

Introduction to Criminology:

Crime, offenders and
Criminal Behaviour

Only
study guide for
CMY1501



**DEPARTMENT OF CRIMINOLOGY AND SECURITY SCIENCE
UNIVERSITY OF SOUTH AFRICA
PRETORIA**

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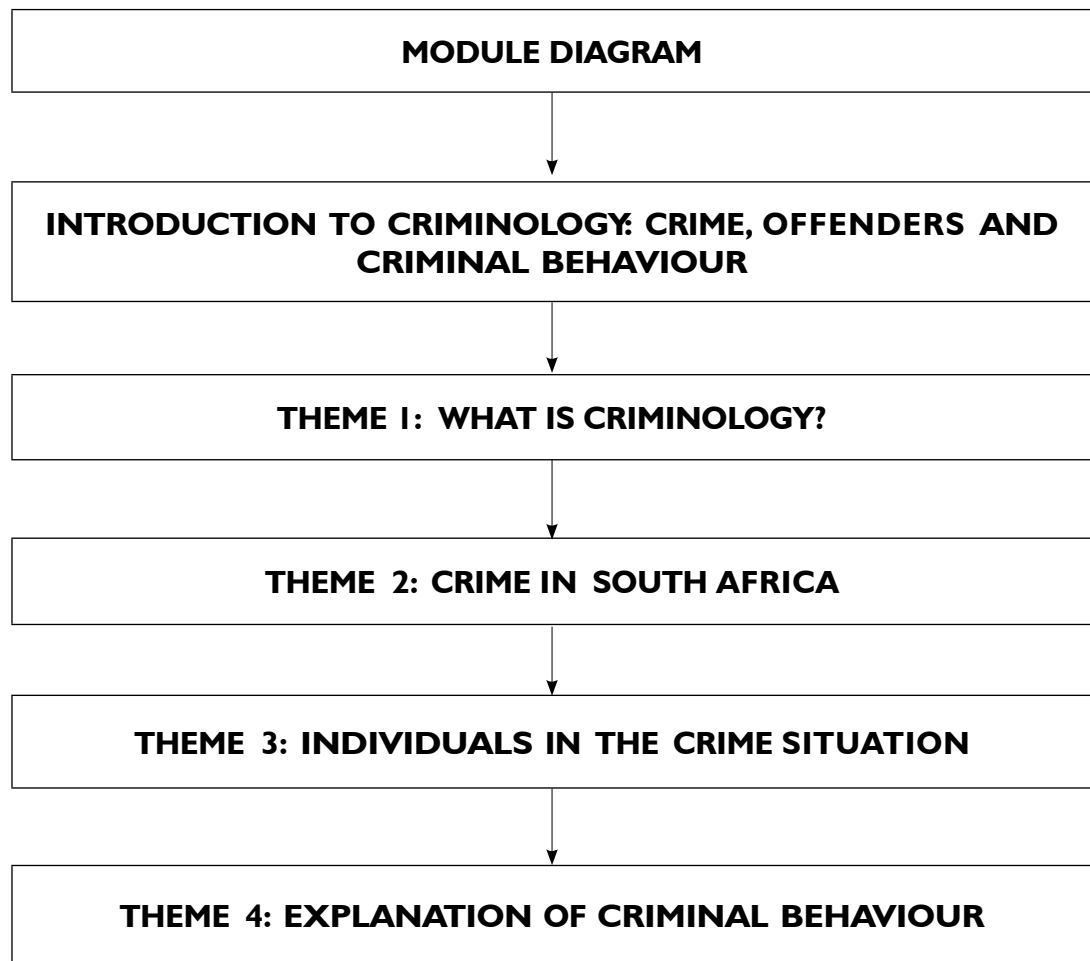
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Orientation

NB: Start your study of Module CMY1501 by reading Tutorial Letters CMY101 and KRMALLR for this course.

A hearty welcome to the module *Introduction to Criminology: Crime, offenders and criminal behaviour*. We hope you will find the course interesting, stimulating and informative. The focus of the subject matter is very topical at local, national and international levels. We trust that you will not only pass the course, but also find it useful in the professional world and your daily life. Do not hesitate to contact us if you have any problems with or questions about the course.



PLEASE NOTE

The terms “criminal” and “offender” are used interchangeably in this study guide. The study guide approaches the subject from two perspectives. Firstly, a practical-functional or pragmatic approach to the objectives of criminology, which assumes that the subject must relate to or take account of the needs of a community. This means that our primary aim is to make information available to you in such a way that you consider it critically and systematically in order to develop better insight into and understanding of the phenomenon of crime. A secondary aim is to teach you the contextual problem solving that arises from applying acquired knowledge and insight.

The principles of curriculum design identified in the 1996 Curriculum Framework (CDWG 1996:11–16) remind us that outcomes-based curriculum development must contribute to, among other things: 1) learner-centredness; 2) the development of human resources by promoting continued (ongoing) learning and the application and development of new knowledge and skills; 3) an integrated approach that rejects the rigid division between academic and applied knowledge, theory and practice and knowledge and skills; 4) lifelong learning; 5) critical and creative thinking; 6) nation building and non-discrimination; 7) national credibility; and 8) quality assurance.

The object of the course

The object of this course is to accompany and guide you as you acquire knowledge and understanding of the phenomenon being studied; as you form attitudes and values, and as you acquire general and specific skills. In order to expand your idea of criminology, we will help you to become more closely acquainted with

- the field of study and the schools of thought in criminology
- the crime problem
- offenders (the people in the crime situation)
- criminal behaviour (causes and explanations)

In the process we would like to help you to think holistically about the subject and the various schools of thought on criminology as they are manifested in South Africa and on the continent of Africa, as well as throughout the world (i.e. a worldwide [global] context).

To enable you to form views and values, we want to encourage you to take an active interest in the topic as it is reflected daily in the media. The Department of Criminology and Security Science would like to encourage all criminology students, in the spirit of rhizomatic learning (i.e. embracing an eclectic view of the criminological landscape), to, as learning progresses and knowledge becomes more embedded, dismantle disciplinary boundaries wherever they stifle innovative and critical thinking.

Our aim is to make you aware of crime as a phenomenon and to help you develop a responsible attitude towards its prevention by using criminological knowledge and related skills.

We would like to encourage you to become actively involved in and committed to searching for solutions to local, regional and national crime and related problems. In our approach to offenders, we try to point out to you the principle of the causes and effects of behaviour. We try to inculcate in you an understanding and humaneness by encouraging you to take an interest in the country's crime problems and to be sympathetic towards crime victims and their circumstances. The subject matter is presented in a way that strongly emphasises respect for everybody's right to equality. Drawing attention to crime as a prejudicial (injurious) phenomenon naturally focuses on a comprehensive system that includes law-abiding values such as honesty, orderliness, a sense of duty, healthy interpersonal relations, good citizenship and freedom.

It is essential that you acquire the skills needed to master the course. For this, you need to develop reading and study (learning) skills. We will introduce you to the basic concepts of the subject so that you can develop the communicative thinking and social skills necessary to explore and discuss criminological topics ranging from local to international level. In this way we want to develop your ability to argue and, in so doing, to expand your field of experience by drawing simple conclusions and forming new opinions. We want to teach you to observe (by reading the study guide and being sensitive to crime-related issues in the media and your everyday environment), collect, summarise and arrange information into a meaningful and coherent whole (by writing paragraphs in the self-assessment exercises and Assignment 03).

Outcomes-based outputs

The preceding discussion on the aim of the course is linked to particular critical (generally formative) and specific (developmental) outcomes or intended results of learning (in terms of knowledge, values and skills) that have to be achieved.

Critical outcomes

After completing the CMY1501 course, you should have acquired the following critical learning outcomes:

- **Criminological literacy.** With knowledge of the basic concepts of the subject and a scientific aptitude for the crime problem as well as the offender's and the victim's situation, you will be able to identify subject-related problems and develop a feeling for the way such problems can be solved by critical and creative thinking.
- **Global and contextual perspectives.** You should be aware of local and international views on the presentation of criminology and crime trends, information

and issues, as well as victim problems that contribute to establishing a micro view and a macro view of the subject matter and that stimulate holistic thinking in general.

- **A sense of responsibility.** Independent study (i.e. studying on your own), as occurs in a distance tuition model, encourages dedication, a sense of duty and perseverance. The self-evaluation component offers you the opportunity to organise and manage learning activities in a responsible way.
- **Communication skills.** The topical nature of the course content will encourage you to take an active interest in everyday subject-related events as portrayed in the media. This will help you to visualise course-related realities, which, in turn, will expand your field of experience so that you can draw elementary conclusions and form new opinions. This, together with the development of communication skills, will enable you to communicate meaningfully about the learning material in social conversations. At the same time, the acquisition of writing skills will help you to express your knowledge in writing.
- **Reading and research skills.** You should be able to observe closely (information in the study guide and tutorial letters, and events in the social environment) and to collect, analyse, arrange and scientifically judge (assess) information. This will help you to examine criminological topics critically at local and international levels and, where necessary, to question them.
- **Cooperation in group and community context.** You should be equipped with knowledge of and insight into the basic concepts of the subject so that you can apply the study material in group and community contexts. There is ample opportunity to do so in practically every local community's community policing forum and victim support and empowerment services.
- **Individual values and skills.** We encourage you to explore (examine) and develop the following:
 - **Learning skills.** These enable you to ignore irrelevant information, handle controversial or conflicting information, make deductions and review different viewpoints held by others.
 - **Schematic skills.** Schematic skills enable you to distinguish important facts in a particular context and to choose the correct options (answers) to multiple-choice questions in assignments.
 - **Synthesising skills.** You need synthesising skills so that you will know the procedure for selecting and collecting information from the study guide and other sources, summarising it and arranging it in a meaningful, coherent whole (e.g. writing a paragraph in a self-assessment exercise).
 - **A comprehensive values system.** Focusing on crime as the breaking of a legal norm (a "wrong" act) will equip or enable you to reinforce a comprehensive system of positive or law-abiding values such as honesty, good citizenship, healthy interpersonal relations and freedom.

Specific learning outcomes

After completing this module you should have achieved the following specific learning outcomes:

- the ability to think innovatively about the field of criminology and the various schools of thought in the subject
- the ability to engage with other role-players and recognise and describe problems with regard to crime, the offender and the causes and explanations of criminal behaviour

- the ability to demonstrate academic and professional literacy in the field of and schools thought in criminology, the crime problem, offenders and criminal behaviour
- an awareness of the different criminological issues across a variety of social contexts
- the ability to explain crime in South Africa and criminology's contribution to it
- the ability to expand on the risk factors that can lead to criminal behaviour
- the ability to comment on the causes and explanations of criminal behaviour

Overview of the module

This module deals with four themes. These themes should not be seen in isolation: they are mutually cohesive and form a whole. Next, we give an overview of the module.

Theme 1: Introduces criminology and answers the question, “What is criminology?” We explain the role of the criminologist, as well as different approaches to the focal point of the subject, namely the crime phenomenon. We look at the schools of criminological thought and emphasise the presentation of the subject in the South African and African contexts.

Theme 2: Deals with crime in South Africa and focuses on the classification of crime, on crime patterns and trends, and on the official and nonofficial sources of crime information.

Theme 3: Discusses individuals in the crime situation and takes a close look at the criminal and the crime victim. We examine the general characteristics of the criminal as regards cultural and ethnic diversity, gender and age and we explain criminal needs and reasons for criminal behaviour.

Theme 4: Focuses on the causes of crime and on explanation of these causes. In this theme we discuss individual-oriented causes of criminal behaviour with regard to the biological dimension, psychological dimension and social dimension. We also explain the term “theory” and discuss some elementary characteristics of theory and its use. Finally, we explain criminal behaviour according to Gottfredson and Hirschi's general theory of crime.

The study package

The study package consists of this study guide and tutorial letters.

In the study guide, the study material has been divided into four sections, as explained in the previous section.

Each of the four themes in the study guide consists of a number of learning units, which all follow a general introduction to the theme. The introduction gives an indication of what we wish to cover in the particular theme as well as the outcomes for the theme. You will notice that every learning unit begins with a definition of a specific learning outcome or outcomes. These objectives describe what we want you, as the student, to achieve in your study of the learning unit, rather than how the learning objective should be achieved. The content of a learning unit comprises the study material that you have to learn. At the end of each learning unit there are a few self-assessment questions (see Tutorial Letter KRMALLR: How to answer self-assessment questions). We have included them in order to help you to assess your progress and to attain the objectives. The questions focus on matters such as factual knowledge, insight and the

ability to analyse or synthesise. Some of these self-assessment questions are paragraph-type questions. The following serves as a guideline for the length of paragraph answers: an answer that counts for 15 marks should not be longer than one written page.

In the learning units, we make use of the following icons:



Learning outcomes for a theme or learning unit.



Activities that you will have to do in your workbook. These activities are numbered as follows:

1. (theme in which the activity appears)
2. (learning unit in which activity is set)
3. (activity number).

Please do these activities. The purpose of this is to explain aspects of the study material further and to determine whether you have grasped the concepts and other sections of the work.



Please note, case study, and so forth.



Remember!

REFLECTIVE QUESTIONS refer to matters for reflection and further consideration on aspects that are dealt with in the study material.

The tutorial letters concentrate mainly on administrative matters and assignments, the format of the examination papers and comments on assignments.

There are no prescribed books or recommended books for this course.

Assignments

Tutorial Letter 101 contains a number of assignments based on this course. These assignments are designed to add to your acquisition of knowledge, insight, values and attitudes, and to the development of skills. You have to hand in certain assignments in order to obtain entry to the examination. Assignments 01 and 02 and the examination paper consist of multiple-choice questions. The optional Assignment 03 is a self-assessment assignment and consists of paragraph-type questions. With regard to the length of the answers to these questions, the following serves as a guideline: an answer counting for 15 marks should not be longer than one written page.

Study objectives or learning outcomes

As already mentioned, you will find a list of study objectives or learning outcomes at the beginning of each learning unit. These will give you an indication of what you should be able to do by the time you have studied the learning unit concerned. The study objectives are also linked to the self-evaluation questions at the end of the learning unit. Both the study objectives and the self-evaluation questions therefore provide important guidelines for studying the material in this module.

To make sure that you know exactly what we expect, we have included below an explanation of the action words that will be used in the tutorial matter, together with their meanings. These words will be used in the assignments and in the examination. The term(s) appearing directly after the action word in brackets is/are synonym/synonyms for the action word. The section in square brackets at the end of the explanation indicates the level of knowledge that you should attain.



PLEASE NOTE

This list of action words is applicable to all the modules in criminology (levels 1, 2 and 3). Only some of the action words are used in this module.

Mention (list, state, give): “Mention” refers to memorised subject matter, such as facts, terms and concepts that can be written down in the form of a few words, short phrases or full sentences (e.g. a list: one item below the other) [knowledge].

Indicate (demonstrate, identify): You should be able to recall symbols, names and concepts and describe them briefly in full sentences [knowledge].

Discuss (argue, give reasons for, debate): The essence of a matter must be singled out (highlighted) and explained [comprehension/insight].

Describe (explain): This means that you must write down what you know. You are not required to provide your own comments or arguments. You must prove that you know what a certain phenomenon looks like or what the course of a particular process is. “Describe” therefore concerns the “what” or “how” of a subject [knowledge].

Sketch (provide a survey): Outline an existing phenomenon in words. You are not required to provide any modification, comments or arguments. Sketch something with the help of main points or subsections [knowledge].

Define: A definition involves the reproduction of knowledge by writing down a concise, authoritative explanation or description of a concept. Definitions usually consist of three parts: the term, class and distinguishing characteristics. “Term” refers to the thing which is being defined and “class” indicates the category to which the term belongs. Under “class” you should mention the similarities between the term being identified and other terms in the same class. “Distinguishing characteristics” refers to the characteristics of the matter being identified which distinguish it from other matters.

Explain: This requires you to demonstrate that you have actually understood the subject matter. It means that you must explain how everything fits together, the reasons for things being as they are and not otherwise, and why a particular result is produced.

Explanations should preferably be illustrated with examples and illustrations and you must give reasons for your pronouncements or conclusions [understanding/insight].

Illustrate with the help of a sketch/diagram/scheme (illustrate graphically):

The meaning is obvious: illustrate your explanations by using a sketch, diagram or scheme [understanding/insight].

Interpret (construe): Comment on the facts available and give examples. Your personal processing of information, interpretation or construction should be clear distinguishable from your answer [understanding/insight].

Summarise (sum up): Briefly recapitulate the essence of the matter you have discussed [application].

Demonstrate (indicate how): Substantiate the information or illustrate it by referring to an appropriate example [application].

Apply: Use acquired information and understanding by applying these to a new and actual situation (making them applicable to) [application].

Deduce (draw conclusions): Describe the logical consequences according to an existing system of classification [application].

Classify (categorise): Arrange the information according to an existing classification system [application].

Distinguish: Discuss the differences between the matters under discussion [analysis].

Compare: Weigh up two or more matters against each other with reference to certain characteristics [analysis]. Indicate the differences and similarities: Here you must compare two or more matters so as to indicate specific similarities and differences [analysis].

Analyse (construe): Determine the distinguishing characteristics (elements) of a matter, identify causes and results within the subject and illustrate mutual links [analysis].

Investigate: Analyse the information or divide into groups to indicate causes, effects and relationships [analysis].

Design (create, develop, compile, combine, formulate join, build): Here you have to provide a new, original combination or conjunction of data [synthesis].

Propose (advise): Provide expert guidance with a view to solving a problem [synthesis].

Criticise/evaluate (pronounce judgement, substantiate, give reasons for, assess, evaluate): Justify a value assessment on the basis of certain points of view, assumptions or criteria [evaluation].



PLEASE NOTE

YOU SHOULD OBTAIN A WORKBOOK IN WHICH TO DO THE ACTIVITIES THAT ARE GIVEN IN EACH OF THE LEARNING UNITS. THIS WORKBOOK DOES NOT FORM PART OF THE STUDY MATERIAL SUPPLIED BY UNISA.

We hope that you will find your studies beneficial and enjoyable. Please do not hesitate to contact your lecturers should you have any questions about the study material.



THEME I

What is criminology?

Revised by Prof FJW Herbig



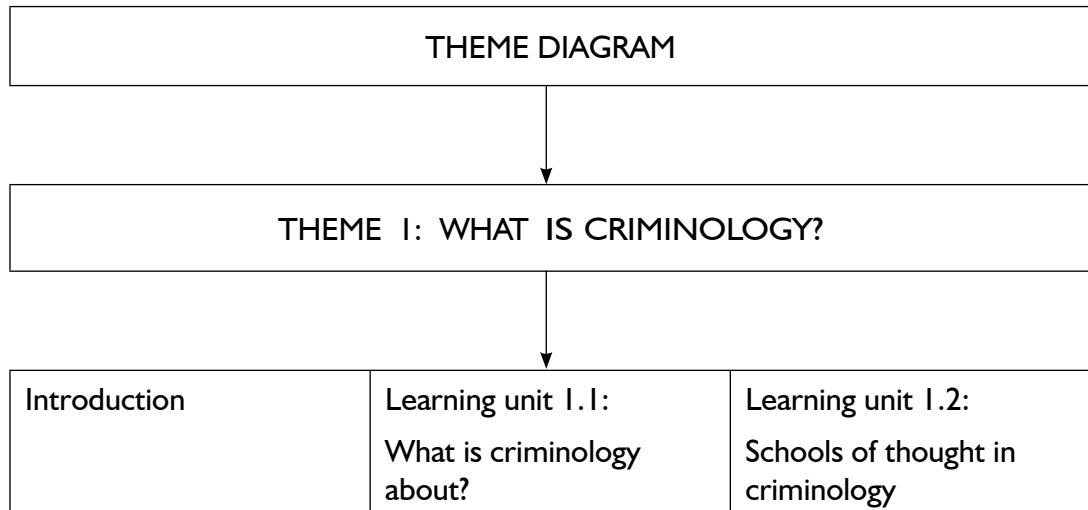
OUTCOMES FOR THE THEME

Demonstrate and apply a comprehensive understanding of the theory and practice of criminology, especially in terms of crime, criminals and criminal behaviour.

ASSESSMENT CRITERIA

When you have completed this theme you should be able to:

- demonstrate your understanding of the term “criminology”
- give an overview of the role of criminologists in South Africa
- sketch the shifting parameters of crime
- describe juridical and nonjuridical approaches to the study of crime
- explain the various schools of criminological thought within the context of Africa and South Africa
- demonstrate your understanding of the terms, rules, concepts and principles related to crime, criminals and criminal behaviour
- demonstrate awareness of how criminology relates to cognate areas, such as the role of the criminologist, approaches to the study of crime and schools of criminological thought



INTRODUCTION

Criminology has many meanings, but at its widest and most commonly accepted it is taken to be the study of crime, criminals and criminal justice. There are many different approaches to criminology and the subject itself has been shaped by many different academic disciplines. Crime is a form of human behaviour and, as there are various reasons why people commit crime, it is important to study this phenomenon from different angles. Criminologists look at the problem of crime in terms of different schools of thought in an attempt to explain criminal behaviour and to prevent and control it.

In this theme you will be introduced to contrasting views on criminology as they have developed over the last few decades in Western countries as well as Africa and South Africa. We also reflect on whether criminology can claim to be an independent science with its own system of knowledge and research methods.

Theme 1, “What is criminology?” is presented in two learning units. The first one deals with the field of study and the second with criminological schools of thought.

LEARNING UNIT 1.1 WHAT IS CRIMINOLOGY ABOUT?
↓
What is criminology?
The criminologist's role
Is criminology a discipline in its own right?
The fluctuating parameters of crime
Various approaches to the study of crime

LEARNING UNIT 1.1

What is criminology about?

- I.1.1 Introduction
- I.1.2 Key concepts
- I.1.3 What is criminology?
- I.1.4 The criminologist's role
- I.1.5 Is criminology a discipline in its own right?
- I.1.6 The fluctuating parameters of crime
- I.1.7 Various approaches to the study of crime
- I.1.8 The juridical definition of crime
- I.1.9 The nonjuridical definition of crime
- I.1.10 Conclusion
- I.1.11 Self-assessment questions
- I.1.12 Feedback on self-assessment questions



LEARNING OUTCOMES

When you have worked through this learning unit you should be able to:

- describe “criminology”
- articulate the role of the criminologist
- indicate whether criminology is a discipline in its own right
- explain the shifting parameters of crime
- discuss juridical and nonjuridical approaches to the study of crime
- express a personal point of view on the subject of criminology

1.1.1 Introduction

In this learning unit we take a brief look at:

- what is meant by the term “criminology”
- the criminologist’s role and field of study
- whether criminology is a discipline in its own right
- the shifting parameters of crime
- the elements of juridical and nonjuridical approaches to crime

1.1.2 Key concepts

In this learning unit you will become familiar with the following key concepts:

Criminology. Is an interdisciplinary applied discipline within the human sciences and its field of study includes the scientific study of crime, offenders and victims, the punishment of offenders (criminal justice system) and the prevention (reduction) and control of crime (Walsh 2015:2).

The law. Consists of all forms of law (criminal law, common law, etc.). A law is a written statute enacted by those legislative bodies that have the authority to make laws.

Criminal law. Is made up of all the legal rules that identify crimes and set down punishments.

Common law. Consists of legal rules that were not originally written down, but which have come to be accepted as the law of the land.

1.1.3 What is criminology?

According to Siegel (2013:4), criminology is the scientific approach to the study of criminal behaviour. Stevens (1996:1) notes that the word “criminology” can be divided into two parts, the Latin word *crimen* and the English suffix “-logy”. *Crimen* means “crime” and “-logy” means a “study” or “knowledge”. Therefore the word “criminology” means the study of crime. The term was first used by a nineteenth-century French sociologist called Toppinard.

Although criminology has been defined in a number of ways, one of the more comprehensive definitions is provided by Walsh (2015:2–3). Criminology, states Walsh, is an interdisciplinary science that gathers and analyses data on various aspects of criminal, delinquent, and general antisocial behaviour. Criminology examines why those

individuals committed crimes that got them ensnared in the criminal justice system in the first place. As with all scientific disciplines, the goal of criminology is to understand its subject matter and to determine how that understanding can benefit society. In pursuit of this understanding, criminologists ask questions such as the following:

- Why do crime rates vary from time to time and from culture to culture?
- Why are some individuals more prone to committing crime than others?
- Why do crime rates vary across ages, genders, and racial/ethnic groups?
- Why are some harmful acts criminalised and others not?
- Why do some people become victims while others do not?
- What can we do to prevent crime?

Criminologists use the scientific **method** to try to answer their questions rather than just philosophising about them from their armchairs. The scientific method is a tool for separating truth from error by demanding evidence for any conclusions criminologists arrive at. Evidence is obtained by formulating hypotheses derived from theory and that are rigorously tested with data in such a way that others following the same method can replicate the study. By following the scientific method, criminologists hope to build a body of verified knowledge that may help, amongst others, policymakers, police and correctional officials in their battle against crime (Walsh 2015:2).

Criminology is, therefore, an applied discipline within the human sciences. Its field of study encompasses crime, criminals, victims, punishment and the prevention and control of crime. It is important to remember that criminology is the only discipline that studies crime in its relativity, meaning that crime context is taken into consideration. Crime is the consequence of a whole set of factors which cannot be understood by looking at only one or two of them in isolation. This necessarily means that all aspects of the crime phenomenon – the offender, the victim, the criminal justice process and the relevant role-players – are the core matters that criminology explores in their relativity (Bezuidenhout & Little 2011:15).

Criminologists study issues such as the causes of crime (why people commit crimes); society's reaction to crime (unofficial and official attempts to prevent and control crime) when people break the law; differences in the nature and scope of crime (patterns or tendencies) between countries and between communities in the same area, and why some people commit crimes while others in similar circumstances do not. Criminologists also try to explain the judicial process (e.g. why some types of unacceptable behaviour are branded as criminal while others are not).

In addition, criminologists study the victims of crime and try to determine why people become victims, as well as examining the profile of a crime victim, and what makes people prone to victimisation. The prevention and control of crime and victimisation are another important area of study.

From the above, you can see that criminology includes the scientific study of making laws, breaking laws and reacting towards the breaking of laws.

Edwin H. Sutherland is celebrated as the father of American criminology. His definition includes three aspects. The first relates to the making of laws against crime. The second aspect (breaking laws) is what most people think of when they think of criminology and is generally referred to as the area of the causes of crime. The third aspect (reacting to lawbreaking) is directly related to the work of the police, the courts and correctional

services. These three aspects of Sutherland's definition of criminology are sometimes referred to as the study of law making, law breaking, and reactions to law breaking.

This definition of criminology was offered more than 50 years ago. Nowadays people approach the challenge of defining the field of study in a slightly different manner. However, the content of the definition still seems to stay the same. The Department of Criminology and Security Science at the University of South Africa takes the juridical (narrow/legal) concept of crime as a starting point and then studies everything that is relevant to the field of study of Criminology.

Bezuidenhout and Little (2011:15) identify the following fields of specialisation in criminology:

- Criminal law – A branch of law that covers the definition of crime and criminal behaviour, as well as the rules and regulations regarding the control and prevention of crime and the punishment of criminal and deviant behaviour.
- Crime theories – The reasons and explanation provided by criminologists and social scientists for the causes and the occurrence of criminal, deviant or abnormal behaviour.
- Victimology – The study of crime victims or victims of deviant behaviour, as well as their experiences and perceptions.
- Criminal and deviant behaviour systems – Risk assessment strategies that determine the nature and extent of deviant or criminal behaviour pattern.
- Criminal justice – The study of agencies of social control that handle offenders. This includes the study of courts of law, the police and the prisons as institutions that are responsible for controlling, regulating and preventing criminal or deviant behaviour.



ACTIVITY 1.1.1

Why do you need to do this activity?

- To show that you are familiar with the study field of criminology.

Instructions

- Read paragraph 1.1.3 above and answer the following question in your workbook.

Criminology studies which of the following?

- (1) Crimes as defined by the law of the land only
- (2) Crimes and criminals only
- (3) Crimes, criminals, policing and the adjudication of criminals
- (4) Crimes, criminals, the victims of crime, the adjudication of crimes and the prevention of crime
- (5) Crime as defined by the people of the land

FEEDBACK ON ACTIVITY 1.1.1

The correct answer is (4).

1.1.4 The criminologist's role

According to Brown, Esbensen and Geis (2001) and Gibbons (in Bezuidenhout & Little 2011:14), a criminologist is someone whose professional training, occupational role and earnings or remuneration mainly relate to a scientific approach to the study and analysis of crime phenomena and criminal behaviour. Beukman (in Bezuidenhout & Little 2011:14) considers the main functions of criminologists to be:

- lecturing at universities or colleges
- researching at universities, colleges or institutions such as the Institute for Security Studies (ISS)
- being involved in community service by assisting victims of various violent crimes, such as domestic violence at victim support organisations

Somewhat similarly, Schmalleger (1996:12) maintains that a criminologist is a graduate who makes a study of crime, criminals and criminal behaviour. He defines criminology as the scientific study of crime and criminal behaviour, including the ways in which crime occurs, the causes of crime, the legal aspects of crime and crime control, as well as possible solutions to the crime problem. Do you agree with this definition? What about crime victims?

Fundamentally, therefore, a criminologist's task is to study, define, describe, interpret, explain and indicate policy directions in respect of crime, criminal behaviour and victimisation (Glick 1995:3–5). The basic point of departure is to identify the complex causes of crime, to explain these in terms of existing theories, and to develop and scientifically test new theories. Thus, the criminologist is both a theorist and a researcher. For instance, there are several theoretical explanations for women abuse, such as alcohol and drug abuse, emotional stress, learnt behaviours (socialisation), interpersonal problems and discriminatory treatment of women in society. Using research findings on the causes of crime, criminologists help to develop appropriate programmes for preventing crime. What is your view regarding this aspect?

Criminologists also research the criminal justice system and suitable treatment for offenders to help prevent recidivism (relapses into crime). By means of research, criminologists can do much to help formulate new policy directions in criminal justice and to shape social and economic policy so as to prevent crime. Criminologists can also submit reports and give evidence in court in order to explain offenders' criminal behaviour, thereby helping the court to impose appropriate sentences. Finally, by means of victim impact statements, criminologists can bring the harm suffered by victims to the court's attention and this is then taken into consideration in determining a sentence.

Besides the aforementioned activities, people who qualify in criminology (usually only once a post-graduate degree in Criminology has been obtained) can pursue a wide range of occupations (careers) in which they can apply their knowledge. Examples include as academics, police officers, parole officers and people working in the field of correctional services and support services in the courts.

Criminologists can also work as forensic laboratory technicians, computer crime investigators, polygraphists, prison programme directors; in the security field, in the business sector as risk managers, in the selection of high risk personnel, in the public (civil) service and in the private sector; in the development and implementation of

policy on the prevention of crime and victimisation as well as in the development of aid/support services and programmes for crime victims.

Some criminologists distinguish between criminology seen as the study of crime, and criminal justice and criminology seen as the functional study of the police, courts and correctional services.

South African universities have, since 1949, been teaching criminology as an independent subject usually located in the Faculty of Social/Human Sciences. The same is true of most African universities (Mushanga 1992:iv). Some law faculties also teach criminology – for instance, Unisa’s College of Law, where criminology is offered in the School of Criminal Justice. The University of Cape Town offers the subject only as a postgraduate option.



ACTIVITY 1.1.2

Why do you need to do this activity?

- To establish whether you are familiar with the role of the criminologist.

Instructions

Read paragraph 1.1.4 above and answer the following question in your workbook.

The role of the criminologist includes which of the following:

- (1) Defining, describing and interpreting, but not explaining, crime.
- (2) Identifying the causes of crime and explaining why these causes are causing crime.
- (3) Advancing the theories pertaining to the explanation of crime only.
- (4) Developing crime prevention programmes.
- (4) Studying the role of socialisation in the occurrence of crime.

FEEDBACK ON ACTIVITY 1.1.2

The answer is (2) to (5). The only reason why it is not (1) to (5) is that, in statement (1), the phrase “but not to explain crime” is added to the statement. Criminology does in fact study the theoretical explanations for crime as well and even develops such theories.

1.1.5 Is criminology a discipline in its own right?

The word “science” refers to knowledge (knowing) and indicates knowledge of a particular discipline that has been systematically collected (Du Preez & Naser 1993:62). In other words, knowledge is collected by means of certain accepted methods and is reliable, valid, up to standard and applicable to a specific subject and discipline.

Of course, there are many different disciplines. For instance, criminology falls into the category of social or human sciences (it focuses on people in their life contexts). At Unisa, however, the view is held that, since the law and lawyers heavily influence the criminal justice system, and since the discipline of criminology is categorised as being

part of the criminal justice sector, it should resort under the auspices of the College of Law. While every human science has its own well-defined area of study, the units are not watertight. There is constant interaction between disciplines which, in a real sense, “borrow” from one another.

Another important point to note is that a science or discipline is dynamic. It is always developing as new knowledge and insights become available.

According to Johnson (1978:49–71), the following requirements have to be met if a subject is to qualify as an independent discipline:

- It must have its own object of study.
- It must be possible to identify a unique, clearly demarcated area of study.
- It must have its own procedures or scientific methodology.
- It must have a sturdy theoretical foundation.
- The knowledge it generates must be applicable to society.
- It must be taught or practised at an educational institution.

If we test criminology against these criteria, it meets them all. It has a clear object of study (the phenomenon of crime in all its facets) and a demarcated field, a unique research practice in the human sciences (or law/criminal justice discipline according to Unisa’s standpoint) and a firm theoretical base, and it is applied in a number of specialist fields. Moreover, it is practised worldwide.



ACTIVITY 1.1.3

Why do you need to do this activity?

- To show whether you think that criminology is a discipline in its own right.

Instruction

Read paragraph 1.1.5 above and answer the following questions in your workbook.

- (1) Why can we state that criminology is a discipline in its own right?
- (2) Why is it important for it to be a discipline in its own right?

FEEDBACK ON ACTIVITY 1.1.3

- (1) We can state that it is a discipline in its own right because it adheres to the criteria for a discipline.
- (2) It is important because, if it were not, the results of its research would not be viewed as scientific and would not receive recognition as being reliable and valid.

1.1.6 The fluctuating parameters of crime

Almost every vice is seen as a virtue somewhere or sometimes. There are numerous examples of acts defined as crimes in one country being tolerated and even expected behaviour in another (Walsh 2015:3). A significant problem faced by criminologists,

therefore, is the fact that crime and justice are human constructions that can and do vary over time and from community to community. During the Nazi era, for example, Jews could be killed and their possessions confiscated; during the fifties it was a crime for a black American to sit in the front section of a bus. In apartheid South Africa, black South Africans were not allowed to reside or own property in a white neighbourhood. Abortion is a crime in Italy but not in the United States or in Britain. Clearly, criminology is not an exact science in the sense that physics is.

Crime is studied from a number of perspectives. Under certain conditions, for instance, one group may acclaim the death of women and children as an act of heroism in a liberation struggle, while another group regards it as murder. Take the following examples: the bomb planted in a pub by freedom fighter, Robert McBride, on 14 June 1986 in the name of the freedom struggle and which resulted in the deaths of a number of women; and the bombs planted in Johannesburg by members of the AWB just before the 1994 elections which also killed several people. Some South Africans saw these as brutal murders, others as acts of heroism. Although legislation now allows abortion on demand in South Africa, many people still regard it as murder.

Nor is justice consistent. Behaviour that is seen as harmful is sometimes prohibited and sometimes not. In South Africa, horse racing is legal whereas dog racing (also known as greyhound racing) was banned in 1946 and is to this day a punishable offence.

Behaviour defined as crime often reflects the power relations in a society. A small but well-organised minority (e.g. religious groups or powerful businessmen) can force its preferences on society by means of legislation. For example, when South Africa had a white minority government it was a crime for black South Africans not to have their passbooks on them and cinemas were closed on Sundays for many years as a result of pressure from religious circles. Can you think of any other examples?

The limits of acceptable behaviour are determined by law and depend on such factors as prevailing conditions and public tolerance. We might say that law is a formal value judgement of what is regarded as criminal. Thus, laws can be unjust, benefiting certain groups only. This is a particular problem in a multicultural country like South Africa.

The shifting parameters of crime have been a major incentive for criminologists to broaden the field of their discipline rather than to uncritically accept the legal definition of crime.

1.1.7 Various approaches to the study of crime

According to Siegel (2013:12–13), criminologists' personal definitions of crime dominate their thinking, research, and attitudes toward their profession. As a result, criminologists take a variety of approaches to explaining the causes and suggesting methods of control. It is therefore possible to take elements from each school of thought to formulate an integrated definition of crime.

Generally speaking, criminologists study crime from two points of view, the juridical (legal) and the nonjuridical (social) definitions of crime. As we shall see, these two approaches have a considerable influence on the parameters of criminology.

Criminal justice in South Africa was greatly influenced by Roman Dutch law dating back to 1652, when the Dutch settled in the Cape, and later on – after the British occupation of the Cape in the eighteenth century – by British law. As a result, indigenous law was more or less lost, with negative consequences for law enforcement in South Africa. Today the Constitutional Court is the highest decision-making body in the country and can invalidate laws adopted by Parliament if, in terms of the Bill of Rights, they infringe on the rights of South Africans.

Criminal law controls illegal behaviour by citizens within its jurisdiction (control) and is enforced by the state only. An ordinary citizen cannot lay a criminal case unless the state decides not to prosecute, which is why criminal cases are always identified as the state v (name of accused). Criminal justice is directed mainly at punishment and deterrence, and its chief objective is to protect people against unsanctioned behaviour by others. A further distinction is drawn between statutory law (laws passed by Parliament) and common law (a consequence of British law implying that a court verdict sets a precedent for similar cases arising in future). Civil law resolves disputes between private individuals, the chief aim being compensation for a private injustice.

1.1.8 The juridical definition of crime

In terms of the typical narrow or juridical (legal) approach, criminology should focus on actions that include the deliberate violation of the law of the state, for which punishment may be imposed without justification or excuse (Bezuidenhout & Little 2011:15). This type of viewpoint is strongly guided by criminal law as the focus is on the wrongdoing: the specific legal action that is seen in violation of law and against the government. Crime is behaviour defined as a crime by law, while a criminal is someone whose guilt in contravening the law is established beyond reasonable doubt. The narrowness of this definition can be shown by the fact that it does not take into account the behaviour that is not criminalised, such as adultery, and crimes that are not reported to the authorities because some criminals are never apprehended (Bezuidenhout & Little 2011:15).

Before an act or omission may be defined as a crime, criminal law must regard it as such and a suitable punishment must be in place. Hence the precept “no crime without law and no punishment without law” (Snyman, Middleton, Strauss, Geldenhuys, Alheit & Jordaan 1991:21ff).

A brief discussion on the juridical elements of crime follows.

1.1.8.1 The act itself

To qualify as a crime, an act has to be a human act under the control of a human will. It must furthermore be a voluntary act in the sense that the perpetrator is not forced or driven to commit it by factors beyond his or her control. Finally, this human act has to be capable of being observed (something concrete has to happen). The mere idea of or intention to commit a crime does not constitute a crime in the juridical sense of the word.

There are some exceptions to the rule about the observability of a human act. A crime may, in fact, be deemed to have taken place in the following circumstances:

- where there is an attempt to commit a crime, and this attempt demonstrates deliberate intent to commit a crime (in which case the deliberate intent must give rise to action aimed at committing the crime)
- where there is complicity implying conscious, deliberate advancement of a crime where an accomplice identifies with the crime and actively assists the criminal afterwards
- where an act such as the above act is a human act where not only the act itself, but also its consequences are punishable by law

Juridically speaking, the following three modes of action may be distinguished:

- transgressing a prohibition
- ignoring a prohibition
- committing an act that has harmful consequences

1.1.8.2 The wrongfulness of the act

A wrongful act may be defined as an act that conflicts with the legal norm in the form of a prescription or prohibition. While wrongfulness is stated as an objective requirement, there are circumstances that legalise an “illegal” act – for instance, if a person acts in self-defence, during an emergency or even with the victim’s consent. When it is a case of carrying out a legal command, an act that would otherwise be wrongful is not considered to be so.

1.1.8.3 The element of guilt

Although guilt has a number of meanings, it is, according to the juridical definition of crime, the culpable frame of mind in which a person commits a wrongful act. Two forms of guilt may be distinguished: deliberate intent (*dolus*), and negligence (*culpa*) (Kemp, Walker, Palmer, Baqwa, Gevers, Leslie, & Steynberg 2012: 123–124). These forms of guilt may be ascribed to human actions provided that the perpetrator is accountable (in other words, provided that the perpetrator’s mental capability is such that the behaviour, or the consequences of such behaviour, can be blamed on that person). Accountability is determined by such factors as mental illness, age, intoxication or emotional stress resulting from provocation, fear, anger or shock (Snyman 1995: 147, Kemp et al. 2012: 123–124)

1.1.8.4 The element of punishment

In juridical terms, only those acts that are punishable by the state are considered to be crime. The punishment for a particular crime may be set out in common law or in a legal prescription. If the accused is found guilty, he or she is sentenced by the court in accordance with the relevant norm. The punishment may comprise a prison sentence, a fine, correctional supervision, a suspended or deferred sentence or a combination of any of these.



ACTIVITY 1.1.4

Why do you need to do this activity?

- To show that you are familiar with the juridical definition of crime.

Instructions

- Read paragraph 1.1.8 above and answer the following question in your workbook by choosing the most correct answer below.

Juridically speaking, a crime is constituted when the following is present:

- (1) One must be able to define it as an act according to the law.
- (2) This act must be a wrongful act (according to the law).
- (3) This act must be punishable by the criminal laws of the land.
- (4) The actor must have been guilty of committing said act.
- (5) All of the above

FEEDBACK ON ACTIVITY 1.1.4

The correct answer is (5).

1.1.9 The nonjuridical definition of crime

According to Bezuidenhout and Little (2011:16), some scholars believe that it is too simplistic to be guided only by criminal law when trying to understand human wrongdoing, criminal or unacceptable behaviour and the focus of criminology. Scholars of the nonjuridical approach broaden the search to look for reasons why the behaviour took place. These scholars feel that criminologists cannot focus on crime alone, but should also study any behaviour that is not acceptable to the majority of the people. The implication is that one cannot study and understand crime without studying what is considered to be deviant behaviour by society. In terms of the narrow juridical approach, adultery is not legally punishable (Bezuidenhout & Little 2011:16). However, in terms of the broad definition, adultery may well be unacceptable or deviant behaviour which may be frowned upon by many. Consider, for example, the widespread condemnation of adulterous behaviour on the part of public figures Joost van der Westhuizen and Tiger Woods. What is your view on this?

Bezuidenhout and Little (2011:16) go on to state that in order to understand deviant behaviour from a nonjuridical perspective, the community has to be understood in its totality. Phenomena such as crime or deviant behaviour cannot and should not be compartmentalised by labelling them as isolated phenomena or by limiting their scope to narrow legal definitions. Followers of the nonjuridical approach believe that narrow definitions of crime are short-sighted and depoliticise criminology. They see the influence of income, poverty social class and level of education as being very important. In South Africa, there is also the belief that the struggle against apartheid created a culture of lawlessness.

Consonant herewith, Stevens (1996:2) maintains that a number of social (nonjuridical) definitions have been identified, each with an influence on the field of criminology. All imply that certain forms of behaviour (that harm society) may be considered to be crime. The following are regarded as the main delineations of social crime:

1.1.9.1 Crime as a violation of behavioural norms

As early as 1938, Thorsten Sellin pointed out in his article, “Culture conflict and crime” that criminology should focus, in addition to legally defined crimes, on the violation of social norms of behaviour as well. Modern society, apart from being multicultural, consists of a variety of groups (occupational, denominational, etc.), each of which subscribes to certain norms. Social values are standards set by particular groups, which may disadvantage others. For instance, many black South Africans do not regard the killing of a person suspected of witchcraft as a crime whereas to most white South Africans it is murder. Behavioural norms are determined by tradition, custom, religion and criminal law, among other things. Sellin’s statement confronts criminologists with an important question: Why are only some behavioural norms legally defined as criminal?

1.1.9.2 Crime as social harm

In his book, *White collar crime*, published in 1949, Sutherland argues that criminologists should study all illegal behaviour (including civil injustice) which harms society. He was particularly concerned with white-collar crime, such as advertising fraud or the pollution of rivers, which harms society without resulting in the transgressors being regarded as criminals. Other examples are workers in chemical factories being exposed to dangerous toxic waste or miners contracting serious lung diseases. Sutherland’s views have had considerable influence on critical criminology which is discussed later in this study guide.

1.1.9.3 Crime as a violation of human rights

In 1975 the Schwendingers (proponents of the so-called “New Criminology”) argued that any behaviour which violates an individual’s human rights should be regarded as crime. This would imply that the restriction of people’s freedom of movement or speech, or denial of education or work, should be regarded as crime. They also held that acts of imperialism, sexism and racism and the like should be reckoned as crime. For instance, the United Nations pronounced apartheid to be a crime against humanity. The Schwendingers also argued that it is unjust to brand a hungry person stealing food as a criminal while the act of a corporation destroying tons of food in a time of surplus, in order to keep prices down, is not considered criminal.

These views illustrate the power relations in society and the fact that criminology possesses an inherently political character.

1.1.9.4 Crime as a form of social deviance

Social deviations may be defined as behaviour that deviates from the conventional or commonly accepted norms and standards of society and for which an appropriate punishment exists. Deviance is defined by religion, political belief and etiquette, among other things, and may vary from time to time and from one country to another. During the 1920s, for instance, it was a crime in the USA to consume alcohol, and in Saudi Arabia it is currently a crime for couples to kiss in public. This highlights a serious dilemma in criminology, namely, why certain behaviour is sometimes considered criminal and sometimes not. Supporters of the nonjuridical concept believe that

criminologists should broaden the crime concept to include all the above elements. A major problem with the nonjuridical concept, however, is that it is very broad and just as value laden as the juridical concept.

1.1.10 Conclusion

In this learning unit the concept of criminology was defined and the role of the criminologist discussed. The matter of whether criminology can be regarded as an independent discipline in terms of certain criteria was also considered. The challenges of the shifting parameters of crime were contemplated and the juridical and nonjuridical approaches to the study of crime were considered, as well as the fact that contemporary criminology embraces both.

1.1.11 Self-assessment questions

- (1) Give a concise definition of the area covered by criminology (10)
- (2) Briefly define the role of the criminologist (15)
- (3) List six requirements that a field of study has to meet in order to qualify as an autonomous discipline (6)
- (4) Name the two approaches to the study of crime. (2)
- (5) Name the four elements of the juridical concept of crime. (4)

1.1.12 Feedback on self-assessment questions

- (1) Consult section 1.1.3. Criminology is an applied human science that makes a study of crime, criminals, victims, punishment and the prevention and control of crime. Criminologists also study the causes of crime, the community's reaction to crime and official and unofficial efforts to prevent and control crime.
- (2) Consult section 1.1.4. Criminologists study crime by defining, interpreting and explaining it and by indicating trends. In addition, they examine and explain the complex causes of crime in terms of existing theories. Criminologists also conduct research into the criminal justice system and the treatment of offenders. They may also present reports to the court to explain an accused's behaviour as well as the impact of the crime on the victim. This information could help the court to impose an appropriate sentence. Criminologists may also apply their knowledge in various careers.
- (3) For a field of study to qualify as an autonomous discipline it must meet the following six requirements or criteria:
 - It must have a study object of its own.
 - It must have a uniquely demarcated field of study that is identifiable.
 - It must have its own methodical scientific practices.
 - It must have a valid basis in theory.
 - The knowledge of the field of study must be applicable such that it can be used in society.
 - It must be taught as a subject or practised at an educational institution.
- (4) The two approaches to the study of crime are the juridical and nonjuridical crime concepts.

(16) LEARNING UNIT 1.1

- (5) The four elements of the juridical crime concept are the act itself, the unlawfulness of the act, the element of guilt and the element of punishment.

