crime criminology essay



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What is crime. Many people when asked this question assume its a common sense answer, something that is seemed wrong or illegal and results in punishment of some form. However there is no simple answer to this question. According to the Oxford dictionary crime is defined as “ an action or omission which constitutes an offence and is punishable by law”, therefore in its simplest form crime is a punishable act of which breaks the rules of the law. However the concept of crime is surrounded by constantly changing ideas and perceptions of what constitutes criminal behaviour. Crime is always socially defined leading to competing views and extensive debate. In this essay I will be focusing on defining crime in terms of legal definitions and also defining crimes in terms of sociological definitions, which can be argued to be the main to focuses when attempting to answer this question.

Blackburn (1993) defines crime as “ acts attracting legal punishment, [they] are offences against the community”. Crimes result with consequences that are damaging in some way to the community or one of more people within it. These consequences can range from trivial to severe. Blackburn recognizes that crimes are, in theory, generally disapproved by the entire of society as they often involve violating moral rules held by those members of society, he also notes some of the difficulties and limitations of this way of defining crime. For example, personal opinion will impact the definition of crime. Not all crimes are disapproved by all people, e. g. speeding. This is a criminal act but does not have a wide-spread social disapproval. Secondly, whilst the vast majority of criminal acts such as murder violate societies moral rules, acts that are part of a bigger picture do not such as possession of a banned drug for personal use, these crimes can be termed ‘ victimless crimes’. These

crimes are illegal in the UK but there is not a clear understanding of which, if any, moral codes they violate. This leads me on to the question of whether crime, although it's primarily defined by the law, is it not also based on social and cultural factors (social and cultural norms and values)?

In our society it is the legal system that defines which acts are criminal and which are not. A crime cannot be committed unless the act violates the law. In the UK the legal system follows a tradition of a crime has not been committed unless there is a guilty act, an act that is voluntarily carried out with a guilty mind and an intention to commit the act. Therefore in theory if the act has not been intentionally chosen then it is not a crime. It can be argued that there is an assumption that criminal acts are systematically arranged in law; the law has been created, policed and enforced by the UK state. Crime in terms of the legal system is acts which break the law of the land, as demonstrated by the Oxford English Dictionary definition.

The legal definition of crime is a very weighted argument, however many also argue that in order to define crime we rely on existing social and cultural norms which are accepted in society. The definition of crime is dependent on it as it effects our own interpretation of what crime is. Social and cultural factors are constantly evolving and changing. They are not static and this therefore makes them susceptible to changes which inevitably affect the definition of crime. For example, the 1604 Witchcraft Act. This law stated that those who had been accused of witchcraft were burnt at the stake if the cases were petty treason, however with the majority of cases resulting in hanging or a year in prison if the individual committed only a minor offence. This act was repealed in 1951 in Britain. However, a clear <https://assignbuster.com/history-of-what-is-crime-criminology-essay/>

example of how social and cultural factors impact the law is the fact that in Africa, the witchcraft ban in Zimbabwe only ended in 2006. Therefore, on the one hand crimes are acts that break the law, and on the other, they are acts which can offend against a set of norms like a moral code, this is also known as the normative definition of crime. Cultures change and the political environment changes with that which means societies may criminalise or decriminalise certain behaviours. This will also have an impact on crime rates which will then also inevitably influence the general public opinion of crime. In the UK rape is a definite “ Invasion” of our social norms, values and rights as an individual. Rape is not accepted in any case. However in South Africa a survey by CIET found that 60% of both boys and girls, aged 10 to 19 years old, thought it was not violent to force sex upon someone they knew, while around 11% of boys and 4% of girls admitted to forcing someone else to have sex with them. The study also found that 12. 7% of the students believed in the virgin cleansing myth (an HIV/AIDS positive male believing that having sex with a virgin girl will cure him of his disease). In the culture these children have been socialised into, these are their own social norms and opinions that are accepted in their society, in the UK and in fact in the majority of other countries and cultures around the world this behaviour would be seen as illegal, horrific and completely wrong.

A final impact on our norms and behaviour is religious traditions that may promote these norms. They may, in turn clash or fit with perceived interests of a state. Many socially accepted or even imposed religious morality has influences on issues that may otherwise only have concerned each individual’s conscience. There are many activities that are sometimes

criminalized on religious grounds, for example alcohol-consumption and abortion. However although these may be beliefs of certain religious followers, in societies where religion has less power and impact on the legal system both these acts are legal and widely accepted.

So what a crime is depends on whether you view it from a legal or a normative perspective. There is no simple, fixed, objective definition of crime it is not a simple matter. Crimes are defined by societies and by culture and the time that we live in. For example, it would not have been a crime one hundred years ago to not pay your TV licence in the UK, because there was no TV. In Victorian pharmacies, cocaine was sold, but today this would be considered illegal in most countries. So what we view as a crime depends on how crime is viewed, time, particular society and the culture. Society is constantly evolving and changing along with social values, beliefs and norms. This process will inevitably have an impact on what constitutes a crime and how crime is in general defined. Although there are many problems with defining crime, this shouldn't overshadow the fact that the purpose of the law to reinforce the punishment of crime is clear, it is there to protect the public, this could in itself contribute to defining crime.