**LEARNING UNIT 1.2: SCHOOLS OF THOUGHT IN
CRIMINOLOGY**



Classical criminology

Positivist criminology

Critical criminology

Feminist criminology

The social milieu school of thought

Post-modern criminology

Criminology in Africa

Criminology in South Africa

LEARNING UNIT 1.2

Schools of thought in criminology

- 1.2.1 Introduction
- 1.2.2 Key concepts
- 1.2.3 The purpose of criminological theory
- 1.2.4 Classical criminology
- 1.2.5 The neo-classical school
- 1.2.6 Positivist criminology
- 1.2.7 Critical criminology
- 1.2.8 Feminist criminology
- 1.2.9 The social milieu school of thought
- 1.2.10 Post-modern criminology
- 1.2.11 Criminology in Africa
- 1.2.12 Criminology in South Africa
- 1.2.13 Conclusion
- 1.2.14 Self-assessment questions
- 1.2.15 Answers to self-assessment questions



LEARNING OUTCOMES

When you have worked through this learning unit, you should be able to:

- discuss the various schools of criminological thought, such as classical, positivist, critical, feminist, social milieu and post-modern criminology generally and in the context of criminology in Africa and South Africa
- answer diverse multiple-choice questions based on your knowledge, insight and understanding of the various schools of thought in criminology

1.2.1 Introduction

In this learning unit the development of several universally influential schools of criminological thought will be discussed. The underlying concept of crime and the basic points of departure of each school of thought will be noted.

Schools of thought are also, amongst others, referred to as approaches, ideologies, movements or paradigms.

1.2.2 Key concepts

Classical criminology. A theoretical perspective based on the following concepts (Burke 2014:37):

Free will and hedonism, where all human behaviour is purposive and based on the pleasure-pain principle.

Punishment should reflect the above principle with fixed sanctions for all offences written into the law and not be open to interpretation, or discretion, of presiding officers.

The law must apply equally to all citizens, and all found guilty of a particular offence should suffer the same prescribed penalty.

Punishment should outweigh any pleasure to be derived from criminal behaviour, but the law must not be as harsh and severe so as to reduce the greatest happiness.

Positivism. A school of thought that focuses on the criminal and assumes that people are driven into crime by forces largely out of their control (determinism) – people are not free and not wholly responsible for their own actions. Human behaviour is perceived to be a product of social, biological, psychological or economic forces, which calls for treatment rather than punishment (Wash 2015:72–3).

Critical criminology. Is a perspective where crime is defined in terms of the concept of oppression and argues that the crimes of the working class are insignificant when compared to the crimes of the powerful that largely go unpunished (Walsh 2015:147–148).

Feminist theory. An approach that challenges the male-centeredness of criminology and proposes that the main weakness of traditional “malestream” criminological theory is the failure to understand the important significance of gender and sex roles (Burke 2014:227–228).

Rational choice. The view that human beings choose to commit criminal behaviour after weighing up the costs and benefits of an illegal act and can be deterred through the threat of punishment (Burke 2014:63).

Postmodernism. A movement suggesting that there is no longer any chance of developing one general theory of crime or one dominant narrative. Instead, the world is seen to be too eclectic and provisional to be understood by any single august theory (Burke 2014:369).

Social process approach. The view that criminal behaviour is a function of people's interactions with various organisations, institutions and processes in society (Walsh 2015:127).

Social structure approach. This approach concentrates on the social structure and organisation of a community, with the view that disadvantaged economic class position is a primary cause of crime (Walsh 2015:105).

1.2.3 The purpose of criminological theory.

A theory is a set of logically interconnected propositions explaining how observed facts within a domain of interest are related and from which a number of hypotheses can be derived and tested (Walsh 2015:16). Theories should provide logical explanations of an area of interest by fitting the discovered facts into a coherent pattern in order to make sense thereof.

Criminology students, and in reality students of other disciplines as well, are invariably overwhelmed by the word “theory”, which they seem subconsciously to associate with the esoteric – or even the mythical and scary “rocket science” – with the outcome being an inherent resistance to the subject matter. Theory nevertheless means nothing more than an explanation and is simply about “how” and, most importantly “why” we do some things and in the form that we do them.

While many students are intimidated by their very first encounter with theory, it is nevertheless used by all of us on an almost daily basis. You may be one who believes that theory is abstract and has no fundamental basis in the real world but, whether you realise it or not, you use theory all the time. We all make assumptions and generalisations about the world around us. We thus theorise. Theories are logical constructions that explain natural phenomena. They are not in themselves always directly observable, but can be supported or refuted by empirical findings. Theory and empirical research are connected by means of hypotheses, which are testable propositions that are logically derived from theories. The testable part is important because scientific hypotheses must be capable of being accepted or rejected.

Theories can be simple or complex; it depends on how relationships are made in formulating them. The reality is that we need theory in order to function effectively, in order to better understand the world around us. Human behaviour tends to be very complex, almost abstract as many criminological theories are. The physical and natural sciences enjoy a great deal of agreement about what constitutes the core body of knowledge within their disciplines and thus have few competing theories, especially at the most general levels. Within criminology and the social/behavioural sciences in general, however, there is little agreement about the nature of the phenomena we

study, and so we suffer an embarrassment of theoretical riches (Walsh 2015:17). Despite this, theories not only provide a framework for us to interpret the meanings of observed patterns, but they help us to determine when these patterns are meaningful and when they are not.

The theories presented in this study guide should not be regarded as Eurocentric *per se* as they are universally applicable. They are as valid in South Africa as they are elsewhere in the world. Crime is an omnipresent phenomenon and its explanation is in most cases similar across the world's borders and continents. Theories must, however, be contextualised and applied fluidly to the specific and prevailing circumstances.

1.2.4 Classical criminology

The classical school of criminology surfaced during the late eighteenth century with the work of an Italian mathematician named Cesare Bonesano Beccaria and an English theorist named Jeremy Bentham (Eamonn et al. 2015:49). Classical philosophy takes its central ideas from a period known as the Enlightenment (Van der Westhuizen 2011:126; Eamonn et al. 2014:63), first emerging in France during the early eighteenth century and represented by such intellectuals as John Locke (1632–1704), Jean-Jacques Rousseau (1712–1778), Charles Louis Montesquieu (1689–1755) and Thomas Hobbes (1588–1679) (Walsh 2015:73). This period has been described as one of immense changes in conventional thinking about human nature and society.

According to the classical school, an unwritten social contract emerged during an earlier period known as the Renaissance (1300–1600). This was a vast social movement that swept away old feudal customs and institutions, led to gains in intellectual development, and paralleled the appearance of capitalism throughout the Western world. In keeping with the emerging view of the social contract (perhaps best illustrated by the writings of Hobbes and Rousseau), humans originally lived in a state of nature, grace, or innocence, and their escape from this state resulted from the application of reason (Van der Westhuizen 2011:126). In other words, humans were essentially rational people whose reasoning powers placed them far above animals. Also, this perspective stressed that humans have free will and that, theoretically, there was no limit to what they could accomplish. Furthermore, it was asserted that humans were essentially hedonistic and that, by their very nature, they would freely choose actions that maximise pleasure and minimise pain (Burke 2014:37). Social contract thinkers claimed that the main instrument of the control of human behaviour is fear, especially fear of pain. Punishment, as a principal method of operating to create fear, is seen as necessary to influence human will and thus to control behaviour. Also, society had a right to punish the individual, and to transfer this right to the state. Finally, some code of criminal law, or some system of punishment, was deemed necessary to respond to crime.

The classical school derives mainly from the work of Cesare Beccaria (1738–1794) whose influential book called *On Crimes and Punishments* was first published in 1764 (Burke 2014:35). Beccaria and other liberal thinkers believed that the major principle that should govern legislation was “the greatest happiness for the greatest numbers” (this supports the view that government should be “of the people, by the people, for the people”). This philosophical doctrine is known as utilitarianism, the idea that punishment ought to be based on its usefulness or utility or practicality. In his book, Beccaria noted, “For a punishment to attain its end, the evil which it inflicts has only

to exceed the advantages derivable from the crime.” In other words, punishment should not be excessive; it should fit the crime.

The book *On Crimes and Punishments* was the first to provide a basic outline of what turned out to be the modern system of criminal justice. Several of his recommendations provide good summaries of his perspective. Perhaps most notable is the following, from the last page of his classic book:

In order for punishment not to be, in every instance, an act of violence of one or of many against a private citizen, it must be essentially public, prompt, necessary, the least possible in the given circumstances, proportionate to the crimes, dictated by the laws (Vold & Bernard 1986:25).

Beccaria also argued that punishment that closely follows the commission of a crime will be more just and useful. In other words, punishment should be “swift and certain.” The major thrust of the classical school, however, is that the purpose of the criminal justice system is to prevent crime through deterrence (Burke 2014:44). According to this line of thinking, a potential criminal will decide against committing a crime because the punishment would be too costly. Jeremy Bentham (1748–1832), one of Beccaria’s contemporaries, suggested that criminal behaviour (like all human behaviour) is a rational choice, born of free will. To prevent crime, we must make the punishment (i.e., pain) greater than the criminal act. The most important feature of the classical school of thought is, therefore, its emphasis on the individual criminal as a person who is capable of calculating what he/she wants to do – and this was supported by a philosophy that held that humans had a free will and that behaviour was guided by hedonism (Lilly, Cullen & Ball 2015:37–9). In other words, individuals were guided by a pain-and-pleasure principle by which they calculated the risks and rewards involved in their actions. Accordingly, punishment should be suited to the offence, not to the social or physical characteristics of the criminal.

In summary, the classical school, according to Walton, Taylor and Young (1973:2) and Eamonn et al. (2014:49–56), makes the following assumptions:

- (1) All people are, by their nature, self-seeking (the seeking of one’s own interest or selfish ends; hedonistic) and therefore liable to commit crime.
- (2) In order to live in harmony people agree to give up certain freedoms in order to be protected by a strong central state.
- (3) Punishment is necessary to deter crime and the state has the prerogative to administer it.
- (4) Punishment should be proportionate to the crime (fit the crime) and not be used to rehabilitate the offender.
- (5) Use of the law should be limited and due process rights should be observed.
- (6) Each individual is responsible for his or her actions and thus mitigating circumstances or excuses are inadmissible.

Some limitations of the classical model

According to Eamonn et al. (2014: 56), the following problems can be associated with the classical school of criminology:

- The classical model presents an overly rational vision of human nature, arguing that people only behave in a purely self-interested and ‘free’ fashion. If they can see they will be punished, they will be deterred; if they think they can get away

with crime, they will proceed. For many, this is just too simple and ignores the complexities of human behaviour.

- Classicism regards crime as resulting from free choice; but we may be left wondering whether we are all equally “free” to make these choices, and whether we all face the same choices.
- Classicism assumes that individuals live in societies that are organised in fair and just ways, but can we have “justice” in an “unjust society”?

1.2.5 The neo-classical school

Mainly due to its extreme and inflexible nature, classicism proved to be unrealistic in its assumption of the complete rationality of offenders as well as its unequivocal opposition to judicial discretion, and was, therefore, gradually modified by neoclassical thought (Brown et al. 2001:279–280). This school does not, however, represent any schism with the classical view of human nature, but merely challenges the classical position of absolute free will, subsequently developing rules to cope with extenuating circumstances where individuals could be deemed not to be totally responsible for their actions (White & Haines 2001:46). Bartol *op. cit.* maintains, furthermore, that neo-classicists specifically argue that free will can be inhibited by pathology, incompetence, mental disorder, or other conditions that may mitigate personal responsibility. Whereas “pure” classicists had maintained that humans are totally accountable for their actions, neo-classicists claim that this is not always the case.

As is clear from the above exposition, the distinction between the classical and neoclassical schools is at best obscure, and they, in essence, represent a continuum of free will-based deterrence doctrine. As Einstadter and Henry (1995:43) eloquently put it, “[c]lassicism and neoclassical developments are based on a very different set of assumptions and offer a fundamentally more measured analysis of crime and justice, relying, as they do, on humans’ capacity for rational thought, rather than assuming an animal instinct of fear”. Classical criminology is still an integral part of most criminal justice systems (including South Africa’s) and has done much to influence the view that legal sanctions and punishment are an effective way of deterring/preventing crime. The rational choice theory, for example, is built on the classical theory of crime. The contrast between these highly similar schools and positivistic criminology, however, remains very sharp.

The crime control and due process models

According to Einstadter and Henry (1995:43), classical doctrine has, in general, led to two contrasting models of the criminal justice system, which are more or less the equivalent of two conflicting political ideologies, namely, conservatism and liberalism. From the conservative ideology comes the *crime control model*. Essentially the crime control model is based upon the supposition that the fundamental goal of the criminal justice system is the “subjugation of crime” through robust law enforcement, strict enforcement of the law and harsh punishments, including the use of the death penalty. From this point of view, it is better to emphasise protecting citizens from crime than protecting the civil liberties of citizens. In other words, supporters of this model would prefer that few criminals be set free on “technicalities,” even at the expense of depriving innocent persons of their constitutional rights. Thus, the concern is more over “public safety” than individual rights.

Arising from liberal ideology comes the *due process model*. While the crime control model may remind you of an assembly line, the due process model resembles an obstacle course. The due process model, according to Burke (2015:44-45) underscores the importance of individual rights and would buttress the general belief that it is better to let several criminals go free than to falsely imprison an innocent person. This model is based upon the notion that the criminal justice process is beset by human error throughout. At each stage of the criminal process individual rights should be protected. The accused should be accorded legal counsel and unbiased treatment at each stage of the proceedings and discretion by criminal justice personnel, especially the police, should be limited.

The classical school, and its modern derivatives, is subject to several major criticisms. Firstly, the assumptions that people always act rationally and that all people are hedonists and self-serving can be challenged. In fact, over 100 years of social science research has demonstrated that this is clearly not the case, that humans are much more complex than such a simplistic view would suggest. Secondly, while it assumes that people are equal in the narrow sense of being able to reason and are equally as likely to commit a crime, in point of fact people in society (especially when the classical school emerged) are hardly equal by any method of measurement. Thus, you can hardly have “equal justice” in an unequal society.

This point leads us directly into the third criticism, namely that the classical school does little to address the causes of crime. As Taylor, Walton and Young *op. cit.* note, the classical writers particularly avoided any discussion of the relationship between inequality and crime and instead focused on problems associated with the control of crime. It became, in the words of George Vold, “administrative and legal criminology” during which justice became “an exact scale of punishments for equal acts without reference to the nature of the individual involved and with no attention to the question of special circumstances under which the act came about” (Taylor, Walton & Young 1973:2).

The problems associated with the classical approach, as proposed by Beccaria, were felt as soon as legislatures began to adopt them. The French Code of 1791, for instance, tried to adopt, almost literally, Beccaria’s proposals. This legislation tried to fix an exact amount of penalty to every crime and left nothing for the courts to do except to determine guilt. No attempt was made to allow for extenuating circumstances. The French Code was impossible to enforce on a daily basis. More importantly, it was virtually impossible to ignore the various social determinants of human behaviour “and to proceed as if punishment and incarceration could be easily measured on some kind of universal calculus (Taylor et al. 1973:7). What eventually occurred was what criminologists have called the ‘neoclassical school,’ which consisted of several attempts by lawyers and jurists, mostly in Europe, who attempted to make several revisions of the classical approach to account for the practical problems in the administration of justice according to Beccaria’s plan. Certain reformers attacked the French Code as unjust because of its rigidity and called for a “need for individualisation and for discriminating judgement to fit individual circumstances (Vold & Bernard 1986: 26). Among other things, the offender’s past record, the degree of incompetence, insanity of the offender and the impact of age on criminal responsibility would be thus taken into consideration (Taylor et al. 1973:8; Vold & Bernard 1986:26). In short, there was recognition that not all offenders possessed the same degree of “free will” and, because of this, not every offender was suitable for imprisonment.

It is important to note, however, that the basic thrust of the classical school's vision of human beings and the proper response to crime was, for all practical purposes, left unchanged. As Vold and Bernard (1986:27) have observed:

The doctrine continued to be that humans are creatures guided by reason, who have free will, and who therefore are responsible for their acts and can be controlled by fear of punishment. Hence the pain from punishment must exceed the pleasure obtained from the criminal act; then free will determines the desirability of noncriminal conduct. The neoclassical school therefore represented primarily the modifications necessary for the administration of the criminal law based on classical theory that resulted from practical experience.

More importantly, the administration of justice continued to be guided, as it is today, with one overriding principle: that human behaviour, in this case criminal behaviour, can be shaped, moulded, changed and so on through the *fear of punishment* and that all that is needed to prevent people from committing crime is to make the punishment (or rather the *pain* that is associated with it) exceed the *pleasure* (or profit from the crime). Do you agree with these assumptions? This, along with most of the other assumptions of the classical school, was already beginning to be challenged almost at the same time that Beccaria's proposals were being debated. The challenge came from a rival school of criminology, the positivist school.

1.2.6 Positivist criminology

Positivism, according to Van der Westhuizen (2011:128), was born out of the interest in physical and natural science that arose during the late 19th century and initiated a scientific revolution in criminology. The focus was on criminal behaviour and its prevention through the treatment and rehabilitation of offenders. While theorists of the classical school were philosophers, logicians of the positivist school were scientists. The scientific study of crime began with Adolphe Quetelet (a Belgian mathematician) and Andre-Michel Guerry (a French statistician) in Europe during the 1830s and 1840s, along with several English writers, such as Henry Mayhew, during the 1840s and 1850s. The big breakthrough as far as positivist criminology is concerned came, however, with an Italian doctor named Cesare Lombroso who in 1876 published the now classic *Criminal Man* (1911), which earned him the dubious title of the "father of criminology" (Curran & Renzetti 1994:222). In this work, Lombroso emphasised the biological basis of criminal behaviour, arguing that the criminal is "born" that way and can be distinguished from non-criminals according to certain physical characteristics, especially those Lombroso called *stigmata* or characteristics that are throwbacks to more primitive people. Albeit that the classical perspective dominated the thinking and understanding of crime, law and justice for almost a century, many of the proposals made by the classical theorists had little effect on the crime problem. In the 19th century more emphasis was subsequently placed on the existence of certain patterns in the manifestation of crime, drawing attention away from notions of rationalism and punishment, moving towards a scientific investigation of the causes of crime and stressing in particular the influence of hereditary, psychological and social factors (Chamberlain 2015: 226; Walsh 2015:72). These authors underscore the fact that the development of positivistic perspectives constituted a major break with the classical tradition that saw crime as primarily a matter of individual choice, due to positivists explaining crime by reference to forces and factors outside the decision-making ability of the individual.

The Positivistic School, according to White and Haines (2001:31), was in fact founded upon the conviction that society (civilisation) is progressing ever forward and that the social scientist can study society, provide a more accurate understanding of how society works, and ultimately provide a rational means of overcoming existing social problems and ills by using scientific methods. Williams and McShane (2010:171–2) stress further in this regard that the primary characteristics of positivist criminological thought [essentially empiricism] are a deterministic view of the world, a focus on criminal behaviour instead of on legal issues such as rights, and the prevention of crime through the [individualised] treatment and rehabilitation of offenders. Positivism essentially stressed the idea that much human behaviour is a function of external social forces beyond individual control, and internal forces such as mental capabilities (psychological determinism) and biological makeup (biological determinism) – people were beginning to be viewed and understood as beings that are part of the animal kingdom, whose behaviour was very much influenced (if not determined) by social, cultural and biological antecedents, rather than as self-determined beings who were free to do what they wanted (White & Haines 2001:38).

Positivism is, therefore, related to efforts to adopt natural science methods and concepts in the study of society, basically necessitating the acceptance of certain ideas about human experience, and attempting to enumerate and regulate this experience in the anticipation that expert intercession could obviate or remedy/mitigate specific kinds of social problems. To all intents and purposes the positivist school (also known as the Italian school), with its emphasis on hard biological determinism and reliance on the use of the senses to gather observable facts and measurements, heralded the beginning of modern scientific criminology. The premise of this school is, therefore, deterministic and focuses on the offender whilst seeking to explain criminal behaviour in terms of biological attributes. The positivist orientation, with its exclusive or near exclusive reliance on observable facts, continues to be significant in the study of crime today (Lilly et al. 2015:37).

Positivism is, in summary, based on the following three assumptions:

- Positivists look for the causes of criminal behaviour in a person's character and personal background. They take genetic, biological and psychological features as well as social factors into consideration.
- Positivists reject the view that a person is always able to make a rational decision or exercise freedom. Amongst others, intellectual and/or emotional skills may be lacking.
- Positivists believe that offenders are often driven to crime by biological factors, psychological impulses and/or an indifferent social environment.

Modern-day positivists, however, define and identify criminality in a manner geared to establishing those people who are “at risk” of certain behaviour, and there is no longer a one-to-one link between crime and behaviour; rather, certain groups are seen to be more predisposed to crime than others because of biological and social environmental factors – individuals are not born criminal, they are exposed to baseline biological and psychological processes that shape their identity in childhood (White & Haines 2001:48). What is your view on this issue? Do you think criminals are born or made?

It is important to note that, as with the classical school, the positivist school is divided into two major clusters. Those adhering to the theories of a biological and psychological

nature practice individual positivism while those who prefer theories of a social nature practice sociological positivism.

Some limitations of the positivist model

The positivist approach does, however, suffer from several overt problems. Firstly, it assumes that pure objectivity is possible – that research can be “value free” or without any biases. Secondly, it takes for granted the existing social and economic order; that is, it generally accepts the status quo and the official definition of reality. Part of the reality that is accepted includes the standard definitions of “crime” – that is, the state’s definition of crime. Because of this, positivists have focused their research almost exclusively on those who violate the criminal law, rather than the law itself, so that their efforts are aimed toward controlling and/or changing the lawbreaker, rather than the law or the social order that it is part of. Thirdly, there is an assumption that the scientific method is the only way of achieving knowledge, of arriving at the truth. Fourthly, and perhaps most importantly, the positivist method does not assist us in seeking alternatives to the present social and economic order, and hence to the present method of responding to crime.

1.2.7 Critical criminology

Critical criminology is an umbrella term for a variety of theories united only by the assumption that conflict and power relations between various classes of people best characterise the nature of society. Adherents to these diverse theories are not of one mind; they quarrel among themselves, and they coin new names for their theories – such as conflict criminology, radical criminology, critical new criminology, radical human rights criminology, Marxist, neo-Marxist, and left realists (Lynch, & Michalowski, 2000:78; Walsh 2015:148).

Burke (2014:245) echoes these sentiments by stating that although there are a number of different variations of critical criminology, in general it can be said to be a perspective where crime is defined in terms of the concept of oppression. Thus, some groups in society – the working class (in particular, the poorer sections), women (especially those who are poor, sole parents and socially isolated) and ethnic minority groups (e.g. refugees) – are seen to be the most likely to suffer oppressive social relations based on class division, sexism and racism. Chamberlain (2015:233) adds that critical criminology critiques earlier forms of criminology (both sociological and otherwise) for advocating a positivist-free form of criminology and failing to acknowledge the role of class, race and gender in shaping both definitions of crime and law and the likelihood that an individual will be labelled as deviant and criminal.

From the late 1960s onwards, many radical criminologists in the United Kingdom came to develop an idealistic view of the working class that allowed them to appreciate and even condone deviant acts committed by members of this group. It was thus argued that offenders do not respond mindlessly to stimuli as suggested by the then-dominant predestined actor model-inspired criminology, but are engaged in activity that is meaningful to them and that so happens to have been labelled as criminal by the dominant groups in society. Thus Cohen (1980:1) argued that “our society, as presently structured, will continue to generate problems for some of its members – like working class adolescents – and then condemn whatever solution these groups find”. Actual

day-to-day contact with so-called deviant adolescents convinced researchers that that these young people were simply involved in activities regarded as legitimate by the perpetrators, but that had been prohibited by the state. In stigmatising sections of young people, the legislature was responding to a moral panic fanned by sensational and exaggerated media reporting. Today, critical criminologists might claim that diverse groups ranging from recreational drug users and binge drinkers to asylum seekers (refugees) and a welfare dependant underclass are the new “scapegoats” and the targets of an overly enthusiastic and criminalising criminal justice intervention. Thus, critical criminologists have argued that crime rates are far from being a perfect measure of the actual amount of criminality in society – being more a measure of police activity – and that they can thus create a misleading image of horrific rises in certain types of crime. Figures purporting to show that certain ethnic groups are responsible for a disproportionate number of street robberies, for example, may be seen to reflect racist police stereotyping rather than reality.

Edwin Sutherland (developer of the differential association theory) was the first person to use the term “white collar crime” when he launched an attack on the actions of the respectable in society, which, had they been performed by the less powerful in a different context, would have been labelled as criminal. Sutherland basically observed a need to address the inequalities in the treatment of people who engaged in harmful behaviour between those in power and those without power. This pioneering work was to lead to a steady increase in research and writing, initially in the USA and then worldwide. Critical criminology subsequently identified and built upon that earlier tradition, but has situated it firmly in the context of a contemporary critique of the nature of global capitalist society. It has been observed that there is a fine line between “entrepreneurialism” and “flair”, and “sharp practice” and “fraud”. Indeed, many such activities are not greeted with widespread disapproval, for example, an electrician who overcharges for services is often not perceived as a thief but as an entrepreneur, and in this way such behaviour is excused and distinguished from the activities of “real” criminals. Corporations can practice a policy of law evasion and this may include the setting up of factories in countries that do not have pollution controls or stringent safety legislation – or the selling of goods that have been banned by the developed nations to markets in the developing world. In other words, multinationals dump some of their products, plants and practices, illegal in industrialised countries, onto undeveloped or underdeveloped countries (Walsh 2015:149). Such practices occur because recipient nations are dependent on the capital investment of multinationals, they have fewer resources to check the claims of manufacturers and their government officials are more susceptible to bribery and corruption. Corporations therefore export their illegal behaviour to where it is legal or, at least, to where laws are not so rigorously enforced. In fact, many of the world’s multinationals are wealthier than some of the less developed countries where they have a subsidiary, which means that they hold tremendous economic and political influence in those locations. In short, critical criminologists argue that working-class crime is insignificant when compared to the crimes of the powerful that go largely unpunished. Price-fixing, tax evasion, white collar crime, environmental pollution, deaths at work and other offences, they contend, cost society far more than, for example, youth offending, a regular source of societal condemnation and moral panic. Moreover the powerful perpetrators of these offences stand to gain far more material advantage from their wrongdoings, while fewer resources are used to combat white-collar crime and some questionable activities are not even criminalised, but are instead portrayed as examples of wealth creation and enterprise.

Critical criminologists propose that a legitimate response to crime must be built upon a strategy of social empowerment. This means involving people directly in decisions about their future through direct participatory democracy, but also – crucially – requires the redistribution of economic resources to communities on the basis of social need and equity. To counter crimes committed by the powerful, there must be open and public accountability of all state officials and, as part of wealth distribution, there has to be a transfer of wealth from private hands to public ownership under community control. As a general crime prevention measure, and to reduce the prevalence of certain crimes, there need to be anti-racist and anti-sexist campaigns, including the re-education and retraining of agents of the state such as the police. Strong emphasis is given to extending and protecting basic human rights and institutionalising these by means of watchdog agencies and developmental policies.

Critical criminology is, however, critiqued by many influential authors as overlooking the reality of crime. The harsh realities of crime, issues of great concern to the public, particularly those living in disadvantaged communities, are ignored by scholars. Crime itself is played down, marginalised, and is not the focus of attention. Pathology, strains, stresses and dysfunction within society, and specifically within oppressed groups, is minimised or denied (Currie 1997: 149; Eamonn et al. 2014: 91). In sum, therefore, while it is undoubtedly true that the formation of criminal justice policy deserves critical scrutiny, the failure of much critical criminology to engage with the subject of crime as a real problem that ought to be addressed scientifically is problematic for the development of public criminology and is one of the school's major shortcomings.



ACTIVITY 1.2.1

Why do you need to do this activity?

- To show that you are familiar with the classical, neo-classical positivist and critical schools of thought.

Instructions

- Read paragraphs 1.2.4, 1.2.5, 1.2.6 & 1.2.7 above. Examine the main differences between the four approaches according to your understanding. Compare classical, neo-classical, positivist and critical criminology with each other in tabular form in your work book.

FEEDBACK ON ACTIVITY 1.2.1

You should design a table in which the most pertinent points of the three schools of thought can be easily compared, for example:

School of thought:	Classical criminology	Positivist criminology	Critical criminology	Neo- classical criminology
Emphasis:	On crime.	On the criminal.	On economic and political discrimination/ inequality.	On crime and criminal.

Human behaviour:	Influenced by hedonism and free will.	Influenced by biological, psychological and socio-economic factors.	Influenced by ...	Challenges the classical position of absolute free will.
Etc.	Etc.	Etc.	Etc.	Etc.

1.2.8 Feminist criminology

The feminist school of criminology is a school of criminology developed in the late 1960s and into the 1970s as a reaction to the perceived general disregard for and discrimination against women in the traditional study of crime. Proponents assert that the patriarchal domination of the field of criminology has led to the field being inherently biased and androcentric (male centred) (Burke 2014:227). This, they argue, leads mainstream criminology to either generalise or ignore criminological enquiry relevant to women in an effort to support the male-dominated status quo. From a feminist perspective, it is men who are the dominant group in society and it is they that make and enforce the rules, which are invariably to the detriment of women. Feminist criminology explores how criminologists came to recognise the importance of adopting a more critical stance towards the traditional explanations of crime, which by and large ignored the role of gender and race and ethnicity (Renzetti, Curran & Maier 20014:5–10). Sexism in criminology also influences the sentencing, punishment and imprisonment of women who are not expected to be criminals and, if they are, they may be described as “mad” not “bad”. The attribution of madness to women flows from the entirely outdated construct that women who conform are pure, obedient daughters, wives and mothers who benefit society and men. If they dare to go against their natural biological traits of “passivity” and a “weakness of compliance”, they must be mentally ill; a classic androcentric view which has been held by scholars for decades. In criminology, just as in society, man was the centre of the universe and women were merely their complement.

Feminist criminology, according to Walsh (2015:155), sits firmly in the critical/conflict faction of criminology. Feminists see women as oppressed both by gender inequality (their social position in a sexist culture) and by class inequality (their economic position in a capitalist society). Just as there is a wide variety of views within critical criminology as a whole, there is a wide variety of feminist positions on crime and other things. Some feminists view the answer to women’s oppression as the overthrow of the two-headed monster, capitalism and patriarchy, while others simply seek reform. At the end of the day, they all want to interpret female crime from a feminist perspective (Walsh 2015:155).

Feminism has had a considerable impact on criminology in recent years and has provided critiques of the traditional explanations of female criminality while at the same time offering its own perspectives. Feminism is not a unitary system of thought, but a collection of different theoretical perspectives with each explaining the oppression of women in a different way. Consequently there is no one feminist explanation of female criminality, although they all agree that the term “victim” should be rejected in favour of the term “survivor”.

The following six main contemporary variants of feminism are identified by Burke (2014:229–230):

Liberal feminism: From this perspective, the subordination of women is examined as part of an analysis of the wider social structures and inequalities with the central concern to locate discrimination in social practice, especially within the public sphere, and, through the process of legal reform, to extend rights to women to equal those enjoyed by men.

Radical feminism: Radical feminism focuses on the importance of patriarchy, or the “set of hierarchical relations between men, and solidarity between them, which enables them to control women”. Patriarchy describes a power relationship inherent in the structures and social relations within which the subordination and exploitation of women occurs and it is used to explain the institutionalisation of male power and dominance over women. Radical feminists, for example, argue that prostitution is the product of patriarchal society and point to the inequality and unequal power relations that structure interaction between the sexes.

Marxist feminism: This group argues that the subordination of women is located in the capitalist exploitation of their domestic role and they identify the existence of a dominant ideology that presents women as primarily carers within the domestic sphere. This is used to justify low wages, low status, and part-time jobs and is, in turn, used to deny women the right to economic independence.

Socialist feminism: Socialist feminism provides a synthesis of the radical and Marxist feminist perspectives with recognition that both capitalist and patriarchal systems play a part in the subordination of women. This “dual system theory” recognises the systems of capitalism and patriarchy to be separate, but at the same time mutually accommodating systems of oppression, while “unified system theorists” have developed unifying concepts as central categories of analysis – for example the concept of “alienation” that provides a theoretical synthesis of Marxist, radical and liberal feminist thought.

Black feminism: Black feminism examines the structures of domination prevalent in the personal, cultural and institutional levels and experiences of the lives of black women. In addition, the axes of race, gender and class are identified as forming the basis of their oppression, within which, it is argued, there exists a “more generalised matrix of domination” – grounded in a hierarchical, ideological belief system.

Postmodern feminism: This is the modern branch of feminism that strives for equality for all genders. It is intersectional, which means that it fights for race and sexuality as well as on the basis of gender. For postmodern feminists, all-encompassing feminist theory is itself of concern as it draws together and attempts to provide, in some instances, a universalistic account or grand theory of the experience of all women.

Notwithstanding the range of views held by feminists, in the final analysis the feminist approach has, according to Eamonn et al. (2014:106–7), made the following three major contributions:

- It has brought forward a critique of existing malestream criminology – showing how women have been neglected, how they have been misrepresented and how they may be brought back into existing theories
- It has provided a perspective that suggests new areas of study
- It has brought gender issues to the forefront, and especially the role of men and masculinity in crime

However, there are some limitations to the feminist model

Feminist criminology may be criticised because it cannot explain the causes of inequality and the division of labour between men and women. Radical feminism is criticised for its assumption that male dominance is universal whereas anthropological studies have shown that women in matriarchal societies actually have a great deal of power. It is also criticised for an excessive emphasis on crimes against women (including domestic violence and sexual crimes) while ignoring victims of other forms of violence or of theft. Those promoting radical feminism also pay too little attention to crimes committed by women. Nonetheless, feminist criminology has made an important contribution to the development of criminology.

1.2.9 The social milieu school of thought

Tarde, Guerry and Quetelet were proponents of the social milieu school of thought. Two approaches may be distinguished in this school: the *social structure* and the *social process* approaches. The structural approach concentrates on the social structure and organisation of a community, especially as regards primary groups such as the family and the school (Van der Westhuizen 2011:134). It also focuses on economic systems, social disparities, family dysfunction, social disorganisation and the geographical distribution of crime. Social structure theories, according to Brown, Esbensen and Geis (2007:280) and Van der Westhuizen (2011:134), reflect a fundamental faith in the social system, but they seek to identify structural flaws that contribute to the genesis of crime. By contrast, the process approach addresses variations in the rates of crime across structural conditions. Social process theories most commonly attempt to explain how individuals become law violators by focusing on the social interactions or processes experienced by individuals as opposed to structural matters (Brown, Esbensen and Geis 2007:319) by, for instance, studying socialisation and learning processes. These approaches are sometimes called psychosocial theories. The premises or points of departure of the social-environment school of thought may be summarised as follows:

- It is based on the juridical conception of crime.
- The main focus is on the criminal's social environment.
- It is assumed that improved social conditions will prevent crime.
- To all intents and purposes, the criminal and the victim are ignored.
- There is no concern with punishment or rehabilitation.

Edwin H. Sutherland (1883–1950), a US sociologist and criminologist who first presented his ideas in the 1920s and 1930s, advanced the theory of differential association to explain criminal behaviour. He emphasised that criminal behaviour is learned in interaction with others, usually in small groups, and that criminals learn to favour criminal behaviour over noncriminal behaviour through association with both forms of behaviour in different degrees. As Sutherland wrote, “When persons become criminal, they do so because of contacts with criminal patterns and also because of isolation from anti-criminal patterns”. Although his theory has been greatly influential, the emphasis is on external factors as causes of crime, and criminals are seen as victims of social conditions over which they have little control. Yet a person's reaction to negative social conditions is individual: people do not react alike to similar social conditions. This is clear from the fact that not everyone from a poor social background resorts to crime. Social conditions as a factor in crime should be studied in tandem with individual circumstances (psychological and biological factors). This school came to be seen as a part of positivist criminology because the study methods were similar.

1.2.10 Postmodern criminology

Postmodern criminology developed in the late 1980s, especially as an outcome of critical criminology. Schwartz and Friedrichs (in Madifs 2014:1) refer to critical criminology as an umbrella term for contemporary crime perspectives such as feminism, leftist realism, peacemaking criminology and integrated theories. Burke (2014:507) in fact states that postmodern criminology is a challenge to rationality, reason and science as the dominant forms of social explanation. According to Schmallegger (1996:481), postmodern criminology is a new emergent direction that is not based on a single crime perspective. Integrated crime perspectives of an individualistic and voluntaristic nature are the special focus, and postmodern criminology is not bound to a specific school of thought.

Postmodern criminology questions narrow definitions of conventional concepts such as “norms”, “values”, “culture”, “social constraint” and “anomy” and asks who should determine what behaviour should be described as a crime (Madifs 2014:1). It goes further and points to the diverse legal and sociological definitions of crime and maintains that these constructs should be “deconstructed” and replaced with perspectives more relevant to the postmodern era. This approach thus moves away from theories focused on social class or culture and places more emphasis on integrated perspectives that accept both the juridical and nonjuridical crime concepts. The focus is increasingly on interdisciplinary and integrated explanations for crime that incorporate the complicated interaction between a number of complex factors (e.g. socioeconomic, sociopolitical, biological, psychological and environmental factors). Examples of such crime perspectives include rational choice, lifestyle and routine activity, opportunity and crime, new rightist and leftist realism, Gottfredson’s theory of self-control and crime as well as feminist crime perspectives. Postmodern criminology also focuses on universal factors that contribute to crime, with its ultimate goal being to understand new ways of knowing (Madifs 2014:2).

Van Dijk (1998:8) includes the following universal factors or determinants that can contribute to crime. The more of these factors are found in a specific country, the greater the risk of crime and victimisation:

- economic constraint and great differentiation in income
- low educational qualifications
- a great number of firearms in circulation
- rapid urbanisation without the necessary infrastructure, such as housing, schools and health services, being available
- more outgoing lifestyle
- multicultural population
- a high alcohol and drug abuse rate
- high unemployment rate
- a large population of young people
- repeated victimisation especially among young people with an outgoing lifestyle who live in big cities

How many of these factors do you think can be found in South Africa?

Postmodern criminology also focuses especially on the rights and needs of crime victims, national crime prevention strategies, transnational and community-based policing, restorative justice and community-based punishments.

Postmodern criminology may be summarised briefly as follows:

- It accepts both the juridical and nonjuridical crime concepts.
- It is not bound to a particular school of thought.
- It questions narrow definitions of conventional concepts, such as “norms”, “values”, “culture”, “social constraint” and “anomy” and believes they must be deconstructed.
- It rejects theories based on social class or culture.
- It adopts an integrated approach to explain and prevent crime.
- It focuses on universal determinants or factors that contribute to crime.
- Victims’ rights and needs are high priorities.
- It emphasises transnational and community-based policing, restorative justice and community-based punishments.



NOTE

It seldom occurs that one particular criminological theory/school of thought can comprehensively explain a specific crime phenomenon. Combining and integrating various criminological theories/approaches is usually the best approach to explaining crime. Because such a plurality of theoretical perspectives exists, two or more theories can often be combined in a form of eclectic synthesis in order to efficiently explain various crime phenomena (Williams: 2013:11).

1.2.11 Criminology in Africa

Little criminological literature has originated in Africa, perhaps because reliable crime statistics are hard to find on account of the political instability and violence arising from the artificial division of Africa by the old colonial powers (Mushanga 1992:78). In 1989 the United Nations’ Africa Institute for the Prevention of Crime and the Treatment of Offenders was opened in Kampala, Uganda with the specific aim of promoting and coordinating criminological research in Africa, but this organisation has been hampered by a lack of funds. The available literature reveals the following picture.

Crime is attributed mainly to the fact that the colonial powers forced capitalism onto a precapitalist continent. They also suppressed indigenous law – something which, according to Shaid (1992:13), negatively affected the development of Africa in many ways. Whereas European law stresses the protection of the individual, traditional African law focuses on the protection of the community as a whole (Rotimi & Oloruntimehin 1992:245). A good deal of attention is currently being given to the negative influence of a Western legal system on the crime phenomenon in Africa.

Precolonial Africa concerned itself mainly with the crime victim. Reconciliation and compensation were considered crucial to the righting of wrongs and the restoration of law and order (Nsereko 1992:21). Contemporary Africa focuses on two types of victim: victims of conventional crimes, such as murder and rape, and victims of power abuse and oppression as manifested in the one-party states, for example (Nsereko 1992:21). However, in contemporary Africa, very few services are available to the victims of crime (Joutsen 1994:1).

In many African states, critical criminology is accepted as a means of explaining and controlling crime (Cohen 1988:281). However, positivist theories are also accepted, as we see in the writings of Muga (1973:33ff) in Kenya. There is a particular identification

with bereaved persons who oppose the domination of imperialism, colonialism and powerful individuals. Asuni (1992:117) and Rotimi and Oloruntimehin (1992:243) regard rapid urbanisation, and the squatting that goes with it, as important causes of crime in Africa. For instance, in 1979, 60% of the population of Dar es Salaam, Tanzania, consisted of squatters (Joutsen 1994:4). According to the latest census, 38.9% of the South African population are younger than 19 years of age (Central Statistical Services 2011). The same applies to Lusaka, Zambia. The rapid transition from a culture of ubuntu, where people looked after one another's wellbeing, to an individualistic Western lifestyle is commonly regarded as a vital factor contributing to crime (Asuni 1992:117). In addition, population growth is rapid in many African states. For example, 46.4% of the Zambian population in 2010 was less than 15 years old (Statistics Zambia, UNICEF 2012:3). Rapid population growth means that the state cannot provide sufficient housing, education and health care, and this promotes crime. A lack of democracy and human rights is also a problem in most of Africa, giving rise to corruption and violence.

In order to prevent and control crime, it is considered important to eradicate poverty and empower the community. Mushanga (1992:x) and Kibuka (1980:14) hold this view, as can be seen from their proposals for the prevention of crime in Africa:

- compulsory education for all
- the eradication of poverty and unemployment
- the cleaning up of slums
- the restoration of family values and norms



ACTIVITY 1.2.2

Why do you need to do this activity?

- To determine whether you would associate positivist or critical criminology with the African approach to criminology.

Instructions

- Read paragraph 1.2.11 dealing with criminology in Africa in conjunction with paragraphs 1.2.6 and 1.2.7. In your workbook give your own views on this matter and justify your views in not more than one page.

FEEDBACK ON ACTIVITY 1.2.2

You should read the section dealing with criminology in Africa carefully and compare the sentiments expressed in this section with the positivist and critical criminological schools of thought. It should become clear that, although both schools of thought are applicable, critical criminology could most effectively be applied as an explanation.



REFLECTIVE QUESTION: Do you think the African approach to criminology would explain crime in South Africa better than positivist or critical approaches to criminology?

1.2.12 Criminology in South Africa

Most South African criminologists tend to support either positivist or critical criminology, depending on how they define crime. Venter (1977:23) and Cloete and Stevens (1990:26), for example, are exponents of positivist criminology, whereas Van Zyl Smit (1990:1, 8), Hansson (1992:23) and Schärf (Scheper-Huges & Schärf 1994:16) are supporters of critical criminology.

The first South African criminologists, Professors Geoff Cronjé and WA Willemse, were trained in Europe and were, at first, strongly influenced by the Dutch criminologist, Wilhelm Bonger (Van Zyl Smit 1990:4). Bonger ascribed the causes of crime mainly to economic disparities and capitalism. However, the negative connotations that came to be associated with communism in the West caused early South African criminologists to move away from this approach. According to Van Zyl Smit (1990:3), they then began to focus on race and crime, as can be seen in the work of Venter (1977:101, 110). Cronjé, of course, was a sociologist with strong opinions on race, and it is generally accepted that his views had much to do with the introduction of apartheid (Van Zyl Smit 1990:233). It should be noted, though, that not all South African criminologists held such a narrow view of crime. Van Zyl Smit (1990:4) refers to positivism in South Africa as “Afrikaner Nationalist criminology”, which is not strictly correct, since it was not a new type of criminology. In the main, they accepted positivist criminology, which was popular in most Western countries at the time. Many South African criminologists now accept the contemporary criminological approach, but the African view of crime also prevails.

You need to note that some approaches to crime are universally applicable whereas others are peculiar to certain countries. Biological and psychological crime theories, among others, are considered fairly generally applicable, but it is recognised that many psychological tests and treatments are not universally applicable on account of cultural differences. For instance, in Africa it is extremely difficult to apply psychological tests such as IQ and personality tests designed for Western cultures. Some socioeconomic conditions, too, such as economic systems (capitalism, communism, and socialism), poverty and unemployment are fairly universal, though their nature and occurrence may differ from one country to another. However, many socioeconomic factors in crime are unique to a specific country. Cohen (1988:208) warns that social crime theories arising in one country are not necessarily applicable to other countries. The following specific factors affecting crime in South Africa are emphasised in the National Crime Prevention Plan adopted on 22 May 1996 (Note the difference between theories and factors. Criminological theories attempt to explain criminal behaviour whereas factors are associated with crime through observation, hypotheses or research.):

- the destruction of social control and the negotiated transition to democracy
- the political culture of violence and crime
- the justification of crime in political terms
- political conflict and competition
- the absence of a national consensus on crime
- poverty, unemployment and relative deprivation as a result of apartheid
- certain economic developments in South Africa
- the marginalisation of youth
- inadequate support and services for victims of crime
- vigilantism, revenge and self-defence units
- specific socio-psychological factors in South Africa

- ready access to firearms as a result of the liberation wars in South Africa and neighbouring countries
- gender inequalities

1.2.13 Conclusion

This learning unit has examined the various schools of criminological thought and their points of departure in relation to crime, criminals, victims, punishment, and the prevention and control of crime. The following were among the topics considered:

- classical criminology
- positivist criminology
- critical criminology
- feminist criminology
- social milieu criminology
- postmodern criminology

We also discussed African and South African criminology and briefly explained some of the specific factors that give rise to crime in South Africa.

1.2.14 Self- assessment questions

Paragraph-type questions

- (1) List the main premises of classical criminology. (8)
- (2) What is the basis of the social milieu school of thought? (5)
- (3) List four points of departure in positivist criminology. (4)
- (4) List the main premises of postmodern criminology. (10)
- (5) Give a concise explanation (one paragraph) of Mushanga's views on crime prevention in Africa. (10)
- (6) List ten crime factors that are unique to South Africa. (10)

Multiple-choice questions

- (1) Which one of the following is not an assumption made by the classical school?
 - (a) All people are by their nature self-seeking and therefore liable to commit crime.
 - (b) In order to live in harmony, people agree to give up certain freedoms in order to be protected by a strong central state.
 - (c) Punishment is necessary to deter crime and the state has the prerogative to administer it.
 - (d) Punishment should be proportionate to the crime (fit the crime) and be used to rehabilitate the offender.

Choose the most correct option:

- (1) a
- (2) b
- (3) c
- (4) d

- (2) Identify the correct statement with regard to the neo-classical school.
- (a) It heralded the beginning of modern scientific criminology.
 - (b) The purpose of the criminal justice system is to prevent crime through deterrence.
 - (c) Free will can be inhibited by pathology, incompetence or other conditions.
 - (d) Crime is defined in terms of the concept of oppression.

Choose the most correct option:

- (1) a
- (2) b
- (3) c
- (4) d

- (3) To which criminological school of thought does the following excerpt relate? "A legitimate response to crime must be built upon a strategy of social empowerment."
- (a) Feminist criminology
 - (b) Postmodern criminology
 - (c) Critical criminology
 - (d) Positivist criminology

Choose the most correct option:

- (1) a
- (2) b
- (3) c
- (4) d

- (4) Which one of the following can be regarded as the central thrust of postmodern criminology?
- (a) It focuses on integrated crime perspectives and is not bound to a specific school of thought.
 - (b) The state acts unjustly and selectively and discriminates against the poor and powerless.
 - (c) It accepts the juridical definition of crime, but rejects free will and rational choice.
 - (d) It focuses on the way individuals become criminals by studying socialisation and learning processes.

Choose the most correct option:

- (1) a
- (2) b
- (3) c
- (4) d

- (5) Which feminist variant sees the subordination of women as being located in the capitalist exploitation of their domestic role?
- (a) Liberal feminism
 - (b) Radical feminism
 - (c) Black feminism
 - (d) Marxist feminism

Choose the most correct option:

- (1) a
- (2) b
- (3) c
- (4) d

- (6) Which of the following concepts was important for righting the wrongs of crime in precolonial Africa?
- (a) Retribution and punishment
 - (b) Reconciliation and compensation
 - (c) Rehabilitation and treatment
 - (d) Reconstruction and development

Choose the most correct option:

- (1) a
- (2) b
- (3) c
- (4) d

- (7) In relation to criminology in Africa, identify the missing words.
- “Whereas European law stresses the protection of the ..., traditional African law focuses on the protection of the ... as a whole”
- (a) victim, society
 - (b) innocent, victim
 - (c) individual, community
 - (d) community, victim

Choose the most correct option:

- (1) a
- (2) b
- (3) c
- (4) d

- (8) Who is regarded as the father of criminology?
- (a) Beccaria
 - (b) Quinney
 - (c) Quetelet
 - (d) Lombroso

Choose the most correct option:

- (1) a
- (2) b
- (3) c
- (4) d

- (9) With which criminological school of thought do you associate the names Beccaria and Bentham?
- (a) Classical school of thought
 - (b) Feminist school of thought

- (c) Critical school of thought
- (d) Postmodern school of thought

Choose the most correct option:

- (1) a
- (2) b
- (3) c
- (4) d

(10) Who was the first person to use the term “white collar crime”?

- (a) Lombroso
- (b) Quetelet
- (c) Beccaria
- (d) Sutherland

Choose the most correct option:

- (1) a
- (2) b
- (3) c
- (4) d

1.2.15 Answers to self-assessment questions

Paragraph-type questions

The main premises of classical criminology are:

- (1) All people are, by their nature, self-seeking and therefore liable to commit crime; So as to live in harmony people agree to give up certain freedoms in order to be protected by a strong central state; Punishment is necessary to deter crime and the state has the prerogative to administer it; punishment should be proportionate to the crime (fit the crime) and not be used to rehabilitate the offender; Use of the law should be limited and due process rights should be observed; Each individual is responsible for his or her actions and thus mitigating circumstances or excuses are irrelevant.
- (2) The social milieu school of thought is based on the following:
 - the juridical crime concept
 - a consideration/examination of mainly the social environment of the criminal
 - a belief that better social circumstances will prevent crime
 - a disregard for the criminal or the victim
 - a lack of concern for punishment or rehabilitation
- (3) List any four points of departure in positivist criminology.
 - Positivist criminologists focus on the criminal and not the crime.
 - They believe that people’s behaviour is determined by biological, psychological and socioeconomic factors over which they have little control.
 - Crime and victimisation could be prevented by medical and psychological treatment and by improving poor socioeconomic conditions.
 - Punishment must be proportionate to the crime and, where necessary, associated with treatment.

- (4) Postmodern criminology is based on the following premises: It accepts both the juridical and nonjuridical concepts of crime; It is not bound to a specific school of thought or perspective; It questions narrow definitions of conventional concepts such as “norms”, “values”, “culture”, “social restraint” and “anomy” and believes that they must be deconstructed; It rejects theories based on social class or culture; It follows an integrated approach to explaining and preventing crime; It also focuses on universal determinants or factors that contribute to crime; Victims’ rights and priorities are highlighted; The emphasis is on transnational and community-based policing, restorative justice and community-based punishments.
- (5) Mushanga’s views on crime prevention in Africa are that there should be compulsory education and teaching for everyone; that poverty and unemployment should be eliminated; that family values and norms should be restored; and that slums should be cleaned up.
- (6) Ten crime factors that are unique to South Africa are the following: the cessation of social control and the negotiated transition to democracy; the political culture of violence and crime; the justification of crime in political terms; political conflict and competition; lack of a national consensus on crime; poverty, unemployment and relative deprivation as a result of apartheid; specific economic developments in South Africa; the marginalisation of the youth; inadequate support of and services to crime victims; vigilantism, revenge and self-defence units; specific social-psychological factors in South Africa; free access to firearms as a result of the liberation wars in South Africa and bordering countries; gender inequalities.

Multiple-choice questions

- (1) 1 – 4
- (2) 2 – 3
- (3) 3 – 3
- (4) 4 – 1
- (5) 5 – 4
- (6) 6 – 2
- (7) 7 – 3
- (8) 8 – 4
- (9) 9 – 1
- (10) 10 – 4



THEME 2

Crime in South Africa



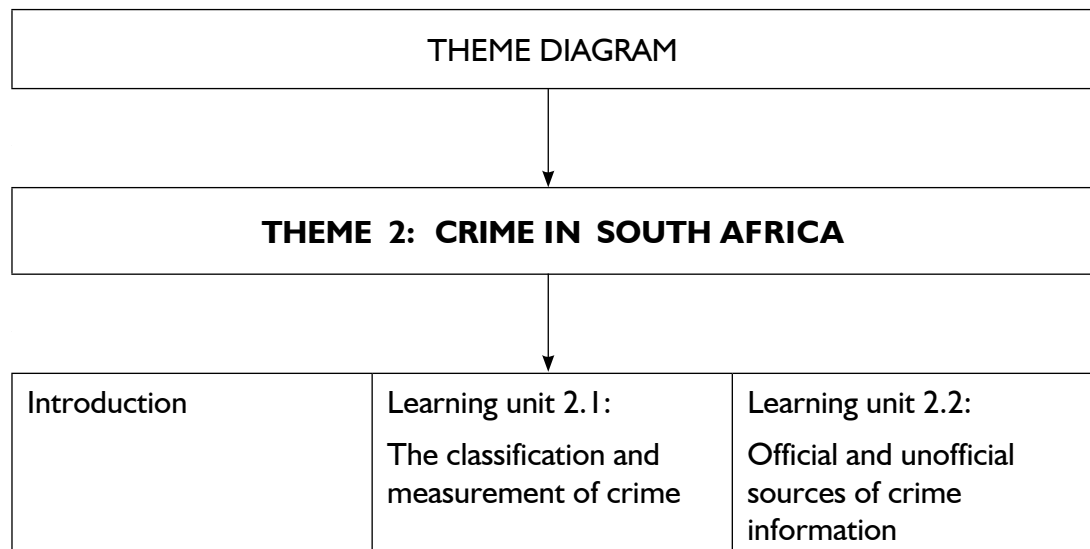
OUTCOMES FOR THE THEME

Demonstrate systematic knowledge of and insight into the crime problem in South Africa.

ASSESSMENT CRITERIA

When you have completed this theme you should be able to:

- sketch the reasons why crime is classified and why it is necessary to produce reliable information on crime
- discuss official crime statistics
- indicate the dropout of offenders as they move through the legal system
- demonstrate the shortcomings in official crime statistics
- give an overview of crime information according to unofficial sources
- investigate victim surveys
- argue the advantages and drawbacks of victim surveys
- describe self-report studies



Introduction

Criminology is described as the scientific study of crime. Our central theme of study, then, is crime. Because the incidence of crime is so alarming in South Africa, most people, including officials at the highest level of government, ask questions such as the following:

- What is crime?
- How many crimes are committed?
- Why do people commit crime?

From the crime statistics published each year it is clear that crime and violence in South Africa is one of the government's biggest and most critical challenges. In the light of this, we need to take cognisance of the government's National Crime Prevention programme. This plan is aimed at limiting opportunities and incentives for crime, and at improving the judicial system's ability to deal with crime.

Although there is no simple explanation for the phenomenon of crime, activities such as research on crime, determining crime trends, a study of the magnitude of crime and the use of prevention strategies can make an important contribution to the fight against crime. When studying crime, it is important in the first place to know what is meant by the term "crime". In this regard, you should consult theme I, which deals with the legal (juridical) and social (nonjuridical) definitions of crime. In addition, we need to know how many crimes are committed and from where this information is obtained, as well as how and why we classify a crime as a crime.

The theme "Crime in South Africa" will be dealt with in two learning units, the first of which deals with the categorisation and measurement of crime, while the second deals with the official and unofficial sources of crime information.

LEARNING UNIT 2.1: THE CLASSIFICATION AND MEASUREMENT OF CRIME



The classification of crime

Crime patterns and trends

Crime trends according to categories

Crime trends according to region

Crime trends according to day, season and climate

Social class and crime

Use of firearms

LEARNING UNIT 2.1

The classification and measurement of crime

- 2.1.1 Introduction
- 2.1.2 Key concepts
- 2.1.3 The classification of crime
 - 2.1.3.1 Effects of alcohol on behaviour
 - 2.1.3.2 The dark figure of crime (data deficient figure)
- 2.1.4 Crime patterns and trends
 - 2.1.4.1 Crime trends according to categories
 - 2.1.4.2 Crime trends according to region
 - 2.1.4.3 Crime trends according to day, season and climate
 - 2.1.4.4 Social class and crime
 - 2.1.4.5 Use of firearms
- 2.1.5 Conclusion
- 2.1.6 Self-assessment questions
- 2.1.7 Feedback on activities
- 2.1.8 Feedback on self-assessment questions



LEARNING OUTCOMES

When you have worked through this learning unit you should be able to:

- indicate why crime is classified
- say why it is necessary to produce reliable information on crime

2.1.1 Introduction

When crime is discussed, people are always keen to know the type of crime involved. Crime is a broad concept and includes multiple illegal activities. For this reason, crime is divided into categories and when the incidence of crime is measured, this is indicated by statistics according to category.

2.1.2 Key concepts

Crime. An intentional act in violation of the criminal law committed without legally acceptable defence or excuse, and penalised by the state (Walsh 2015:3). Individuals who violate these rules are not only subject to sanctions by state authorities, but also social stigma and loss of status.

Code of crime list. This is used for the classification of crime in South Africa and consists of 35 categories.

Official crime statistics. Statistical data compiled by the police, courts and corrections and routinely published by governments as indices of the extent of crime.

Crime trends. The increases and decreases in the rate of specific crime, such as murder, rape or burglary, over a specific period, usually a calendar year.

Dark figure of crime (data deficient figure). The number of unreported crimes that are not reflected in official statistics (Doorewaard 2014:1).

2.1.3 The classification of crime

Classification entails the arrangement of certain information (e.g. crime data) into particular classes because the data display certain similarities. So, for instance, murder, assault, robbery and rape can be classified as crimes of violence because violence (or force) is a factor common in each of these crimes. We could ask: Why do we want to classify? The reason for this is that we need to systematise information in order to know what types of crime there are and then to determine why people commit a particular type of crime (e.g. car theft). When we know that, we can try to predict whether this type of crime will increase and how we can combat and prevent it.

There are various ways in which crime may be categorised (classified). Drug abuse, for example, is classified as a crime against the moral order or as a victimless crime. Can you think of any other classifications? The biggest criticism against such classification systems is that the different classes are not mutually exclusive. One crime could be classified into more than one class, for instance. Thus, for example, robbery can be classified as a property crime as well as a crime of violence, and fraud can fall into the categories of corporate and organised crime (www.saps.gov.za).

In the past, the South African Police Service (SAPS) made use of the following classification, which is aimed at the practical performance of its duties. Seven categories are distinguished, as set out below, with examples of crimes included in each (www.saps.gov.za).

- (1) Crimes of violence: murder, attempted murder and robbery with aggravating circumstances
- (2) Social fabric crime: rape, assault with intent to do grievous bodily harm, ordinary assault
- (3) Property-related crime: breaking into residential and business premises, other robbery, stock theft, shoplifting, theft from a vehicle, other theft
- (4) Commercial crime: fraud, counterfeiting, embezzlement
- (5) Violence aimed at property: arson, malicious damage to property
- (6) Crimes heavily dependent on police action for tracing: illegal possession of firearms, drug-related crimes and driving under the influence of alcohol or drugs
- (7) Crimes falling under robbery with aggravating circumstances: vehicle (car) and truck hijacking, robbery of cash in transit and bank robbery

The SAPS's Crime Information Analysis Centre currently uses a code of crime list, consisting of 35 categories, for the classification of crime. Information from the Centre is presented in three sections: (1) reported crime figures with reference to the nine provinces in the RSA; (2) ratio per 100 000 of the population and (3) percentage increase or decrease of a specific crime.

Classes of crime can also be subdivided into various subclasses: murder can, for example, include domestic murder, murder involving witchcraft, and murder with a firearm (not reflected in the statistics). Focus areas within the categories may change depending on the statistical interpretation of each category.

Total Crimes

2008	2009	2010	2011	2012	2013	2014
2150347	2196948	2223375	2168254	2178700	2217862	2255751

CONTACT CRIMES (CRIMES AGAINST A PERSON)

Murder

2008	2009	2010	2011	2012	2013	2014
18487	18148	16834	15940	15609	16211	16914

Total Sexual Crimes

2008	2009	2010	2011	2012	2013	2014
63788	70514	68332	66196	64419	66197	62267

Attempted murder

2008	2009	2010	2011	2012	2013	2014
18795	18298	17410	15493	14894	16344	16949

Assault with the intent to inflict grievous bodily harm

2008	2009	2010	2011	2012	2013	2014
210104	203777	205293	198602	192206	185427	182065

Common assault

2008	2009	2010	2011	2012	2013	2014
198049	192838	197284	185891	181485	172447	165990

Common robbery

2008	2009	2010	2011	2012	2013	2014
64985	59232	57537	54883	52999	53439	53424

Robbery with aggravating circumstances

2008	2009	2010	2011	2012	2013	2014
118312	121392	113755	101463	101123	105779	118327

CONTACT-RELATED CRIMES**Arson**

2008	2009	2010	2011	2012	2013	2014
7396	6846	6701	6533	6472	6046	5837

Malicious injury to property

2008	2009	2010	2011	2012	2013	2014
136968	134261	132134	125327	122116	120890	118904

PROPERTY-RELATED CRIMES**Burglary at non-residential premises**

2008	2009	2010	2011	2012	2013	2014
62995	70009	71773	69082	70044	73599	73684

Burglary at residential premises

2008	2009	2010	2011	2012	2013	2014
237853	246616	256577	247630	245113	261742	259424

Theft of motor vehicle and motorcycle

2008	2009	2010	2011	2012	2013	2014
80226	75968	71776	64504	59120	58312	56616

Theft out of or from motor vehicle

2008	2009	2010	2011	2012	2013	2014
111661	109548	120862	123091	130453	139572	143305

Stock theft

2008	2009	2010	2011	2012	2013	2014
28778	30043	32380	30144	31009	29889	28026

CRIMES HEAVILY DEPENDENT ON POLICE ACTION FOR DETECTION**Unlawful possession of firearms and ammunition**

2008	2009	2010	2011	2012	2013	2014
13476	14045	14542	14472	14484	14837	15333

Drug-related crime

2008	2009	2010	2011	2012	2013	2014
109134	117172	134840	150673	175823	206609	258472

Driving under the influence of alcohol or drugs

2008	2009	2010	2011	2012	2013	2014
48405	56165	62939	66697	69232	71029	69490

OTHER SERIOUS CRIMES**All theft not mentioned elsewhere**

2008	2009	2010	2011	2012	2013	2014
395296	394124	367442	368095	377073	362424	366336

Commercial crime

2008	2009	2010	2011	2012	2013	2014
65286	77474	84842	88388	88068	91500	79009

Shoplifting

2008	2009	2010	2011	2012	2013	2014
66992	80773	88634	78383	71844	71101	70136

SUBCATEGORIES FORMING PART OF AGGRAVATED ROBBERY**Carjacking**

2008	2009	2010	2011	2012	2013	2014
14201	14915	13902	10627	9540	9988	11129

Truck hijacking

2008	2009	2010	2011	2012	2013	2014
1245	1437	1412	999	886	943	989

Robbery at residential premises

2008	2009	2010	2011	2012	2013	2014
14481	18438	18786	16889	16813	17938	19191

Robbery at non-residential premises

2008	2009	2010	2011	2012	2013	2014
9862	13920	14534	14667	15977	16354	18476

OTHER CRIMES CATEGORIES**Culpable homicide**

2008	2009	2010	2011	2012	2013	2014
13184	12571	12272	11974	11833	11388	11257

Public violence

2008	2009	2010	2011	2012	2013	2014
895	1500	1323	1226	1216	1782	1704

Crimes in juria

2008	2009	2010	2011	2012	2013	2014
33064	30355	32356	33308	31903	29003	25763

Neglect and ill-treatment of children

2008	2009	2010	2011	2012	2013	2014
4106	4034	4014	3473	3011	2745	2617

Kidnapping

2008	2009	2010	2011	2012	2013	2014
2323	2535	2889	3604	3935	4327	4117

Table 2.1: Crime statistics in the RSA from 2008–2014 (Adapted from 2014 Crime Stats SA info@crimestatssa.com)

If all the totals of the different crime categories for contact crime (crime against the person) are added together, the grand total constitutes the highest crime category in South Africa. Property-related crime is the second most elevated crime category.

**REFLECTIVE QUESTION**

Can you see why it is so important to classify the different types of crime? How would the police be able to report that there had been an increase or decrease in, for example, murder for a specific period, if crime categories did not exist?

**ACTIVITY 2.1.1****Why do you need to do this activity?**

To calculate the percentage increase or decrease in the crime rate for murder, robbery at residential premises and arson in order to facilitate the interpretation of crime rate fluctuations between 2012/2013 and 2013/2014.

Instructions

Consult Table 2.1 and compute the percentage increase or decrease of these three crime categories for the period mentioned. List the reasons that might explain this fluctuation (difference between crime rates) in your workbook.

FEEDBACK ON ACTIVITY 2.1.1

Locate the crime categories and determine which has increased or decreased by scrutinising the relevant columns. Whatever reason/s you decide on, please remember to substantiate your answer.

The percentage increase/decrease is calculated by subtracting the lower amount from the higher. The result will indicate whether there is a decrease or increase in the specific crime rate. This amount is then divided by the lower amount and multiplied by 100 to obtain the percentage. The increase or decrease in murder for 2013 and 2014 can therefore be calculated as follows. 16914 (2014) minus 16211 (2013) = 703 (an increase). 703 divided by 16211 $\times 100 = 4.337\%$. The increase in the murder rate from 2013 to 2014 was therefore 4.337%. Make your own enquiries to determine possible reasons for the fluctuations regarding murder and the other two crimes mentioned.

Table 2.2 reflects the category “Driving under the influence of alcohol” between 2008/2009 and 2013/2014

2008/ 2009	2009/ 2010	2010/ 2011	2011/ 2012	2012/ 2013	2013/ 2014	% increase/ decrease 2013– 2014	Province
8,929	10,991	8,244	7,773	7,610	7,350	-3.4%	Eastern Cape
1,644	1,653	1,583	1,523	1,671	1,769	5.9%	Free State
13,150	14,910	21,417	20,761	21,778	26,100	19.8%	Gauteng
12,837	11,935	10,110	12,867	15,112	12,597	-16.6%	KZN
1,660	2,223	2,729	2,638	2,835	2,268	-20.0%	Limpopo
1,918	2,122	2,698	3,757	4,025	3,090	-23.2%	Mpumalanga
2,042	2,176	1,619	1,720	2,038	2,251	10.5%	North West
1,244	1,285	1,053	868	829	744	-10.3%	N-Cape
12,741	15,644	17,244	17,534	15,167	13,588	-10.4%	W-Cape
56,165	62,939	66,697	69,441	71,065	69,757	-1.8%	RSA

Table 2.2: Driving under the influence of alcohol or drugs in the RSA per Province between 2008/2009 and 2013/2014. Adapted from www.saps.gov.za



REFLECTIVE QUESTION

KwaZulu-Natal applies a zero tolerance approach to driving under the influence of alcohol. Do you think the abovementioned figures indicate that they are being successful in their efforts?



ACTIVITY 2.1.2

Why do you need to do this activity?

To establish whether you can think of any reasons for the high incidence of driving under the influence of alcohol and drugs in Gauteng (26 100), the Western Cape (13 588) and KwaZulu-Natal (12 597) for the period 2013/2014. List possible reasons for this phenomenon in your workbook.

FEEDBACK ON ACTIVITY 2.1.2

Whatever reasons you provide, please remember to substantiate your answer. Base your reasoning on the text provided in the ensuing section and any other sources you deem relevant. Consider launching a discussion on *myUnisa* with fellow students in this regard.

2.1.3.1 Effects of alcohol on behaviour

The effects of alcohol (or any other drug) on behaviour are a function of the interactions of the pharmacological properties of the substance, the individual's physiology and personality, and the social and cultural context in which the substance is ingested (Walsh 2015:293). Pharmacologically, alcohol is a depressant drug that inhibits the functioning of the higher brain centres. According to Wash (2015:293–4), as more and more alcohol is drunk, behaviour becomes less and less inhibited as the rational cortex surrenders its control of the drinker's demeanour to the more primitive limbic system (the “emotional” brain). What is going on in the drinker's brain to cause this? Although alcohol is a brain-numbing depressant, at low dosages it is actually a stimulant because it raises dopamine levels. Alcohol also reduces inhibition by affecting a neurotransmitter called GABA, which is a major inhibitor of internal stimuli such as fear, anxiety, and stress. Additionally, alcohol decreases serotonin, reduces impulse control, and increases the likelihood of aggression (Walsh & Bolen in Walsh 2015:293). Alcohol's direct effects on the brain can thus help us to reinvent ourselves as “superior” beings: the fearful to become courageous, the withdrawn to become more confident, and the timid to become more assertive.

As powerful a behavioural disinhibitor as alcohol is, it is not sufficient by itself to change anyone's behaviour in the direction of serious law violations. Most people don't become violent or commit criminal offences when drinking, even when they are “over the limit”. Alcohol releases behaviours we normally keep under control, but may be prone to exhibit when control is weakened. Hence we may become silly, amorous, melancholic, maudlin, and even aggressive and violent when our underlying propensity to be these things is facilitated by alcohol and the social context in which it is drunk. In some contexts, drinking may lead to violence, but not in others. Experimental research has shown that drinking increases fantasies of power and domination, increases the incidence of not backing off when challenged or of interpreting some gestures as threatening (Walsh 2015:293). Add a vehicle to the equation and it is clear how this combination can lead to increased (often serious/fatal) motor vehicle collisions.

2.1.3.2 The dark figure of crime (data deficient figure)

The crime statistics, as presented by the SAPS, paint a bleak picture of the current crime situation in South Africa. One important factor that needs to be taken into consideration when working with official crime statistics is the dark figure of crime, that is the crimes that are never reported to the police. Walsh (2015:42) defines the dark (or hidden) figure of crime as that portion of the total crimes committed each year that never come to light.

According to Singh (2011:105) and Eamonn et al. (2015:32), the following are some of the reasons why people might not report a crime to the SAPS:

- A crime is sometimes seen as too insignificant to report, for example domestic abuse.
- A victim might not be sure how seriously their allegation will be taken by the police.
- People are not always aware that they are under threat or that a crime has been committed against them, for example fraud.
- The victim fears retaliation or repeat victimisation.
- Victims might fear that their complaints will not be believed or that they will be dismissed as too trivial.
- The crime is considered personally embarrassing or shameful, for example domestic violence.
- There is a lack of trust in the competency in the SAPS.
- The victim may decide to take the law into his/her own hands and dispense justice personally.
- Children are involved who may not understand the issues.
- The victim may not want to harm the offender. This is true of many household violence and molestation situations.

In order to illustrate how the dark figure can affect crime statistics, consider the following. Due to the fact that a significant proportion of rapes occur in the domestic environment and that victims are frequently financially or otherwise dependant on the perpetrators, a certain number of cases are either withdrawn or cannot successfully be prosecuted. This not only affects the statistics in relation to this crime, but causes abusive relationships to be perpetuated.

Another significant reason for this dark figure is the omnipresence of corrupt officials in the criminal justice system. Have you ever considered the possibility that members of the public are playing a big role in corrupting officials in the legal system? Can you think of an example of something you've personally observed in this regard? What was happening? For example, when somebody pays a police official R1 000, say, to "lose" the docket of a case in which they are a prime suspect. The question now becomes who is corrupting whom? For more information on the limitations of official crime statistics consult *Acta Criminologica* 27(2) 2014 – The Dark Figure of Crime and its impact on the Criminal Justice System, pp1–13.

2.1.4 Crime patterns and trends

When we talk about "crime patterns" we mean that there is a specific pattern in the incidence of crime. This pattern is influenced by various factors, such as the geographical area (e.g. the nine provinces in South Africa), age, gender and educational level.

"Crime trends" refers to the rise and fall in crime in a particular year. These fluctuations (rises and falls) are caused by factors such as the economic situation in the country, educational level and age group.

When we study crime patterns and trends, we see that the number of crimes committed differs from neighbourhood to neighbourhood and area to area. More crimes are committed in some parts of a country or city than in others, and more crimes of a particular type (e.g. property crimes) are committed than crimes of another type (e.g. violent crimes).

In South Africa, crime trends and patterns are indicated according to variables such as category, age, gender and region.

2.1.4.1 Crime trends according to categories

Categories of crime indicate the type of crime committed. When the different types of crime are compared, we find that some types of crime are committed more frequently than others.

Theft, robbery, robbery with aggravating circumstances, murder and rape are a few that are particularly problematic (high report rates and difficult to prevent). The government's National Crime Prevention Strategy is this country's first comprehensive strategy for the prevention of crime (www.saps.gov.za). It lists seven crimes which pose the greatest threat to the citizens and the welfare of the country, namely:

- crime with firearms, which has allowed violence to increase to a great extent
- organised crime, such as drug smuggling and illegal immigration, which has risen sharply since South Africa's readmission into the international community
- white collar crime
- sexual violence and crime against children
- violence added to conflict between groups, such as those in KwaZulu-Natal and the continuing taxi wars, which threaten democracy
- vehicle theft and hijacking, which contribute to fear and feelings of insecurity
- corruption in the legal system

State departments, such as the SAPS, the Department of Justice and Constitutional Development) (e.g. prosecutors) and Correctional Services are responsible for combating and preventing the above-mentioned crimes. Practical steps are being taken to prevent each of these types of crime: legislation is being prepared to control firearms and combat smuggling; cooperation with neighbouring states is also improving; and better information gleaned from improved intelligence work is being used against organised crime and violence in KwaZulu-Natal. Short-term strategies for combating vehicle theft and hijackings focus on tracking systems, partnerships between the community and the police and border control to prevent vehicles from being taken out of the country. Although this prevention plan is chiefly a long-term strategy, several of its elements have already been put into operation.

For more information on South Africa's National Crime Prevention Strategy go to: <http://scholar.sun.ac.za/handle/10019.1/9197>

2.1.4.2 Crime trends according to region

Just as crime trends differ from country to country, they also differ from region to region or from province to province. South Africa is divided into nine provinces; the crime situation in these provinces is reflected in statistics released by the SAPS. See www.saps.gov.za



TAKE NOTE

An important deduction can be made from these statistics: Of the nine provinces, Gauteng overshadows all the other provinces with regard to crime (although not in

every category). The question is why? South Africa's largest provincial population is in Gauteng, with some 12.7 million people – 24% of the total population occupying just 1.4% of the country's land area. KwaZulu-Natal, is second with some 10.5 million people – 19.7% of the total South African population of 52.98 million (2013 mid-year estimates by Statistics South Africa).

Increased population density results in an increase in potential offenders, as well as potential victims, because there are more opportunities to commit crime. Rapid population growth, enhanced by an influx of economic refugees, fuels a process of accelerated urbanisation, an increasingly younger and restless population at risk and insufficient economic growth to meet the needs of the expanding population. Offending and victimisation rates increase proportionate to these dynamics.

For more information regarding crime distribution in the nine provinces go to www.saps.gov.za

Population estimates for all nine provinces mid 2013

- Eastern Cape: 6.6 million (12.5%)
- Free State: 2.7 million (5.2 %)
- Gauteng: 12.7 million (24%)
- KwaZulu-Natal; 10.5 million (19.7%)
- Limpopo: 5.5 million (10.4%)
- Mpumalanga: 4.1 million (7.8%)
- Northern Cape: 1.1 million (2.2%)
- North West: 3.6 million (6.8%)
- Western Cape: 6.0 million (11.4%)

Land area by province

- Eastern Cape: 13.8%
- Free State: 10.6%
- Gauteng: 1.4%
- KwaZulu-Natal: 7.7%
- Limpopo: 10.3%
- Mpumalanga: 6.3%
- Northern Cape: 30.5%
- North West: 8.7%
- Western Cape: 10.6%

The influence of population density on potential offenders and suitable victims cannot be ignored. Bear in mind the distribution of land and people in both rural and urban areas. The result of unplanned urban growth (the influx of people into urban areas) is evident in the high-density squatter settlements situated on the periphery of and in all major urban areas all over South Africa.

2.1.4.3 Crime trends according today, season and climate

The warm summer months show an increase in reported crimes. Research has shown that stress levels can rise due to long-term exposure to extreme temperatures, which relates to an increase in violent crimes (Siegel 2009:45). People spend more time outdoors because of the pleasant weather. In addition, young people commit more

crime than any other age group and, during the long holiday season (November to January), they have greater opportunities to commit crime and also to become victims of crime. During this same period, houses are left vacant because people are on holiday, making them more vulnerable to property crimes.

The first day of the month can also have an influence on the increase in crime. Consider the following two reasons:

- paying out of pensions
- people having extra money available which may relate to behaviours associated with crime such as drinking, partying and gambling (Siegel 2009:45)

Instead of receiving a salary at the end of the month, many workers get paid in cash on a weekly basis. This practice can also contribute to crime owing to consumption of alcohol over weekends when socialising with people at taverns, clubs, shebeens and so on.

2.1.4.4 Social class and crime

Traditionally, crime has been seen as a lower-class phenomenon. Poor and unemployed people have the greatest incentive to commit crimes. Desired goods, which cannot be obtained by conventional means, may be obtained through illegal activities, for example selling drugs or stealing valuables from people to obtain food. These are called instrumental crimes. Expressive crimes, such as rape and assault on the other hand, can be seen as a means of expressing rage, anger and frustration against society. Unfortunately, alcohol and drug abuse, which are prevalent in impoverished areas, may help to fuel violent crimes (Siegel 2009:47).

For more information on the reasons why alcohol and drugs can fuel violent crimes go to: www.csvr.org.za/docs/crime/compatibility_mode.pdf



ACTIVITY 2.1.3

Why do you need to do this activity?

To establish your opinion on the statement that South Africa has been called the rape capital of the world.

Instructions

Do you think that the statement that South Africa is the rape capital of the world is justified? Consult the internet for more information, and to help you with your reasoning. In your workbook make a list of reasons to substantiate your view.

FEEDBACK ON ACTIVITY 2.1.3

No specific feedback as student responses will differ. Compare your views with those of your fellow students on *myUnisa*.



REFLECTIVE QUESTION

Consider the following regarding rape statistics in South Africa: As a sub-category of sexual crimes, rape (including compelled rape and acts of consensual sexual penetration with certain children 12–16 years) has decreased by 6.2% during the past five years and also by 6.3% during the past financial year (2013/14), from 49376 to 46253 cases. Over the past year, this crime has decreased by 6.3% (3 123 cases), with eight of the nine provinces recording a decrease. Eastern Cape is the only province showing an increase of 6.4% (504 cases). Why do you think there was a decline in the number of reported cases? A possible explanation is the changed definition of sexually motivated crime resulting from the implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 in December 2007 and/or the reinstatement of the Family Violence, Child Protection and Sexual Offences (FCS) Units. Can you think of any other reasons that may have led to this decline? Why would the Eastern Cape be the only province to record an increase in rape cases? Engage in a discussion with your fellow students and e-tutor (where allocated) on myUnisa regarding this issue.

2.1.4.5 Use of firearms

Firearms, whether legal or illegal, play a leading role in criminal activities. A study done by Allard et al. at the Groote Schuur Hospital some years ago found that almost 42% of 969 patients with firearm-related injuries needed surgery. Abdominal injuries accounted for almost 17% and are the most expensive to treat. Surgical treatment of gunshot wounds to the abdomen costs the state health services in excess of R20 000 per patient.

Nevertheless, Kleck and Gertz (in Siegel 2009:46) believe that the benefit of firearms as a prevention tool should not be overlooked. The old adage applies here, namely “better to have a firearm and not need it than need a firearm and not have it”. Accordingly, there will always be an ongoing debate over firearm control. For more information on South African firearms control go to www.loc.gov/law/help/firearms-control/southafrica.php



TAKE NOTE

Advocates of firearm control see legislation as a positive step towards curbing the ongoing crime wave in which firearms are used in the execution of various crimes. What happened when alcohol was banned in the USA during the 1920s? A huge lucrative, smuggling network was established. Would the same happen if the ownership of firearms were banned in South Africa?

2.1.5 Conclusion

It is important to classify the different types of crime in order to determine the causes of and the reasons for each, and to predict and prevent these individually. When, as shown in this learning unit, crime trends and patterns are depicted according to class and region, day, season, climate and social class, the unequal distribution of crime is highlighted. On the basis of regional information, the South African government has been able to identify priority crimes and implement effective action to combat them.

2.1.6 Self-assessment questions

- (1) What is the purpose of classifying crime? (5)
- (2) List the seven categories of crime previously used by the SAPS (15)
- (3) Define the terms “crime patterns” and “crime trends”. (5)
- (4) Crime patterns and trends are indicated according to class and region, among other things. Describe the valuable information that can be obtained from such statistics. (15)
- (5) Explain the meaning of instrumental crime (3)

2.1.7 Feedback on self-assessment questions

- (1) You will find the answer to this question in section 2.1.3. The classification of crime facilitates the following:
 - establishing the common factors in crimes
 - systematising data on certain types of crime
 - determining what acts are, in fact, crimes
 - answering the question of why people commit certain crimes
 - predicting crimes
- (2) The seven crime categories are set out in section 2.1.3 together with the crimes in each category.
- (3) The term “crime patterns” refers to the rise or decline in specific types of crime; for instance, where the rape of young girls increases but sedition decreases. Crime trends indicate the increase or decrease in crime in a particular year. You will find the full answer to this question in section 2.1.4.
- (4) In your answer you should have indicated the way crime trends highlight priority crimes according to class and region and lead to steps to combat such crimes. Crime trends may also be used to make deductions about certain issues.
- (5) Study section 2.1.4.4.

LEARNING UNIT 2.2: OFFICIAL AND UNOFFICIAL SOURCES OF CRIME INFORMATION



Crime information according to official resources
Police statistics
Judicial and prison statistics
Shortcomings of official crime statistics
Crime information according to unofficial sources
Information according to victim surveys
Limitations of victim surveys
Self-report studies
Limitations of self-report studies
Data mining
Crime mapping

LEARNING UNIT 2.2

Official and unofficial sources of crime information

- 2.2.1 Key concepts
- 2.2.2 Introduction
- 2.2.3 Crime information according to official sources
 - 2.2.3.1 Police statistics
 - 2.2.3.2 Judicial and prison statistics
 - 2.2.3.3 Shortcomings of official crime statistics
- 2.2.4 Crime information according to unofficial sources of crime information
 - 2.2.4.1 Information according to victim surveys
 - 2.2.4.2 Limitations of victim surveys
 - 2.2.4.3 Self-report studies
 - 2.2.4.4 Data mining
 - 2.2.4.5 Crime mapping
- 2.2.5 Conclusion
- 2.2.6 Self-assessment questions
- 2.2.7 Feedback on self-assessment questions



LEARNING OUTCOMES

When you have worked through this learning unit you should be able to:

- discuss official crime statistics
- indicate the dropout of offenders as they move through the legal system
- demonstrate the shortcomings in official crime statistics
- give an overview of crime information according to unofficial sources
- investigate victim surveys
- argue the advantages and drawbacks of victim surveys
- describe self-report studies

2.2.1 KEY CONCEPTS

Arson. The unlawful and intentional setting on fire of immovable property (Kemp et al. 2012:623).

Assault. The unlawful and intentional application of force to another, or inspiring the belief of imminent force (Kemp et al. 2012:623)

Burglary/housebreaking. Breaking into and entering a home or structure for the purpose of committing a crime (Kemp et al. 2012:626).

Car hijacking. The forceful taking of another's motor vehicle by using violence, or the threat of violence, to command possession of it.

Questionnaire. A series of questions or items about a single subject or a series of related issues that must be answered by a respondent. Questions can be used to measure aspects such as attitudes and opinions and for collecting biographical information. In a structured questionnaire the answer options are provided.

Self-report studies/surveys. The self-report study is a means of collecting information about aspects of an individual's personal experience such as involvement in offending (Walsh 2015:38).

Victimisation survey. This is a statistical survey that measures the amount, nature, and patterns of victimisation in the population (Walsh 2015:35)

2.2.2 Introduction

It is important to have access to crime statistics from every region of the country in order to study the nature and extent of the crimes committed (Singh 2011:91). In any country, coping successfully with crime is determined largely by the availability of reliable crime statistics. To deal with and prevent crime effectively, then, we need reliable and useful information on it. Accurate statistics are also essential for evaluating prevention programmes. To determine the success or otherwise of measures taken to control crime, it is necessary to have a system in operation whereby crime can be reported and noted.

Furthermore, accurate reporting of crime is needed to eliminate the misappropriation and manipulation of crime information. The general public's perceptions of the magnitude of crime and the fear of crime arising from these are, to a great extent,

influenced by the media reports on crime trends and specific criminal events. Research has shown that the public's fear of crime is greater than the actual risk of crime. Many South Africans who decide to emigrate list the fear of crime as one of the main considerations for leaving. This is particularly true in the case of those who are more vulnerable, for example, women and the elderly. Consonant herewith, Best (in Eamonn et al. 2015:31) argues that people respond to statistics in three distinct ways. The "awestruck" treat them with reverence and as if they represent the clear truth about a particular issue. The "naïve" are more critical, but also tend to accept statistics as hard facts. The "cynical" are very suspicious about statistics believing that they are often flawed, that they can be manipulated to prove anything and, even worse, that they are deliberately used to mislead and deceive. Regular and impartial reporting of crime trends can eliminate this problem. In South Africa the awareness created by crime statistics led to the introduction of Childline and in due course the Child Justice Act (Singh 2011:91).

Crime statistics were compiled for the first time by Adolphe Quetelet, a Belgian statistician, to show that crime is a social phenomenon and that it can be analysed and explained with the aid of figures (statistics). Crime statistics therefore constitute all data and information on crime that are scientifically arranged and tabulated in order to offer a total picture of the crime problem.

There are three official crime information sources in South Africa, namely the police, the courts and prison statistics. Official statistics are those statistics compiled by the State to reflect the extent of crime (number of crimes committed). Criminologists, however, also use information that comes from outside the criminal justice system. Eamonn et al. (2015:30-31) identify the following sources:

- Mass media contain vast amounts of crime coverage and comment. Television, film, news media and the Internet represent crime and justice in many different ways.
- Charities and voluntary organisations (such as NICRO) have a long global history of intervening in crime and deviance and this involvement continues today.
- Private companies, for example banks, credit suppliers and insurance agencies, store and exchange huge amounts of information about their customers.
- International bodies (such as Interpol) are a further important source of global and comparative criminological data.

In South Africa it was previously the task of the Bureau for Census and Statistics to record all crimes and tabulate them as statistics. The Bureau undertook this task from 7 January 1921 until it was taken over by Statistics South Africa.

The data (statistics) are provided to Statistics South Africa by the police, the courts and the Department of Correctional Services. So, we also speak of police statistics, judicial statistics and prison statistics. All these data are then processed by Statistics South Africa who then generate an annual report in which all the details of the extent (number), increase/decline and other information on crime in South Africa are reflected.

Official crime statistics do not reflect the true extent of the crime problem. Social scientists have supplemented this shortcoming by asking members of the public about their experiences as victims. The most successful attempts to gather data on the true extent of crime were done by means of victim surveys. In victim surveys a representative test sample is drawn from a cohort of people who at some time or in some way have

been the victims of crime. These victims then complete a questionnaire, which is analysed and provides considerably more information (data) than official statistics.

2.2.3 Crime information according to official sources

2.2.3.1 Police statistics

Police statistics are compiled from records that generally describe the crime, provide details of how and when the crime was committed, who committed it, who the victim was and what injuries or losses occurred (Singh 2011:106). In South Africa, police statistics are provided by the Crime Information Analysis Centre (CIAC). Provincial offices in the nine provinces of the country issue monthly reports on all crimes in these areas and this information is then consolidated, processed and interpreted by the Centre.

These statistics do not reflect the real extent of crime in South Africa, however, because the public does not report to the police all crime that is committed. The willingness of members of the public to report crime to the police and to cooperate with the police during the investigation of a crime is strongly influenced by their perception of the police, particularly their justness, impartiality and competence. The report below vividly illustrates this point.

83% believe SAPS is corrupt—survey

Johannesburg—South Africans view the police service as a corrupt institution in the public sector, a report by Transparency International revealed on Wednesday. In the Global Corruption Barometer 2013, released this week, South Africa was among 36 countries in which the police was seen as the most corrupt institution.

About 83% of South Africans believed that police were corrupt. Thirty-six percent admitted to having paid bribes to police. An average of 53% of people sampled during the surveyed globally said they had paid a bribe to police. The survey was conducted among 114 000 people in 107 countries. It showed corruption was widespread. In SA, 1 000 people from urban areas were interviewed.

Corruption Watch executive director David Lewis said the findings confirmed that the increase in corruption was “not a mere perception”. “We solicit public experiences of corruption and we are getting a significant number of reports of bribery and other acts of corruption, especially from poor communities,” Lewis said. He said Corruption Watch had received over 4 200 complaints on corruption and related matters since its launch in January 2012. He said half of these focused on the abuse of public power and resources, by both the private and public sectors.

Adapted from: <http://www.news24.com/SouthAfrica/News/83-believe-SAPS-is-corrupt-survey-2015-10-29>

The offender’s and also the potential offender’s perception of the efficiency (and effectiveness) of the police and the courts, as well as society’s perception of the validity of the administration of criminal justice, are also aspects that affect the general levels of crime.

In spite of these defects, the number of crimes reported to the police is the first link in the chain of official crime statistics. The statistics may be processed in various ways to

represent, say, specific information for the public. The annual release of the country's crime statistics by the SAPS has become a big event, especially for the media and the research community. Due to high levels of crime, especially violent crime, there is a feeling of melancholy about public safety and the ability of the SAPS and the rest of the criminal justice system to bring an end to the crime problem.



TAKE NOTE

Why should a crime be reported? If an illegal immigrant is robbed the chances are rather slim that this person will report the crime owing to the possibility of deportation.

To read more on the obligation to report a crime go to:

<http://www.protectingyourself.co.uk/should-i-report-a-crime.html>

Statistical information is provided by the Police Crime Information Analysis Centre (2013/2014):

- Figures for bank robbery showed an increase in the following provinces: Gauteng, Eastern Cape and Free State.
- Cash in transit heists showed the highest incidences in KwaZulu-Natal, Northern Cape and Limpopo.
- Car hijackings showed a dramatic increase in Gauteng, Western Cape, and the Eastern Cape.
- Hijacking of trucks also showed an increase in the North West, Eastern Cape, Mpumalanga, Western Cape and Gauteng.



TAKE NOTE

Official statistics usually draw media and public attention. For example, an article by Burger (2009) discusses the validity of police statistics. For more information on this article go to: SA Crime Quarterly no. 30, December 2009. (<http://www.issafrica.org>)

2.2.3.2 Judicial and prison statistics

The figures or statistics provided by the courts and the Department of Correctional Services are considerably lower than police statistics because they refer only to crimes where the offender was prosecuted or where imprisonment was imposed. Once a crime has been solved, the authorities must decide whether the offender must be prosecuted. Factors such as the question of how strong the evidence is and consequently how probable a conviction is, influence such a decision. The offender's age and the gravity (seriousness) of the crime play a role in the decision to prosecute.

Official statistics seem to show a "decline" (or decrease) in the crime figure for the period starting when a crime is reported to the police and the criminal goes through the process of arrest, trial and conviction, ending with admission to prison. The message here is that fewer criminals exit the criminal justice system than enter the system due to various reasons.

This "decline" (decrease) in the crime figure may be represented as follows:

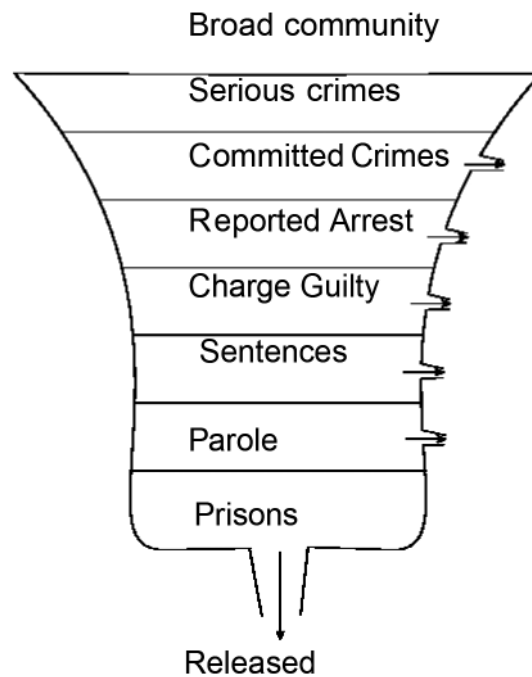


FIGURE 2.3: The flow of offenders through the legal system (Adapted from Singh 2011:106-119)

It is clear from figure 2.3 that the highest official crime figure (rate) refers to serious crimes that have been committed and reported to the police. The further one moves away from these recorded police statistics, that is to say, moves through the legal process (the courts) and prisons, the greater the dropout of alleged offenders and the smaller the crime figures become.

A report published by the Law Commission, which involved almost 16 000 police dockets, provided the following information:

Throughout the country, on average, only six out of every 100 violent crimes reported to the police end in conviction.

- Statistics show that approximately 11% of all reported murders end in a conviction.
- Up to about three quarters of reported matters/cases of murder, rape and robbery with aggravating circumstances have still not been tried two years after arrest.
- The rate of conviction for murder and rape cases is considerably higher in other countries where comparable results are available. (In England and Wales, virtually half of all reported murders result in conviction.)
- Inadequately trained and overworked detectives and prosecutors, who do not receive sufficient personnel support, contribute to the problem.
- The police often have to work with insufficient resources and a heavy load of cases.
- The public also has a role to play in that some individuals refuse to cooperate with the police by acting as witnesses.



TAKE NOTE

It is important to measure the effectiveness of the criminal justice system as a whole and not on conviction rates alone. Consider the following when reference is made to conviction rates. The police are not permitted to break the law themselves in order to

obtain a conviction at all costs; not all cases are prosecuted; and an accused must be acquitted if reasonable doubt exists about their guilt (South African Law Commission Report, Research Paper 8, 2003:6).

The size of the South African prison population is influenced by, among other things, the number of offenders who are sentenced to imprisonment by the courts and by the release policy of the Department of Correctional Services. The number of offenders who are sentenced to imprisonment is determined by various factors such as the number of cases referred to the court and the number of convictions that take place, as well as the degree to which alternative punishment (such as correctional supervision) is applied.

Criminologists find juvenile misconduct significant because such behaviour can be the beginning of a criminal career that will be detrimental to the welfare of the community. Sixty-three percent of sentenced children were 17 years of age. The second biggest group, representing 16 year olds, comprised 25% (Department of Correctional Services Annual Report 2014).

The highest crime category for sentenced children is aggressive crimes at 44%, with economic crimes coming in second at 34%. These two categories also coincide with the adult population crime categories.

2.2.3.3 Shortcomings of official crime statistics

Clearly, then, there are shortcomings in official crime statistics. The main limitations may be summarised as follows (Singh 2011:111–112):

- Official crime statistics include only those crimes which are reported to the police. Crimes are therefore committed which are never included in statistics.
- Crime statistics are often expressed in relation to the total population (e.g. 1 250 per 100 000 of the population)! This means that 1 250 out of every 100 000 people committed a crime. Calculating the crime figure in this way does have defects, however, because a big section of the population, like children under the age of seven and mentally disturbed persons, who are kept in institutions their whole life, are (presumably) unable to commit crime.
- Some crimes are much more likely to be reported than others, for example, where insurance claims require the presentation of a case number and serious crimes as opposed to trivial crimes.
- Police acumen may influence reporting and recording as different police stations often employ different categories and official procedure.
- Changes in legislation, technologies and police manpower may influence crime figures. New offences may come into being such as cybercrime, not wearing seatbelts, driving while using a cellphone and so on. The wider availability of telephones, alarm technologies, private security staff and closed circuit cameras may make it easier to report offences and incidents.
- Social and economic changes may influence the volume of official crime recorded. Readily available, high-value consumer goods to steal, such as domestic electronics or cars, have increased in number over the years. Wider insurance coverage has augmented the incentives to report crime.

- Changes in the age distribution of the population may influence the crime rate. A smaller number of young people may lead to a reduction in deviance and criminal behaviour.
- The decline of close-knit communities, increase in nuclear families and greater population mobility may reduce informal social control and influence the crime rate.
- Changing norms and values may influence the crime rate. Certain crimes, such as child abuse and domestic violence, are less tolerated by members of the public than in the past.



TAKE NOTE

In their recent National Youth Victimization Survey, which surveyed 4 409 respondents aged 12 to 22, the Centre for Justice and Crime Prevention indicated that young offenders committed their first criminal act when they were between 10 and 15 years old, crimes which are not reflected in the official crime statistics. However, the information from victimisation studies in conjunction with official crime statistics can contribute to more comprehensive prevention strategies or predictions in specific regions for combating crime.

- Statistics do not take into account the relationship between crimes and offenders. This means that one single offender can commit a whole number of crimes, which could create a distorted picture of the crime problem when reflected in research.
- Researchers who work with statistics often try to compare incomparable figures. What constitutes a crime in one country is not necessarily a crime in another country (e.g. euthanasia [mercy killing] is not viewed as a crime in the Netherlands). Certain crimes could become decriminalised in a country (such as abortion in South Africa).
- An act that is a crime one year is not necessarily a crime five years later. Thus, for instance, some kinds of drug dealing have already been decriminalised in some countries. This means that crime figures cannot always be compared from year to year. For example, in South Africa, the term “serious crimes” has changed several times since 1921.



TAKE NOTE

Although crime statistics do not reveal every single crime committed in South Africa, current statistics can be valuable for planning prevention strategies or drawing attention to burning issues. For example awareness of crime against women and children could be raised by having a crime awareness day or week. Child Protection Week, which runs from 26 May to 1 June (International Children’s Day) every year, is one example of this. For more information on Child Protection Week go to <http://www.gov.za/child-protection-week-2015>

2.2.4 Crime information according to unofficial sources of crime information

2.2.4.1 Information according to victim surveys

Eamonn et al. (2015:35) state that, since the 1970s, many countries have established official crime victimisation surveys. These provide an important alternative way of generating data about crime (and especially unrecorded crime) by asking samples of

people directly about their experiences of crime victimisation. They are thus a key way of addressing the “dark figure” of unreported crime and can also be usefully compared with self-report studies. Victim surveys ordinarily ask people about the crimes they have experienced in the last year, it asks them about their attitude towards crime, whether or not they fear crime and what measures they take to avoid it. It also asks them about their attitudes to the criminal justice system, including the police and courts (Conklin 2013:38). Victimisation surveys in South Africa for example have highlighted corruption in the criminal justice system as a major concern for survey respondents. National crime victimisation surveys, with their focus on victims’ experiences, can present a very different picture of crime than that offered by national criminal statistics, with their focus on recorded crime (Eamonn et al. 2015:35).

The United Nations Interregional Crime and Justice Research Institute (UNICRI) has been undertaking victim studies since 1989. Identical questionnaires on selected crimes are used in developed and developing countries including South Africa, with other African countries also being involved.

Local South African surveys also produce valuable information for criminologists. It appears that one out of every five households has been struck by property crime. One out of every ten persons has been the victim of a violent crime. Do you know anyone who has been a victim of crime? Differences in respect of population groups are also highlighted. Whites were the biggest victims of crime (especially property crimes), but black and coloured people were more often the victims of violence than whites and Asians. The incidence of assault with aggravating circumstances, violent attacks on trains and rape or attempted rape was highest among blacks while coloureds were especially vulnerable to molestation in public.

Comparing the results of the Institute for Security Studies 2007 National Victims of Crime Survey with those of the Centre for Justice and Crime Prevention (CJCP) 2005 National Youth Victimisation Survey, it would appear that young people experience assault at nearly eight times the adult rate; theft at five times and robbery at four times the adult rate (Pelser 2008:2).

Statistics South Africa clearly indicates that approximately half of South Africa’s population of 52.98 million is under the age of 25, which explains the high youth victimisation rate (based on 2013 mid-year estimates). Theft, robbery and assault are committed in places normally considered safe – the school and home. Pelsaer (2008:4) is of the opinion that what is happening in schools is merely an extension of the crime and violence that prevails in South African homes and their immediate environs.

Research indicates that victimisation, crime and violence are a common experience for many young South Africans.

2.2.4.2 Limitations of victim surveys

As mentioned previously, victim surveys are particularly valuable because they provide information on the “dark figure” in crime statistics. The term “dark figure” you will remember refers to those crimes that are committed but not reported to the police. However, there are also drawbacks (limitations) to unofficial sources. Among the main limitations identified by Eamonn et al. (2015:160–161), Conklin (2013:36,38) and Walsh (2015:35–6) are the following:

- They suffer from a general inability to tap certain forms of crime where there is no direct or clearly identifiable victim.
- Many crimes committed in the corporate boardroom, in the financial marketplace, on the internet, or directed against the environment (conservation crimes) thus remain characterised by “no knowledge, no statistics, no theory, no research, no control, no politics and no panic”.
- They tend to ignore different cultural perceptions that may affect respondents.
- Victims sometimes forget important facts if they are not questioned about them soon after the event took place.
- Some victims think that nothing can be done about the matter and never report it. As a result, these statistics are not reflected in victim surveys either.
- Indirect victims do not report a crime as readily as do direct victims and, in this way, important statistics are lost.
- Victim surveys reflect the number of crimes but not the number of offenders. For instance, one criminal could perhaps have several victims and, consequently, the same offender is reported numerous times.

Certain offences are repeatedly committed by the same offender. The same type of offence is reported by the victim each time, for example, a woman lays charges of assault against her husband.

Information obtained from victim surveys clearly supplements specific gaps in statistical data but must be interpreted very carefully in the knowledge that any differences may reflect definitional variations as much as variations in prevalence or incidence. As early as in the 1980s, a comprehensive and sophisticated questionnaire was drawn up in the USA for a victim(isation) study. When this questionnaire was analysed, it was clear that the crime figure was actually twice as high as that indicated by official statistics. To obtain a more accurate crime figure, however, it would be advisable to study official statistics together with victim surveys.



TAKE NOTE

For more information on victim surveys go to:

<http://www.essays.uk.com/essays/offender-surveys-victim-surveys.php>



ACTIVITY 2.2.1

Why do you need to do this activity?

- To establish your opinion on reporting a crime to the police or revealing it in a crime victim survey.

Instructions

- Read section 2.2.4.2 above. List the pros and cons of your decision in your workbook.

FEEDBACK ON ACTIVITY 2.2.1

Your answer should contain the information found in section 2.2.4.2.

2.2.4.3 Self-report studies/surveys

Self-report studies/surveys are surveys in which anonymous respondents, without fear of disclosure or arrest, are asked to report confidentially any violations of the criminal law that they have committed (Siegel 2013:36; Singh 2011:113). Alternative sources of information are vital to establish the true extent of crime patterns. Anonymity and confidentiality are guaranteed, which encourages criminals (official and non-official) to describe their illegal activities accurately.

Self-report items aim to measure attitudes, values, personal characteristics and behaviours. Data obtained from these self-reports can be used for testing theories and measuring attitudes toward crime as well as measuring the association between crime and important social variables such as family relations, education and income. The main strength of self-report surveys, according to Walsh (2015:38), is that researchers can correlate a variety of characteristics of respondents with their admitted offences that go beyond the demographics of age, race and gender. For instance, they can attempt to measure various constructs thought to be associated with offending, such as impulsiveness, empathy, and sensation seeking, as well as their peer associations and their attitudes.

Self-report studies are not without their problems. Unfortunately for researchers, they are too often limited to asking questions only about petty offences, such as shoplifting or simple theft, and are usually conducted among young people such as high school or college students (Walsh 2015:38). They, therefore, may not provide results that are representative of the wider population. They also typically focus on juvenile delinquency rather than adult criminality, and researchers cannot guarantee that respondents have told the truth (Schmallegger in Singh 2011:113).

2.2.0.01 Are self-report studies accurate?

Methodological issues have been raised about the accuracy of such studies. Critics of self-report studies are of the opinion that it would be unreasonable to expect people to openly admit to their illegal activities. Some people might lie about the severity of their acts, forget about some of the crimes they have committed or be confused about what is being asked (Siegel 2013:37; Wash 2015:39). Males also tend to report their antisocial activities less honestly than females and those individuals who do have a serious criminal history tend to underreport their crime (Wash 2015:39).

Various techniques can be used to verify self-report data; however, they are costly and time-consuming, one example being the polygraph test (lie detector). Respected criminologists such as Hindelang, Hirschi and Weis are, however, of the opinion that self-reports are accurate and compatible with official crime statistics (Siegel 2004: 54).

According to Siegel (2013:37–38) and Walsh (2015:39), institutionalised youths and those individuals in whom we are most interested in gathering information about are generally not represented in self-report studies. Not only are they more delinquent than the general population but they also behave worse than most delinquent youths identified in typical self-report surveys. Therefore self-report surveys may measure only non-serious, occasional delinquents while ignoring chronic offenders.

**ACTIVITY 2.2.2****Why do you need to do this activity?**

- To test your view of self-report studies.

Instructions

- Read section 2.2.4.3.1 above. How honest would you be if you were asked to complete a self-report questionnaire, knowing that your victim had not reported the crime to the police? Think about the question and discuss it with fellow students and your e-tutor (where applicable) on *myUnisa*.

FEEDBACK ON ACTIVITY 2.2.2

There is no specific answer provided here as student responses will differ. Compare your answer to the text and reflect on similarities and/or differences.

2.2.0.02 Data mining

Data mining is a relatively new criminological technique in terms of which multiple advanced computational methods are used to analyse large datasets involving one or more data sources (Siegel 2013:41).

The goal is to identify significant and recognisable patterns, trends and relationships that are not detected through traditional techniques alone. This information can be used to predict future behaviour or events.

Data mining could, for example, assist a police station in Gauteng to determine whether armed robberies in its area have a particular pattern. Techniques for determining whether such a pattern exists include the analysis of crime incident reports, witness statements, telephone toll analysis, tip information or internet activity (Siegel 2013:41).

2.2.0.03 Crime mapping

According to Walsh (2015:40) crime statistics gathered by individual police departments enable the police to view areas and trends across time periods – the where, when, and how of crime) so they can allocate their resources where and when they are most needed. Crime mapping is one of the mechanisms employed and entails the use of modern technology such as Geographic Information Systems (GIS) to map (visualise) and analyse patterns of crime. Such maps can therefore be used to create graphic representations of the spatial geography of crime. Computerised crime maps assist in analysing and correlating data to create detailed visuals of crime patterns (Siegel 2013:41). Accordingly, effective patrol efforts can be established especially in crime “hot spot” areas.

The geography of a city can strongly influence crime because the features and characteristics of an area of a city or town can make it easier or more difficult for crime to occur. For instance, the location of alleys, buildings, and open spaces, as well as the

houses and businesses, such as bars, taverns pawn shops and factories that occupy the areas, as well as dilapidated buildings, schools and parks, all affect the likelihood that a crime will or will not occur. Police analysts find combining such geographic information with police report data and then displaying the information on a computerised map to be an effective way to analyse where, when, and how crime occurs (Walsh 2015:40).

2.2.5 Conclusion

Crime and violence in South Africa are the overriding concerns of all South Africans. Just as in other countries in the world, officially reported crime is influenced by various factors and, for this reason, the true and full facts about crime are not known.

In spite of gaps and imperfections, crime statistics nevertheless remain the researcher's most important source of information about the extent (magnitude) of crime. Knowledge of the extent and incidence of crime is helpful in the development and extension not only of theories in criminology but also of judicial policy. Society's reaction to crime and criminals is based on crime statistics which set out the extent of the crime problem.

In any country, coping successfully with crime is largely determined by the availability of reliable crime statistics. For effective prevention of crime, then, reliable and useful information is necessary. Good statistics are also essential for evaluating prevention programmes. To determine the success or otherwise of measures taken to control crime, we need a system for noting and reporting crime.

2.2.6 Self-assessment questions

- (1) Why do we need reliable information (statistics) about crime? (5)
- (2) What are official statistics? Identify the official sources of crime information in South Africa. (5)
- (3) What interesting deductions about violent crimes and the abuse of alcohol may be made from police statistics? (3)
- (4) Describe and explain the decrease of crime statistics as the legal process progresses. (10)
- (5) "Official crime statistics have definite gaps." Explain this statement. (10)
- (6) How are victim surveys conducted and what information is obtained from such studies? (5)
- (7) Victim surveys also have limitations. Describe these shortcomings. (8)
- (8) Why should the value of self-report studies not be neglected? (5)

2.2.7 Feedback on self-assessment questions

- (1) Consult section 2.2.1 for reasons why we need reliable information (statistics) about crime. The effective handling and combating of crime, the evaluation of crime prevention programmes and the elimination of incorrect information are important aspects.
- (2) Official (crime) statistics are the statistics collected by official state departments. In South Africa, the official sources are Statistics South Africa, police statistics, judicial statistics and prison statistics. The answer to this question may be found in sections 2.2.1 and 2.2.3.

- (3) Assumptions about the high incidence (rate) of violent crimes and the abuse of alcohol in certain police areas are set out in section 2.2.3.1.
- (4) The answer can be found in section 2.2.3.2 where the “decline” in crime is explained. Reporting (i.e. crimes reported), prosecution, guilty findings and parole placements are important aspects.
- (5) Study section 2.2.3.3. The shortcomings of crime statistics are summarised in five points.
- (6) Members of the public are asked about their experiences as victims. The most reliable record of this type is the victim survey, which is done with the aid of representative test samples. Only people who have at some or other stage been the victim of a crime are involved. The relationship between the victim and the offender is registered in this type of survey as well as the circumstances in which the person became a victim. The answer can be found in sections 2.2.1 and 2.2.4.1.
- (7) The answer may be found in section 2.2.4.2.
- (8) Study section 2.2.3.3.



THEME 3

Individuals in the crime situation



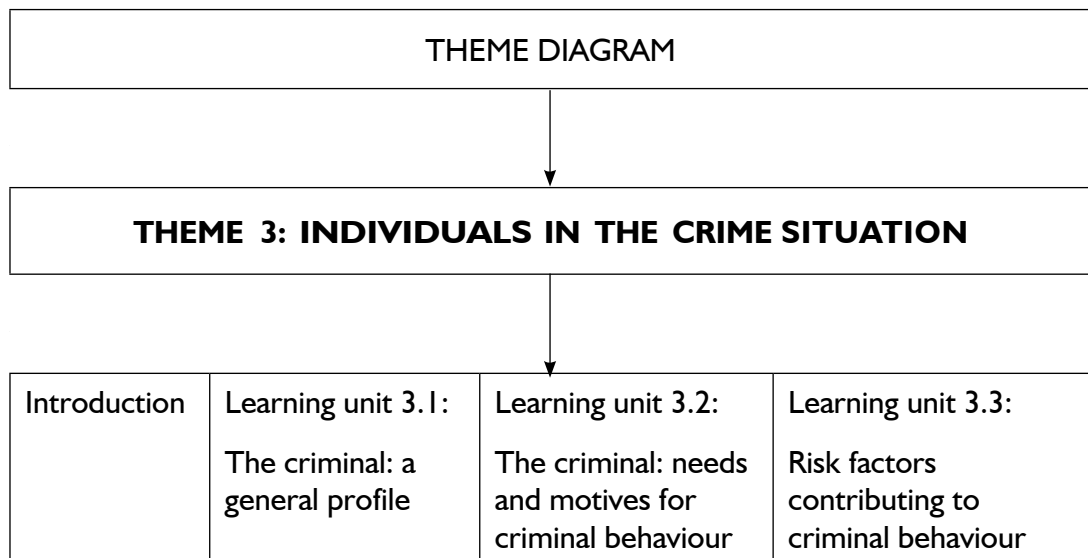
OUTCOMES FOR THE THEME

Demonstrate the ability to construct a profile of the offender and to understand the needs and motives for criminal behaviour.

ASSESSMENT CRITERIA

When you have completed this theme you should be able to

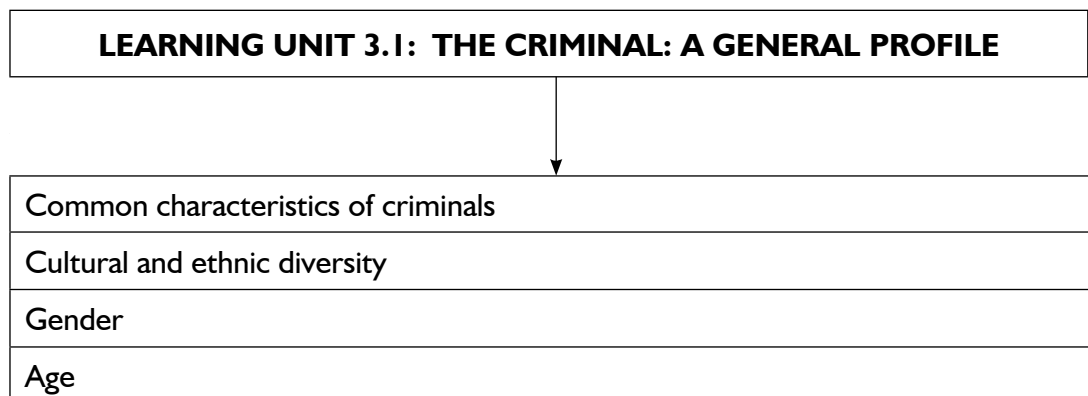
- define the term criminal
- describe the general profile of the offender with regard to cultural and ethnic diversity, gender and age
- give an overview of key concepts such as “needs”, “drives”, “motivation” and “emotion”
- explain the motivation process
- understand the different categories of needs
- illustrate the different types of crime according to specific emotions



INTRODUCTION

The main purpose of this theme is to introduce you to the people involved in the crime situation. The uninformed tend to think that there are only two categories of people: law-abiding individuals and law breakers, victims and criminals. This is not the case however. Criminal behaviour is activated by the same needs and for the same reasons as the behaviour of law-abiding citizens. Anyone can commit an offence and anyone can become a victim of crime; offender and victim may exchange roles at any time. An example of this would be someone who breaks into a house only to be shot dead by the owner.

This theme gives a general profile of the criminal, the criminal's needs, the reasons for criminal behaviour, and risk factors contributing to criminal behaviour.



LEARNING UNIT 3.1

The criminal – A general profile

- 3.1.1 Introduction
- 3.1.2 Key concepts
- 3.1.3 Common characteristics of criminals
 - 3.1.3.1 Cultural and ethnic diversity
 - 3.1.3.2 Gender
 - 3.1.3.3 Age
- 3.1.4 Conclusion
- 3.1.5 Self-assessment questions
- 3.1.6 Feedback on self-assessment questions



LEARNING OUTCOMES

When you have worked through this learning unit you should be able to:

- define the term “criminal”
- describe the general profile of a criminal with regard to cultural and ethnic diversity, gender and age

3.1.1 Introduction

Various researchers have noted that many people are concerned about criminal behaviour. This concern is even more intense in South Africa owing to the violence that accompanies many criminal incidents. This therefore requires an analysis or discussion of the offender (criminal), his/her motives and the risks associated with a criminal event.

In this learning unit the main emphasis is on criminals themselves and we take a brief look at the general characteristics (cultural and ethnic diversity, gender and age) of transgressors. The information in this unit is based largely on official crime statistics from various countries, supplemented by self-report studies. These personal studies tend to focus on minor offences, and their findings should therefore be applied with caution.

Before we discuss the criminal in detail, we need to clarify the key concepts.

3.1.2 Key concepts

Criminal. From a juridical point of view, no one can be labelled a criminal unless he or she has transgressed the law of a particular country, has been arrested and tried and found guilty of a particular crime (Walsh 2015:6). (The word “offender” is used synonymously with “criminal”.) Depending on how the term “crime” is defined, there are also various definitions of the term “criminal”. In this learning unit we base our studies mainly on official crime statistics so we use the juridical definition of a criminal. The criminal may therefore be defined as an adult (18 years and older at the time of the crime) with a culpable disposition (accountability) who has transgressed a prohibition or injunction that is punishable by law. To be included in the official crime statistics, the person must be tracked down, tried and found guilty of an offence.

Juvenile delinquent. In both international and national law, the definition of a juvenile is directly or indirectly related to age. The term “juvenile”, however, may differ from that of “child”. The Constitution of South Africa, in section 28, defines a child as a person below the age of 18. The present Correctional Services Act 8 of 1959 defines a juvenile as a person under the age of 21 years. Within the departmental practice, however, the category “child” has now been recognised as distinct from juvenile and children are those under the age of 18. In the new draft Correctional Services Bill, a definition of child has been incorporated, and the age limit of 18 is used. No definition of juvenile or youth other than this has been included. http://www.justice.gov.za/salrc/ipapers/ip09_prj106_1997.pdf (SOUTH AFRICAN LAW COMMISSION ISSUE PAPER 9 Project 106 JUVENILE JUSTICE)

Self-report studies. A self-report study is a means of collecting information about aspects of an individual’s personal experience – such as involvement in offending (Walsh 2015:38).

Liberal feminist approach. This perspective assumes that men and women are “the same” – but that women are denied opportunities to do the same things as men, including participation in crime (Burke 2014:229).

Differential association. The concept of differential association is an attempt to account for the acquisition and maintenance of criminal behaviour in terms of contact, or association, with particular environments and social groups (Walsh 2015:127).

Violent offenders. In this regard, Conklin (2013:49) identifies four types of violent offender, namely, culturally violent offenders, criminally violent offenders, pathologically violent offenders and situationally violent offenders. These four categories are elaborated upon below:

- Culturally violent offenders are described as offenders who have been exposed to their subcultures over a period of time. These offenders usually have limited education and limited social skills; hence their offending can be linked to their acting out their anger and frustrations towards any community or society that could not provide them with better opportunities.
- Criminally violent offenders often commit economic as well as property- related offences and, in some cases, violent offences in order to benefit financially from the offence. Compared to the first group of offenders, such offenders are generally better educated; however, they are notorious for using their learnt skills to commit various offences.
- The third category, namely, pathologically violent offenders, commits crimes as a result of mental illness or psychological abnormalities such as schizophrenia and bipolar disorder. In most such offences, these offenders use force and are likely to commit crimes such as rape, serial killings or sexual crimes that are accompanied by violence and sadism. In common with culturally violent offenders, this group is likely to have had little, if any, education hence their relatively poor performance at school.
- The last group, situationally violent offenders, are usually acquainted with their victims by being close relatives, friends, schoolmates and so on. These offenders do not have a history of prior offences and even their school levels and performance are relatively better than any of the other three categories mentioned.

3.1.3 Common characteristics of criminals

This section discusses the general characteristics of criminals in terms of cultural and ethnic diversity, gender and age.

3.1.3.1 Cultural and ethnic diversity

It is a known fact that the incidence of crime varies among the different ethnic groups. Variations in crime rates between different racial and ethnic groups reflect social, cultural and economic differences among groups (Conklin 2013:145). Researchers have investigated the relationship between crime rates and the racial composition of nations and have come to the conclusion that predominantly black nations have higher violent crime rates than predominantly white nations. Asian nations have the lowest rates.

Self-report studies show that, for less serious offences, there are fewer differences in incidence between cultural and ethnic groups. Many criminologists have tried to

find an explanation for the considerable difference in the incidence of crime among the different ethnic groups. Factors offered in explanation are differences in social position, effects of discrimination and the decline of certain suburbs, which encourages a subculture of violence and lawlessness (Sykes & Cullen 1992:109).

Several criminologists reject the claim that different arrest figures for the various races are merely a reflection of police prejudice. J Philippe Rushton (Conklin 2004:92), a researcher, attributed the difference in the crime rate between black and white nations to inheritable differences in intelligence, sex hormones and aggression. Rushton has been criticised for using international crime data uncritically and for his neglect of historical context. He also ignored economic and social factors. Conklin (2013:133) refers to an analysis of cross-national homicide rates by Jerome Neapolitan, who found that race had a very small and statistically insignificant association with variations in homicide rates across nations when those nations' income inequality, standard of living, ethnic heterogeneity, household size, urbanisation and age composition were taken into consideration. With regard to cross-national research on the relationship between crime and different ethnic groups, the conclusion is that ethnic groups characterised by high crime and imprisonment rates are also characterised by social and economic disadvantages.

Racial differences in the crime rate may be linked to frustration over perceived racism, discrimination and economic disparity (Siegel, Welsh & Senna 2003:42). Racism is still an element of daily life in the African American community. Empirical evidence indicates that young African American males are treated more harshly by the justice system than members of any other group (Siegel et al. 2003:42). African Americans who live in poor areas with high crime rates may be disproportionately violent because they are exposed to more violence in their daily lives than other racial and economic groups.

One may then conclude that conventional crime is influenced in many ways by the social structure, the culture and the economic system. In spite of attempts at social upliftment, many blacks still live in environments that are characterised by poverty, unemployment, family instability and lack of prospects (Sykes & Cullen 1992:111). These social conditions result in a high incidence of violence, which is also true of the situation in South Africa.

A study of 52 different countries showed that economic inequality resulting from economic discrimination against a social group on the basis of ethnicity is statistically significant and proportional to the murder rate in that community (Conklin 2004:147).

Most researchers fail to find a definite relationship between unemployment and crime. Gary Kleck and Ted Chiricos (Siegel 2004:56) found in their research that, although unemployment rates were correlated with a few crimes such as food store robbery and commercial robberies, there was no relationship between unemployment and the robbery of petrol stations, banks or drug stores.

Even more important than poverty or unemployment as a cause of crime may be the way poor or unemployed people perceive their situation. An important factor is people's relative standard of living. Resentment is probably more common among the poor in a wealthy nation than it is among people who have a lower absolute standard of living in a poor country (Conklin 2013:135–6). Relative deprivation becomes greater when expectations increase or when capabilities decrease. Capabilities usually do not rise as fast as expectations, and therefore relative deprivation increases and crime rates rise (Conklin 2013:132).

Other factors that play a role in the high incidence of crime among black people are rapid urbanisation and relative deprivation. Numerous blacks who previously lived in rural areas have streamed into urban areas in the hopes of finding work and a future. This also leads to the weakening of family structures. As a result of the deterioration of the city centre, many industries have moved to residential areas outside of the cities. The result is that employment opportunities for semi-skilled workers in the city centre have been drastically reduced (Sykes & Cullen 1992:111).

When individuals who expected to earn a good income in the city discover that they have only limited scope and opportunity to earn money legally, a feeling of relative deprivation results. These people compare themselves with others who are employed and earn a good income. They might feel that they are also entitled to these and then commit crimes in order to become economically prosperous (Conklin 1995:184).

According to Jules-Macquet (2014:9) the statistics below illustrate the racial breakdown of sentenced offenders in South Africa prisons in 2014. There is a disproportionate representation of both white and coloured offenders in prison when compared with the national demographics. It is not clear why there are a disproportionately large number of coloured offenders in prison. It is likely that the disproportionately low number of white offenders is a result of relatively better socio-economic circumstances and life opportunities

Races	Sentenced	%	National Population
Asian	619	1%	2.5%
Coloured	20364	18%	9%
Black	89329	79%	79.5%
White	2155	2%	9%
Total	112467	100%	100%

Table 3.1: Racial breakdown of sentenced offenders in South Africa during 2014

The overall crime rate tends to rise with economic modernisation. With economic development, there is also an increase in crimes committed by juveniles. High crime rates have been avoided where traditional group ties and cultural values have been maintained, for example in Japan and the Middle Eastern nations (Conklin 2004:144). Religious and social norms, as well as traditional values, can play an important role in preventing people from committing crimes, as in the case of Asians. In South Africa this ethnic group is responsible for the fewest crimes. It is particularly noticeable that Asian women very seldom commit crimes.



ACTIVITY 3.1.1

Why do you need to do this activity?

- To explain the relationship between unemployment and crime.

Instructions

- Read paragraph 3.1.3.1. Explain unemployment as a cause of crime to a friend or fellow student. Please make use of myUnisa to interact with your fellow students.

FEEDBACK ON ACTIVITY 3.1.1

Base your answer on the text provided in section 3.1.3.1

3.1.3.2 Gender

Worldwide crime statistics show that more men than women commit crimes. Although male–female differences in crime rates vary from one society to another, and from one offence to another, gender is a primary factor differentiating offenders from law-abiding citizens (Conklin 2013:84; Siegel 2013:53–54).

According to Jules-Macquet (2014:8) there are currently 2 633 sentenced women housed in South African correctional centres, which represents 2% of the total prison population. This number is lower than in the United Kingdom (6%) and the United States of America (6.9%). It is, however, on par with other countries on the African continent such as Mali (2%), Republic of Guinea (2.2%) and Ivory Coast (2.3%) (Vetten in Dastile 2011:293). The largest numbers of women in South African prisons are incarcerated for economic offences followed by aggressive offences and narcotics-related offences (Jules-Macquet 2014:8). Research worldwide confirms that these are types of offences at which females excel (Dastile 2011:293).

**NOTE**

It is a well-established fact that not all criminal charges lead to arrest, prosecution, conviction and prison sentences. This phenomenon (which was introduced to you earlier on in this module) is called the funnel of the criminal justice system. In addition it is true that women are protected from the full impact of formal intervention by the system (the chivalry hypothesis, defined below) one may deduce that female prison populations do not represent the entire female crime problem. Also, percentage increase statistics are influenced by the size of the base number. Small base numbers, for example ten female murders in 2014 and twenty in 2015, means a dramatic percentage increase of 100% for this crime category, but in fact it is only ten new cases.

Male arrest rates are, however, still considerably higher than female rates. However, female arrest rates seem to be increasing at a faster pace (Siegel 2004:69). It must be borne in mind that in many crimes women are often the accomplices of men and take only a minor part therein. For this reason they are often not detected and frequently not prosecuted, a fact which leaves the percentage smaller than it otherwise would be. Dastile (2011:291) mentions that research done by Pollak (1950) attributes the difference in crime rates between men and women to the “masked behaviour of females incidental to their roles, which are the consequences of social position, psychological components of being female and physiological disabilities”. The concept of masked criminality implies, according to Pollak (in Dastile 2011:291), that, while females are possibly involved in a great many crimes, their secretiveness and deceitfulness ensure that they are seldom apprehended. Furthermore, he argues that male victims and offenders are not inclined to report female criminals or accomplices. Male police officials are also not inclined to suspect females of crimes or to arrest them for those crimes. Moreover, female criminals tend to receive lighter sentences than male criminals due to these preconceived ideas about females – the notion that women are protected

by decision-makers in the criminal justice system is the so-called chivalry hypothesis (Siegel 2013:53).

According to the Uniform Crime Reports published by the FBI in the United States of America, a ratio of three men to every one woman commits minor crimes and up to five men to every one woman commit violent crimes (Siegel 2004:68). Self-report studies on minor crimes show a smaller difference between the genders, namely a ratio of two men to every woman. Recent self-report data collected by the Institute for Social Research at the University of Michigan also shows that males commit more serious crimes, such as robbery, assault and burglary, than females.

Although the evidence clearly indicates that males are more aggressive than females, evidence also exists that some females are more likely to act aggressively under some circumstances than others (Siegel et al. 2003:175):

- Males are more likely than females to report physical aggression in their behaviour, intentions and dreams.
- Females are more likely to feel anxious or guilty about behaving aggressively, and these feelings tend to inhibit aggression.
- Females behave as aggressively as males when they have the means to do so and believe that their behaviour is justified.
- Females are more likely to empathise with the victim, in other words, put themselves in the victim's place.
- Gender differences in aggression decrease when the victim is anonymous.
- Anonymity may prevent females from empathising with the victim.
- Females may feel more freedom than males to express anger and aggression in the family setting.

To summarise, biological theorists maintain that males are naturally aggressive, but that females, under certain circumstances, may actually be more aggressive than males (Siegel et al. 2003:175).



ACTIVITY 3.1.2

Why do you need to do this activity?

- To reconsider the most important differences between male and female offenders.

Instructions

- Read paragraph 3.1.3.2. Further populate the following table summarising the most important differences between male and female offenders:

Male offenders	Female offenders
Commit more crimes of violence	Commit fewer serious crimes
Tend to act more aggressively in general	Act aggressively only under certain circumstances

Male offenders	Female offenders
Male arrest rates much higher than female arrest rates	Arrest rates much lower but increasing faster than male arrests

FEEDBACK ON ACTIVITY 3.1.2

See section 3.1.3.2

Earlier explanations for this phenomenon were that women are, by nature, gentler and more conformist than men. It is currently being suggested that women are biologically less aggressive, which reduces their tendency to engage in antisocial activities. While inborn differences in gender may be a factor for aggression, the link between biological predisposition and crime is still problematic (Sykes & Cullen 1992:107).

Anne Campbell and Steven Muncer (Conklin 2004:162) reject biological explanations of sex differences in aggressiveness, because men learn to regard aggression as a practical way to establish control over others and assume authority over the external world. Women, on the other hand, learn to regard aggression as a personal failure to control their impulses and, therefore, as something to avoid. This theory is consistent with some findings on crime. For instance, male serial killers frequently use sexual aggression to control their victims (Conklin 2004:162). In the workplace, men often use aggression in the form of sexual harassment to intimidate, dominate and control female employees of a lower rank.

A generally accepted explanation suggested for the enormous difference in crime committed between the genders is the different methods of socialisation that are used for boys and girls. Mothers in particular keep stricter supervision over their daughters than over their sons. Girls are subject to more informal social control and therefore have less opportunity to get into trouble. As a result of their type of socialisation, boys tend to learn attitudes and role orientations that encourage aggression and risk taking, and that predispose them to offending behaviour. For this reason we find that certain crimes, such as motor vehicle theft and robbery, are usually committed by men (Siegel 2004:69; Sykes & Cullen 1992:108). On the other hand, an emphasis on socialisation suggests that males and females passively accept what they are taught, rather than actively contributing to the construction of gender (Conklin 2004:162).

According to the power-control theory, gender and social class differences in delinquency are linked to the structure of the family. In a patriarchal family, the husband works at a job outside the home in which he has authority over others and the wife is not employed outside the home. The power-control theory predicts that male-female differences in delinquency will be greater in patriarchal families and in the lower and working classes where such families are most common. This theory has received mixed support from research studies (Burke 2014:204–205).

Yet another explanation for this phenomenon is that, compared with men, women do not have equal opportunity for crime. For instance, fewer women are found in managerial positions where they could commit fraud on a large scale. The same unequal opportunities prevail in the underworld where women are usually only exploited as prostitutes. Women's opportunities for offending behaviour are therefore still limited.

Women who hold jobs outside the home have more opportunities to commit crimes such as theft and embezzlement. However, research statistics indicate that most female arrests are not occupationally related. Women are more likely to be arrested for credit card or welfare fraud and/or shoplifting than for employee theft or embezzlement (Conklin 2004:161).

When women began to acquire equal rights with men and moved out into the world, their participation in crime rose, but not dramatically. There has, however, been an increase in the crime most commonly committed by women, namely theft. According to the American Crime Index of Offences, theft is the reason for 77% of all arrests of female offenders (Sykes & Cullen 1992:109). So far, there has been no increase among women in crimes that traditionally tend to be committed by men, such as assault, robbery and burglary.

According to liberal feminist theory, the traditionally lower crime rate for women could be explained by their "second-class" economic and social position. As women's social roles changed as their lifestyles became more like those of males, it was believed that their crime rates would increase. Despite this development, the emancipation of women has had relatively little effect on female crime rates (Siegel 2004:69).

Research indicates that the feminist stance has not increased but has, in fact, reduced involvement in criminal activities. Women's crime is not linked to feminism as a cause, but rather to the burden of women's marginalised economic status. Many women today are still poor, uneducated members of a repressed group and solely responsible for their own and their children's maintenance. This also holds true for conditions in South Africa.

According to Mears, Ploeger and Warr (1998:253) several studies suggest that differential association may be a critical factor in explaining gender differences in delinquency. Mears et al. (1998:263) found that males and females differ in exposure to delinquent peers. Males are substantially more likely than females to have delinquent friends and tend to be more strongly influenced by delinquent peers than females. The moral judgement of females seems to be sufficient to reduce and even eliminate the impact of delinquent peers. The research findings by Mears et al. (1998:263) support Gilligan's conclusion that the primary socialisation of women instils moral values that strongly discourage behaviour that hurts or harms others. The main difference between male and female criminality thus seems to be inhibitory factors that prevent or counteract criminal tendencies.



ACTIVITY 3.1.3

Why do you need to do this activity?

- To establish whether you understand the explanations that have been discussed above and to shed light on the significant gap between male and female crime rate.

Instructions

- Study the previous paragraphs and summarise the most important features of each of the explanations in your workbook.

FEEDBACK ON ACTIVITY 3.1.3

See section 3.1.3.2

**REFLECTIVE QUESTIONS**

- Do you think that these explanations also apply to South African society?
- Can you think of any other explanations?

3.1.3.3 Age

Age is inversely related to criminality. This means that young offenders have the highest crime rate. As these offenders mature, their offending rate declines (Siegel et al. 2003:43).

Regardless of economic status, marital status, race, gender and other variables, younger people commit crime more often than older people (Siegel 2004:67; Conklin 2004:88). Age is ubiquitously correlated with crime. There is a universal tendency for criminal involvement to peak during adolescence and scale down afterwards. This pattern is known as the age-crime curve and is formed from the statistical count of the number of known crimes committed in a population over a given period mapped according to age (Walsh 2015:212). Walsh goes on to state that the curve reflects a sharp increase in offending beginning in early adolescence, a peak in mid adolescence, and then a steep decline in early adulthood followed by a steadier decline thereafter. The peak may be higher or lower at different periods, and the peak age may vary by a year or two at different times or in different places, but the peak remains. This pattern has been noted throughout history.

Most transgressions peak between the ages of 16 and 20 years (Sykes & Cullen 1992:111). In the USA the Uniform Crime Reports show that the highest peak for arrests is 17 years (Conklin 1995:108). Property crime reaches a peak earlier than violent crime, while sophisticated theft does not peak before the early twenties. Other forms of illegal behaviour such as gambling and many types of white collar crime first become prominent at a later age.

According to Jules-Macquet (2014:9), the majority of South African prisoners are in the age group 18 to 25 years. Prisoners older than 50 years comprise only 2% of the total prison population.

For most forms of crime, especially those designated in most societies as “serious” crimes – such as murder, rape, assault and robbery, the proportion of the population involved in crime tends to peak in adolescence or early adulthood and then decline with age. This is a universal pattern (Sheley 2000:106).

From the National Crime Victimization Survey (NCVS) in the USA it appears that, in 2014, juveniles were responsible for 19% of all violent crime. This includes rape, robbery and assault where there was a single offender. The most probable victims of juveniles are also juveniles between the ages of 12 and 19 years. In South Africa the

total conviction figure for young men between the ages of 18 and 25 years is more than twice as high as the figure for adult men. For property crime, the conviction figure for adult men was only slightly lower than the conviction figure for young men.

The question now arises as to why juveniles, out of all the age groups, are most involved in crime. There are numerous explanations for this pattern of crime. Many crimes require a certain level of physical and mental development. A drop in physical strength and stamina as well as a drop in dexterity later in life reduce the ability to fight, rob and flee. Such biological realities set the physical boundaries for committing crime. Apart from these factors, there are also social factors contributing to the high crime rate among youth.

Adolescents most at risk are those whose occupational or “life” goals are least well developed, or whose poor social or intellectual skills place them at a disadvantage (Sheley 2000:108). Differences in the availability of employment help to explain the cross-sectional variation in juvenile arrest rates for property crimes because jobs and petty theft are alternative sources of status, cash, consumer goods and other needs of juveniles. Unsuccessful attempts to find work take their toll.

Involvement with alcohol and drug abuse may facilitate the drift into delinquency. Youthful misconduct can also simply mean a stage of growing up. A certain degree of misbehaviour seems natural to youth (Sheley 2000:109).

Other factors that play a role are peer pressure and social stressors during adolescence. Experiences at school could also lead to acute frustration. Adolescents feel that they are repressed by many restrictions on their behaviour. This leads to aggression, rebelliousness and fighting (Cullen & Sykes 1992:114).

In addition, young people are bombarded with advertising which stimulates materialistic cravings. When the material needs surpass the available funds, juveniles resort to illegal methods to satisfy their desires.

Teens are also characterised by reduced parental supervision and influence. Youngsters seek independence from their parents and look to their peer groups for recognition. The youth culture sets the pursuit of pleasure and risk taking above discipline. Increasing criminogenic stress, weakened parental control and the increased influence of the peer group offer a possible explanation for increasing lawlessness during the teens (Cullen & Sykes 1992:114).

The transition to adulthood exposes individuals to social experiences that differ radically from those of their teens and to powerful pressure to conform. The message that young adults receive from society is that it is time to grow up. Young people who find jobs become involved in a network of social relationships that discourages irresponsibility and, in addition, the responsibility that a job and marriage bring with them tends to straighten out many youngsters. The marriage partner can also make a big difference, particularly if it is someone who does not have criminal tendencies and who happens to have a fulfilling job (Siegel et al. 2003:44; Sheley 2000:109).

Some juvenile delinquents become habitual professional criminals who turn their backs on crime only at a very late stage. Early onset of crime is a risk factor that may contribute to habitual offending patterns (Walsh 2015:227). Usually, habitual criminals take stock of their lives only in their late thirties or early forties (Cullen & Sykes 1992:115). They

then see their criminal activities in the past as financially and personally unproductive and reflect on their failures and wasted time. During this stage they place less emphasis on material goods and are more inclined to enjoy what they have left of life. They get tired of always having to be on their guard to avoid arrest or imprisonment.

This change in attitude to crime is strengthened by social ties, such as an intimate relationship or by joining a religious group, studying or obtaining employment. Aging criminals tend to change their outlook on crime. A career in crime which was once regarded as profitable and exciting is now viewed as risky and not worth the trouble.

Walsh (2015:230–231) introduces four (developmental) theories that have been developed to shed light on offending across the life course. A snapshot of them is provided below to sensitise students to the work being done in this arena. Students will be exposed to these and other relevant theories in more detail during advanced criminology modules.

- Agnew's super traits theory focuses on how low self-control and irritability (negative emotionality) interact with other life domains (e.g. school, work, marriage) across the lifespan to impact the probability of offending.
- Farrington's Integrated Cognitive Antisocial Potential (ICAP) theory stresses antisocial potential and cognition and how these things are shaped into pro or antisocial directions at different times and in different situations. Farrington distinguishes between long-term and short-term antisocial potential. Short-term antisocial potential occurs primarily during adolescence.
- Moffitt's theory posits a dual-pathway model consisting of adolescent-limited offenders (AL), who limit their offending to the adolescent years, and life-course persistent (LCP) offenders, who offend across the life course. LCP offenders have neurological and temperamental difficulties that set them on a developmental trajectory that leads to antisocial behaviour at all ages and in all social situations. AL offenders do not suffer these disabilities and have accumulated sufficient social capital so that they can resettle into a prosocial lifestyle once neurological and social maturity has been reached.
- Sampson and Laub's age-graded theory is concerned with the power of informal social control (bonds) to prevent offending. Turning points in life (e.g. marriage, new job) are important in understanding the process of offenders' desisting from crime.



ACTIVITY 3.1.4

Why do you need to do this activity?

- To establish whether you can identify the social factors contributing to the high crime rate amongst the youth.

Instructions

- Study the previous paragraph on social factors related to the high youth crime rate and write down the important factors in your workbook.

FEEDBACK ON ACTIVITY 3.1.4

See section 3.1.3.3



REFLECTIVE QUESTION

Can you think of other factors not mentioned in this section that apply specifically to South African society?

3.1.4 CONCLUSION

At the beginning of this learning unit, we defined the term “criminal” from a juridical perspective. We then discussed the general characteristics or profile of criminals with regard to race, gender and age.

Worldwide, a very high percentage of crime is perpetrated by blacks and they also run the highest risk of being victimised. Factors that could play a role in this issue are social conditions, such as poverty and unemployment, as well as political factors, such as discrimination. Rapid urbanisation and relative deprivation also have an effect on black people’s behaviour. Religious and social norms have a restraining effect as in the case of Asians.

It is a universal phenomenon that far fewer women commit crimes than men. The crimes they do commit also tend to be of a far less serious nature. Men are responsible for most murders, rapes, burglaries, robberies and motor vehicle theft. Explanations for the phenomenon that fewer women commit crimes – and also less-serious crimes than men – include the generally gentle nature of women, greater pressure on girls to conform, stronger supervision, discouragement of aggressive behaviour and less opportunity to commit crime as a result of unequal opportunities.

As far as age is concerned, it is a universal tendency for youths (16–20 years old) to commit most crimes. There are a number of possible explanations for this, such as physical capacity, reduced parental supervision, peer pressure and an associated subculture that encourages aggression and risk taking. As individuals grow older, find full-time employment and have families to maintain, there is strong social pressure to conform. Crime and risk taking lose their original attraction because the individual has had a change of attitude and values.

3.1.5 Self-assessment questions

- (1) Give a juridical definition of the term “criminal”. (5)
- (2) Give the general ethnic (and cultural) characteristics of criminals. (15)
- (3) List the four developmental theories relating to life course. (4)
- (4) Describe the role that age plays in the incidence of crime. (15)

Multiple-choice questions

- (5) According to liberal feminist theory, the lower crime rate for women in comparison to men can be attributed to ...
 - (a) lack of opportunity to commit crime
 - (b) women’s lower economic and social position
 - (c) women’s physical weakness
 - (d) inborn qualities
 - (e) lower level of aggression (1)

- (6) Farrington's Integrated Cognitive Antisocial Potential (ICAP) theory stresses ...
- (a) antisocial behaviour at all ages
 - (b) neurological and temperamental difficulties
 - (c) low self-control and irritability
 - (d) antisocial potential and cognition
 - (e) the power of informal social control
- (1)

3.1.6 Feedback on self-assessment questions

- (1) Consult section 3.1.2. From the juridical perspective, a person is a criminal only if he or she has been accused by a court and found guilty of a crime. If the person is older than seven and younger than 18 years, he or she is regarded as a juvenile delinquent.
- (2) Cultural and ethnic diversity: Consult section 3.1.3.1. Your answer should include the following points: Black people worldwide show a higher crime figure than do other race groups. The crime statistics for blacks are particularly high for violent crimes. The reasons for the crime profile are to be found in socioeconomic conditions, such as poverty, unemployment, racial discrimination, rapid urbanisation and relative deprivation. Religion and traditional values are restraining forces for particular races, such as Asians.
- (3) Agnew's super traits theory.
Farrington's Integrated Cognitive Antisocial Potential (ICAP) theory.
Moffit's dual-pathway theory
Sampson and Laub's age-graded theory.
- (4) Age: Consult section 3.1.3.3. Your answer should include the following points:
Criminal involvement reaches a peak during adolescence and drops afterwards. Juveniles under the age of 25 make up 59% of all arrests in the USA Crime Index of Offences. In South Africa, the total conviction figure for young men between the ages of 18 and 20 years is more than twice that for adults. Young male offenders usually commit crimes such as rape, burglary, robbery, theft of goods from motor vehicles, handbag snatching and shoplifting.

Explanations for the crime pattern are related to the ability and skill of the offender, such as dexterity and physical strength, which are characteristic of the young. Adulthood brings greater responsibility as well as stronger pressure from the community to conform.

Juveniles are also often exposed to stress at school as well as in interpersonal relationships. This can play a role in crime.

Multiple-choice questions

- (5) (b)
(6) (d)

LEARNING UNIT 3.2: THE CRIMINAL – NEEDS AND MOTIVES FOR CRIMINAL BEHAVIOUR



Types of motive

Distinction between motive and intent

The process of motivation

Motivation and criminal behaviour

Emotion as a motive for criminal behaviour

LEARNING UNIT 3.2

The criminal – needs and motives for criminal behaviour

- 3.2.1 Introduction
- 3.2.2 Key concepts
- 3.2.3 Types of motive
 - 3.2.3.1 Internal motive
 - 3.2.3.2 External events
- 3.2.4 Distinction between motive and intent
- 3.2.5 The process of motivation
- 3.2.6 Motivation and criminal behaviour
- 3.2.7 Emotion as motivation for criminal behaviour
- 3.2.8 Conclusion
- 3.2.9 Self-assessment questions
- 3.2.10 Feedback on self-assessment questions



LEARNING OUTCOMES

When you have worked through this learning unit you should be able to

- define key concepts such as motive and motivation, needs, drives and emotion
- analyse the different types of motive
- distinguish between motive and intent
- explain the motivation process
- explain how different types of crime can be associated with specific motives
- analyse emotion as a motive for criminal behaviour

3.2.1 Introduction

The main question that we will try to answer in this learning unit is: “What causes criminal behaviour?” or “Why do people commit crime?” In order to answer this question, we need to learn more about human motivation.

When a serious crime has been committed, such as a family murder, and the gruesome details are publicised by the mass media, people ask themselves what could have caused the perpetrator to engage in such a cruel act. The reason why a person acts in a particular way is known as motivation (incentive). In this learning unit we explain the compulsion that lies beneath perpetrators’ behaviour.

3.2.2 Key concepts

In order to avoid any confusion about the meaning of important terminology, it is essential to explain exactly what is meant by the particular key concepts.

Motive and motivation. A motive can be defined as an inner drive that causes or compels a person to act. It incites us to behave in the manner we behave. Motive can be associated with internal psychological processes or external objects of desire that become a compelling force in a person’s life (Hickey 2003:227).

Internal motives. Are factors inside the individual, such as needs, desires and interests which activate, maintain and direct behaviour toward a particular goal, namely the fulfilment of the aroused need. Therefore, it can be stated that a motive is an internal process that energises and directs behaviour (Reeve 2009:8).

External events. Are environmental, social, and cultural sources of motivation that have the capacity to energise and direct behaviour and actions (Reeve 2009:10).

Needs. Are conditions within the individual which are essential and necessary for the maintenance of life and for the nurturance of growth and wellbeing (Reeve 2009:9).

Emotion. Can be defined as being “short-lived subjective feelings of varying strength prompted by nervous system arousal in response to some perceived event” (Walsh 2015:99).

Cognitions refer to mental (intellectual) events, such as thought, beliefs, expectations and an individual’s self-concept. Cognitions guide and influence a person’s way of thinking (Reeve 2009:9).

3.2.3 Types of motive

3.2.3.1 Internal motives

Needs, cognitions and emotions are specific types of internal motive (see figure 3.1).

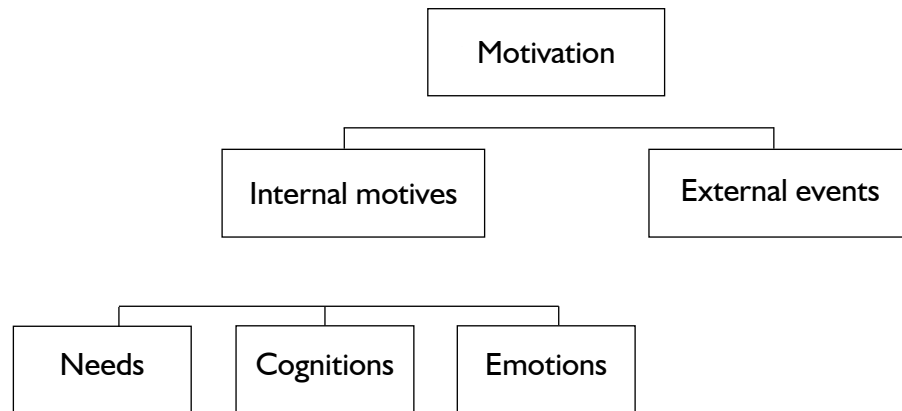


FIGURE 3.2: Hierarchy of the four sources of motivation (Reeve 2009:9)

• Needs

As stated previously, needs are conditions within the individual that are essential and necessary for the maintenance of life and for the nurturance of growth and well-being. Reeve (2009:9–10) distinguishes between biological needs, psychological needs and social needs.

- Hunger and thirst are two examples of biological needs that arise from the body's requirement for food and water. Food and water are both essential and necessary for biological maintenance, wellbeing and growth.
- Competence and a sense of belonging are two psychological needs that arise from the human being's requirement for environmental mastery and warm interpersonal relationships. Competence and a sense of belonging are both essential and necessary for psychological maintenance, wellbeing and growth.
- Social needs are associated with a need for achievement. These needs are rooted in preferences gained through experience, socialisation and development.

Needs generate wants, desires and aspirations, which motivate whatever behaviour is necessary for the maintenance of life and the promotion of wellbeing and growth. For example, if a person is very hungry, but does not have any money to buy food, this need might motivate him or her to steal food or get involved in prostitution in order to survive. Should it not be possible to satisfy certain psychological needs within the family or at school, for instance the need to belong, he or she might decide to join a gang to satisfy that specific need.

• Cognitions

Cognitions refer to mental events such as beliefs, expectations and the self-concept. Cognitive sources of motivation revolve around the person's way of thinking.

Cognitive sources of motivation are, for example, plans and goals, expectancies and the self-concept (Reeve 2009:9).

One example here is the following: Offenders released from prison usually have some plan for approaching their life back in society. This plan takes their beliefs about personal abilities (personal skills and experiences) into consideration which influences their expectations of success or failure. Negative cognitions, such as prior failures, will influence their expectations and could result in them not believing that they are capable of reintegration, and a life, in society.

• Emotions

Emotions are multidimensional, which means that they are studied from many different points of view. Emotions exist as subjective, biological, purposive and social phenomena. In some ways, emotions are subjective feelings that make us feel a particular way, such as angry, joyful or sad. Emotions are also biological reactions and energy-mobilising responses that prepare the body to adapt to the situation the person is confronted with (Reeve 2009:299).

Emotions are short-lived subjective-physiological-functional-expressive phenomena that orchestrate how we react adaptively to the important events in our lives. Emotions organise and orchestrate four interrelated aspects of experience (Reeve 2009:9):

- feelings – subjective, verbal descriptions of emotional experience
- physiological preparedness – how our body physically mobilises itself to meet situational demands
- function – what specifically we want to accomplish at that moment
- expression – how we communicate our emotional experience publicly to others

There is also a close link between motivation and emotion. For instance, when some offenders face a frustrating situation, say, not being able to find employment, they may feel angry, frustrated, stressed and dejected and, eventually, hopeless. Such feelings may create a motivational desire to do what they might not otherwise do, such as commit a further crime.

Emotions consist of four main components, namely feelings, physical arousal, a purposive component and a social-expressive component (Reeve 2009:300–301). The feeling component gives emotion its subjective experience that has both meaning and personal significance. This is rooted in cognitive or mental processes. Bodily arousal includes our biological and physiological activation as well as the activity of the autonomic and hormonal systems which prepare and regulate the body's adaptive coping during emotion. When emotional, our body is prepared for action. The purposive component in turn gives emotion its goal-directed motivational state to take the action necessary to cope with the emotion-causing circumstances one faces. Lastly, the social-expressive component is the communicative aspect of emotion: by means of postures, gestures, voice and facial expressions, our private experiences become public expressions.

Emotions are thus integral to understanding criminal behaviour (Walsh 2015:100). Since social emotions are part and parcel of what is known as the conscience it is the bite of conscience that keeps many of us on the straight and narrow, and it is the lack of this bite that grants criminals permission to prey on others. There are criminologists who consider the lack of functioning social emotions to be of more concern than the lack of rationality. After all, even the worst criminals are well aware intellectually of right and wrong. The trouble is that their weak social emotions allow them to discount that knowledge (Walsh 2015:100).

3.2.3.2 External events

External events are environmental incentives that have the capacity to energise and direct behaviour. Environmental sources of motivation are linked to specific stimuli (money) or events (praise). General situations and the surrounding climate of the environment a person functions in can also act as a motivator (Reeve 2009:10). For instance, gang members are often motivated to remain a member of the gang because of the perceived benefits, such as money, an exciting lifestyle, power, and so forth. These perceived benefits also act as an incentive for other individuals to join the gang.

An incentive refers to rewards that function in a motivating way, and the terms “positive incentive” and “negative incentive” describe the outcomes an individual seeks to attain or to avoid. An incentive, like a goal, is something one anticipates (Ferguson 2000:11).

Incentives (positive and negative) have the capacity to energise and direct behaviour to the extent that they signal that a particular behaviour will likely produce rewarding or punishing consequences. An example would be the case of a young woman who wanted to end an abusive marriage and who promised a large sum of money to another person to kill her husband (contract killing). Unemployed and uneducated youngsters are often targeted by syndicates to hijack cars or smuggle drugs for some material reward. Money is a strong incentive for some desperate women to become involved in prostitution. From a broader perspective, external events include not only specific environmental stimuli, but also more general situations, such as those that emerge in the classroom, family and workplace; they also include culture.



NOTE

GRAMMAR OF VIOLENCE (Adapted from CMY1501, 2007:92–93.)

Another fatal robbery – This time a Johannesburg northern suburbs mother who was shot dead when her hi-fi and television were stolen – has raised questions about the violence of crime in South Africa.

Tracy-Leigh Frankish was found in her bedroom on Sunday, apparently killed execution-style with a bullet to the head. Robbers, who had been scared off by her screams five days earlier, had returned to complete the job.

In South Africa “violence is the point of the crime”, Time Magazine Africa bureau chief Alex Perry said earlier this year. “In a society where violence, until recently, was part of the grammar of politics, it can still be rationalised as avenging inequality.”

“Inequality reinforces feelings of inadequacy, which may contribute to feelings of hopelessness and anger,” said David Bruce, senior researcher at the Centre for the Study of Violence and Reconciliation. The “psychological legacy of apartheid” is also a factor, he said.

Violence is ingrained in South Africans from childhood, said Barbara Holtmann, senior manager of the CSIR’s Crime Prevention Centre. “We are seeing the result of children growing up with the normalisation of violence, neglect and abuse, where physical contact is not about love and nurture but is instead about conflict and habitual violence.” One result is evident in the fact that five million children were included in the state’s child protection system last year, said Holtmann.

Children grow up lacking the capacity for empathy and “the healthy inhibitions against extreme violence appear to be absent”, said Craig Higson-Smith, a researcher with the South African Institute for Traumatic Stress.

Easily available firearms and high levels of alcohol, and what Bruce describes as an environment of prominent consumption, where material items are “markers of worth or status”, add fuel to this violent fire.

The criminal justice system alone cannot address the problem. “This is something that requires a whole society response,” says Holtmann. “We tend to look to the police for solutions to crime and violence, yet departments such as social development, education, health and transport have equally important roles to play.”

The government needs to re-assess its investing priorities. “We have more than 190 000 police but less than 12 000 social workers,” says Holtmann. Also needed are “real prospects for advancement for young people and rehabilitating first-time offenders of relatively minor crimes before they commit more serious crimes”, says Higson-Smith (Rawoot 2009).

- Which external events contribute to the culture of violence according to this article?
- Do you agree or disagree with the statement made by the article, and why?
- Which internal motives do you think contribute to the culture of violence in South Africa?

According to this article, violence is rooted in our historical and political past where individuals were taught to use violence to address social challenges. The article proposes that these cognitions still remain today and that children in South Africa are not only exposed to extreme violence but grow up in an environment where violence is normalised. Unmet needs and emotions associated with frustration and anger resulting from unmet needs feed into cognitions that violence and crime are acceptable methods to deal with social and personal challenges. This destructive cycle can be broken only if antisocial internal and external motives are replaced with pro-social needs, cognitions and emotions.



ACTIVITY 3.2.1

Why do you need to do this activity?

- To show that you are familiar with the contents of the above paragraphs 3.2.3.1 (internal motives) and 3.2.3.2 (external events).

Instructions

Read paragraphs 3.2.3.1 and 3.2.3.2. Answer the following paragraph-style questions in your workbook:

- Explain the difference between needs, cognitions and emotions as specific types of motive.
- Mention the four components of emotional experience and give examples of each.
- Explain in your own words how we express emotion.
- What do you think is the relationship between emotion and criminal behaviour?

- Can you give any examples of crimes where a specific emotion played an important role, for instance jealousy, rage or fear?

FEEDBACK ON ACTIVITY 3.2.1

See sections 3.2.3.1 & 3.2.3.2

3.2.4 Distinction between motive and intent

The terms “motive” and “intent” are often viewed as having the same meaning but this is incorrect.

Motive, as discussed earlier, refers to the reason behind an action, in other words what motivated (moves) an individual to act in a certain manner. A motive is the causative factor or impetus that drives an action to bring about a definite result. Intent is more complex and involves “aims or goal directedness, conscious deliberation and purposefulness” (Tebit 2005:169). It therefore implies the presence of a design or plan for achieving a specific goal. Intent can be defined as the purpose of applying a particular means in order to obtain a definite outcome (Morsch 1992:665).

It is important to distinguish between intent and motive. For example, compare the following two cases: A doctor whose father is on his deathbed, and who gives him a lethal dose of medication intended to relieve his suffering, could be motivated by love and empathy for the father. In contrast, a wife gives her husband a lethal dose of medication because she will benefit financially from his death. In this instance the underlying motive could be greed and the intent was to murder the victim in order to fulfil a personal need. During the hearing of these cases the judge must determine the accused’s motive and intent for committing the crime, as this will help the court to understand the accused’s actions and will determine, among other things, what type of crime, such as murder or culpable manslaughter, the person should be found guilty of.

Intent indicates the desire that a specific result will follow from a particular action, for instance shooting someone in the head. Motive explains why the particular result is desired, for example, greed, anger or jealousy. According to Tebit (2005:169), the motive is usually an indicator of guilt while intention is a condition of guilt as illustrated in the following article.



NOTE

Taxi driver convicted of murder (Adapted from CMY1501, 2007:94–95.)

The taxi driver who ran over and killed 16-year-old Bernadine Kruger was convicted of murder in the Pretoria Magistrate’s Court on Thursday.

Handing down judgment to Percyval Matji (31), magistrate Edmund Patterson said: “It was not a mistake. It was not negligence.” On hearing the judgment, Kruger’s mother Elsabe Homan seated next to her family let out a loud “yes”.

Patterson said from the evidence it was determined that Matji “deliberately” followed Kruger and “wanted her out of his way”. He said Matji had made a lethal weapon of his vehicle by driving at speeds far exceeding the limit. He said Matji’s testimony – which had been filled with contradictions – that his brakes did not work and his taxi was too heavy to stop quickly

enough was not believable. “He knew the motorcyclist [Kruger] would fall off if involved in a collision, he knew the motorcyclist would land on the road and active traffic might kill her. He reconciled himself with this thought,” said Patterson. “The accused reconciled himself with the particular consequence that would follow. He did foresee the possibility of death and persisted in his conduct with indifference to the fatal consequences.”

Kruger was killed while driving to her school in Garsfontein. Speaking outside the court, Homan said she was “ecstatic” and “relieved”

In most instances, a motorist whose bad driving causes the death of another person is found to be guilty of culpable homicide because the death of the other person was caused by negligence and the driver did not intend to kill them. However, in this case the evidence resulted in the taxi driver being found guilty on a more serious charge, namely murder. The court was able to prove that the taxi driver’s motive was not only to hurt her but that he intended to kill her. In conclusion, a person can be found guilty of a crime only if it can be proven that the accused had the intent to commit an action that is criminal in nature.



ACTIVITY 3.2.2

Why do you need to do this activity?

- To establish whether you understand the distinction between motive and intent.

Instructions

Read paragraph 3.2.4 and answer the following paragraph-style questions in your workbook:

- Explain in your own words the difference between motivation and intent.
- Can you give an example of a specific criminal case that illustrates motivation and intent?

FEEDBACK ON ACTIVITY 3.2.2

See section 3.2.4

3.2.5 The process of motivation

There are various motivation theories which aim to describe and explain how behaviour is started, energised, sustained and directed. These theories can be divided into three groups, namely:

- Instrumental theories, which state that reward or punishment serves as a means to ensure that people act in a particular way.
- Content theories, which focus on the content of motivation and are essentially about taking action to fulfil needs.
- Process theories, which focus on psychological processes that affect motivation (Armstrong 2003:218).

Maslow’s theory (content theory) is probably one of the most widely cited theories of motivation. It is based on a hierarchy of needs ranging from basic physiological needs (food, water and sleep) to the need for self-actualisation or fulfilment. According to

this theory, basic needs must be satisfied before higher-order needs, such as love, self-esteem and self-actualisation can be satisfied. It is suggested that Maslow's theory is a useful model for personal development but fails to explain individual behaviour and the process whereby motivation occur (Dreyer 2008:8).

According to Armstrong (2003:216) the process of motivation is about getting people to move in the direction you want them to go in order to achieve a goal. Motivation can therefore be described as goal-directed behaviour. Well-motivated people are able to take actions that they anticipate will achieve personal goals but in general people need to be motivated. Arnold, Robertson and Cooper (Armstrong 2003:216) are of the opinion that there are three components of motivation:

- direction – what a person is trying to do
- effort – how hard is a person trying
- persistence – how long a person keeps on trying

The process of motivation is often need driven as can be seen in Figure 3.2.

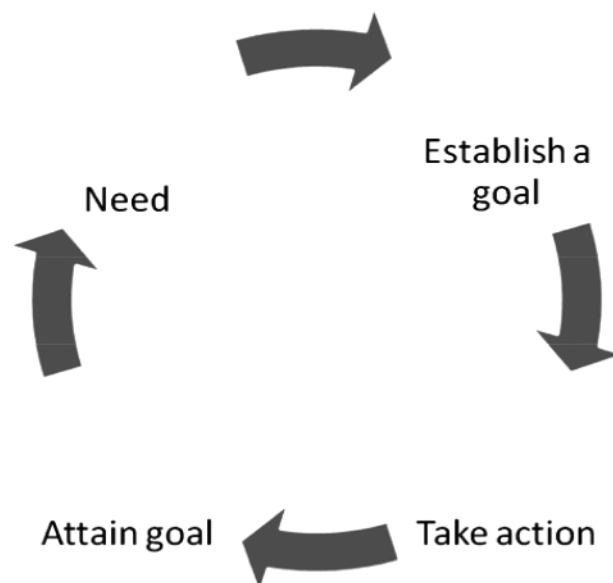


FIGURE 3.2: The motivation process

According to this model, motivation is initiated by the conscious or unconscious recognition of an unsatisfied need. Such needs create wants, which are desires to achieve or attain something. Goals are then established which, it is believed, will satisfy these needs and wants. Next, a behaviour pathway is selected which, it is believed, will achieve the goals. If the goal is achieved the behaviour is likely to be repeated the next time a similar need arises. If the goal is not achieved, the same action is less likely to be repeated. This is referred to as reinforcement (Armstrong 2003:217).

Cognitive processes play an important role in appraising available aims when designing a particular strategy. Cognition involves thought, judgement, interpretation and understanding. The choice of aims is largely influenced by the individual's judgement or personal capacity, which is referred to as primary appraisal and secondary appraisal. Primary appraisal questions whether an individual's physical or psychological wellbeing, goals and financial status, or interpersonal relationships are at stake. Secondary appraisal is associated with the assessment of possible harm, benefit or threat associated with

a particular goal. A reciprocal interaction exists between cognitions and motivation (Reeve 2009:346–348).

Human motivation usually takes place in a social setting. Emotional socialisation, which takes place through a child's interaction with his or her parents and other people in society (teachers, friends, caretakers, etc.), creates an understanding of the relationship between cognition and emotion. This in turn will affect how a person is motivated (Reeve 2009). In some cases, social environments actually create the opportunity for crime, hate, exploitation and abuse.

3.2.6 Motivation and criminal behaviour

As stated previously, the main question that we try to answer in this learning unit is: “What causes criminal behaviour?” or “Why do people commit crime?” In order to answer this question, we have explored the role of motivation in relation to human behaviour. Many theories have also, over time, developed to explain criminal behaviour.

Rational choice theory

The central tenets of the rational choice theory are that people freely choose their behaviour and that they do so motivated by the hedonistic calculus – in other words, all behaviour good or bad, is designed to produce some net advantage for the actor. (Walsh 2015:89). Rational choice theory has its roots in the classical school of criminology which was developed by the Italian “social-thinker” Cesare Beccaria. Classical criminology suggests that people have free will to choose criminal or conventional behaviours that their choices are designed to bring them pleasure and reduce pain, and that crime can be controlled only by the fear of criminal sanctions. It is therefore believed that the more severe, certain and swift the punishment is, the greater its ability to control criminal behaviour (Walsh 2015: 90–101).

Rational choice theorists view crime as both offence and offender-specific. Crime is offence-specific because an offender will choose a specific crime based on the characteristics of that crime. In the case of burglary, for example, the offender's cognitive process might include considering the financial gain, security risk (patrols, security systems, dogs etc.), logistical difficulties (getaway car, escape routes, presence of occupants, neighbours etc.) before deciding to commit a crime. The fact that crime is offender-specific means that offenders do not engage in random acts of antisocial behaviour but decide whether they have the prerequisites to commit a successful criminal act. Offenders might therefore consider whether they possess the necessary skills and resources to commit a specific crime, whether they need the money or other valuables, whether they perceive the anticipated gain to be more than the threat of punishment and so forth (Siegel 2009:94). Rational choice theorists furthermore believe that the personal factors that motivate people to commit crime are, among others, economic opportunity, learning and experience, knowledge of criminal techniques, anger, lust, greed, jealousy, revenge, status, peer approval or any number of other reasons (Walsh 2015:89).

Trait theory

Traits theory is rooted in Cesare Lombroso's work on, as he describes it, “born criminals”. Lombroso identified the primitive, atavistic abnormalities that he believed were the direct cause of crime (Siegel 2009:122). Today, traits theorists do not

suggest that a single biological or psychological attribute is adequate for explaining all criminality; they view each offender as physically and mentally unique and focus on other possibilities to explain criminal behaviour, such as inherited (genetic) criminal tendencies, problems with the nervous system (neurological problems) or blood chemical disorders. These disorders are viewed as motivating factors which could contribute to criminal behaviour. Traits theories have gained prominence because of the work done by theorists in the field of what is known as chronic recidivism and criminal careers (Walsh 2015:91).

Social structure theories

Almost all sociological theories of crime touch on social structure to some degree. Social structure is the framework of social institutions – the family and educational, religious, economic, and political institutions that operate to structure the patterns of relationships members of society have with one another (Walsh 2015:105). Social structure theories originated in an attempt to explain the link between crime, poverty and unemployment. According to Walsh (2015:106) “society prepares the crime and individuals are only the instruments that give it life”. Social structure theorists view the forces operating in run-down lower-class areas as the key determinants of criminal behaviour patterns. They believe that social forces begin to affect people while they are young and continue to influence them throughout their lives. Social theorists do not support the notion of crime being an expression of a person’s traits or of individual choice, but rather explore the social environment, specifically what they refer to as deteriorated lower-class areas, in order to identify factors that motivate a person to commit crime (Siegel 2009:166; Walsh 2015). There are three separate but overlapping branches within the social structure perspective:

- Social disorganisation theory, which focuses on conditions in the urban environment that affect crime, such as in families, commercial establishments and schools.
- Strain theory, which postulates that crime is a function of the conflict between the goals people have and the means they can use to obtain them legally (the disjunction between expectations and actual achievements).
- Cultural deviance theory, which combines elements of both strain and social disorganisation theory, stating that strain and social isolation are unique to lower-class culture, which results in disorganised neighbourhoods (an oppositional culture is spawned with norms consciously contrary to those of the middle-class).

Social process theories

Social process criminologists operate from a sociological perspective known as symbolic interactionism (Walsh 2015:127). Social process theories view the elements of socialisation as the chief determinant (motivator) of criminal behaviour. According to them, people living in the most run-down urban areas can successfully resist the enticement of crime if they have a positive self-image, learn moral values and have the support of their parents, peers, teachers and neighbours. Theorists who believe that an individual’s socialisation determines the likelihood of criminality therefore adopt the social process approach to human behaviour (Siegel 2009:202; Walsh 2015:131). Branches of the social process theories include the following:

- Social learning theory, associated primarily with Ronald Akers, which maintains that people learn the techniques and attitudes of crime through the process of socialisation.

- Social control theory, which states that everybody has the potential to become a criminal but that most people are controlled by their bond to society, in other words, people have natural motivations towards criminal behaviour, which they must learn to curb.
- Social action theory (labelling theory), which states that people become criminals when significant members of society label them as such and they accept those labels as a personal identity – labelling theory essentially takes seriously the power of bad labels to stigmatise and evoke the errant behaviour the labels signify.

It is interesting to note that each of these theories has a different opinion on what motivates offenders to commit crime. These differences accentuate the complexity of determining the motivational factors associated with criminal behaviour. In the following section we explore the motivation factors in relation to rape.

Cohen, Boucher and Seghorn (in De Wet 2008:19) and Bezuidenhout and Kloppe (2011:232–3) distinguish the following types of rape on the grounds of motivation:

- power
- anger
- exuality/sadism

These typologies specify that rape is motivated by either anger or dominance and that rape is the method used to express issues of power and anger rather than being an expression of sexual desire. With power rape, the rapist boosts feelings of sexual adequacy, sexual identity, strength and potency. According to Hollin and Howells (in De Wet 2008:19) these attacks are usually preceded by obsessive fantasies where the victim initially resists, but eventually submits to sexual advances. Consonant herewith, Bezuidenhout and Kloppe (2011:232) state that this type of rapist doubts his masculinity and that the act of rape is a means of showing supremacy over the victim to prove that he is in control.

Power rape can be divided into two subcategories, namely power-assertion and power-reassurance rape. In power-assertion, the rape is as expression of the rapist's virility and dominance and is motivated by the rapist's need for reassurance based on his feelings of inadequacy in terms of his sense of identity and effectiveness. Power-reassurance rape, in turn, is motivated by the rapist's attempt to resolve lingering doubts about his sexual adequacy and masculinity (De Wet 2008:19).

In anger rape, the act of rape can be viewed as the offender's expression of his anger and frustration. These feelings are motivated by, and attempt to retaliate against, perceived wrongs or rejection the rapist believed he has suffered. The rapist harbours intense feelings of hostility towards women in general and the attacks that he launches on his victims, during which long-term repressed feelings of resentment and animosity are vented, are physically extremely brutal (Bezuidenhout & Kloppe 2011:232). Sex therefore becomes a weapon by means of which the rapist degrades, humiliates and injures his victim, resulting in these rapes being characterised by unnecessary and excessive force. The two typologies associated with anger rape are anger-retaliation, where the act of rape is an expression of feelings of hostility and anger, and anger-excitation, where the rapist is motivated by the pleasure and excitement he derives from the rape (De Wet 2008:20).

With regard to the sexually motivated/sadistic rapist, anger and power or control over the victim becomes eroticised. His sexual satisfaction is derived from tormenting,

humiliating and sadistically abusing the victim. These types of rapist are mentally ill and their victims often represent someone in their minds that have hurt them. His intention is to harm the victim severely and in many cases to murder her (Bezuidenhout & Klopper 2011: 232).

Serial rapists, according to De Wet et al. (in Bezuidenhout & Klopper 2011:233), are persons who have engaged in sexual contact with two or more victims (usually strangers), without their consent, in a minimum of two separate incidents over an extended period of time. Stevenson (in De Wet 2008:29) identifies several possible motives for serial rape, including lust, righteousness rape, peer rape, control, supremacy and fantasy. From his studies focusing on serial rape, De Wet (2008:29) concludes that lust has been found to be the primary motive for serial rape. Although this motivation is not a new idea concerning serial rape, it was previously thought to be only a secondary motivation. Righteous rape has furthermore been identified as a motive. In such cases, the rapist tends to blame someone else, such as the victim, for the crimes he has committed, rather than acknowledge his own blame. This type of rapist will describe his victims in vulgar or derogatory terms. Peer rape, where one offender motivates another to participate in an act of rape, shares similarities in motive with righteous rape (De Wet 2008:30).

Furthermore, control and anger have been identified as the primary objectives leading to serial rape. In cases characterised by excessive violence, a great degree of anger has been noted. De Wet (2008:41) found that control and anger acted as motivators in all the cases he had studied. These motives can also be linked to supremacy motivation where the emphasis is on unnecessary violence before, during and after the rape in order to gain complete victim submission.

De Wet (2009:32) points out that no single pattern of rape has been found to be representative of all serial rapists. Although he believes that the causative factors associated with rape are linked to possible motives and motivation, he concludes that none of them can ultimately explain the reason for rape.

3.2.7 Emotion as motivation for criminal behaviour

Emotions tend to serve as a motivational force, as they energise and direct behaviour (Reeves 2009:301). Similarly, emotions such as anger, possessive jealousy and envy can become powerful motivational factors to commit crime. Chronic anger about a supposed injustice or injury that has been done to someone gives rise to a more permanent feeling of hate. When the feeling of hatred becomes intense enough, it could serve as an incentive for that person to take revenge.

Hate crimes, also known as bias-motivated crimes, are crimes which are committed against people because of their membership of certain groups or categories, such as race, ethnic background, nationality, political affiliation, religion, gender and sexual orientation. Hate crime can take many forms, including: physical assault, pelting with injurious or offensive objects, verbal assault, taunting, damage to property, bullying, harassment and/or offensive graffiti or letters (Soyombo 2008:89).

An example of a type of crime where hatred is the primary motive is xenophobia. Xenophobia can be defined as the undue or excessive fear, hatred or dislike of strangers or foreigners (usually new immigrants). According to Soyombo (2008:86)

the causes of xenophobia are linked to the perceived distinction between the “in-group”, consisting of the locals or indigenous people, and the “out-group”, namely the foreigners. Members of the in-group usually have rights and obligations which non-members, the out-group, do not have. An in-group usually develops a sense of solidarity, loyalty and cooperation among themselves, but often displays feelings of indifference, disgust or even hatred for members of an out-group. People are often encouraged through the socialisation process to express loyalty and solidarity with their in-group and to distance themselves from out-groups. Emotions such as these can result in hate crimes.



NOTE:

Xenophobic violence against foreign nationals in South Africa has worsened. South Africa witnessed widespread xenophobic attacks since 1994 in provinces such as Gauteng, Western Cape, Free State, Limpopo and KwaZulu-Natal. There has been this and much speculation of the causes and triggers of the violence. A number of reports have highlighted various issues contributing to xenophobia; some of which include poor service delivery and competition for resources. The type of leadership within communities might have an impact on whether or not xenophobic attacks occur in certain communities, which talks to issues of governance. The issue is not only about foreign nationals and their rights, but about the safety of all who live in South Africa. Most incidents of violent attacks have been carried out by black South Africans.

The history of refugees and asylum seekers in South Africa dates back to the 1980s when the country was home to a number of Mozambican refugees, an estimated 350,000, of whom approximately 20% have since returned home. South Africa did not recognise refugees until 1993 and when it became a signatory to the United Nations (UN) and Organisation of African Unity Conventions on Refugees in 1994. The number of refugees and asylum seekers in South Africa has increased in the past years, puts the total number of cross-border migrants in this category at not more than 150 000. The issue regarding the number of undocumented migrants in the country has proved to be a controversial one in South Africa. Central to this debate is the unquantifiable nature of this group of migrants together with a number of credible myths widely accepted as reality in South African society.

South Africa is Africa's most industrialised country, and it attracts thousands of foreign nationals every year, seeking refuge from poverty, economic crises, war and government persecution in their home countries. While the majority of them are from elsewhere on the continent, such as Zimbabwe, Malawi, Democratic Republic of Congo, Somalia and Ethiopia, many also come from Pakistan and Bangladesh.

Xenophobia is generally defined as 'the deep dislike of non-nationals by nationals of a recipient state.' This definition is also used by the South African Human Rights Commission (SAHRC). Xenophobia is also a manifestation of racism. Racism and xenophobia support each other and they share prejudiced discourses. They both operate on the same basis of profiling people and making negative assumptions. The profiling in the case of racism is on the basis of race, in the case of xenophobia on the basis of nationality.

When the xenophobic violence in South Africa occurred, the victims were not only foreigners in the sense of a different nationality are attacked but in fact everybody not belonging to the dominant ethnic groups in the main cities, Zulu or Xhosa, was attacked. Members of smaller ethnic groups in South Africa are also viewed as foreigners by fellow South Africans. White people are not viewed as foreigners in the context of xenophobic violence. There had been attacks on South Africans who 'looked foreign' because they were 'too dark' to be South African.

Reasons for the attacks differ, with some blaming the contestation for scarce resources, others attribute it to the country's violent past, inadequate service delivery and the influence of micro politics in townships, involvement and complicity of local authority members in contractor conflicts for economic and political reasons, failure of early warning and prevention mechanisms regarding community-based violence; and also local residents claims that foreigners took jobs opportunities away from local south Africans and they accept lower wages, foreigners do not participate in the struggle for better wages and working conditions. Other local South Africans claim that foreigners are criminals, and they should not have access to services and police protection. Foreigners are also blamed for their businesses that take away customers from local residents and the spread of diseases such as HIV/AIDS. Other South African locals do not particularly like the presence of refugees, asylum-seekers or foreigners in their communities.

Cases of xenophobic attacks

In December 1994 and January 1995, armed youth gangs in the Alexandra Township outside of Johannesburg, Gauteng Province, destroyed the homes and property of suspected undocumented migrants and marched the individuals down to the local police station where they demanded that the foreigners be forcibly and immediately removed. In September 1998, two Senegalese and a Mozambican were thrown from a moving train in Johannesburg by a group of individuals returning from a rally organised by a group blaming foreigners for the levels of unemployment, crime, and even the spread of AIDS. In the township of Zandspruit, a township in of Johannesburg, residents went on a rampage burning down shacks of Zimbabwean foreigners living in the settlement with the intention of driving out foreigners they claimed were stealing their jobs and causing crime.

In 2000, seven xenophobic killings were reported in the Cape Flats district of Cape Town. Kenyan Kingori Siguri Joseph died in Tambo Close, Khanya Park in Gugulethu after being attacked and shot. In separate incidents, two Nigerians were shot dead in NY 99 in Gugulethu. Prince Anya, 36, who owned a restaurant in Sea Point, was hijacked with his wife Tjidi and their toddler in Adam Tas Road, Bothasig. In Mdolomda Street in Langa, two Angolan brothers were trapped inside their house and burnt to death. Nguiji Chicola, 23, and Mario Gomez Inacio, 25, were in their house when it was set alight by several men who then ran away. The brothers burnt to death.

On May 11 2008, an outburst of xenophobic violence in the Johannesburg Township Alexandra triggered more xenophobic violence in other townships. Firstly, it only spread in the Gauteng province. After two weeks, the violence spread to other urban areas across the country, mainly Durban and Cape Town. But it also emerged in townships in more rural areas such as Limpopo Province. The violence consisted of attacks both verbally and physically by inhabitants of the townships on other inhabitants. The victims were called foreigners, referring to their nationality being non-South African and predominantly Zimbabwean and Mozambican. As a result many houses were burnt, 342 shops were looted and 213 burnt down. Hundreds of people were injured, thousands chased away and the death toll after the attacks stood at 56.

Mozambican Ernesto Alfabeto Nhamuave, who was 35 years old, was beaten, stabbed and set alight in Ramaphosa informal settlement on the East Rand. Nobody had been arrested for his horrible murder. Police closed the case on 27 October 2010 after concluding that there were no witnesses and no suspects. In all, 62 people were killed. On 24 May 2008, Spaza shops owned by Pakistan, Somalis, and Ethiopians were attacked, their stocks were looted and the doors ripped down. The looting was widespread in Sebokeng, Orange Farm, and Evaton areas South of Johannesburg.

From 14 to 17 November 2009, 3000 Zimbabwean citizens living in the rural community of De Doorns, an informal settlement near Breede Valley Municipality, in the Western Cape was displaced as a result of xenophobic violence. It selectively targeted Zimbabweans despite the presence of other foreign nationals (e.g. Lesotho nationals) living and working in the same area. There had been destruction and looting of Zimbabweans dwellings by their South African neighbours.

Violence occurred in three informal settlements: Ekuphumleni, Stofland and Hasie Square located in Ward 2 of De Doorns, Breede Valley Municipality, Western Cape. The first wave of attacks took place on 14 November 2009 in Ekuphumleni, displacing 68 Zimbabwean nationals. On 17 November 2009, the violence intensified, spreading to Stofland and Hasie Square. This second wave displaced approximately 3000 Zimbabweans. While the displaced initially sought protection at the De Doorns police station, they were moved to a local sports field called Hexvallei Sportklub on 18 November 2009 as numbers increased. Shelter and humanitarian assistance were provided at the sports field.

On 27 February 2013, eight South African police officers tied the 27 years old Mozambican man, Mido Macia, to the back of a police van and dragged him down the road. Subsequently, the man died in a police cell from head injuries. The incident happened in Daveyton, East of Johannesburg, South Africa. On 26 May 2013, two Zimbabwean men were killed by South Africans mob in xenophobic violence in Diepsloot, South Africa.

In January 2015, a Somali shop owner shot and killed a 14-year-old boy, Siphwe Mahori, during an alleged robbery in Soweto Township. The boy was shot in the neck and died within 15 minutes. Lebogang Ncamla, 23, was another victim when he was shot three times in the arm. The incident triggered waves of attacks and looting of foreign owned shops. An estimated 120 Spaza shops owned by Somalis and Bangladeshis across Snake Park, Zola, Meadowlands, Slovoville, Kagiso, Zondi and Emdeni in Soweto were looted. It was also reported that police actively stole goods and helped others raid the shops during the worst attacks on foreigners. In Zondi Section, the police instructed looters to queue outside a foreign-owned shop and allowed four of them in at a time to prevent a stampede. Police arrested a suspect accused of killed 14-year-old Mahori, along with a number of looters and foreign nationals for possessing three unlicensed firearms.

On 5 March 2015, xenophobic attacks occurred in Limpopo Province. Foreigners on the outskirts of Polokwane left their shops after protesting villagers threatened to burn them alive and then looted them. Violence erupted in the Ga-Sekgopo area after a foreign shop owner was found in possession of a mobile phone belonging to a local man who was killed. Villagers demanded answers as to how the shop owner got the killed man's phone. They didn't know whether it was sold to him or was brought there to be fixed. Violent protests erupted with villagers sending all the foreigners packing and pushing them out of 11 villages in Sekgopo. One of the shop owners reported loss of stock.

On 21 March 2015, Zulu King Goodwill Zwelithini made comments that foreigners should go back to their home countries because they are changing the nature of South African society with their goods and enjoying wealth that should have been for local people. This horrified foreigners who have been dealing with a spate of xenophobic attacks around the country. King Zwelithini made these comments at the moral regeneration event in Pongola, KwaZulu-Natal Province. The king's statement came while Congolese nationals were mourning deaths caused by a series of xenophobic attacks. Noel Beya Dinshistia from Congo, a bouncer at a local nightclub, was doused in a flammable substance before being set alight while on duty two weeks ago.

On 8 April 2015, the spate of xenophobic violence increased. On 10 April 2015, two Ethiopian brothers were critically injured when their shop, in a shipping container, was set on fire while they were trapped inside. One of the men died while in hospital. The other is fighting for his life.

Women protest as rioting and looting is quelled during anti-foreigner violence in Durban, April 14, 2015

On 12 April 2015, Attacks on foreign nationals continued in KwaZulu-Natal when shops in Umlazi and KwaMashu, outside Durban, were torched. In V Section, a shop owned by a foreign national was set on fire by a mob of suspects. There was another fire which we believe was set by local people at a foreign-owned property in G Section. Almost 2,000 foreign nationals from Malawi, Zimbabwe, Mozambique and Burundi have been displaced as a result of the violence. Five people have been killed.

On 14 April 2015, Looting of foreign shops spread to Verulam, north of Durban following a day of clashes between locals, foreigners, and police in the city centre, KwaZulu-Natal. About 300 local people looted foreign-owned shops, and only two people have been arrested. A 14-year-old boy became the latest fatality. He was shot dead during looting in KwaNdlanzi, allegedly by two security guards. In Durban's Central Business District (CBD), a car was set alight and police fired rubber bullets, stun grenades and teargas canisters in clashes between looters and foreigners.

Four refugee camps have been set up by the KwaZulu-Natal provincial government to house the displaced foreigners who say they are destitute, with some saying they want to go home. At least 28 people were arrested on Sunday night during xenophobic violence in which Somali, Ethiopian and Pakistani people were attacked.

(Source: South Africa History Online. Available at: <http://www.sahistory.org.za/article/xenophobic-violence-democratic-south-africa>)

Revenge is a particularly powerful emotion and can be linked to an aggressive retaliation motive in criminal behaviour. Feelings of revenge can result in a maladaptive coping reaction to experienced injustices (Orth, Montada & Maercker 2006). In South Africa, revenge attacks on suspected criminals serve to continue the cycle of violence. In some instances, revenge attacks, also known as vigilante attacks, are a community's reaction to crime. One example is a case where a 21-year-old man from Eersterus died after he was assaulted by members of the community. According to a police inspector, community members were looking for the man who had allegedly stolen from a house in the community. The seriously injured suspect was handed over to the police by community members, but died a few minutes after his arrival at the police cells (Man dies after vigilante attack 2009). Revenge crimes are often associated with one or other form of violence or aggression and can include acts such as murder, assault, malicious damage to property and the killing of pets.

Envy and possessive jealousy are also important motivators of criminal behaviour. Weeks before the Olympic Games were to begin in 1994, ice-skater Nancy Kerrigan was hit on the knee with an object. She was seriously injured and could not take part in the Games. An envious competitor had “arranged” the attack to put her opponent out of action.

Another example of a crime where jealousy played a role as motive is the case of Najwa Petersen who was convicted of masterminding the murder of her husband, musician Taliep Peterson. Professor Anni Hesselink is of the opinion that the motive for the murder could have been jealousy, or fear of public shame if Taliep had chosen to leave her. In another case, Dina Rodrigues was sentenced to life imprisonment in 2007 for organising a hit on six-month-old Jordan-Leigh Norton, her boyfriend’s daughter from a previous relationship. It is speculated that jealousy over the former boyfriend, Neil Wilson, motivated her to commit the murder (Jooste 2008).

More recently, the Honourable Court made a decision in the Oscar Pistorius case. For the purposes of applying your acquired knowledge, debate whether jealousy was perhaps involved in this case or not? Was the motive really self-protection or something else – you decide.

In conclusion, it is important to keep in mind that there may be many motives for a particular crime. Arson, robbery, theft, fraud and even murder could be committed for financial gain (insurance claim), out of revenge, out of spite, as intimidation, greed and/or out of jealousy. It is therefore important not to generalise but to analyse the facts of each case.



ACTIVITY 3.2.3

Why do you need to do this activity?

- To find out if you understand the term “motive”.

Instructions

- “Corrective rape” originated in South Africa and is a practice whereby men rape lesbian women as a means of “curing” them of their sexual orientation. Read through the previous sections dealing with motive (3.2.5, 3.2.6 and 3.2.7) and identify the motives that could be associated with this type of crime.
- Compile your own notebook of recent examples from daily newspaper reports of specific crimes where the motive has been revealed. For example, put together a case study of a love triangle where jealousy and loss of control over a partner probably motivated the murder.

FEEDBACK ON ACTIVITY 3.2.3

See Sections 3.2.5, 3.2.6 & 3.2.7

3.2.8 Conclusion

In order to understand why someone commits a particular crime, it is essential to establish the perpetrator's motives for the deed. This has formed the main theme of this learning unit. Firstly, we defined the concept of motivation and then we distinguished between motive and intent.

We also explained the process of motivation. Furthermore, we used examples of crimes that have actually taken place to illustrate the various motivations for criminal behaviour.

3.2.9 Self-assessment questions

- (1) Define the terms "motive", "need", "cognition" and "emotion". (10)
- (2) Distinguish between the types of emotion. (10)
- (3) Explain the distinction between motive and intent. (10)
- (4) Describe the process of motivation with the aid of a diagram. (5)
- (5) Give an example of a motive that could lead to crime, illustrating it with a report on an actual crime. (15)
- (6) Using an example of an actual crime, explain how a specific emotion may serve as a motive for criminal behaviour. (15)

Multiple-choice questions

- (1) The term "motivation" refers to ...
 - (a) mental events such as beliefs, expectations and self-concept
 - (b) subjective feelings that stem from physiological needs
 - (c) the desire that a specific result will follow from a particular action
 - (d) a causative factor that drives an action to bring about a definite result
 - (e) physiological preparedness to meet situational demands
- (2) To understand why an offender committed a particular crime, it is essential to establish the perpetrator's ...
 - (a) intelligence
 - (b) previous criminal record
 - (c) personality characteristics
 - (d) mental make-up
 - (e) motive
- (3) Which one of the following statements is incorrect?
 - (a) Emotions are subjective feelings that make us feel a particular way, such as angry, joyful or sad.
 - (b) Emotions are short-lived subjective-physiological-functional-expressive phenomena that orchestrate how we react to events in our lives.
 - (c) Emotions indicate the desire that a specific result will follow from a particular action.
 - (d) Emotions prepare our bodies for action.
 - (e) Emotions have four components, namely feelings, bodily arousal, sense of purpose and social expressions.

- (4) Arnold, Robertson and Cooper are of the opinion that there are three components of motivation, namely ...
 - (a) Goal, effort and persistence
 - (b) Direction, effort and persistence
 - (c) Need, goal and action
 - (d) Direction, need and effort.
 - (e) Goal, persistence and effort
- (5) Cognitive processes play an important role in appraising available aims when designing a particular strategy. Cognition involves ...
 - (a) thought, needs, emotions and understanding
 - (b) goals, judgment, emotions and understanding
 - (c) emotions, judgment, interpretation and understanding
 - (d) thought, judgment, interpretation and understanding
 - (e) needs, emotions, interpretation and understanding

3.2.10 Feedback on self-assessment questions

Paragraph-type questions

- (1) See section 3.2.2.1. “Motive” refers to an inner condition that stems from a “need”. Motives that stem from physiological survival needs are known as drives. “Emotion” comes from the Latin word *emovere*, which means to move or excite, so emotion means to be stirred up or brought to action. These are feelings or affective responses that arise from physiological stimulation, ideas and so on.
- (2) See section 3.2.3.1.
- (3) See section 3.2.4. “Motive” is the causative factor or moving force that drives an action. “Intent” is the desire that a specific result will follow a particular action.
- (4) See figure 3.2.
- (5) Take, for example, the need for power and control. This need may motivate a person to be physically and psychologically abusive towards his or her partner or other family members and may lead to domestic violence. Try to find your own example from a newspaper report on domestic violence or even family murders. Another strong motivation for criminal behaviour is financial gain. Fraud and even murder may result from the need for material gain. One example is the case of Daisy de Melker, who murdered her own family members to enrich herself with the insurance money.
- (6) See section 3.2.7.

Multiple-choice questions

- (1) (d)
- (2) (e)
- (3) (a)
- (4) (b)
- (5) (d)

LEARNING UNIT 3.3: RISK FACTORS CONTRIBUTING TO CRIMINAL BEHAVIOUR



Risk factors contributing to criminal behaviour

Risk factors contributing to a delinquent career
--

Risk factors based on South African research findings

Factors contributing to desisting from criminal activities
--

LEARNING UNIT 3.3

Risk factors contributing to criminal behaviour

- 3.3.1 Introduction
- 3.3.2 Key concepts
- 3.3.3 Risk factors contributing to criminal behaviour
 - 3.3.3.1 Individual risk factors associated with criminal causation
 - 3.3.3.2 Familial risk factors associated with criminal causation
 - 3.3.3.3 Community associated criminal risk factors
- 3.3.4 Risk factors contributing to a delinquent career
- 3.3.5 Risk factors based on South African research findings
- 3.3.6 Factors contributing to desisting from criminal activities
- 3.3.7 Conclusion
- 3.3.8 Self-assessment questions
- 3.3.9 Feedback on self-assessment questions



LEARNING OUTCOMES

When you have worked through this learning unit you should be able to

- define the term “risk factor”
- describe the various factors that increase the risk of criminal inclinations
- discuss the risk factors that contribute to a delinquent career
- describe risk factors based on South African research findings
- identify the factors that can contribute to desisting from criminal behaviour

3.3.1 Introduction

In this learning unit, the emphasis is on the risk factors frequently associated with youth misbehaviour. Risk factors imply that some children and juveniles are more prone to misbehaviour than other children as a result of certain individual, social and environmental factors which have an influence on their functioning.

The factual information discussed in this learning unit is based on research findings. Firstly, the main concept, namely risk factors, will be defined. Secondly, criminogenic risk factors associated with the causation of crime, namely individual, family and community-based factors will be discussed. This will be followed by a discussion on the risk factors contributing to a delinquent career and risk factors based on South African research findings. Finally, factors that counteract criminal tendencies and help youth to desist from crime will be explained.

3.3.2 Key concepts

Risk factors. According to Walsh (2015:215), a risk factor is something that increases the probability of offending. Mrazek and Haggerty (Shader 2003:2) define risk factors as “those characteristics, variables, or hazards that, if present for a given individual, make it more likely that this individual, rather than someone selected from the general population, will develop a disorder”. A “risk factor” therefore can be viewed as a characteristic of the individual or the circumstances that is associated with a harmful or otherwise negative outcome (Andrews in Maree 2003:53).

Criminogenic risk factors. Are those factors specifically associated with criminal activities, such as delinquency, offending and crime.

Somatotypes (basic body types) are usually characterised by physical and personality characteristics (Burke 2014:92; Eamonn et al. 2014:61; Hunter & Dantzker 2002:50; Siegel 2013:142):

- Endomorphs have a heavy build and are slow moving. Body shape is soft and round. Personality is extrovert, friendly and sociable.
- Mesomorphs have well-developed muscles and an athletic appearance. Body shape is hard and round. Personality is strong, active, aggressive and sometimes violent.
- Ectomorphs have small skeletons and weak muscles. Body shape is fragile and thin. Personality is introverted, hypersensitive and intellectual.

3.3.3 Risk factors contributing to criminal behaviour

For the purposes of this study guide, criminogenic risk factors associated with the causation of crime are divided into three categories, namely individual, family and community-based factors.

3.3.3.1 Individual risk factors associated with criminal causation

When individual criminal risk factors are explored it is necessary to start even before conception with the genetic makeup of the prospective parents and the role that this factor plays in relation to criminal causation. From a genetic perspective, the discussion focusses on physical and biological factors, intelligence, personality and temperament, as well as mental and physiological disorders.

The focus in respect of individual risk factors is on the socialisation process of the child into adulthood as well as on the cognitive processes involved. The role of alcohol and drug abuse in relation to crime is also discussed.

Genetic and hereditary factors in relation to criminal causation

Genes are segments of deoxyribonucleic acid (DNA) that code for proteins and act as the blueprint or map which determines all aspects of human development (Walsh 2015:191). The protein-building activities of genes determine the physical and psychological development of a human being. Hereditary factors are an indicator of the genetic differences between individuals which determine, for example, physical traits (looks, height and race), personality (introvert versus extrovert) and life outcomes (predisposition to alcoholism and crime) (Wilson & Petersilia 1995:55). There are no genes “for” criminal behaviour, but there are genes that lead to particular traits, such as low empathy or impulsiveness, that increase the probability of criminal behaviour when combined with certain environments (Walsh 2015:191).

An example of the role that hereditary factors can play as a criminogenic risk factor is based on research, which found that criminal or antisocial behaviour in parents’ acts as one of the primary risk factors for criminal behaviour in children. A study of children of offending parents who were raised in foster care by non-offending foster parents found that adopted children resemble their natural parents in their offending behaviour more than they resemble the non-offending behaviour of their adoptive parents who raised them (Conklin 2001:137). The study concluded that children of offending parents have a genetic, hereditary predisposition through the genetic transmission of criminogenic characteristics towards criminal behaviour. It is important in this regard to understand that, even though genetics can instil a predisposition towards certain behavioural traits, environmental influences will act as triggers of these predispositions. The environmental influences will also determine the severity of the predispositional reaction. It is therefore of importance that the interactive relationship between “nature” and “nurture” should be kept in mind when the individual risk indicators of crime are discussed (Schoeman 2002).

Criminal risk factors that could be associated with genetics are, among others, physical and biological factors, IQ, personality and temperament, as well as mental and physiological disorders.

Physical and biological factors as risk factors associated with criminal causation

During his research, Sheldon (in Burke 2014:92) identified three basic body types (somatotypes), namely endomorphs, mesomorphs and ectomorphs. These body types are characterised by the physical and emotional character traits as depicted in the following table.

Somatotypes	Physical characteristics	Emotional characteristics
Endomorph	Heavy person with short arms and legs, soft and roly-poly (chubby)	Relaxed, extroverted and relatively non-criminal
Mesomorph	Athletic, heavy and muscular	Aggressive and likely to commit violent crimes and crimes requiring strength and speed
Ectomorph	Thin, flat and fragile looking	Introvert and overly sensitive

Table 3.2: Body types and their characteristics (Burke 2014:92).

According to Sheldon's somatotypes, delinquent boys are mainly mesomorphs. This is primarily because it is suggested that people with a strong muscular build are more prone to criminal conduct. Sheldon's research has been severely criticised owing to the research methodology followed in the studies. Nonetheless, further research has concluded that the influence of body type in relation to criminality is not only limited to physical attributes but also includes the offender's perceptions about cognitions and perceptions regarding their body type. In this regard, Stratts (2002) is of the opinion that if a person has the genetic predisposition to be able to push people around, and if this is combined with aggressive and violent pro-criminal cognitions and socialisation that condones the use of violence, this could give way to antisocial behaviour and criminality.

Body type theories can be criticised for ignoring different aspects of the interaction between the physical characteristics of the person and their social circumstances. People from poorer backgrounds will tend to have a poorer diet and thus be small in stature, while young people in manual occupations are likely to acquire an athletic build. The over-representation of such people among convicted criminals may thus be explained by a variety of sociocultural – rather than biological – factors (Burke 2014:92).

Intelligence as risk indicator of criminal causation

In relation to intelligence as a risk indicator for criminal behaviour, studies have indicated that a large proportion of offenders' IQs are at the low end of the intelligence scale (Siegel & Welsh 2009:102; Burke 2014:89). In this regard, some social scientists are of the opinion that IQ has only an indirect influence on delinquency, arguing that children with a lower IQ are more likely to engage in criminal activities because of the frustration associated with their poor verbal abilities. Other researchers, in turn, believe that there is a direct link between IQ and delinquency based on the fact that children with a lower IQ are unable to manipulate abstract concepts and are therefore not able to foresee the consequences of delinquent and offending behaviour or appreciate the feelings of their victims (Siegel & Welsh 2009:103). It should be noted that the debate about the link between IQ and criminality is controversial and has still not been conclusively proven. At most it can be claimed that there is an indirect link between IQ and a predisposition to criminal behaviour because research has indicated that educational and therapeutic programmes can counteract any impairments associated with a lower IQ.

Personality and temperament as criminal risk predictor

Personality can be defined as a unique, relatively stable and consistent behaviour pattern including emotions and thoughts that distinguish one person from another (Hunter & Dantzker 2002:77). According to Walsh (2015:218), personality traits set individuals on a particular development trajectory that influences how other people in the family, school, peer group, and work domains react to them. Temperament, in turn, refers to the inherently characteristic way in which an individual responds to stimuli (life's demands and challenges) on an emotional level (Louw, Van Ede & Louw 1998:209; Walsh 2015:173). Temperamental components include mood (happy/sad), activity level (high/low), sociability (introverted/extroverted), reactivity (calm/excitable), and effect (warm/cold) (Walsh 2015:173). Kuperminc and Allen (2001:598) found that, when faced with challenges in life, an individual can make use of genetic and inherited personality traits in order to resolve the situation. These genetic predispositions, in correlation with environmental factors and previous experiences, influence the individual's cognitions of their perceived ability to address life's challenges. This, in turn, will determine the way an individual reacts to the problem at hand. Inadequate problem-solving skills are often reflected in the person's inability to resolve everyday problems and interpersonal conflict, which could result in using antisocial or criminal behaviour to address life's challenges. Two personality characteristics that were found to have a strong link with criminal behaviour are impulsivity and an inability to experience empathy (Hill 2002:135).

Mental and physiological disorders as criminal risk factors

A disorder can be broadly defined as behaviour that has distinct genetic and environmental associations with specifiable biological, psychological and social processes. This behaviour subsequently acts as a predictor of antisocial and wider social and mental health problems, causing significant distress for the individual and other persons (Hill 2002:134). Hunter and Dantzker (2002:81) are of the opinion that mental disorders can range from mild emotional distress to outright insanity. When these disorders result in crime it is usually as a result of the mentally disturbed person's inability to cope with an adverse environmental situation. A situation may become explosive or extremely dangerous if this inability to cope is combined with violent emotions as well as access to a weapon.

Physiological disorders have a biological (genetic) and a psychological influence on human behaviour, as well as a labelling impact (Hunter & Dantzker 2002:81). Psychological disorders include muscular diseases, neurological disorders (multiple sclerosis, cerebral palsy), Epilepsy, Tourette's syndrome, Autism, Down syndrome and Attention Deficit Hyperactivity disorder (ADHD) (Walsh 2015:215). These disorders can result in truancy and juvenile delinquency resulting from frustration with failure at school, labelling, impulsivity and misinterpretation of behaviour (Hunter & Dantzker 2002:81).

In conclusion, it should be noted that even though mental and physiological disorders act as a strong risk indicator for criminality, the complexity of person-environment interaction should still be taken into consideration (Hill 2002:136). Similar to IQ, developmental and therapeutic programmes, as well as medication in the case of mental and psychological disorders, can counteract any impairments associated with these disorders. It is therefore important that an integrated approach whereby mental and physiological disorders are viewed as being part of the causation process of crime should be followed.

Socialisation as a risk factor for criminal causation

Socialisation can be defined as the sum total of acquired behaviour that enables a person to conform to the rules and expectations in the society and whereby a person learns to become a good member of society as opposed to being a selfish individual (Barkan in Schoeman 2002:99). The emphasis, in this instance, is on being a social being who cares for the welfare of others and society as a whole (think of ubuntu). Siegel and Welsh (2009:228) are of the opinion that, if a child's socialisation process is incomplete or negatively focused, it can result in an adolescent with a poor self-image who is alienated from conventional society and feels little attachment to a law-abiding lifestyle.

Lykken (in Schoeman 2002:99) maintains that socialisation comprises three principal components, namely conscientiousness, pro-sociality and acceptance of adult responsibility.

Conscientiousness implies a general disposition to avoid crime. This notion is born out of the fear of punishment and the rejection of crime as an alternative behaviour based on rational utilitarian grounds. For most individuals, crime avoidance generally becomes automatic as a result of the habit of conforming to society's rules.

Pro-sociality is based on a person's general disposition towards pro-social behaviour – including an individual's nurturing, affectional and altruistic impulses. This disposition is attained by cultivating a person's ability to empathise with others and to participate in, and enjoy affectionate relationships.

Acceptance of adult responsibility emphasises the acceptance of conventional family and social responsibilities. Behavioural processes are focused on conserving and promoting these pro-social rules and values. By conforming to these rules, the individual is part of society and can experience self-fulfilment within society. In this regard, offenders differ from non-offenders in that they lack the ability to interpret social situations and are unable to develop adequate interpersonal problem-solving skills. They are also characterised by the inability to experience empathy and appreciate the perspective of others, thus not taking the feelings of victims into consideration (Bergeron & Valliant 2001:38).

Agents of socialisation, including family, peers, school and mass media, influence people's values and behaviour. Just as a person can be socialised positively, a person can also be socialised to break the law by learning the values, norms and skills of a criminal or delinquent subculture. Early socialisation experiences have a lifelong influence and impact on an individual which, even in the most adverse environmental circumstances, will not result in delinquency if a person's socialisation experiences are positive and supportive (Siegel & Welsh 2009:136). Although few parents socialise their children to be delinquent, factors such as inconsistent discipline, absent parents and limited contact with parents can contribute to delinquent socialisation. The role of parents in the socialisation of a child will be analysed in more depth during the discussion on familial criminal risk factors.

Linking up with personality and temperament, Lykken (in Schoeman 2002:103) refers to inborn characteristics such as impulsiveness, aggressiveness and low IQ that will make it harder to socialise a child successfully. Similarly, Tshiwula (1998:10) is of the opinion that the possibility exists that offenders can be socialised by inmates in a criminal subculture while being incarcerated. Both of these instances can increase the risk for further criminalisation.

Alcohol and drug abuse as risk factors for offending

According to Burke (2014:101), the use of alcohol probably has much closer links with crime and criminal behaviour than most other drugs, which can at least be partially explained by the reality that alcohol is legal, readily available and in extremely common usage. Conklin (2001:315) goes on to state that there are three facilitating factors often present when crimes are committed, namely alcohol, drugs and firearms. He also believes that the presence of these factors increase the chance that a situation may lead to criminal violence or theft. For the purposes of this study guide, the influence of alcohol and drug abuse as risk factors associated with the causes of crime are explored.

In 1972, Lombroso stated that “there is one disease that without other causes – either inherited degeneracy or vices resulting from a bad education and environment – is capable of transforming a healthy individual into a vicious, hopelessly evil being. That disease is alcoholism” (Moyer 2001:36). Lombroso believed that alcoholism is the only individual factor capable of causing criminal offending. This, according to him, is rooted in its ability to inflame a person’s passions, obscuring mental and moral faculties and destroying all sense of decency. A study exploring the causes of youth violence in South Africa (Burton 2007:100) found that the use of alcohol has been associated with aggression and that a mutually reinforcing relationship exists between the development of aggression and the use of alcohol over time during adolescence. Intoxication may interfere with young people’s ability to monitor and regulate their behaviour and the use of substances may also introduce children to social environments where violent behaviour is modelled and rewarded.

The link between crime and alcohol abuse is believed to lie in the explanation that alcohol reduces inhibitions which could trigger criminal behaviour. Alcohol is furthermore believed to decrease the offender’s ability to contemplate the consequences of a crime, weaken moral disapproval of criminal behaviour and make crime seem more desirable. Another explanation is that offenders use alcohol to reduce anxiety or build up courage to commit a crime (Conklin 2001:316–317). Burton’s study (2007:100) furthermore found that young offenders intentionally consume alcohol before committing offences for the purpose of providing an “excuse”. Thus, in the event that they are apprehended, the youths could blame their actions on the fact that they were intoxicated at the time the crime was committed. Even though the reason why alcohol abuse can be associated with crime is not yet clearly established through research, it is generally assumed that there is a strong association between crime and alcohol abuse (Conklin 2001:315, 318). Research also indicates that, more often than not, the victims of crime are also likely to have been drinking (Burke 2014:102).

According to Walsh (2015:305), a large body of research indicates that drug abuse does not appear to initiate a criminal career, although it does increase the extent and seriousness of one. Buikhuisen and Mednick (in Schoeman 2002:105) somewhat similarly argue that confusion exists as to whether drug abuse causes crime, or whether crime causes drug abuse, or whether drug abuse and crime are not the same thing. Taking into consideration that the abuse of illegal substances in itself is a crime, it can be concluded that a direct link exists between crime and drug abuse. According to the SAPS, in common with various other countries, South Africa has been experiencing a rise in crime in which drugs play an integral part. In a study of 1 140 persons detained in police cells, which was conducted by Da Rocha Silva and Malaka (2008), it was found that a high level of drug consumption generally characterised the life of the respondents before the time of the survey. The respondents reported using a wide range of drugs,

especially cannabis, inhalants, prescription drugs and steroids. The study found that the level of drug consumption among the respondents generally corresponded with their level of involvement in crime and that the respondents tended to be socially vulnerable to drug taking and, by implication, to related harm such as crime. The types of offence for which they had been arrested and/or convicted previously (before the study) included violent crimes (crimes against a person), property crimes and drug law offences (use, possession and trading in illicit drugs as well as drinking-and-driving). Findings from this study concur with national and international studies which indicate a correlation between level of drug consumption and level of crime. In this instance, drug consumption appears to contribute to participation in criminal activity and vice versa. Conklin (2001:318) furthermore states that the need to support a drug habit can lead to secondary crimes, for instance dealing in drugs. It can therefore be concluded that the drug-crime relationship can be explained on the basis of the fact that both drugs and crime are frequently part of a common lifestyle, or subculture, associated with a delinquent lifestyle.

In conclusion of our analysis of the individual factors that could be associated with criminal causation, it is apparent that both genetic and environmental factors are important in forming the human personality. Genetic factors determine the potential and limits of human behaviour. Environmental circumstances, for instance socialisation and alcohol and drug abuse, in turn influence the individual's development, personality and behaviour within these genetic boundaries. Although adverse circumstances associated with any one of the individual risk factors mentioned could be linked with criminal causation, the probability of delinquency increases if various risk factors are present.

3.3.3.2 Familial risk factors associated with criminal causation

Adverse home circumstances and family relationships have a significant impact on offending. This belief rests on the assumption that the family is the primary unit in which a person is socialised in terms of the values, attitudes and processes that guide behavioural patterns in life. Do you agree with this notion? Barkan (in Schoeman 2002:107) identifies two main categories in relation to the causation of criminality, namely the role of the family structure and family functioning. Family structure refers to the physical composition of the family whereas family functioning refers to the interaction and relationships between family members. For the purposes of this study guide, the influence of perinatal factors, family structure and family composition as risk predictors will be analysed. Furthermore, family functioning, interaction and socialisation in the formation of criminal behaviour patterns will also be discussed.

Prenatal and perinatal factors

Perinatal risk factors are not genetically based but are the result of destructive parental behaviour during pregnancy. Research indicates that there is a direct link between perinatal risk factors, crime, and antisocial behaviour (Wilson & Petersilia 1995:76). In this regard, perinatal complications related to criminal offending are associated with brain dysfunction as a result of complications during delivery and pregnancy, resulting in the disruption of foetal neural development. The perinatal risk factors associated with juvenile delinquency and adult crime are, among others, inadequate nutrition, exposure to smoking, alcohol, drugs and violence, and abuse directed at the pregnant mother (Barkan in Schoeman 2002:109). For example, research has shown that maternal

substance abuse (alcohol and drugs) and the resulting harm done to the foetus may result in lifelong problems for the child. In this regard, alcohol has been proven to be one of the biggest causes of preventable birth defects such as foetal alcohol spectrum disorder. This disorder in itself is a major cause of numerous social disorders, including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness and crime (Ovens 2008).

In conclusion, the assumption can be made that adverse influences during pregnancy have a strong negative reaction, resulting in physical, developmental and social problems after birth and during the life of a child. Perinatal exposure to negative parental and, in particular, negative maternal action can create a predisposition for antisocial and possibly criminal behaviour.

Family structure and composition versus crime

With regard to family structure and composition, most studies and debates take place on the influence of broken homes on delinquency. Broken homes can be defined as including families that are not structurally intact owing to, amongst other reasons, the death of a parent, divorce, desertion, separation or illegitimacy (Conklin 2001:241). Although it is speculated that a broken home may be a risk factor for delinquent behaviour, the general consensus is that broken homes contribute to delinquency. A study conducted by the Centre for the Study of Violence and Reconciliation (CSV) (Burton 2007:101) revealed that broken homes and dysfunctional families were two of the significant influences on youths' decision to become involved in crime, among other factors, because of the lack of parental involvement in the respondents' lives. In this regard it was found that there is a significant association between parental absence and criminality (Siegel & Welsh 2009:229).

Placing the above in perspective, Bezuidenhout (2011:170) argues that a significant number of people find it hard to earn an income in South Africa. Marginalised parents/guardians who can hardly fend for themselves do not have the financial means to take care of their children. Many children are left with guardians, such as a grandmother or older siblings, in rural areas while both parents, or often just the single parent, are looking for work. The absence of proper guardians is often the reason why children derail during their childhood.

Conklin (2001:241) proposes that broken homes can impact on delinquency in various ways, for instance that it may result in inadequate socialising due to the absence of one or both parents. Children growing up in broken homes also often have fewer resources and opportunities, thus leaving them disadvantaged in competing for education and employment. Adverse relationships between parents and other members of a family can produce stress and conflict that could lead to acting-out behaviour.

Research indicates with regard to family structure and composition that middle children are more likely to exhibit delinquent behaviour (Siegel & Senna 2000:284). This is based on the proposition that first-born children receive the majority of the parents' attention. The last-born children in turn benefit from parental experience and the presence of older siblings that can serve as role models. In this regard, Hirschi is of the opinion that family size rather than birth position can be associated with delinquency (Bartollas in Schoeman 2002). He bases his opinion on research that indicates that members of larger families are more prone to delinquency than those in smaller families. This is because children in large families are often exposed to limited supervision owing

to the limited time available for parents to socialise and discipline individual children (Siegel & Senna 2000:284).

Research furthermore indicates that children growing up in families where one parent has died are in a better position than families disrupted by divorce. Parental absence was not identified as cause of antisocial behaviour per se. It was furthermore found that remarriage did not mitigate the effects of divorce. Children growing up in merged families had considerably more problems than children growing up with both biological parents (Siegel & Welsh 2009:254).

It can therefore be concluded that family structure and composition cannot be directly linked to criminal causation but rather act as predisposing factors that could be associated with a higher risk of criminality. In this regard, a stable, secure and mutually supportive family is of pivotal importance in preventing delinquency (Bartol & Bartol 2005:57). The emphasis should therefore be placed on the function and behavioural processes within families rather than the structure of a family, as will now be discussed.

Family functioning as risk factor for criminal causation

In relation to family functioning, criminal risk factors can be associated with the interpersonal relationships, functioning and socialisation within the family. In this respect, Siegel and Senna (2000:278) identify four broad categories that could be associated with delinquency:

- - marital conflict and break-up
- - interfamilial and interpersonal conflict
- - parental neglect and insensitivity towards emotional needs
- - parental deviance resulting in the deviant socialisation of children

Although marital and interfamilial conflict can be viewed as normal and even unavoidable, a child's perception of the conflict can have a lasting effect. Cummings and Davies (in Schoeman 2002:116) postulate that a child's perception of marital and interfamilial conflict is based on a past history of such events as well as current, conflict-related stimuli. They further state that these perceptions emanate from the child's cognitive appraisal and understanding of the situation, emotional reaction towards the situation and behavioural coping skills. In essence children will evaluate the effect of marital and interfamilial conflict according to its meaning for them and their family.

Different forms of marital and interfamilial conflict have different effects on children. These effects can range from negative to benign to even positive. Interfamilial behaviour that has been identified as being negative or destructive includes interparental aggression or violence, including verbal aggression and hostility, as well as aggression towards objects. Non-verbal conflict, such as parental withdrawal, conflict involving threats to the intactness of the family (e.g. threats of leaving), and conflict regarding child-related themes were also found to have a negative influence on children (Cummings & Davies in Schoeman 2002:117). Siegel and Welsh (2009:254) maintain that children growing up in an environment of discord and conflict often exhibit aggressive delinquent behaviour, having learnt at an early age that aggression has payoffs.

Children exposed to marital and familial conflicts are behaviourally affected on the emotional, physiological and social levels. This often results in externalised disorders (behavioural problems), as well as internalised disorders (anxiety and depression). The

child experiences a lack of emotional security resulting in a negative and hostile image of family systems. This, in turn, affects children's adjustment and their ability to form interpersonal relationships on all levels (Cummings & Davies in Schoeman 2002:117).

A further familial criminal risk factor identified by Siegel and Senna (2000:278) is parental neglect and insensitivity towards a child's emotional needs. Parental neglect is associated with and includes child abuse and is often associated with the deprivation of the child's emotional needs. It should be noted that child abuse is rooted in a behavioural pattern and seldom consists of a single act of abuse or neglect (Siegel & Senna 2000:288). Family violence tends to form part of the relationship dynamics. Abuse, neglect and emotional deprivation, in common with interfamilial conflict, encourage children to use aggression as a coping and problem-solving mechanism. They also have a negative influence on a child's ability to form meaningful interpersonal relationships (Siegel & Welsh 2009:254). The inability to form interpersonal relationships can result in a weakened bond with society which, according to the social control theory, can open up opportunities to become involved in crime (Conklin 1995:218).

Finally, parental deviancy and deviant socialisation have also been identified as interfamilial criminal risk factor. Research indicates that the juvenile records of parents and children tend to be similar regarding offending rate and the type of offence. Siegel and Welsh (2009:258) ascribe this to genetic factors, as well as to adverse parental socialisation associated with erratic discipline, poor supervision, parental conflict and criminal or antisocial parental role models.

As stated previously, early parental socialisation has a lifelong influence on a child and could play an important role in the causation or prevention of criminal behaviour. Conklin (2001:152) defines socialisation as the nurturance, discipline or training of a child. The parent's role in the child's socialisation process involves the monitoring of behaviour, psychological presence, disciplining of unacceptable behaviour and the reinforcing of pro-social behaviour. In this regard, Conklin (2001:230) suggests that it is not always critical that the parents should be physically present to supervise behaviour, but rather psychologically present. Being psychologically present literally implies that a child will consciously or unconsciously evaluate their own behaviour against their parents' opinion of that particular act. Therefore a child whose parents condemn criminal behaviour is less likely to commit crime based on their disapproval of crime.

Toby (in Conklin 2001:238) maintains that socialisation will reduce criminal behaviour if:

- parents clearly define their expectations of children
- there is a close parent-child relationship
- parents control their reaction to their children's rebellious behaviour
- parents reinforce the learning of pro-social behaviour and discipline the failure to learn acceptable behaviour

In relation to discipline, Siegel and Welsh (2009:256) ask whether poor parenting causes delinquency or whether delinquents undermine their parents' supervisory ability. In referring to a study that was conducted among 500 adolescent girls, they conclude that children's problem behaviour tends to undermine parental effectiveness. In turn, the parents of these children tend to become more tolerant of their children's behaviour and less likely to try to control it.

Harsh or erratic parental discipline and cold or rejecting parental attitudes have also been linked to delinquency and are associated with children's lack of internal inhibitions

against offending. Physical abuse by parents has been associated with an increased risk of the children themselves becoming violent offenders in later life. In this regard, Bartol and Bartol (2005:58) identify factors which are strongly associated with youth misbehaviour, such as inconsistent parental discipline and harsh, physical punishment by parents. In these homes, socially desirable behaviour is usually not reinforced. The fact that the parents tend to punish their children according to their mood or whim, and not according to specific behaviour in the child, contributes to an extremely unpleasant and unpredictable environment. Physical punishment, such as slapping, hitting and punching provide a pattern to be modelled when youngsters themselves are frustrated and angry. A lack of parent–child involvement and parental rejection are also strong predictors of serious delinquency. Wright and Cullen (in Schoeman 2002:121) in turn explore an alternative perspective of the role of social control in discipline, namely that of parental social support.

Social support can be associated with parental emotional support which is an instrumental resource necessary for coping with everyday life events. As with social control, social support acts as a protective factor against delinquency. Wright and Cullen's (in Schoeman 2002:121) research further indicates that social support tends to promote pro-social behaviour and can be associated with the assimilation of moral values, motives and social skills. Social support furthermore assists with the building and maintaining of affective attachment between children and parents. In this regard, Wilson and Petersilia (in Schoeman 2002) conclude that, in order to prevent criminal behaviour, parents should:

- restrict children's activities and maintain physical surveillance by knowing their whereabouts
- reduce crime by protecting their home and its occupants against physical, emotional and material harm
- act as probation or parole agencies willing to guarantee their member's good conduct

In conclusion, it is apparent that stable factors, such as perinatal risk factors and the family structure and composition, could create the predisposition for criminal behaviour. Dynamic factors, including interfamilial conflict, abuse and ineffective socialisation, could act as triggers and will determine the type and extent of the criminal behaviour.

3.3.3.3 Community associated criminal risk factors

Burton (2007:102) is of the opinion that South African youth are growing up in a society where they are exposed to risk factors in the communities in which they live, for example community violence, association with delinquent peers, living in poverty-stricken communities and access to alcohol and drugs. These social environments, he believes, are conducive to criminal and violent acts. Such communities are often associated with social disorganisation characterised by a breakdown of social control among traditional primary community groups, poverty and unemployment and adherence to delinquent values and traditions. Bartol and Bartol (2005:53) conclude that there is little doubt that poverty is strongly linked to persistent violent offending, as measured by official, victimisation and self-report data. Poverty is one of the strongest predictors of adolescent violence for both males and females. In addition, a general culture that promotes crime exists within disorganised communities (Burton 2007:100-102). The risk of becoming criminally involved is greater for young people raised in

disorganised communities, characterised by physical deterioration, overcrowded households, publicly subsidised rentals and high residential mobility. It is not clear whether this is due to a direct influence on children, or whether environmental stress causes family adversities, which in turn cause delinquency. Socially disorganised communities furthermore create an environment in which juveniles can interact with and learn from adult offenders. Adult criminals also often act as role models for these youths (Brown in Schoeman 2002:125). Through this association and the association with other delinquent peers, the danger exists that delinquent behaviour becomes an alternative mode of socialisation.

Next to the family, peers are one of the most important influences for pro-social or delinquent socialisation. Traditionally, a child's family acts as its primary agent of socialisation but, as children mature and become integrated into society, their peers exert a significant influence over their thoughts and actions (Burton 2007:108). Schools, where children tend to spend the majority of their time, often create the opportunity for children to come into contact with other delinquent peers. In this respect, schools are increasingly being acknowledged as an arena for youth crimes. This can be ascribed to, among other factors, peer group influence where crimes are committed for the thrill of it and because of peer pressure (Burton 2008:3). Research indicates that it is noticeable that children with a history of delinquent behaviour often tend to go to schools known for their high delinquency rate. Research by Kenneth Dodge and Associates (Bartol & Bartol 2005:55) indicates that the amount of exposure a child has to aggressive peers in day care or preschool is predictive of later aggressive behaviour as a result of modelling influences.

In conclusion, it can be stated that the community can create an environment that adheres to and promotes either pro-criminal or pro-social values. A toxic community, which advocates a pro-criminal value system in association with other risk factors, could contribute significantly to delinquency.



ACTIVITY 3.3.1

Why do you need to do this activity?

- To show that you are familiar with the risk factors contributing to criminal behaviour.

Instructions

- Read the following excerpt and identify the risk factors that could be associated with the causation of criminal behaviour. Make notes on the factors identified in your workbook.

FEEDBACK ON ACTIVITY 3.3.1

See article in activity 3.3.1 as well as section 3.3.3.3

Children with no values a “ticking time bomb”. The scary truth about our youth

Child violence experts point to bad parenting, drug and alcohol abuse, ‘rampant materialism’. More than a quarter of South Africa’s children think it’s okay to steal from the rich and more than 220 000 have been sexually assaulted at schools – where over 10% say it’s okay to force yourself on somebody.

This week, child violence experts said a “crisis of values” created by bad parenting, poverty, poor role models and materialism had placed about a quarter of the nation’s children at risk of leading antisocial lives.

Their warnings of a “ticking time bomb” follow a series of new child surveys, which researchers described as “shocking”.

In one survey of seven “at risk” schools around Johannesburg, more than 25% of pupils said it was either sometimes or always “okay for a man to hit his girlfriend or wife if she doesn’t listen to him”. Another 28% said it was sometimes or always acceptable to use violence to “get what you want”, while 30% said it was okay “for the poor to steal from the rich”.

Two national surveys by the Centre for Justice and Crime Prevention posed similar questions to thousands of children at random. Head researcher Patrick Burton confirmed that:

- More than a quarter of young people said it was acceptable to steal from wealthy people;
- More than 10% said it was acceptable for a man to force himself on a woman in certain circumstances, such as if she wore a short skirt or if the man had paid for the date;
- Over 450 000 had been robbed of their possessions under threat of violence in a single year; and
- Extrapolating from an earlier survey, Burton said about 106 000 primary school children and 116 000 high school children in South Africa had been victims of rape, sexual assault or unwanted sexual contact at school.

Dr Cathy Ward, a child psychologist at the University of Cape Town, said that, in addition to the apartheid legacy of poverty and violence, “rampant materialism”, a lack of moral leadership and widespread alcohol and drug abuse were eroding values.

“What’s driving kids to think it’s okay to steal from those who are better off is that many don’t have a cellphone with a camera or designer shoes. They have this sense that they really need things to be a person in a very fundamental way,” said Ward.

“On top of that, there’s the constant absence of a primary caregiver. Children I’ve interviewed tell me: ‘After school we either lock ourselves in our houses, while our mums work, or we go on the street, where we face the choice of either joining a gang or becoming a victim of one.’”

Dr Charlene Swartz, youth researcher at the Human Sciences Research Council, said almost all children agreed that it was wrong to hurt people. “Some kids tell me it’s okay to steal from the wealthy because they’ve got insurance.

“Suburban kids tell me they just don’t have the time to do wrong things – their schedules are full of activities and there’s so much surveillance around them. Clearly, we have to keep all our children occupied,” she said.

Ann Skelton, co-ordinator for the Centre for Child Law, said that while the numbers were cause for concern, arrests of children had increased only slightly since 2001.

Burton said incidents of antisocial behaviour, from threatening SMS messages to assault, were increasing “generally in line with the rise we’re seeing in Western countries, especially the UK”.

Source: <http://www.thetimes.co.za/News/Article.aspx?id=974575>

3.3.4 Risk factors contributing to a delinquent career

One of the most important longitudinal studies on the continuity of crime is the Cambridge Youth Survey conducted in England by David Farrington. In this study, the offending careers of 411 London boys born in 1953 were studied and followed (Siegel & Welsh 2009:258). The results of the Cambridge study show that many of the same patterns found in the United States are repeated in a cross-national sample, namely the existence of chronic offenders, the continuity of offending, and early onset of criminal activity. Each of these patterns leads to persistent criminality.

Farrington (in Siegel & Welsh 2009:87) found that the traits present in persistent offenders can be observed as early as the age of eight. Chronic offenders often begin with property offences, are born into large low-income families headed by parents who have criminal records, and have older delinquent siblings. They receive poor parental supervision, including the use of harsh or erratic punishment and childrearing techniques. The parents are likely to be divorced or separated. By the age of eight the child exhibits antisocial behaviour, including dishonesty and aggression. At school, chronic offenders tend to have low educational achievement, and are restless, troublesome, hyperactive, impulsive, and often play truant. After leaving school at the age of 18, the persistent offender tends to take a relatively well-paid but low-status job, but is likely to have an erratic work record and periods of unemployment. The chronic offender tends to associate with friends who adhere to similar delinquent values and are prone to be in conflict with the law. In accordance with the criminal career paradigm, such delinquent careers, antisocial behaviour and criminality are not simply the result of individual traits or tendencies but develop over time within an individual (Soothill, Fitzpatrick & Francis 2009:27).

Furthermore, Farrington (Siegel et al. 2003:146) also found that deviant behaviour tends to be associated with general antisocial behaviour patterns. This means that these offenders not only commit crimes, but also engage in behaviour that is classified as antisocial, such as violence, vandalism, drug use, abuse of substances (alcohol and drugs), reckless driving and sexual promiscuity. These characteristics point to a generalised problem behaviour syndrome.

Loeber (in Siegel & Welsh 2009:185) identifies three paths of antisocial behaviour that, during the developmental process of a child, may lead to a delinquent career, namely conflict pathway, covert pathway and overt pathway.

- The conflict pathway commences from an early age and, characteristically, begins with stubborn and rebellious behaviour as a child. This is often followed by deviancy or disobedience, eventually culminating in authority avoidance (staying out late, truancy and running away). Defiance of parents and other authority figures can lead to more serious offences in later developmental stages.
- The covert pathway commences with minor “underhand” behaviour such as lying and shoplifting. This, later on, expands into property damage and eventually escalates into more serious forms of delinquency.
- The overt pathway is depicted by the escalation of delinquent acts, commencing with aggression, for example bullying, leading to physical fighting and, ultimately, violence.

Although each of these paths can give rise to delinquency, more often two to all of these pathways are followed simultaneously, bringing about a criminal career. Further

findings indicate that an initial display of high levels of antisocial behaviour in children is likely to persist throughout life. In contrast with this, children with lower levels of antisocial behaviour tend to desist from offending. Aggression was furthermore found to be an important predictor of continued problematic behaviour and criminal activity (Brown et al. 2001:432).

3.3.5 Risk factors based on South African research findings

The risk factors mentioned in the previous section are also applicable to South African youth. However, in South Africa there are also other risk factors that contribute to juvenile offending, such as children who run away from home and become street children, lack of parental guidance as a result of Aids, juveniles who join criminal gangs, especially in the Cape Flats area, and children who become involved in syndicates where they are used for hijacking cars and smuggling drugs. Youngsters who become drug addicts may also be heading for a criminal career in order to sustain their illegal but expensive habit. They are forced to commit crimes such as burglary and theft, and often become involved in prostitution in order to buy drugs and make a living.

Maree (2003:74) refers to a study carried out in 1998 as part of the Family Preservation Pilot Project at Inanda, a low-income area near Durban in KwaZulu-Natal. According to this study, youths who came into conflict with the law, originated from families with relationship problems. Among males, it was often found that they had stepfathers and that they did not have a good relationship with either the stepfather or the natural father.

Most of the youth had difficulties at school and were characterised by frequent absenteeism and dropping out of school. Other common problems were related to substance abuse, lack of social skills, involvement in a gang and running away from home. With regard to female misbehaviour, the problems involved sexual conduct, substance abuse and uncontrollable behaviour. The females often had sexual relationships with older men and they did not get on well with their own mothers.

A South African study by Schiff and Louw (in Maree 2003:75) points out characteristics associated with youth misbehaviour, which include violent behaviour at school, fire setting with the intent to cause damage, a tendency to hit non-living objects when frustrated, a low frustration tolerance and poor control over violent impulses, suicide attempts and enuresis (bedwetting).

Padayachee (in Maree 2003:75) identifies risk factors such as poor education, limited provision for children's basic needs, abandonment and negligence, various forms of abuse, lack of supervision, low socioeconomic status and overcrowding. Other factors include lack of community involvement, awareness of freedom and rights but no sense of responsibility, child prostitution and lack of spirituality.

Shaw and Tshiwula (in Maree 2003:75) found that the following factors increase the risk of youth misbehaviour: poverty, harsh or erratic discipline, poor supervision, early indications of aggressive behaviour, parental conflict, family violence, lack of jobs, inadequate schooling and truancy.

Burton (2007:2), in exploring the causes of youth violence in South Africa, found that South African children are the victims of robbery, assault, shootings, rape and murder on a daily basis but, more than that, in many of these cases children and youths

are often themselves the perpetrators of this violence and crime. Violence often occurs in realms traditionally considered “safe zones”, such as schools, homes, open spaces, shopping malls or any private or public space where young people might find themselves. Empirical evidence has shown that the implications of this violence are profound because young people who are exposed to violence at such a young age are more likely themselves to get caught up in cycles of violence, both as repeat victims and as potential perpetrators of violence. According to Burton (2007:3), risk factors associated with youth violence in South Africa are the following:

- Exposure to violence at every level (in the news, on television and the radio and in films and computer games) entrenches violent behaviour.
- The apartheid regime led to an alienated generation for whom violence was the only legitimate means of achieving change.
- The fundamental dislocation of society under apartheid resulted in a generation of future parents who themselves were products of an abnormal society and fragmented family structure, thus lacking the vital parenting skills required to raise healthy children.
- The impact of increasingly available drugs and alcohol, in particular tik (methamphetamine), is also blamed for the violence that South Africa is witnessing among its young people with the rise in related gang activity – particularly in the Western Cape and Gauteng.

Ward (in Burton 2007:6) furthermore postulates that children who have beliefs or attitudes that favour deviant behaviour, such as substance use, violence, rule-breaking or cheating, are more prone to aggression since they tend to internalise the expectations that violence will be rewarded. Furthermore, young people who have positive attitudes towards substance use are more likely to engage in aggressive behaviour. As an example, Burton states that children living in communities in Cape Town where gang activity is endemic report that substance use provides a route into gang membership. Once addiction begins, these children or youths may start to sell drugs on behalf of a gang in order to acquire their own drugs, eventually turning to a life of crime and violence in order to meet the demands of the gang. In this regard, a recent study of male arrestees in South Africa found that 65% of those under the age of 20 tested positive for drug use. National data also confirm high rates of youth drinking. According to the latest National Youth Risk Behaviour Survey, 29% of males and 18% of females in Grades 8 and 11 reported binge drinking in the month preceding the survey. A longitudinal study found that previous violent behaviour and current use of illicit drugs together form the most robust predictor of violent behaviour.



ACTIVITY 3.3.2

Why do you need to do this activity?

- To establish whether you can identify the primary causes of violence among youths in South Africa.

Instructions

- Read the following influential research report and identify the primary causes of violence among youths in South Africa. Write down your findings in your workbook.

Burton, P (ed). 2007. *Someone stole my smile: an exploration into the causes of youth violence in South Africa*. Centre for Justice and Crime Prevention. Monograph Series, no 3, Cape Town. Available at: <https://www.issafrica.org/crimehub/uploads/stolensmile.final.pdf>

FEEDBACK ON ACTIVITY 3.3.2

See article in activity 3.3.2 as well as section 3.3.5



ACTIVITY 3.3.3

Why do you need to do this activity?

- To establish whether you can identify the risk factors contributing to criminal behaviour, and the protective factors that might prevent the youth from becoming involved in such behaviour.

Instructions

- Think about the school and/or educational system you attended and the community you grew up in. Identify the risk and protective factors in these systems that are associated with the causation from and desistance from crime. List your findings in your workbook.

FEEDBACK ON ACTIVITY 3.3.3

No specific feedback.

3.3.6 Factors contributing to desisting from criminal activities

Criminal, delinquent and violent behaviour in young people results from a complex interaction of risk and protective factors in different environments and over time, all of which influence the way in which children learn behaviours. These factors can be found in individual children, in their families, peer groups and neighbourhoods, and in the broader socio-political context in which all of these factors are nested. Children who are exposed to more risk than protective factors are more likely to use violence or become involved in delinquent or criminal activities, while children who are exposed to more protection than risk are more likely to develop pro-social behavioural repertoires. As the number and intensity of risk factors increase, so does the likelihood of crime and aggression (Burton 2007:6–7).

Farrington (Siegel et al. 2003:146) identified factors that predict the discontinuity of criminal offences. He found that people who exhibit these factors have backgrounds that put them at risk of becoming offenders. However, it was found that either they are able to remain non-offenders or they begin a criminal career and then later desist.

The factors that protect high-risk youths from starting criminal careers include having a somewhat shy personality, having few friends at age eight, having non-deviant families, and being highly regarded by their mothers. Shy children with few friends avoided damaging relationships with other adolescents (members of a high-risk group) and were therefore able to avoid criminality.

Research findings indicated that holding a relatively good job helped reduce criminal activity. Conversely, unemployment seemed to be related to the escalation of theft offences. Violence and drug abuse were unaffected by unemployment. Getting married also helped diminish criminal activity. Being married to a spouse who was also involved in criminal activity, and who had a criminal record, increased criminal involvement.

Physical relocation helped some offenders desist from criminal tendencies, because they were forced to sever ties with co-offenders. Leaving the city for a rural or suburban area was linked to reduced criminal activity. Although employment, marriage and relocation helped potential offenders to desist, not all could successfully reintegrate into society.

At-risk youths who managed to avoid criminal convictions were unlikely to avoid other social problems. Rather than becoming prosperous home owners with flourishing careers, they tended to live in unkempt homes and have large debts and low-paying jobs. They were also more likely to remain single and live alone. Youths who had experienced social isolation at age eight were also found to experience it at age 32.

Farrington's theory (in Siegel et al. 2003:147) suggests that life experiences shape the direction and flow of behavioural choices. He finds that while there may be continuity in offending, the factors that predict criminality at one point in life may not be the ones that predict criminality at another stage of life. Although most adult criminals begin their careers in childhood, life events may help some children forego criminality as they mature.

In relation to violence and violent offending, Ward (in Burton 2007:7) states that children whose attitudes are pro-social are less likely to behave violently. Furthermore, children who engage in religious practices (especially those that are practised privately, such as prayer and Scripture reading) are consistently found to show lower levels of deviance. Although the mechanism by which religious involvement protects against deviance is not well understood, it is believed that exposure to norms that discourage deviance, and the influence of a peer group that models pro-social attitudes and behaviours, acts as a protective factor that contributes to desisting from criminal and delinquent activities.



ACTIVITY 3.3.4

Why do you need to do this activity?

- To establish whether you understand the factors that contribute to desisting from criminal behaviour, as discussed in paragraph 3.3.6

Instructions

- Make a list in your workbook of positive factors in your life that kept you on the right track as a teenager and which assisted you in making the right decisions that have helped you to become successful in life.

FEEDBACK ON ACTIVITY 3.3.4

See section 3.3.6

3.3.7 Conclusion

In this learning unit we have examined some of the risk factors contributing to youth misbehaviour. The results of the longitudinal Cambridge Youth Study conducted in London were discussed in detail. These results were compared with other studies in this field that support these findings. In addition individual, family and community-related risk factors associated with the causation of crime were discussed.

We also discussed the risk factors for youth misbehaviour identified by researchers who have conducted studies in South Africa. The high incidence of Aids in this country, as well as the increase in the number of street children as a result of lack of parental care, put a great number of juveniles at risk of becoming involved in criminal activities.

Finally, factors that help to reduce criminal activities were discussed.

3.3.8 Self-assessment questions

Paragraph type questions

- (1) Define the term “risk factor”. (5)
- (2) Analyse individual, family and community-based risk factors that could contribute to youth misbehaviour. (15)
- (3) Describe specific risk factors contributing to youth misbehaviour in South Africa. (10)
- (4) Identify factors that may contribute to desisting from criminal activities. (10)

Multiple-choice questions

- (1) Read the following statement and identify the missing word(s):
The role that ... can play as a criminogenic risk factor is based on research which found that the criminal or antisocial behaviour of parents acts as one of the primary risk factors for criminal behaviour in children.
 - (a) socialisation
 - (b) hereditary factors
 - (c) family
 - (d) predisposing factors
- (2) During his research, Sheldon (in Hunter & Dantzker 2002:50) identified three basic body types (somatotypes) namely endomorphs, mesomorphs and ectomorphs. According to Sheldon’s somatotypes delinquent boys are mainly ...
 - (a) endomorphs
 - (b) mesomorphs
 - (c) ectomorphs
 - (d) All of the above
- (3) Personality can be defined as ...
 - (a) a unique relatively stable and consistent behaviour pattern, including emotions and behaviour, that distinguishes one person from another
 - (b) a unique relatively stable and consistent behaviour pattern, including behaviour and thoughts, that distinguishes one person from another
 - (c) a unique relatively stable and consistent behaviour pattern, including emotions and actions, that distinguishes one person from another

- (d) a unique relatively stable and consistent behaviour pattern, including emotions and thoughts, that distinguishes one person from another
- (4) What type of impact do physiological disorders have on a person's functioning?
 - (a) biological (genetic) and psychological influences on human behaviour as well as a labelling impact
 - (b) social and psychological influences on human behaviour as well as a labelling impact
 - (c) biological and psychosocial influences on human behaviour as well as a labelling impact
 - (d) social and biological influences on human behaviour as well as a labelling impact
- (5) Lykken (in Schoeman 2002:99) is of the opinion that socialisation comprises three principal components, namely:
 - (a) conscientiousness, pro-sociality and acceptance of adult discipline.
 - (b) conscientiousness, values and acceptance of adult control.
 - (c) conscientiousness, pro-sociality and acceptance of adult responsibility.
 - (d) conscientiousness, values and submission to adult control.
- (6) In relation to family functioning, criminal risk factors can be associated with ...
 - (a) interfamilial abuse, criminality and offending
 - (b) interpersonal relationships, functioning and socialisation within the family
 - (c) family structure, size and composition
 - (d) family structure, functioning and relationships
- (7) Parental neglect is associated with and includes child abuse and is often associated with the ...
 - (a) deprivation of the child's physical needs
 - (b) deprivation of the child's social needs
 - (c) deprivation of the child's emotional needs
 - (d) deprivation of the child's psychosocial needs
- (8) Being psychologically present literally implies that a child will ...
 - (a) consciously, or unconsciously, evaluate behaviour against their parents' opinion of that particular act
 - (b) consciously, or unconsciously, evaluate behaviour against their society's opinion of that particular act
 - (c) consciously, or unconsciously, evaluate behaviour against their community's opinion of that particular act
 - (d) consciously, or unconsciously, evaluate behaviour against their peers' opinion of that particular act
- (9) According to Bartol and Bartol (2005) ... is one of the strongest predictors of adolescent violence for both males and females.
 - (a) alcohol and drug abuse
 - (b) poverty
 - (c) family criminality
 - (d) childhood aggression

- (10) Loeber (in Siegel & Welsh 2009:185) identified three paths of antisocial behaviour that, during the developmental process of a child, may lead to a delinquent career, namely:
- (a) conflict pathway, covert pathway and overt pathway
 - (b) social pathway, covert pathway and overt pathway
 - (c) conflict pathway, aggressive pathway and overt pathway
 - (d) conflict pathway, covert pathway and hidden pathway

3.3.9 Feedback on activities

ACTIVITY 3.3.1

See article in activity 3.3.1, section 3.3.3.3

ACTIVITY 3.3.2

See article in activity 3.3.2, section 3.3.5

ACTIVITY 3.3.3

No feedback

ACTIVITY 3.3.4

See section 3.3.6

3.3.10 Feedback on self-assessment questions

Paragraph-type questions

- (1) Refer to section 3.3.2. Risk factors can be defined as the characteristics of the individual or the circumstances that are associated with a harmful or otherwise negative outcome.
- (2) All the individual, family and community-based risk factors are discussed in section 3.3.3.
- (3) Specific risk factors contributing to youth misbehaviour in South Africa are discussed in section 3.3.4.
- (4) Factors contributing to desisting from criminal activities are discussed in section 3.3.6.

Multiple choice questions

- (1) (b)
- (2) (b)
- (3) (d)
- (4) (a)
- (5) (c)
- (6) (b)
- (7) (c)
- (8) (a)
- (9) (b)
- (10) (a)



THEME 4

Explanation of criminal behaviour



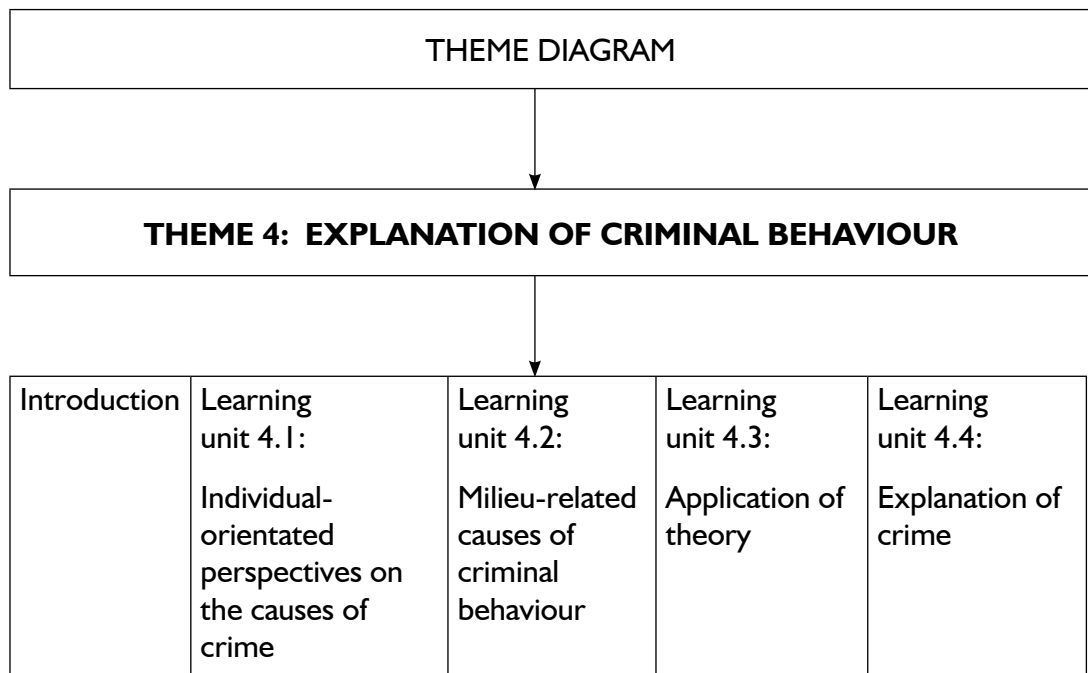
OUTCOMES FOR THE THEME

Demonstrate a comprehensive understanding of crime causation and explanation (risk factors that contribute to crime and theories that explain criminal behaviour).

ASSESSMENT CRITERIA

When you have completed this theme you should:

- understand the different dimensions (biological, psychological and social) of the causation of crime behaviour
- be able to describe the general and specific risk factors contributing to criminal behaviour
- be able to illustrate the application of crime theories in understanding criminal behaviour
- be able to use your knowledge about crime causation and explanation to solve well-defined problems presented in scenarios



INTRODUCTION

Theme 4 focuses on the causes of crime and their explanation. You are introduced to individualised perspectives on the causes for crime and we look at its biological, psychological and social dimensions. We also consider general and specific factors in the environment that lead to crime in South Africa. Examples of general factors are rapid urbanisation, political factors, the migrant labour system, the consequences of an inadequate educational system and welfare services inherited from the previous dispensation, the presence of large numbers of illegal immigrants, and poor weapon control. Some of the specific factors that are likely to contribute to crime in South Africa are poverty, unemployment and deprivation caused by apartheid, the marginalisation of youth, inadequate support for victims and gender inequality. We then look at the application of theory and discuss such matters as criteria for the assessment of a “good” theory and the use and classification of theories. Gottfredson and Hirschi’s general theory for the explanation of criminal behaviour is explained in readily understandable terms and assessed critically.

Crime is a complex phenomenon and explaining its many facets presents a formidable challenge. Criminologists have to answer questions such as why crime has assumed such serious dimensions in South Africa; why some people break the law, while others are law-abiding; and why some prosperous people – and not just those who are underprivileged – commit crimes.

South Africans are concerned about the problem of crime. People have certain assumptions about why the incidence of crime is so high in South Africa. They refer in particular to the high incidence of unemployment, broken families, poor education and the absence of religious convictions as significant causative factors. In other words, they construct a theory about criminal behaviour. However, a theory such as this is not sound because it is too simplistic. If the theory were correct, everyone in the above circumstances would be an offender. The opposite would also be true, namely that people who grow up in a sound family situation, who have strong religious convictions, and who associate with the right people would not become criminals. The latter is not

true, because self-reporting studies indicate that, at some stage or other, most young people do things which are against the law.

In this theme, we deal firstly with the causes of crime with reference to personal and environmental factors. Secondly, we focus on the explanation of crime by discussing the use of theories. We also provide a general theoretical explanation of crime.

LEARNING UNIT 4.1: INDIVIDUAL-ORIENTATED PERSPECTIVES ON THE CAUSES OF CRIME



The biological dimension
The psychological dimension
The social dimension

LEARNING UNIT 4.1

Individual-oriented perspectives on the causes of crime

- 4.1.1 Introduction
- 4.1.2 Key concepts
- 4.1.3 The biological dimension
- 4.1.4 The psychological dimension
 - 4.1.4.1 Cognitive component
 - 4.1.4.2 Emotional component
 - 4.1.4.3 Volitional component
- 4.1.5 The social dimension
 - 4.1.5.1 Family environment
 - 4.1.5.2 School environment
 - 4.1.5.3 Peer group influences
- 4.1.6 Conclusion
- 4.1.7 Self-assessment questions
- 4.1.8 Feedback on self-assessment questions



LEARNING OUTCOMES

When you have worked through this learning unit you should be able to:

- outline the biological dimension with regard to genetic factors, neurological factors and biochemical factors
- describe the three components of the psychological dimension
- identify factors within the family environment, school environment and peer group that may contribute to the development of criminal behaviour

4.1.1 Introduction

In general, human beings may be studied in terms of three different levels or dimensions: a biological dimension, a psychological dimension and a social dimension. The biological dimension includes genetic factors, neurophysiological factors and biochemical factors. The psychological dimension is subdivided into its cognitive component, its emotional or affective component and its volitional component. The social dimension deals with the family, school, peers and work environment.

The three dimensions should not be seen as separate compartments, because the dimensions are intertwined and constantly interact with and influence one another. In this learning unit we give a brief outline of each of these dimensions. They will be discussed in detail in the more advanced courses.

4.1.2 Key concepts

Biological dimension. The basic premise here is that certain people are born to be criminals through the inheritance of a genetic or physiological predisposition to crime. Environmental conditions are not ignored but viewed as potential triggers of the biological force (Eamonn et al. 2014:60).

Social learning approach. This is the view that people learn attitudes and techniques that are conducive to crime in both non-social and social situations from the positive reinforcement (reward) and negative reinforcement (punishment) that result from their own behaviour, whether that behaviour is criminal or law-abiding (Burke 2014:123, 300).

Rational choice perspective. This is a reward-risk approach that emphasises offenders' strategic thinking and the ways that they process information and evaluate opportunities and alternatives (Burke 2014:65).

Determinism. This is an assumption of positivism that says that individual differences in behaviour are rooted in factors beyond, or at least not entirely within, the control of individuals (Burke 2014:80).

Free will. This is the ability to make rational choices among possible actions, and to select one over the others. Proponents believe that offenders have free will and thus can be held responsible for their behaviour (Burke 2014:64).

4.1.3 The biological dimension

People are biological as well as social beings. Biology is the science of physical life and includes the study of all living cells. More specifically, biological factors relate to the

study of hereditary characteristics and physiological functioning that may be associated with criminal behaviour.

All human actions have a biological basis. Behaviour stems from a genetic predisposition, the activation of biological circuits and the release of various chemicals and hormones. Without biological processes, there would be no action or life (Franken 1998:25).

While the role of biological processes in crime is relatively minor and indirect, and these processes are not equally important in all types of crime, there is sufficient evidence to substantiate the fact that biological factors cannot be ignored (in the analysis of criminal behaviour). Nonetheless, an act may be called criminal only if it is regarded as criminal in a particular social context (Blackburn 1994:137).

The biological factors that play a role in criminal behaviour may be classified as genetic factors, neurophysiological factors and biochemical factors.

The genetic factors (please read case study 4.1 where the role of genetic factors in criminal behaviour is illustrated) that may play a role in criminal behaviour are those criminogenic characteristics which are inherited from the parents. Particular methods of investigation have been applied to determine which criminogenic factors may be attributed to genetics and which to environmental influences. Family studies, twin studies and adoption studies (which you will learn more about in the second-year course) have been conducted to investigate this. Genetic disorders that are related to criminal behaviour include chromosomal disorders, hyperactivity (attention deficit hyperactivity disorder), Tourette's syndrome (please read case study 4.2 where more light is cast on this syndrome) and other genetic behavioural disorders in juveniles. These disorders are significant contributory factors in antisocial behaviour.

Neurological factors which may contribute to criminal behaviour involve certain processes in the functioning of the human nervous system and brain. Eamonn et al. (2014:62) state that evidence exists that neurological defects are more common among excessively violent people than among the general population. Advanced scientific apparatus that makes it possible to study the functioning of the brain in living persons are the EEG (electroencephalogram), which measures brainwave activity, the CAT scanner, which takes photographs of the internal organs, including the brain, and the PET scanner which analyses the metabolism of the brain (Huffman, Vernoy & Vernoy 1994:68). EEG readings on some adult criminals are in fact similar to those of normal people at younger ages (Eamonn et al. 2014:62).

Other more recent brain scanning techniques using electronic imaging are Brain Electrical Activity Mapping (BEAM) and the Superconducting Quantum Interference Device (SQUID). These techniques have made it possible to determine which areas of the brain are directly linked to antisocial behaviour (Siegel 2004:145).

Children with behavioural disorders may be suffering from neurological disabilities such as brain damage. Many researchers have also found significant differences in the brain activity of criminals and non-criminals (Adler, Mueller & Laufer 1995:990).

Research findings have also indicated that violent criminals may have impairment in certain regions of the brain (Siegel 2004:145). A review of existing research by Nathaniel Palone and James Hennesy indicates that chronic violent criminals have far higher levels of brain dysfunction than the general population. The incidence of brain pathology in homicide offenders is 32 times greater than in the general population (Siegel 2004:145).

Minimal brain dysfunction (MBD), which is a learning disability, is also associated with antisocial tendencies. Organic brain disorders such as Alzheimer's disease and brain tumours can play a role in violent behaviour. Epilepsy (please read case study 4.3 where the role of epilepsy in criminal behaviour is illustrated) is another neurological disorder which can be linked to criminal behaviour.

Finally, biochemical factors may play a role in criminal behaviour. These are related to an individual's diet, blood chemistry, allergies, and so forth. Hypoglycaemia, for instance, is a condition where the blood sugar is very low, causing, among other things, anxiety, confusion and aggressive behaviour (Adler et al. 1995:98; Siegel 2004:142). Serotonin deficiency may be related to impulsiveness, crime and violence and an imbalance involving dopamine, noradrenaline and serotonin may be conducive to criminal behaviour (Eamonn et al. 2015:62). Recent research has found that diets high in sugar and carbohydrates could be linked to violence and aggression (Siegel 2004:142). Biocriminologists believe that, if diet could be improved, the frequency of violent behaviour would be reduced. However, there are many people who maintain diets high in sugar and carbohydrates but who do not manifest violence or criminal behaviour.

The functioning of the ductless glands and their hormones, which are secreted directly into the blood, has an important effect on human behaviour. The difference in the incidence of crime between men and women is ascribed, among other things, to the effect of the sex hormones. Various studies have shown the relationship between sex hormones and criminal behaviour (Fishbein 1990:48; Turner 1994:244).

Hormones cause areas of the brain to become less sensitive to environmental stimuli. High androgen levels create the need for excessive stimulation and the willingness to tolerate pain to experience a thrill (Siegel 2004:143).

Other androgen-related male traits include impulsivity, dominance and poorer verbal skills, which are also associated with antisocial behaviour.

Read the following excerpt from the Star (Sunday November 30, 2008) about nature versus nurture as an explanation for criminal behaviour. Reflect on the article and do activity 4.1.1.

NATURE, NURTURE AND NEUROCHEMISTRY



STRAY THOUGHTS by A ASOHAN

As we understand more about how the human brain works, society is going to face more moral and ethical dilemmas. My own moment of truth here: A couple of years ago I was diagnosed with clinical depression and was prescribed an antidepressant. It worked beautifully. I managed to shrug off some soul-shattering experiences, stave off minor suicidal tendencies, and keep my mood swings in check. I became a different person, in essence.

It's an uncomfortable feeling, knowing that the person you are can be so reliant on the neurochemical reactions playing out in your brain. True, they're not the only factors that determine who you are. Genetics and experiences also round off that particular equation. It's the old nature versus nurture debate. In the 20th century, there was a lot of philosophical discussion on whether people start as blank slates (tabula rasa in Latin) that are filled in by their life experiences, including their early learning, or whether their personalities are foretold by their genes.

But towards the end of the last century, with increasing advances in genetics, there was growing consensus that it's a combination of both. Or as one neuroscientist put it, your genetic code is the blueprint. Life experiences and the influences of your family and the society around you are the workmen who are going to interpret that blueprint to build, well, you. The chemicals in your brain and nervous system are the building material.

But who cares, right? Unlike say environmental and space sciences, stem-cell research and genetics, these are not issues anybody needs to worry about much. At least, not until we reach some kind of science-fiction type future. Well, that future is close. With all the media attention on information technology, medical sciences and genetics, few people are aware of the advances that the neurosciences have been making since the 1990s. We're mapping the human brain in greater detail and have a better understanding of how all those intricate connections work to create your mind. Just as importantly, scientists have a better handle of how things can go wrong.

In the late 1990s, US psychiatrist Dorothy Lewis and neurologist Jonathan Pincus conducted research that showed that violent criminal behaviour was connected to abusive childhoods (nurture, or lack thereof) and brain dysfunction, especially in the cortex, the area of the brain that manages rage and aggression, judgement, behaviour, and decision-making. In the course of her 20-year research project, Lewis had interviewed and studied nearly 200 murderers, including Mark David Chapman (the man who killed Beatle John Lennon in New York in 1980) and American serial killer Ted Bundy. Many of these murderers suffered from some sort of damage to the frontal lobes of the cortex.

Since then, more research has come out about how neurological abnormalities – whether congenital or from injuries – can result in violent behaviour or being unable to differentiate between right and wrong. Yes, there's even research into what areas of the brain help a person determine between right and wrong. Your sense of morality and ethics can be mapped, say some scientists, although the jury is still out on their findings. Aggression, suicide, impulsivity and alcoholism have all been linked to low levels of serotonin, a chemical that occurs naturally in the brain to regulate mood, arousal, aggression, impulse control, and sexual activity.

In *The psychopath: emotion and the brain* (Blackwell Publishing, 2005), James Blair, Derek Mitchell and Karina Blair wrote that psychopathy arises from a dysfunction of the amygdala, the brain region responsible for processing emotions. Yup, when it comes to violent crime, the amygdala is queen (with apologies to Natalie Portman).

So, if it's all down to neurochemicals and brain dysfunction, can we “cure” humanity of crime?

According to many neuroscientists, yes, we may be able to. In fact, many are working on drugs to help balance the cocktail of neurochemicals and hormones that if untreated could lead to undesirable behaviour. There is also greater understanding of how different regions of the brain can be harnessed to compensate for damage to other regions.

One day, we will be able to cure our criminals. Would we want to? Do we want to rehabilitate or punish our criminals? If that man who tortured and raped an eight-year-old girl can be cured, would we want to? Or would we rather exact revenge? And if we can use drugs to prevent such behaviour, would we want to? Would we want to alter minds with chemicals? Would it be right to do so?

Source: <http://www.thestar.com.my/columnists/story.asp?file=/2008/11/30/columnists/straythoughts/2647144&sec=straythoughts>



ACTIVITY 4.1.1

Why do you need to do this activity?

- To establish your opinion on the debate on nature versus nurture as an explanation for criminal behaviour.

Instructions

- Read the above article from the Star (2008). Reflect on the article and give your opinion on nature versus nurture as an explanation for criminal behaviour to a friend or a fellow student.

FEEDBACK ON ACTIVITY 4.1.1

No specific feedback as student responses will differ.



ACTIVITY 4.1.2

Why do you need to do this activity?

- To see in which school of thought in criminology you would place the biological dimension.

Instructions

- Page back to theme 1, dealing with the various schools of thought in criminology. Compare the classical school (classic criminology) with the positivist school of thought (positivist criminology). Where would you place the biological dimension? Give reasons for your answer.

FEEDBACK ON ACTIVITY 4.1.2

Positivist school of thought. Reason: The Biological dimension supports a deterministic viewpoint.

4.1.4 The psychological dimension

This dimension may be subdivided into its cognitive component, emotional component and volitional component.

4.1.4.1 Cognitive component

Cognitive processes are those associated with knowing. Cognition involves thinking, perceiving, abstracting, synthesising, organising and conceptualising the nature of the external world and the self (Franken 1998:40). According to Cincero (2015:1), cognitive processes affect a person's behaviour and, similarly, the execution of such behaviour can modify the way he/she thinks. In addition, Social Cognitive Theory states that new experiences are to be evaluated by the learner by means of analysing his/her past experiences with the same determinants. Learning, therefore, is a result of a thorough evaluation of the present experience versus the past (Cincero 2015:2).

The main elements in the process of cognition are the following:

- awareness and observation
- the learning process
- memory
- thinking

(a) **Components of social cognition associated with criminal behaviour**

A number of components of social cognition have been associated with criminal behaviour. We describe these briefly below.

(i) **Empathy**

According to Hollin (1992:62), the ability to see things from another person's point of view, in other words, to show empathy, is an important part of social cognition. A number of scientific studies have indicated that habitual offenders do not score highly on measures of empathy.

(ii) **Locus of control**

The term "locus of control" means the degree to which individuals perceive their behaviour to be under their own control or under the control of external forces, such as people in a position of authority, the government, and so on. Some studies have indicated that offenders tend to see themselves as being externally controlled. They see their behaviour as being caused and maintained by forces outside their own personal control. Research has shown that violent young offenders tend to display greater external control than non-violent young offenders (Hollin 1992:62).

(iii) **Moral reasoning**

Moral reasoning is a part of social cognition that relates to criminal behaviour in young people. Delinquency appears to be associated with a delay in the development and maturation of moral reasoning. The young individuals have not yet developed the cognitive ability to control and resist the temptation to commit crime.

(iv) **Self-control and impulsiveness**

Lack of self-control is often linked to impulsive behaviour, which can be described as the failure to stop and think between impulse and action. According to some studies, delinquents are characterised by high levels of impulsivity. However, not all studies have found this link between low self-control and delinquency (Hollin 1992:63).

(v) **Social problem solving**

According to a number of scientific studies, offenders, compared with non-delinquents, use a more limited range of alternatives to solve interpersonal problems and rely more on verbal and physical aggression. This appears to be the case for male as well as female offenders (Hollin 1992:63). Violent people tend to have cognitive deficiencies that make it difficult for them to come up with non-aggressive solutions to interpersonal conflicts and disputes (Bartol & Bartol 2005:255).

(vi) **Mind-set of offenders**

In their analysis of the criminal personality, Yochelson and Samenow (in Blackburn 1994:202–204) stress cognition and base their findings on comprehensive interviews with 240 male offenders. These researchers regard criminality as a continuum covering a wide variety of thought processes. The non-criminal end of the continuum

is defined as responsible thinking and activities. This mind-set represents the thought patterns of people who behave in a basically moral way, who meet their obligations and who operate within the law. At the other end of the continuum they place offenders who have a wrong or distorted pattern of thinking.

(b) **Cognitive approaches to explain criminal behaviour**

A number of theoretical approaches have been developed which are based on the cognitive component of human behaviour. These ideas are known as cognitive theories. A theory tries to make sense of observations and attempts to explain the relationship between two or more factors or variables in such a way that the theory can be tested (verified) (Reid 2003:60). In this section, the theory of moral development, the social learning approach and the rational choice approach are discussed.

(i) **Moral development**

For criminologists, the theory of moral reasoning formulated by Lawrence Kohlberg, social learning theories and rational choice theories are of great importance. It is possible that serious offenders have a moral orientation that differs from that of law-abiding citizens (Siegel 2004:157).

The theory holds that moral reasoning, the basis for ethical behaviour, has six identifiable developmental stages, each more adequate at responding to moral dilemmas than its predecessor. Kohlberg determined that the process of moral development was principally concerned with justice, and that it continued throughout the individual's lifetime (Walsh 2015:215).

The six stages of moral development are grouped into three levels: pre-conventional morality, conventional morality, and post-conventional morality. Each primary stage is divided into sub-stages (Bartol 1995:13). Serious offenders are more likely to be classified on the lowest levels of moral reasoning (Siegel 2004:160, Walsh 2015:211–232).

Brief summary of Kohlberg's theory:

The essence of Kohlberg's (1971) theory may be summarised in the following brief exposition of the different levels and stages of moral development (Walsh 2015:211–232).

The understanding gained in each stage is retained in later stages, but may be regarded by those in later stages as simplistic, lacking in sufficient attention to detail.

I Pre-conventional level

The pre-conventional level of moral reasoning is especially common in children, although adults can also exhibit this level of reasoning. Reasoners at this level judge the morality of an action by its direct consequences. The pre-conventional level consists of the first and second stages of moral development and is solely concerned with the self in an egocentric manner. A child with pre-conventional morality has not yet adopted or internalised society's conventions regarding what is right or wrong but instead focuses largely on external consequences that certain actions may bring.

In **Stage one** (obedience and punishment driven), individuals focus on the direct consequences of their actions on themselves. For example, an action is perceived as morally wrong because the perpetrator is punished. “The last time I did that I got spanked, so I will not do it again.” The worse the punishment for the act is, the more “bad” the act is perceived to be. This can give rise to an inference that even innocent victims are guilty in proportion to their suffering. It is “egocentric,” lacking recognition that others’ points of view are different from one’s own. There is “deference to superior power or prestige.”

An example of obedience and punishment-driven morality would be a child refusing to do something because it is wrong and that the consequences could result in punishment. For example, a child’s classmate tries to dare the child to skip school. The child would apply obedience and punishment driven morality by refusing to skip school because he/she would be punished. Another example of obedience and punishment driven morality is when a child refuses to cheat on a test because he/she would be punished.

Stage two (self-interest driven) expresses the “what’s in it for me” position, in which right behaviour is defined by whatever the individual believes to be in their best interest, but understood in a narrow way which does not consider one’s reputation or relationships to groups of people. Stage two reasoning shows a limited interest in the needs of others, but only to a point where it might further the individual’s own interests. As a result, concern for others is not based on loyalty or intrinsic respect, but rather a “You scratch my back, and I’ll scratch yours” mentality. The lack of a societal perspective in the pre-conventional level is quite different from the social contract (stage five) as all actions have the purpose of serving the individual’s own needs or interests. For the stage two theorist, the world’s perspective is often seen as moral relativism.

An example of being self-interest driven is when a child is asked by his parents to do a chore. The child asks “what’s in it for me?” The parents would offer the child an incentive by giving a child an allowance to pay him/her for the chores. The child is motivated by self-interest to do chores. Another example of self-interest driven is when a child does his/her homework in exchange for better grades and rewards from his parents.

II Conventional level

The conventional level of moral reasoning is typical of adolescents and adults. To reason in a conventional way is to judge the morality of actions by comparing them to society’s views and expectations. The conventional level consists of the third and fourth stages of moral development. Conventional morality is characterised by an acceptance of society’s conventions concerning right and wrong. At this level, an individual obeys rules and follows society’s norms even when there are no consequences for obedience or disobedience. Adherence to rules and conventions is somewhat rigid, however, and a rule’s appropriateness or fairness is seldom questioned.

In **Stage three** (good intentions as determined by social consensus), the self enters society by conforming to social standards. Individuals are receptive to approval or disapproval from others as it reflects society’s views. They try to be a “good boy” or “good girl” to live up to these expectations, having learned that being regarded as good benefits the self. Stage three reasoning may judge the morality of an action by evaluating its consequences in terms of a person’s relationships, which now begin to

include things like respect, gratitude, and the “golden rule”. “I want to be liked and thought well of; apparently, not being naughty makes people like me.” Conforming to the rules for one’s social role is not yet fully understood. The intentions of actors play a more significant role in reasoning at this stage; one may feel more forgiving if one thinks, “they mean well ...”

In **Stage four** (authority and social order obedience driven) it is important to obey laws, dictums, and social conventions because of their importance in maintaining a functioning society. Moral reasoning in stage four is thus beyond the need for the individual approval exhibited in stage three. A central ideal or ideals often prescribe what is right and wrong. If one person violates a law, perhaps everyone would – thus there is an obligation and a duty to uphold laws and rules. When someone does violate a law, it is morally wrong; culpability is thus a significant factor in this stage as it separates the bad domains from the good ones. Most active members of society remain at stage four, where morality is still predominantly dictated by an outside force.

III Post-conventional level

The post-conventional level, also known as the principled level, is marked by a growing realisation that individuals are separate entities from society, and that the individual’s own perspective may take precedence over society’s view; individuals may disobey rules inconsistent with their own principles. Post-conventional moralists live by their own ethical principles – principles that typically include such basic human rights as life, liberty, and justice. People who exhibit post-conventional morality view rules as useful-but-changeable mechanisms – ideally, rules can maintain the general social order and protect human rights. Rules are not absolute dictates that must be obeyed without question. Because post-conventional individuals elevate their own moral evaluation of a situation over social conventions, their behaviour, especially at stage six, can be confused with that of those at the pre-conventional level. Some theorists have speculated that many people may never reach this level of abstract moral reasoning.

In **Stage five** (social contract driven), the world is viewed as holding different opinions, rights, and values. Such perspectives should be mutually respected as unique to each person or community. Laws are regarded as social contracts rather than rigid edicts. Those that do not promote the general welfare should be changed when necessary to meet “the greatest good for the greatest number of people”. This is achieved through majority decision and inevitable compromise. Democratic government is ostensibly based on stage five reasoning.

In **Stage six** (universal ethical principles driven), moral reasoning is based on abstract reasoning using universal ethical principles. Laws are valid only insofar as they are grounded in justice, and a commitment to justice carries with it an obligation to disobey unjust laws. Legal rights are unnecessary as social contracts are not essential for deontic moral action. Decisions are not reached hypothetically in a conditional way but rather categorically in an absolute way, as in the philosophy of Immanuel Kant. This involves an individual imagining what they would do in another’s shoes if they believed what that other person imagines to be true. The resulting consensus is the action taken. In this way, action is never a means but always an end in itself; the individual acts because it is right, and not because it avoids punishment, is in their best interest, expected, legal, or previously agreed upon. Although Kohlberg insisted that stage six exists, he found it difficult to identify individuals who consistently operated at that level.

Read the following case study. Reflect on the article and do activity 4.1.3.



CASE STUDY 4.4

A senior staff member in the personnel department of a well-known company, Mr X, has summoned a newly appointed, eighteen-year-old contract worker, Michelle, to his office and has told her bluntly: “If it were not for my intervention, you would not have been appointed in this position. This company does not need people like you. Favours like this do not come free. There is a price attached to this favour. You have to satisfy me.” He continues by telling her in no uncertain terms that she should do “things” to him to make him happy. Furthermore, she should always keep in mind that he can employ her for as long as he wishes and can terminate her services whenever he sees fit. Eventually Mr X is accused of sexual harassment, found guilty by an internal disciplinary committee and fired from his job.



ACTIVITY 4.1.3

Why do you need to do this activity?

- To establish at which level and stage of moral development you would place the offender in the above case study (case study 4.4).

Instructions

- Study section 4.1.4.1 and read case study 4.4 above. Decide on which level and in which stage of moral development you would place the offender in the case study.

FEEDBACK ON ACTIVITY 4.1.3

The pre-conventional level, Stage 2: The instrumental relativistic orientation.

(ii) Social learning approach

Albert Bandura, Richard Walters and Ronald Akers are three of the best-known representatives of the social learning approach (Burke 2014:123; 266). These researchers maintain that children model their behaviour on the responses that they evoke from other people, such as their parents, and on the behaviour of people they view in television programmes or in the movies (Siegel & Senna 1991:103). Bandura identified three major types of model, namely family members, members of one’s subculture, and symbolic models provided by the mass media (Bartol & Bartol 2005:249). When a child sees aggression, for example violent acts between his or her parents, and notices that violence produces positive results, such as winning an argument, the child will be inclined to react in the same way in similar circumstances. The family serves as a learning model for aggressive behaviour in cases where physical violence plays a prominent role. According to Bandura, aggressive behaviour in adolescents is the result of a distorted dependency relationship with the parents. The children experience frustration and rage if the parents are poor role models and withhold love and care from them (Siegel & Senna 2003:87).

In social learning theory, Albert Bandura (1977) argues that behaviour is learned from the environment through the process of observational learning (McLeod 2011:2). Bandura (1977) believes that humans are active information processors and think

about the relationship between their behaviour and its consequences. Observational learning could not occur unless cognitive processes were at work. Children observe the people around them behaving in various ways. This is illustrated during Bandura's (1961) famous Bobo Doll experiment which vividly exemplifies the narrative below, as related by McLeod (2011:2).

Individuals that are observed are called models. In society, children are surrounded by many influential models, such as parents within the family, characters on children's TV, friends within their peer group and teachers at school. These models provide examples of behaviour to observe and imitate, e.g. masculine and feminine, pro and anti-social and so on.

Children pay attention to some of these people (models) and encode their behaviour. At a later time they may imitate (i.e. copy) the behaviour they have observed. They may do this regardless of whether the behaviour is "gender appropriate" or not, but there are a number of processes that make it more likely that a child will reproduce the behaviour that its society deems appropriate for its sex.

Firstly, the child is more likely to pay attention to and imitate those people it perceives as similar to itself. Consequently, it is more likely to imitate behaviour modelled by people of the same sex.

Secondly, the people around the child will respond to the behaviour it imitates with either reinforcement or punishment. If a child imitates a model's behaviour and the consequences are rewarding, the child is likely to continue performing the behaviour. If parent sees a little girl consoling her teddy bear and says "what a kind girl you are", this is rewarding for the child and makes it more likely that she will repeat the behaviour. Her behaviour has been reinforced (i.e. strengthened). Reinforcement can be external or internal and can be positive or negative. If a child wants approval from parents or peers, this approval is an external reinforcement, but feeling happy about being approved of is an internal reinforcement. A child will behave in a way which it believes will earn approval because it desires approval. Positive (or negative) reinforcement will have little impact if the reinforcement offered externally does not match with an individual's needs. Reinforcement can be positive or negative, but the important factor is that it will usually lead to a change in a person's behaviour.

Third, the child will also take into account of what happens to other people when deciding whether or not to copy someone's actions. This is known as vicarious reinforcement. This relates to attachment to specific models that possess qualities seen as rewarding. Children will have a number of models with whom they identify. These may be people in their immediate world, such as parents or older siblings, or could be fantasy characters or people in the media. The motivation to identify with a particular model is that they have a quality which the individual would like to possess. Identification occurs with another person (the model) and involves taking on (or adopting) observed behaviours, values, beliefs and attitudes of the person with whom you are identifying.

The term identification, as used in social learning theory, is similar to the Freudian term related to the Oedipus complex. For example, they both involve internalising or adopting another person's behaviour. However, when the Oedipus complex is in play, the child can identify with the same sex parent only, whereas with social learning theory the person (child or adult) can potentially identify with any other person.

Identification is different to imitation as it may involve a number of behaviours being adopted, whereas imitation usually involves copying a single behaviour.

(iii) Rational choice approach

This third cognitive perspective is based on the premise that people are reasonable beings who think rationally and first weigh up the advantages and disadvantages of a particular action before performing it. This approach focuses on individual crimes in particular. The emphasis is on the processes whereby individuals initially decide to commit a crime, then proceed with it and, eventually, decide to stop. The element of choice involves assessing the rewards and risks attached to committing a crime (Conklin 2004:228). In the case of theft, the advantages may include financial gain, the excitement of being able to commit a successful crime or “free board and lodging” if the person is caught and imprisoned. The risks attached to theft are being caught and punished, being dismissed from work, the cost of buying equipment to commit the theft, the fear of being caught and the stigma of being labelled as a criminal. While traditional criminology tended to see criminals driven by their conditioning and environment, more recent economics-based theories portray them as rational decision-makers who base their decisions to commit crimes on an analysis of the risks of the venture compared with the expected profits. That is, the criminal does a cost-benefit analysis (Piquero & Hickman 2002).

The foundation of the rational choice perspective is that crime is chosen for its benefits. Rational choice theory asserts that if the benefits of crime are high and the costs low, crime will occur. However, if the benefits of crime are lower than the costs, crime will not occur. An implication of this theory, then, is that if the costs of a crime are made to be high, would-be rational offenders will be restrained or deterred from committing it (Paternoster & Bachman in Gul 2009: 37-8). At the heart of the rational choice perspective lies the assumption that criminal and delinquent offenders are goal-oriented and seek to exhibit a measure of rationality –on some level they consider the potential costs and benefits of crime and act accordingly (Gul 2009:38).

4.1.4.2 Emotional component

The psychological dimension consists of three components, namely the cognitive component, the emotional component and the volitional component. In this section, the second component of the psychological dimension will be explained, namely the emotional component.

(a) Analysis of the emotional component

Emotions are more complex than we usually think. Emotions are multidimensional with subjective, biological, purposive and social dimensions (Reeves 2005:293). In part, emotions are subjective feelings, such as anger or joy. Emotions are also biological reactions that prepare the body for adapting to particular situations. Furthermore, emotions are purposeful. Anger, for instance, creates a motivational desire to fight or to protest an injustice. Lastly, emotions are social phenomena. When emotional, we send recognisable facial, postural and vocal signals that communicate the quality and intensity of our emotionality to others (Reeves 2005:293). Examples of emotions are anger, anxiety, fright, guilt, shame, sadness, envy, jealousy, love and compassion.

(b) Emotion and criminal behaviour

Most homicides, rapes and other violent crimes directed at harming the victim are precipitated by hostile aggression in the offender. This behaviour is characterised by the intense and disruptive emotion of anger. Anger may be defined as an aroused state elicited by certain stimuli, particularly those evoking attack or causing frustration (Bartol & Bartol 2005:240). The intensity of such emotion is evidenced, for example, in such a case where an individual becomes so angry at the economic system which deprived him of a job that he fires shots at passing motorists, which in turn brings a feeling of satisfaction at having lashed out at society. In another extreme emotional response, a student who expected a distinction in the examination, but fails instead, is so disappointed, angry and frustrated that he shoots and kills two of his lecturers.

Unpleasant feelings or negative effects give rise to a variety of sensations, thoughts and memories that are associated with either flight (fear) or fight (anger) instincts. Some people tend to act quickly on the basis of their initial emotions without further deliberation or forethought, which may lead to acts of violence. According to Berkowitz (in Bartol & Bartol 2005:247), any unpleasant feeling or arousal can evoke aggressive and even violent responses. A depressed person may murder his or her family or a thwarted teenager may lash out violently at authority.

Humiliating encounters and threats to reputation and status are also major contributing factors in violence. Personal insults or demeaning comments engender anger, depression or sadness in everyone (Bartol & Bartol 2005:246). Some people may act quickly on the basis of these negative emotions without further deliberation or forethought and this may escalate into violence, for instance incidents of road rage or work rage.

Research findings indicate that people who are passive and unassertive are more likely to experience intense frustrations and to find themselves in situations where they feel threatened, insecure and powerless. When people lack the skills and strategies to modify at least some of their social actions, feelings of helplessness usually result. These feelings, in turn, are likely to provoke one of two response patterns: approach (attack) or avoidance (withdrawal). The withdrawal response is called reactive depression or learned helplessness. The alternative response is to attack or to lash out in desperation. People who have been passive and pushed around all their lives may resort to one final attempt to change what is happening to them. Such a person may, for example, commit a sudden, unexpected murder (Bartol & Bartol 2005:358).

Some major characteristics of psychopaths stem from defective emotional development. Psychopaths are characterised by lack of remorse or guilt, lack of affect and emotional depth, lack of empathy, a short temper and emotional immaturity. Psychopaths have an inability to love or give affection to others. They tend to have a bad temper and to flare up quickly into an argument or attack. As a result of their mental and emotional make-up, they engage in destructive or antisocial behaviour such as forgery, theft, rape, brawling and fraud (Bartol & Bartol 2005:124).

4.1.4.3 Volitional component

So far, we have discussed two of the three components of the psychological dimension, namely the cognitive component and the emotional component. We will now explain the third component, namely the volitional component. The term “volition” refers to

purposeful behaviour, an action taken of free will. It implies choice; a person's own decision to act in a specific way. The concept also indicates willpower or strength of will, expression of will or intention, and the preference or wish to act in the specific way. Conscious, voluntary behaviour is always purposeful.

Volition is one element of intention. Intention consists of two elements, namely a cognitive (or intellectual) element and a conative or volitional (voluntary) element. The cognitive element consists of the person's knowledge of the surrounding circumstances and the means that he or she may employ in order to achieve his or her goal. The conative (volitional) element consists of directing the will towards a certain act or result. Therefore, intention may be defined briefly as knowing what one wants to do or achieve and willing that act or result (Snyman 1995:168).

In a legal sense, intention always means "evil intention" which comprises the direction of the will towards performing the act, and awareness of the unlawfulness of the act, for example where a person willingly and deliberately commits fraud knowing that his or her actions are unlawful. Intention is the direction of the will towards performing the act (Snyman 1995:168).

There are three forms of intention, namely direct intention (*dolus directus*), indirect intention (*dolus indirectus*) and foreseeing consequences (*dolus eventualis*).

Should you wish to read more on this topic, you may consult the following source: Kemp, G, Walker, S, Palmer, R, Baqwa, D, Gevers, C, Leslie, B. & Steynberg, A. 2012. *Criminal Law in South Africa*. Cape Town: Oxford. (Consult pp 182–186).

The purpose of this section is not to discuss the legal aspects in detail, but merely to explain the ability of human beings to act voluntarily and purposefully.

There are three different views on the question of free will. These views can be placed on a continuum (straight line) between two extreme poles. At the one end (pole) is the view that people have totally free will and can be held morally accountable for their deeds. Exponents of the Classical School, such as Cesare Beccaria, acted on the assumption that people have free will, that behaviour is rational and purposeful and that it is based on the hedonistic principle (the pleasure-pain principle). People choose to do the things that give them pleasure and avoid the things that cause pain. Hence the punishment should fit the transgression and everyone should be treated in the same way. According to this view, the law is rigid, structured and theoretically impartial. The modern criminal justice system is also based on this principle and accepts that people usually act rationally and make a conscious decision to commit a crime.

The other extreme (pole) of the continuum represents hard determinism. According to this view, a person's behaviour is determined by external factors beyond his or her control. Cesare Lombroso (1835–1909) rejected the classical idea of free will and maintained that criminals are born that way. He regarded criminals as a reversion to a more primitive development – a phenomenon he termed "atavism". This implies that people cannot be held responsible for their behaviour because it is determined biologically.

Hard determinism assumes that human behaviour is completely determined by factors outside the conscious person and that choice is irrelevant. Early or classical psychoanalysts such as Freud supported this viewpoint which eliminates rational judgement.

A third, more balanced, view falls midway between the two poles on the continuum. It is known as soft determinism and integrates the views of total free will and hard determinism (no free will) (Blackburn 1993:25). Thus people can make choices about their behaviour, but these choices are influenced by genetic and environmental factors. People therefore have limited free will.

These three views on human will can be represented schematically as follows:

Total free will	Soft determinism	Hard determinism
(Classical School)	(Limited free will)	(No free will)

In determining whether a person had the intention to commit a crime, it is necessary to ascertain what knowledge he or she had. Another element enters into the picture here, namely the person's capability to appreciate the wrongfulness of his or her actions, and his or her capability of acting in accordance with such appreciation. Awareness of unlawfulness deals with the person's knowledge of unlawfulness which forms part of intention or *dolus*. Capacity, on the other hand, refers to the person's ability to appreciate the unlawfulness of his or her conduct and to conduct him/herself in accordance with such an appreciation (Snyman 1995:149).

Mental illness and immature age may affect a person's capacity to understand the wrongfulness of his or her actions. There is also a third condition, namely non-pathological criminal incapacity. This condition may be caused by "emotional collapse", "emotional stress" or "total disintegration of the personality", or it may be attributed to factors such as shock, fear, anger or tension. Such a condition may be the result of provocation by the victim or somebody else, and the provocation may be linked to physical or mental exhaustion resulting from insulting behaviour towards the offender over a long period of time, which has increasingly strained the offender's powers of self-control until this self-control eventually "snaps". Intoxication or a combination of provocation and intoxication may also be the cause of such incapacity (Snyman 1995:153).

From the above discussion it is clear that the analysis of human beings and their behaviour (including criminal behaviour) is extremely complicated.

The following case study illustrates the complexity of the determination of free will:



CASE STUDY

Several years ago Dr Manuela Costa injected her four children with an unknown substance in order to render them unconscious. She proceeded to set fire to their house in Sandton, Johannesburg using a flammable substance. By the time officers arrived on the scene, most of the house had burned down. Two of the children, André (9) and Michael (12), died at the scene and the other two children, Daniel Richard (7) and Pallo Filipe (10), sustained serious injuries.

Several empty liquor bottles, pills and hypodermic needles were found in the house. The emergency personnel that first arrived on the scene commented that they found a half-naked Costa with eyes as wide as saucers. Costa had serious burn wounds on her arms and had to be treated for smoke inhalation. Costa was charged with two counts of murder, two counts of attempted murder and one of arson.

At the time of the incident Costa was suffering from cancer and both her breasts had been removed. She also had financial problems and owed the bank an estimated R800 000. Her house was also to be sold on auction.

Two years prior to the incident Costa divorced her husband, Dr José Gill, who committed suicide in June of the same year. Gill, a psychiatrist, was at risk of being struck off the roll of the medical and dentistry board.

The two sons who survived the incident were sent to live with their uncle in Portugal for the duration of the trial. Costa claimed that at the time of the incident she had no control over her actions and felt like she was outside of her body looking at what she was doing but not being able to control herself. She also claimed that she did not feel any pain when she sustained the burn wounds. Costa was subsequently sent to Sterkfontein Hospital to determine whether she could be held accountable for her actions.



ACTIVITY 4.1.4

Why do you need to do this activity?

- To establish whether you think Dr Manuela Costa (see the case study above) had the intention to commit a crime and could be held responsible for her actions on that specific day.

Instructions

Study section 4.1.4.3 and read the case study above. Decide:

- Whether Dr Manuela Costa could be held responsible for her actions on that specific day
- What type of sentence would have been appropriate in this particular case

FEEDBACK ON ACTIVITY 4.1.4

The court found that Dr Costa could not be held responsible for her actions during the criminal event. Almost two years after the incident, Costa was found not guilty on all the charges. A court order was issued to compel Costa to admit herself to a psychiatric hospital.



NOTE

Should you wish to read more on this topic, you may consult the following source: Kalinski, S. 2006. *Psycholegal assessment in South Africa*. Cape Town: Oxford University Press.

4.1.5 The social dimension

This section deals with individuals in interaction with their social worlds. The content has been subdivided into interaction with – and the influence of – the family, the school and the peer group. The purpose of this section is to give a broad outline of the individual's interaction with the immediate environment and to indicate which factors may contribute to criminal behaviour. These aspects are dealt with extensively in the more advanced courses.

Human beings cannot be studied in isolation because they constantly interact with their social environments. People affect their environment and the environment in turn influences people's behaviour. Complex interaction takes place between the individual, the family, the school, peers and the broader community. Factors in the broader community that contribute to criminal behaviour are discussed in learning unit 4.2. In this learning unit we focus on the influence of the environments to which human beings are exposed.

4.1.5.1 Family environment

The family plays an important role in young people's lives and has a major influence on delinquency. Personality traits are formed in early childhood and are perpetuated into adulthood. During this period the child begins to develop attachments and bonds with significant others, mainly the parents, who are likely to exert the most influence on the child's perception of himself or herself (Ramasar 1996:143). Walsh (2015:229), in fact, maintains that regardless of any (negative) traits that children may bring with them to the socialisation process, these traits can be muted by patient, nurturing and loving parenting. Positive responses from the parents, such as love, warmth and affection, contribute to a positive self-image. The child develops a sense of being cared for and loved. On the other hand, negative responses, such as lack of warmth and love and parental rejection, contribute to the child's sense of being unwanted and unloved. This awareness affects the child's self-image negatively. Such a child is more susceptible to the influences of delinquent groups and to deviant behaviour such as truancy, stealing and aggressiveness. Consonant herewith, Burke (2014:441) states that parents who ensure that children are properly socialised and instilled with the appropriate moral values will be well shielded against involvement in criminality and antisocial behaviour.

Divorced and single-parent families, blended families, out-of-wedlock births, homelessness, unemployment, alcohol and drug-abuse, Aids and violence are some of the family problems that affect adolescents today. Other family environmental factors that may have an impact on producing delinquent behaviour are family tension, parental rejection, methods of parental control, parental emotional stability and family economics (Trojanowicz, Morash & Schram 2001:140).

Some of these factors will now be discussed briefly, namely parental conflict and broken homes, parental rejection, and methods of parental control.

(a) Parental conflict and broken homes

Most theories of delinquency rely heavily on the parent-child relationship and parent practices to explain delinquency. Family relationships and parenting skills are directly or indirectly related to delinquent behaviour (Bartollas 2003:222). Research conducted with families with a delinquent child reveals that such families are characterised by high levels of parental conflict, such as excessive arguments, unhappiness, anger, blame and denial of responsibility, which is antecedent to delinquent behaviour. Parental discord is associated with antisocial disorder in the children, even when the parents stay together. Disruptive, quarrelsome and tension-producing relationships between parents not only affect the marital relationship but also disrupt the entire family (Trojanowicz & Morash 1992:115). If parents quarrel most of the time and have difficulty getting along, they will be unable to exert a positive influence on their children.

Perhaps the most dramatic manifestation of parental disharmony is when the relationship between the parents comes to an end, producing a broken home. There is considerable empirical research that has linked the broken family to delinquency. Broken homes can contribute to delinquency if the separation of parents results in economic hardship, loss of affection and loss of proper role models necessary for socialisation (Trojanowicz & Morash 1992:110).

The absence of a parent who has died does not have the same effect on children as absence resulting from divorce or desertion. Research has indicated that the link with delinquency is slightly stronger when the absence of a parent was caused by divorce or separation rather than by the death of a parent. Hollin (1992:78) found no consistent pattern of impact of broken homes according to the sex or race of the child or according to the age of the child at the time of the break-up.

The actual breaking up of a home is usually preceded by much disruption, disorganisation and tension. The existence of these negative factors long before the formal separation, rather than the broken home in itself, is the major contributory factor to delinquent behaviour. The tensions and problems that create and contribute to the eventual break-up are the real causative factors (Trojanowicz & Morash 1992:111).

Family discord does not necessarily end when the family becomes “broken” by divorce or separation.

Rankin found that running away, truancy and car theft are strongly related to a specific type of broken home, that is, those in which both biological parents are missing (Trojanowicz et al. 2001:142).

Wells and Rankin’s analysis of fifty published studies dealing with broken homes and delinquency (in Bartollas 2003:223) found that:

- the prevalence of delinquency in broken homes is 10 to 15% higher than in intact homes
- the correlation between broken homes and juvenile delinquency is stronger for minor forms of juvenile misconduct and weakest for serious forms of criminal behaviour (such as crimes of violence)
- the type of family break seems to affect juvenile delinquency because the association with delinquency is slightly stronger for families broken by divorce or separation than by the death of a parent
- there are no consistent differences in the impact of broken homes between girls and boys or between black youth and white youth
- there are no consistent effects of the child’s age at break-up on the negative effects of the separated family
- there is no consistent evidence of the negative impact of stepparents on juvenile delinquency

(b) Parental rejection

Several studies have found a significant relationship between rejection by parents and delinquent behaviour. More specifically, research has indicated a strong relationship between emotional deprivation or lack of parental love, and juvenile delinquency. Emotionally neglected children tend to look for support by associating with groups outside the family. Frequently, these groups are of a deviant nature. A hostile parent is usually not concerned about a child’s emotional wellbeing or about the necessary

support and guidance. In many cases, parents become concerned about their children's activities outside the home only when the children are involved in difficulty which embarrasses them. Johnson's research indicated that an adolescent's perception of greater parental love diminishes the effects of negative peer influence, which in turn prevents juvenile delinquency (Trojanowicz et al. 2001:143).

Jenkins found that parental rejection had a direct effect on the child's ultimate development of conscience. Lack of an adequate conscience structure, combined with feelings of hostility and rejection, leads to general unsocialised aggression. The form of aggression was less serious in young people whose parents showed indifference than in those youngsters whose parents showed outright rejection (Trojanowicz et al. 2001:143).

Andry found that delinquents received less parental love, both in quantity and in quality, than did non-delinquents. There was also less adequate communication between child and parent in the homes of delinquents. Bandura and Walters found a direct correlation between rejection by hostile fathers and delinquent behaviour. Fathers of delinquents spent far less time with their sons than did the fathers of non-delinquents. Open rejection and hostility can directly affect youngsters and, ultimately, produce delinquency (Trojanowicz et al. 2001:144).

(c) Method of parental control

The method of parental control is an important aspect of child rearing. Inadequate parental control may be a contributory factor in juvenile delinquency. Parents who discipline their children successfully are able to define the behaviour to be controlled, to watch for occurrences of that behaviour, and to use effective, but not harsh or physical, punishment to inhibit the child's behaviour and bring it under control. Studies investigating parental discipline in delinquent families indicate that this pattern of effective parental control is not characteristic of such families. The parental style of discipline in delinquent families may be described as lax, erratic, inconsistent, harsh and overly punitive.

The link between ineffective discipline and delinquent behaviour can follow one of two directions. Where parental control follows what is known as an enmeshed disciplinary style, the parents continually reprimand the child's every move, using verbal threats and expressions of disapproval. Such a disciplinary style produces coercive patterns of family interaction. When the child behaves in a certain way, other family members respond in a negative, aversive fashion. The child, in turn, responds in a negative way. This creates a situation in which family functioning is characterised by cycles of aversive interactions. The child then acts in this negative coercive manner outside the family, with peers and schoolteachers (Hollin 1992:80).

The second problematic style of discipline is a lax or disengaged disciplinary style. This is characterised by very low levels of parental control over the child's behaviour. As a result of insufficient control and supervision, as well as the parents' lack of interest in the child's activities, the child does not learn to curb antisocial and delinquent actions (Hollin 1992:81). For optimum socialisation, parents need to talk regularly with their children, take an interest in their activities and behave generally in a caring and supportive manner. These qualities are absent in the case of a disengaged family system. Studies have also found that parents of delinquent children have poorer monitoring skills than do parents of non-delinquents. Consequently, parents of delinquents are

less likely to detect their children's delinquent behaviour in order to remedy matters (Hollin 1992:82).

Edward Wells and Joseph Rankin identified three main ways in which parents exercise direct control (Trojanowicz et al. 2001:144–145):

- (1) Parents exert control by specifying particular rules, constraints and criteria for their children's behaviour.
- (2) Parents exert control by monitoring their children's behaviour, for example by watching them directly.
- (3) Parents exert control by punishing their children.

Research findings have indicated that reasonable rules (not extremely strict or completely lax) are related to low levels of delinquency. Youth who report very strict parental rules as well as those who report very lax rules tend to be delinquent.

McCord, McCord and Zola (in Trojanowicz et al. 2001:145) classify methods of disciplining youth under five types:

- (1) Love-oriented discipline in which reasoning is used with the child and punishment involves withholding rewards or privileges
- (2) Punitive discipline, in which a great deal of physical violence is used, accompanied by anger, aggression and threats
- (3) Lax discipline, in which neither parent exerts much control
- (4) Erratic discipline, in which one parent uses love-oriented methods and the other is lax or wavers between the two types
- (5) Erratic discipline (love-oriented, lax and punitive), in which one parent is lax, or both parents waver between the different methods

McCord et al. (in Trojanowicz et al. 2001:125) found that lax or erratic discipline involving punitive methods was strongly related to delinquency. Consistent discipline, either by punitive or love-oriented methods, was significantly related to non-delinquency. Erratic discipline, not the amount involved, was the most important variable in causing delinquent behaviour.

4.1.5.2 School environment

The school provides the first location of socialisation away from the family unit where a child is exposed to different ideas, choices of behaviour and companions. Schools do not uniformly provide a positive atmosphere for a child's development. Not only do schools contribute to the general problem of delinquency, but they are often the site of much delinquency. In fact, the school environment can actually be conducive to the development of delinquent behaviour (Trojanowicz et al. 2001:176). Every child spends a considerable amount of time at school and many acts of delinquency are committed within the school setting. School influences are an important consideration in seeking to understand and explain the development of criminal behaviour.

Research has indicated that youth who do not perform well at school, or who do not like school, are more likely to be involved in delinquent behaviour. Learners who violate school standards by smoking, truancy, tardiness, dress, poor classroom demeanour, poor relationships with peers and a lack of respect for authority are more likely to become delinquent than those who conform to such standards (Bartollas 2003:263).

In contrast, doing well at school and developing attachments to teachers can prevent involvement in delinquent activities (Siegel & Senna 2003:120).

A cluster of factors such as low academic ability, low school performance, negative attitudes to school, low academic aspirations, school misconduct, truancy and poor organisation can play a role in delinquent behaviour (Hollin 1992:87). The school may act as an environmental catalyst in which conduct problems develop and intensify.

Research has shown that while family and other factors may be important at earlier stages of the development process, high school students' experiences of academic failure, weak commitments to educational pursuits and attachment to school, as well as their association with delinquent peers, seem to be more closely related to delinquency than factors relating to the family, community or social structure (Trojanowicz & Morash 1992:236). It is generally accepted that violence is pervasive in our society.



NOTE

According to the South African Institute of Race Relations (Plusnews 2008), South African schools are the most dangerous in the world and, if the issue is not addressed, it will stunt children's education and jeopardise the future development of the country. In 2013 the Progress in International Reading Literacy Study (PIRLS), a study by the US-based Institute for Education Sciences (IES) in 30 countries worldwide, ranked South Africa last in terms of school safety. South African learners were asked whether they felt safe when they were at school, and if they had experienced incidents of stealing, bullying and injury to themselves or to others. According to the study, only 23% felt safe.

In schools where tension builds up and conflict goes unresolved, assaults on children, teachers and property are commonplace. Learners no longer merely chew gum or talk in line, but threaten one another and their teachers with words, guns and knives. A greater proportion of learners and teachers in urban schools are victimised than at other schools. A national survey of school violence in America in 1993 reported that 13% of the students had brought weapons to school at least once and that nearly 25% of the students and 10% of the teachers had been victims of violence in or near public schools in that year (Kratcoski & Kratcoski 1996:159).

Delinquency occurs because young people have not been taught the social skills that enable them to interact appropriately with peers and adults. Failure in academic subjects also leads to situations in which youths are shamed or humiliated by peers and teachers, or in which they develop such negative self-images that they commit delinquent acts as a defence mechanism or as a means of gaining attention or status (Kratcoski & Kratcoski 1996:160).

Factors in South African schools contributing to juvenile delinquency are big classes (about 40 pupils per teacher), the easy availability of illegal firearms from gang members, gang activities, abuse of drugs and schools being situated in environments characterised by squatter camps, social deterioration and unemployment and poverty of parents. Racial conflict, lax discipline and inadequate teacher numbers exacerbate the problem of juvenile delinquency.

Typical crimes committed in schools are crimes of violence, such as assault and even murder, theft and vandalism, as well as drug smuggling. In certain areas, such as the Cape Flats, juvenile gangs terrorise not only the school children and the teachers, but the whole community.

The escalation of school conflict and violence may be attributed to a variety of causes:

- School staff may lack conflict resolution and management skills.
- The school has no control over social and family conditions, such as the general disintegration of respect for authority, lack of discipline in the home and the popularisation of violence in movies, magazines and newspapers, and on television. Children from disintegrated families are also more likely to disregard social norms and values.
- School staff may fail to recognise and address conditions within the school that give rise to violence, such as negative attitudes towards certain groups, apathy among school staff members with regard to student behaviour, and fear of physical and verbal abuse by students.

Troubled high schools are frequently located in inner cities where problems of population dislocation, poverty, unemployment and crime take priority over education. These conditions also exist in decaying suburbs or in rural communities racked by poverty and neglect (Trojanowicz et al. 2001:177).

A climate of lawlessness and violence prevails in some of our schools where gang activities are rife, and drug abuse and physical assaults on students and teachers alike are the order of the day. These schools are characterised by a lack of discipline and an absence of conditions conducive to learning. Such conditions have a negative influence on the development of young people and may contribute to the development of criminal tendencies.



ACTIVITY 4.1.5

Why do you need to do this activity?

- To establish whether you know which factors in the school environment may contribute to delinquent behaviour.

Instructions

Study section 4.1.5.2 and read the following remark made in a newspaper article on school violence (Govender 2006:33):

“Psychologists remarked that one of the problems affecting most pupils is a poor grasp of anger management.”

- Can you think of other important factors contributing to school violence?
- Ask school teachers in your community/neighbourhood about the major causes of violence in schools. Make a list of all the factors contributing to school violence and note down the information in your workbook.

FEEDBACK ON ACTIVITY 4.1.5

No specific feedback as student responses will differ.

4.1.5.3 Peer group influences

Part of the social development of adolescents is the heightened significance of peer groups and relations outside the home. Although most adolescents tend to retain the fundamental values of their parents, they look to peers for guidance on how to dress or do their hair, what music to listen to, how to speak and how to behave in ways that are acceptable to the peer group. Young adolescents in particular are more vulnerable to peer pressure than are adults (Kassin 1995:319). An adolescent from a deprived home environment (lack of love, affection and attention) may be even more vulnerable to the influence of the peer group. Group membership fulfils the need for association, which relates to an individual's need to belong and to obtain emotional support and security.

Most researchers agree that there is a strong relationship between peers and delinquency (Trojanowicz et al. 2001:190). Although there is general agreement that delinquency occurs most frequently within a group context, there is much less consensus about the nature and quality of the delinquents' relationships with their friends or about the relationship between peers and delinquency (Bartollas 2003:286).

As a result of group pressure and/or unfulfilled needs, some juveniles become involved in delinquent peer groups and gangs. Gangs develop from small groups that interact and come to recognise their common interests. Adolescents in all social classes may be susceptible to the lure of gang membership, which is seen to offer excitement, status and camaraderie. For underprivileged or deprived youths, the gang becomes a "family" as well as an avenue for economic survival. The money made from robberies or selling drugs helps provide for some basic needs and the companionship, recognition and enhanced status of gang membership fulfil other needs that are not met at home, at school or in a job situation. The primary appeal of social or violent gangs is status enhancement. Social gangs offer the opportunity to develop a sense of belonging for youths who may never have experienced this feeling in their family or school situations.

Research findings have consistently revealed that adolescents with delinquent friends are significantly more likely to behave in a delinquent manner themselves (Hollin 1992:82). By forming close relationships with a delinquent peer group, an adolescent may learn both the skills and attitudes favourable for delinquent behaviour. According to Lotz and Lee (in Trojanowicz et al. 2001:191), unstructured socialising among peers is conducive to delinquent activity.

In his book *The violent gang*, Yablonsky developed a classification of gangs, characterising them as social, delinquent or violent (Kratcoski & Kratcoski 1996:101). Social gangs are composed of youths who endeavour to realise their individual social goals in a gang atmosphere. Delinquent gangs have as their primary objective the material profit resulting from delinquent activity. Violent gangs are those seeking emotional gratification through violent behaviour. However, it is difficult to classify a particular gang as purely social, delinquent or violent, because some gangs have elements of all three.

Some youths join gangs in order to achieve personal security. This may be especially important when moving to a new community, school or prison. Some youths may be attracted to the gang for the opportunity to interact with others like themselves and for fun and "partying". The meaning of "partying" can vary from "just hanging around", to stealing, aggression and vandalism (Trojanowicz et al. 2001:194).

Gang members often use a variety of drugs, such as alcohol, marijuana and crack cocaine (Kratcoski & Kratcoski 1996:103). In America, gang drug users are also involved in selling drugs, particularly crack cocaine. Research indicates that the activities of gang members usually involve social interactions, such as hanging out, partying and drug use, combined with delinquent behaviour that is initially recreational in nature.

In South Africa, unemployment, especially among African males, is extremely high. This is one of the main reasons why these youths become involved in gang activities. There is often no other entertainment or any recreational facilities in the traditionally black townships. As a result, gangs provide excitement and entertainment for bored young males. In the coloured townships, where the youths are structurally less deprived, street gangs are a feature of the poorer sectors of the townships (Schärf 1990:235).

From late 1984 in the coloured townships, and from 1986 in the African townships, residents began to perceive street gangs as a mere nuisance (Schärf 1990:244). However, by mid-1989 they had developed into a serious social problem in certain areas of South Africa such as the Western Cape and in black townships such as Soweto.

4.1.6 Conclusion

The following diagram summarises the contents of this learning unit:

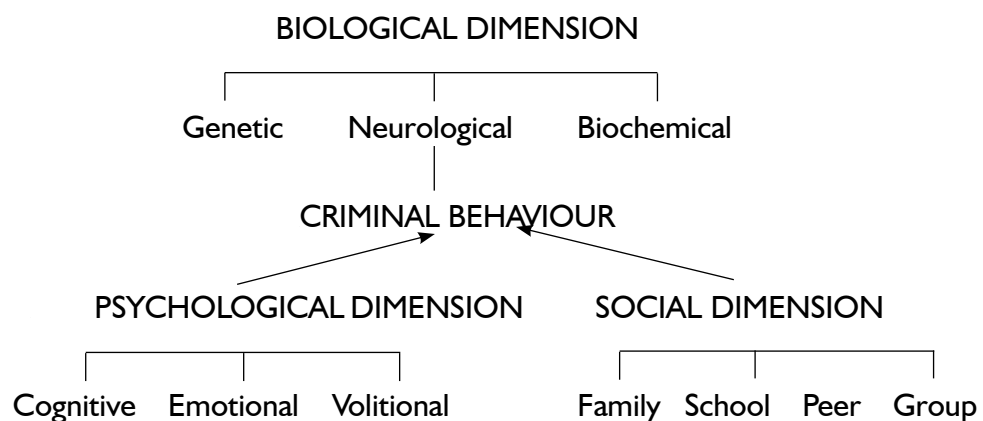


Figure 4.1: Individual-oriented perspectives on the causes of crime

Human behaviour, and in particular criminal behaviour, may be studied on different levels or dimensions. We have decided on three main dimensions, namely the biological dimension, the psychological dimension and the social dimension. Biological factors can play a role in specific types of behaviour, such as aggressiveness and acts of violence. The most important factors may be classified under genetic factors, neurological factors and biochemical factors.

The psychological dimension consists of various components, such as the cognitive component, emotional component and volitional component. All these components have a decisive influence on the criminal mind.

Finally, the social dimension is of critical importance in a child's development. Negative influences, such as a broken home, lack of parental affection, parental rejection and inconsistent discipline may contribute to the development of criminal tendencies. Factors within the school context which may hamper a young person's growth and

development include a lack of discipline, a culture of violence and lawlessness, drug abuse and gang activities. Association with gangs may lead to criminal activities and poor academic progress.

In the next learning unit we examine factors within the community and broader society which may be conducive to criminal behaviour.

4.1.7 Self-assessment questions

- (1) Briefly outline the biological factors that may play a role in criminal behaviour. (10)
- (2) Summarise the various styles of social cognition which may play a role in criminal behaviour. (15)
- (3) Briefly describe three important cognitive approaches to explaining criminal behaviour. (15)
- (4) Explain the role of emotion in crimes of violence. (15)
- (5) Explain the three different viewpoints on free will. (6)
- (6) Summarise the main factors within the family environment that may contribute to juvenile delinquency. (10)
- (7) Identify factors in South African schools that contribute to juvenile delinquency. (10)
- (8) Explain why some young people become more easily involved in gang activities than others. (10)

Multiple-choice questions

- (9) Epilepsy is a ... disorder that may play a role in criminal behaviour.
 - (a) genetic
 - (b) biochemical
 - (c) congenital
 - (d) social
 - (e) neurological (1)
- (10) Research by Hollin and Wheeler has indicated that violent young offenders tend to display greater ... than non-violent young offenders.
 - (a) internal control
 - (b) cognitive ability
 - (c) emotional stress
 - (d) external control
 - (e) emotional immaturity (1)
- (11) Intention consists of two elements, namely ...
 - (a) conative and emotional elements
 - (b) conscious and intellectual elements
 - (c) expressive and volitional elements
 - (d) affective and cognitive elements
 - (e) cognitive and volitional elements (1)
- (12) Mental illness and immature age may affect a person's ... the wrongfulness of his or her actions.

- (a) knowledge of
- (b) awareness of
- (c) capacity to understand
- (d) determination to understand
- (e) insight into

(l)

4.1.8 Feedback on self-assessment questions

- (1) See section 4.1.3. You should mention the genetic factors, neurological factors and biochemical factors that may play a role in criminal behaviour.
- (2) See section 4.1.4.1. You should mention empathy, locus of control, moral reasoning, self-control and impulsivity, social problem solving and mind-set of criminals.
- (3) See section 4.1.4.1. You should include Lawrence Kohlberg's theory of moral reasoning, the social learning approach and the rational choice approach.
- (4) See section 4.1.4.2. Pay attention to emotions such as fear, anger, frustration, hostile aggression and depression. Use examples where applicable.
- (5) See section 4.1.4.3. You should explain the classical view of free will, hard determinism and soft determinism.
- (6) See section 4.1.5.1. You should include negative response from parents such as a lack of warmth and love, broken homes, family tension, parental rejection and inadequate discipline.
- (7) See section 4.1.5.2. Your answer should include factors such as low academic ability, negative attitude to school, association with delinquent peers, violent behaviour, big classes, the easy availability of firearms, racial conflict and lack of skilled teachers.
- (8) See section 4.1.5.3. Juvenile gangs fulfil certain needs such as attention, admiration, recognition, comradeship, social status and excitement.

Multiple-choice questions

- (9) (e) See sec 4.1.3. Epilepsy is a neurological disorder.
- (10) (d) See section 4.1.4.1. Violent young offenders display greater external control than non-violent young offenders.
- (11) (e) See sec 4.1.4.3. Intention consists of cognitive and volitional elements.
- (12) (c) See sec 4.1.4.3. Mental illness and immature age may affect a person's capacity to understand the wrongfulness of his or her actions.

LEARNING UNIT 4.2: MILIEU-RELATED CAUSES OF CRIMINAL BEHAVIOUR



General factors contributing to crime in South Africa

Specific factors contributing to crime in South Africa
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LEARNING UNIT 4.2

Milieu-related causes of criminal behaviour

- 4.2.1 Introduction
- 4.2.2 Key concepts
- 4.2.3 General factors contributing to crime in South Africa
 - 4.2.3.1 Population structure
 - 4.2.3.2 Rapid migration from rural to urban areas
 - 4.2.3.3 Rapid urbanisation
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 - 4.2.3.5 Political factors
 - 4.2.3.6 Social transformation in general
 - 4.2.3.7 The system of migrant labour
 - 4.2.3.8 Inadequate education and poor preparation for the labour market
 - 4.2.3.9 Inadequate welfare services
 - 4.2.3.10 Problems with the criminal justice system
 - 4.2.3.11 The South African police
 - 4.2.3.12 Poor credibility of the courts
 - 4.2.3.13 Problems with prison sentences
 - 4.2.3.14 Presence of large numbers of illegal immigrants
 - 4.2.3.15 The current emphasis on human/individual rights
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- 4.2.4 Specific factors contributing to crime in South Africa
 - 4.2.4.1 The negotiated transition and the destruction of social control
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 - 4.2.4.3 Political rivalry as a factor contributing to crime
 - 4.2.4.4 Absence of national political consensus on crime issues
 - 4.2.4.5 Poverty, unemployment and relative deprivation as a result of apartheid
 - 4.2.4.6 Crime and economic development
 - 4.2.4.7 Youth marginalisation

- 4.2.4.8 Inadequate support for victims of crime
- 4.2.4.9 Vigilantism, revenge and self-defence
- 4.2.4.10 Socio-psychological factors
- 4.2.4.11 Access to firearms
- 4.2.4.12 Gender inequality
- 4.2.5 Conclusion
- 4.2.6 Self-assessment questions
- 4.2.7 Feedback on self-assessment questions



LEARNING OUTCOMES

When you have worked through this learning unit you should be able to

- describe the general factors in society that give rise to criminal behaviour
- give an overview of the specific factors contributing to crime in South Africa

4.2.1 Introduction

In this learning unit we investigate factors in the broader social environment of the individual that may contribute to the development of criminal behaviour. The circumstances discussed are specifically related to South African society at present. Factors associated with crime are divided into two categories, namely general factors and specific factors, and are examined accordingly.

4.2.2 Key concepts

Vigilantes. Individuals who go on moral crusades without any authorisation from legal authorities. The assumption is that it is all right to take matters into your own hands if the cause is right and the target is immoral.

Social disorganisation. Social disorganisation theory is a branch of the social structure theories that focuses on the breakdown of institutions such as the family, school, and employment in inner-city neighbourhoods. Social disorganisation generates pressure, which, in turn, produces crime and deviance (Burke 2014:131; 164).

Revenge (retribution). The belief is that the offender has to be punished by way of a sanction fixed by the authorities in order to give expression to the particular vindictiveness of the crime victim and other members of society in the. In this way, society's respect and esteem for the criminal justice system can be maintained and they can be prevented from taking the law into their own hands to satisfy their own vindictiveness (Burke 2014:47; 52).

Compensation (restitution). A system in which the state repays crime victims for their financial losses or physical injuries.

Marginalisation/social exclusion. Social exclusion refers to the dynamic, multi-dimensional process of being shut out, fully or partially, from the various social, economic, political or cultural systems which serve to assist the integration of a person into society (Burke 2014:20; 352).

4.2.3 General factors contributing to crime in South Africa

This section deals with factors such as population structure, urbanisation, unemployment, political factors, social transformation, training, welfare services, the criminal justice system, illegal immigration and dealing in firearms.

4.2.3.1 Population structure

South Africa has a demographically young population. In 2015, 48.5 % of South Africans were below the age of 25 (Statistics South Africa 2015:1).

According to the Statistics South Africa (2015:7), more than 35% of South Africans are under the age of eighteen. It is well known that the involvement of young people in crime is disproportionately high. The criminal careers of such young people begin during adolescence and reach a peak during their mid-twenties. The high incidence of crime may be ascribed in part to the high percentage of young people. According to Fergusson (in Naudé, Prinsloo & Ladikos 2006:72) young people between the ages of 12 and 19 are twice as likely to become the victims or perpetrators of violent crime. Young people are more daring and often seek immediate satisfaction of their needs.

4.2.3.2 Rapid migration from rural to urban areas

The population explosion is far greater in urban than in rural areas. This means that urban areas are placed under increasing pressure to support the growing population. The limited availability of land and diminishing resources are stress factors in urban areas, while the hope of work and a better life are attractions for migration to the cities. Rapid migration to the cities has led to a pressing shortage of housing, massive informal settlements, inadequate services and large-scale unemployment. These circumstances provide a breeding ground for crime.

4.2.3.3 Rapid urbanisation

The process of urbanisation is associated with the breakdown of traditional norms and values and also with the deterioration of the informal social control that exists in traditional families. In most countries, urbanisation has taken place over a long period of time, for example 40 or 50 years. In South Africa, urbanisation has taken place rapidly within a period of some 10 years following the abolition of Influx Control Laws in 1986. This process has resulted in unemployment and has eroded the traditional rural culture, and its norms and values.

In most countries, the highest crime rates occur in urban areas. According to Fourie and Schönteich (in Naudé et al. 2006:73) the population density in urban areas contributes to the high crime rate because a greater concentration of people leads to greater stress, and increased conflict and competition for limited resources.

Naudé et al. (2006:73) point out that high rates of urbanisation, coupled with the inability of the state to provide the necessary infrastructure, such as houses, schools, hospitals, nursery schools and after-school care facilities, increase all levels of crime. Large informal settlements around major cities are also particularly detrimental to effective policing and crime control, for example in the Durban, Cape Town and Johannesburg areas.

4.2.3.4 High levels of unemployment

In addition to accelerated migration to cities and rapid urbanisation, the economic recession has led to high levels of unemployment and poverty. Unemployment in South Africa is estimated at approximately 36.1% (Stats SA 2015 Quarterly Labour Force survey 2015:xiii) at present, but in some communities it can be as high as 80%. In Statistics South Africa's (Stats SA 2015:xiii) latest Labour Force Survey, conducted in May 2015, it was found that the country's unemployment rate decreased consecutively over the last two quarters of 2014 consecutively, but, in the first quarter of 2015 the number of unemployed people increased by 626 000 to 5,5 million.

People who live in rural areas can still survive on the produce of the land, but in urban areas this is impossible. People who cannot gain lawful employment must find another way of staying alive. In these circumstances crime soon becomes a source of income. Young people are also more susceptible to the pressures exerted by criminal gangs and organised crime.

4.2.3.5 Political factors

Because of the political instability in the country, the crime rate has increased dramatically since 1990. During the two or three years that preceded the general election in 1994, the police were heavily involved in controlling political violence and unrest. Criminals exploited the situation by committing more crime because the chances that they would be caught were slight. Political intolerance in certain areas, such as KwaZulu-Natal, also contributed to considerable conflict and violence. Since 2009, however, a level of political stability has been achieved and political crimes do not feature as significantly.

4.2.3.6 Social transformation in general

In general, social transformation means the breaking down of the old order, and this may leave a void with regard to norms, values and social control. Such a state may be compared to a condition of anomie or lack of norms. Weakened social control makes it easier to commit crime (Glanz 1996:6).

4.2.3.7 The system of migrant labour

The system of migrant labour formed an important component of the South African labour force and economy for many decades. Migrant labour was encouraged by the former homelands policy and is still being used in the mining industry, for example. Although the money that migrant workers earn is an important contribution to the livelihood of their families in rural areas, the absence of a father figure and male role models has had a negative effect on the socialisation process. Much of the violence that occurs in black rural residential areas may be ascribed to the weakened role of the male figure (Glanz 1996:67).

4.2.3.8 Inadequate education and poor preparation for the labour market

Although the education system in South Africa is undergoing a far-reaching transformation at present, it will still take a long time to make education and training available to

everyone and to prepare them for life and the labour market. Many members of the black adult population of today had no access to formal education as children. The direct result of this is mass unemployment and a lack of a well-trained labour force. Even the education system that was available to whites has been criticised and is regarded as having been too academic. It has also been suggested that this education system did not provide sufficient preparation for life and job skills.

4.2.3.9 Inadequate welfare services

It is generally agreed that there is no integrated, comprehensive social welfare or safety network for assisting families and individuals in times of need. Problems are handled on an ad hoc or individual basis since there is no strategic welfare plan. It will take a long time to develop a national plan of action to help families and children.

However, the Department of Social Development has, as part of its functioning, attempted to achieve the reduction of poverty through integrated sustainable development and the rebuilding of families and communities by empowering young, old and disabled people as well as women. It also endeavours to coordinate and facilitate the delivery of integrated and sustainable development programmes that will promote the achievement of holistic community development through partnerships with relevant stakeholders and civil society.

4.2.3.10 Problems with the criminal justice system

The criminal justice system includes the police, the courts, correctional institutions and welfare. At present there are problems with each of these components. In the following section we look briefly at the stumbling blocks within the criminal justice system that lead to a general dissatisfaction with and negative view of its effectiveness.

4.2.3.11 The South African Police

For many years the majority of people had no confidence in the South African Police Service (SAPS). One of the reasons for this lack of trust was, and still remains, the abuse of power by some members of the police. An indication of the community's contempt for the police can be seen in the large increase in murders of police officers. A total of 1501 police officers were attacked in the 2014/2015 financial year. This is 329 more than the 2013/2014 financial year. In the 2014/2015 financial year, 86 police officers lost their lives, which is nine more than the 2013/2014 reporting period. (South African Government news agency – <http://www.sanews.gov.za/south-africa/about-1500-police-officers-attacked-201415>).

Another reason for the low credibility of the police is the large number of cases of corruption and involvement in crime (refer to section 2.2.3.1 dealing with police corruption). The relationship between the police and the community has improved in recent times and the SAPS is working hard to transform itself from a reactive to a proactive police service.



NOTE

The workload of detectives investigating criminal cases is so great that they may not be able to gather sufficient evidence on crimes. If a case is presented in court without

sufficient evidence, it is withdrawn. Young and inexperienced officers are not always successful in securing convictions of offenders, particularly if the suspect has skilled legal counsel.

The SAPS is experiencing a shortage of staff and its members are overworked, underpaid and exposed to extremely stressful working conditions. The number of suicides among police officers has increased considerably. There are currently too few police officers to combat crime effectively and to protect society against criminals.

4.2.3.12 Poor credibility of the courts

In general, the community has lost faith in the courts because of the perceptions that those accused are let out on bail too easily and that there is discrimination on a racial basis. This lack of confidence in the criminal justice system contributes to people taking the law into their own hands, as evidenced by the public's recent reaction to gang violence.

In only a small percentage of cases where a crime has been committed does the case progress to trial and, in a still smaller percentage of cases, are the accused eventually sentenced and sent to prison. Criminals are moreover let out on parole too easily, even in cases where serious crimes such as rape have been committed. The result is that the number of serious crimes in South Africa is increasing, while the number of offenders who receive prison sentences is decreasing. Because of this the public has formed the impression that the government has lost control of the crime situation.

4.2.3.13 Problems with prison sentences

Recently, South Africa has been moving away from prison sentences towards alternative forms of punishment, such as treatment of offenders in the community (correctional supervision). Despite this change in direction, South African prisons are extremely overcrowded. The move away from prison sentences to alternative forms of punishment is a local manifestation of a worldwide trend towards community-oriented sentences in an attempt to reduce overpopulation in prisons. However, the result of this, given the high incidence of recidivism in South Africa, is that more convicted offenders are free to walk the streets and, consequently, the number of offenders in the community is increasing steadily.

4.2.3.14 Presence of large numbers of illegal immigrants

In the past few years, large numbers of people from neighbouring countries have crossed the South African border illegally to seek work and settle in urban areas. They often find it extremely difficult to find work, which makes them more susceptible to becoming involved in crime. Local inhabitants also regard illegal immigrants as competitors for scarce job opportunities (Glanz 1996:8). This often leads to conflict and violence – refer to the xenophobia example in section 3.2.7.

4.2.3.15 The current emphasis on human/individual rights

Individual rights sometimes seem to conflict with the rights of the broader community. The Department of Justice has been strongly criticised for, for example, granting bail so readily (Glanz 1996:8). One may argue, on the one hand, that those accused have not been found guilty of a crime and therefore have the right to bail. On the other

hand, granting bail may be seriously detrimental to the public's right to safety and security. An example of this is the case of Frans du Toit and Theuns Kruger who were released on bail after they had been accused of rape. After their release they brutally raped a woman (known then in the media only as Alison) and tried to murder her. The former Minister of Justice, Dullah Omar, who was himself an advocate of human rights, was aware of the fine balance that had to be maintained between the rights of the individual on the one hand and group rights on the other. Amongst recent others, amendments to the Criminal Procedure Second Amendment Act 75 of 1995 make it more difficult to grant bail.

4.2.3.16 Large-scale amnesty

The sudden release into the community of large numbers of convicted criminals who have been granted amnesty also affects the incidence of crime. Although no official figures are available, the incidence of recidivism is estimated at 70% (Glanz 1996:8). The chances that a released offender will reoffend are therefore significant.

4.2.3.17 Poor firearms control

Arms have been smuggled unceasingly from neighbouring countries for many years. After the end of the war in Mozambique, gun-running escalated. Because of widespread unemployment, the sale of the freely available stock of weapons became a viable source of income for the local population. It is estimated that approximately 1,5 million automatic weapons found their way into the hands of the Mozambican population (Glanz 1996:9). The influx of an enormous number of smuggled weapons into South Africa, together with the theft of legal weapons, has meant that firearms are freely available for use in crimes of violence.

In view of the increase in crimes of violence committed with stolen firearms, the South African government created the Firearms Control Act 60 of 2000 to replace the outdated Arms and Ammunition Act 75 of 1969. This highly controversial Act came into effect in July 2004. The main aim of the Act is to prevent crimes of violence involving the use of firearms by improving control over the legal possession of firearms.

At present, crimes committed with the use of firearms and also with the purpose of stealing legal firearms from their owners are still very high. Only time will tell whether this legislation will really succeed in its goal.



ACTIVITY 4.2.1

Why do you need to do this activity?

- To establish your opinion regarding the general factors contributing to crime in South Africa.

Instructions

- Read the above section 4.2.3. Reflect on the general factors contributing to crime in South Africa. Which one of the above- mentioned general factors do you think is the most serious contributor to crimes of violence in South Africa? Give reasons for your answer in your workbook.

FEEDBACK ON ACTIVITY 4.2.1

No specific feedback. Compare your opinion with those of your fellow students on myUnisa.

4.2.4 Specific factors contributing to crime in South Africa

Apart from the universally accepted socioeconomic, psychological and biological factors that give rise to crime, the National Crime Prevention Strategy (1996:13ff), adopted by government on 22 May 1996, regards the following as important factors specifically contributing to crime in South Africa (Naudé et al. 1996:20–25):

4.2.4.1 The negotiated transition and the destruction of social control

The shift from the politics of confrontation and resistance to a negotiated democratic political system and the dismantling of apartheid resulted in the breakdown of many methods of social control which have not been replaced by legitimate or credible alternatives. It should be noted that many of the old social control methods were illegal. Before the transition period, South African society was largely overregulated, undemocratic and unaccountable. As a result of the negotiated settlement and the first democratic election on 27 April 1994, many of the old illegitimate and repressive forms of social control were dismantled, resulting in the virtual collapse of social control by the community and the criminal justice system.

Many communities are still characterised by social disorganisation which manifests in citizens not paying municipal rates and service accounts, parents and schools not being able to control the youth, corruption in the police service and a general inability to maintain law and order in terms of the Bill of Human Rights which protects the rights of accused offenders. Criminals have been quick to take advantage of this vacuum as is evident from the high crime rate and the many known crime syndicates currently operating in South Africa. (According to the SAPS, there are 481 such syndicates, of which 187 operate internationally.)

Many criminals convicted of politically motivated crimes were granted amnesty in an effort to set the transition process in motion. In addition, hardened juvenile offenders were released from prison in terms of the Constitution without proper care facilities being available in the community. All these factors compounded the crime problem in South Africa. The havoc that the apartheid era left in its wake should also not be forgotten. Unjust and discriminatory laws destroyed family life in black communities, created unequal development and generated disrespect for the law among many members of the black community.

4.2.4.2 Political culture, violence and crime

South Africa's long history of confrontation and conflict created a culture of violence which is deeply rooted in many communities. Violence has been historically sanctioned, as evidenced by the state-sanctioned hit squads aimed at eliminating political activists and the liberation struggle. Violence in South Africa has become an accepted means for solving political, social, economic and even domestic conflict. An example is taxi

violence, a crime unique to South Africa, where rivals for a specific route ruthlessly kill one another for economic reasons.

4.2.4.3 Political rivalry as a factor contributing to crime

The general notion that prevailed in the apartheid era – that violence was acceptable to preserve the existing order – spilled over into the political arena where some political parties did not hesitate to resort to violence to keep the opposition out or to control certain areas that they regarded as their political domain. In some areas, such as KwaZulu-Natal, this escalated into arbitrary and random violence which was not restricted to killing political opponents but included the killing of innocent women and children, as is evident from the Shobashobane massacre on the KwaZulu-Natal South Coast on Christmas Day 1995.

4.2.4.4 Absence of national political consensus on crime issues

The growing crime rate, particularly violent crime, has resulted in crime being politicised as a “vote catcher” offering simplistic solutions to combat crime. There is also a tendency to describe crime previously labelled as “political violence” as criminal violence. It has become essential that an integrated interdepartmental approach be adopted to prevent and control crime.

4.2.4.5 Poverty, unemployment and relative deprivation as a result of apartheid

High levels of crime are more prevalent in countries where there are large proportions of people who are economically deprived. Economic distress is the result of low education levels, inadequate job creation by government and business, and high income disparities. According to Naudé et al. (2006:74), this may contribute to young people being poorly equipped for the labour market, resulting in unemployment and economic distress. However, it is not poverty per se that contributes to crime, but how people experience their financial situation in their social environment. Those who feel deprived may turn to crime.

The relationship between crime, poverty and unemployment is complex, but even more so in South Africa as a result of discrimination and the deliberate underdevelopment of the black population during the apartheid era, which resulted in the white population being economically advanced to the detriment of the black population. Consequently, there are vast differences in income across racial lines in South Africa. It is recognised that poverty, hunger, unemployment and homelessness do not necessarily result in an increase in crime but, combined with a range of socio-political factors such as repression, inequality and discrimination, these factors provide an incentive for criminal activity. It is an accepted fact that apartheid created conditions conducive to crime. There is also a high rate of unemployment in South Africa (see section 4.2.3.4). Despite rising poverty and unemployment levels, most crimes have more or less stabilised since 1996 (Naudé et al. 2006:74).

Economic distress may contribute to violent crime as economically deprived males are inclined to vent their stress and frustration on others, even their own wives and

children. Deprivation can also lead to violent crimes such as robbery, aggravated assault and car hijacking (Naudé et al. 2006:75).

4.2.4.6 Crime and economic development

For a developing country, South Africa has mixed development features such as a modern banking system, sophisticated telecommunication systems, transport systems and relatively well-developed infrastructure. However, it also has open borders that are poorly controlled and often staffed by corrupt officials. Many aspects of the economy are furthermore under-regulated, making it easy for crime syndicates and drug and smuggling cartels to use South Africa as a base for their criminal activities.

4.2.4.7 Youth marginalisation

The historical marginalisation and the experience of powerlessness among black South Africans who were socially, economically, politically and educationally marginalised contributed to strong feelings of rejection. The Bantu Education Act subjected black youth to inferior education which led to the Soweto youth uprising on 16 June 1976, resulting in the deaths of 140 school pupils who were shot by the police. In the two decades following 1976, many young people went without the benefit of a proper formal education. In the 1980s many youths found an alternative identity for themselves in the politics of resistance. The shift in the 1990s to a negotiated political settlement undermined the central position occupied by the youth and gave an increasingly dominant role to the older generation. Many youths found a new identity in gangs and other criminal activities and subcultures. The new democracy in South Africa has brought about a change in these social dynamics and gangs are limited to communities characterised by poverty and social disintegration (notably, the Cape Flats). It should be noted that drug and alcohol abuse is often a key element of social cohesion within gangs and the drug-crime link is well documented (Walsh 2015:298).

4.2.4.8 Inadequate support for victims of crime

In spite of the Victim Empowerment Programme and other initiatives in South Africa, little is done to assist victims of crime or to educate and inform them as to how to protect themselves from further victimisation. Schemes to assist and support victims of crime are selective and inadequate. Support is mostly focused on victims of rape as well as spouse and child abuse. No state compensation exists for the victims of violent crime and the criminal justice system is not sufficiently geared to the needs or rights of crime victims. This results in many South Africans doubting the credibility of the criminal justice system. Research indicates that some victims become perpetrators themselves or resort to retributive violence.

The factors affecting victimisation

According to Walsh (2015:237–256), many factors affect the likelihood of a particular person falling victim to crime. The findings from the International Crime and Victimization Surveys (ICVS) conducted by the United Nations Interregional Crime and Justice Research Institute (UNICRI) elsewhere in Africa and around the globe suggest that four types of factor are particularly influential in victimisation. These include:

- where people live
- whether they lead a risky lifestyle, including the extent to which they go out at night
- how attractive they are as a target, which is often measured by individual or household income
- the extent of guardianship, with the risk of victimisation increasing among those who are often in the company of strangers

International experience suggests that particular individuals and groups experience higher levels of victimisation than others. The risk of victimisation is usually closely related to geographical area, while the risk of personal victimisation often correlates with factors such as age, sex and patterns of routine activity, such as going out in the evenings and consuming alcohol. A national victim survey carried out in the United Kingdom in 2012/2013, for instance, shows that people who had visited a pub more than three times in a month were at higher risk for all violent offences and violence at the hands of strangers.

Location and age appear to have a particular influence on victimisation. In a review of seventeen industrialised countries it was found that people in the most urban areas were almost twice as likely to have been victimised as those living in the least urban locations. In a more recent analysis of multi-country data it was established that urbanisation was the single most powerful indicator of victimisation. Several international surveys also show that age is a key determinant of victimisation, with young men between the ages of 16 and 24 generally most at risk. These studies also show that young women in this age group are also at a high risk of sexual violence.

Other factors identified in the international literature include economic and marital status, educational achievement, as well as the extent to which people take measures to protect themselves against crime. Wealthier households were more likely to experience crime, with the differences most marked for car thefts, petty crime, and sexual incidents. Unmarried people were also shown to be at a higher risk of victimisation than married individuals, although it is unclear whether this is because the potential accumulation of property makes them more attractive targets, or whether marital status is indicative of lifestyle factors. Educational status was also highlighted, although education appears less influential than age and marital status. The widespread adoption of security measures – target hardening – has also played an important role in inhibiting crime in Europe and America by reducing opportunities for crime.

There have been no advanced statistical analyses of victimisation factors in South Africa, but basic descriptive analyses of the data from several surveys over the last decade suggest characteristics that may increase the likelihood of experiencing crime. These include:

- **Demographic variables:** younger people appear at greater risk of becoming victims of violent crime. Recent research in Hillbrow, for instance, shows that most of those experiencing violent crime were between the age of 16 and 35. A nationally representative youth and victimisation survey conducted a few years ago by the Centre for Justice and Crime prevention (CJCP) also shows that almost one out of every four South Africans between the ages of 12 and 22 (17%) reported being assaulted in the 12 months preceding the survey. Men seem at greater risk, except for sexual offences and assault, where young women are most likely to be victimised. Race is also a factor, most likely due to the close correlation between race and socio-political and socio-economic characteristics in South Africa.

- **Location variables:** as elsewhere, living in urban as opposed to rural locations may increase the risk of victimisation, although there does not appear to be much differentiation between low-income and more affluent urban areas. Victimisation rates in densely populated inner city localities such as Hillbrow, for instance, appear only marginally higher than those in more diffuse townships such as Meadowlands in Soweto. Studies also show significant differences in victimisation levels between provinces.
- **Lifestyle factors:** a crime and victimisation survey conducted by UNICRI in Johannesburg some years ago suggests that highly social lifestyles combined with interpersonal relationships and potential alcohol abuse increase the risk of victimisation. Statistics South Africa also showed that affluent households were more likely than poorer households to have experienced crime.
- **Target hardening:** the UNICRI survey mentioned above also suggests that home security is a factor, with those with little or no security at greater risk of victimisation.
- **Contextual factors:** research has shown that foreigners living in South Africa are at greater risk of both criminal victimisation and xenophobic attacks, such as those witnessed recently in Johannesburg. It has been further suggested that levels of community cohesion may influence crime rates, with high levels of cohesion – and thus the likelihood of being discovered and sanctioned – possibly serving as a better deterrent to criminals than policing. It follows, therefore, that familiarity facilitates communal action to prevent crime in formal and informal ways. If people know their neighbours it becomes easier to identify people entering their homes illegitimately.

4.2.4.9 Vigilantism, revenge and self-defence

The historically based credibility problems of the criminal justice system and the absence of effective victim assistance services have contributed to various informal forms of popular justice such as vigilantes, paramilitary groups and community or people's courts which often mete out brutal justice to suspected perpetrators.

4.2.4.10 Socio-psychological factors

The dramatic social and political changes in South Africa since the 1990s have created fear, stress, insecurity and feelings of ineptitude and helplessness in communities. These feelings are compounded by high levels of criminal and political violence. Moreover, a general perception exists that the government cannot control the situation and that the criminal justice system is inadequate. The socio-psychological response to these feelings often manifests in vigilantism, paramilitary structures and communities arming themselves, which in turn reinforces the culture of violence. Another consequence is widespread drug and alcohol abuse which plays an important role in increasing general crime levels. Feelings of powerlessness and displacement are also often transferred to the domestic sphere resulting in violence against women and children.

4.2.4.11 Access to firearms

Illegal firearms are readily available in South Africa as a result of the liberation struggle in South Africa and in border countries such as Mozambique and Angola. These weapons are frequently used in crimes of robbery, rape, murder, assault and taxi violence. As a result of feelings of insecurity, many South Africans privately own firearms. This, in

turn, creates the potential for violence when they are confronted by criminals who may react with violence in the expectation that the victim may use violence against them. A recent report in Parliament by the Minister of Safety and Security indicated that there were more than 1,9 million licensed gun owners in South Africa who owned a total of more than 3 million guns, and that about 30 000 of these were stolen each year.

Research has shown that high levels of gun ownership are strongly related to violence in countries such as the United States, several Latin American countries and South Africa (Naudé et al. 2006:73).

The following table reflects the figures of illegal firearms and ammunition that came to the attention of the authorities between 2008 and 2014. Remember it is only an indication of cases that were identified and the figures for unknown cases will probably be higher.

2008	2009	2010	2011	2012	2013	2014	Total
13476	14045	14542	14472	14484	14837	15333	161 332

Table 4.1: Unlawful possession of firearms in SA 2008-2014 (www.saps.gov.za)

4.2.4.12 Gender inequality

It is recognised worldwide that gender inequality increases the risk of gender-specific violence, especially against women. Inadequate victim support systems have been shown to contribute to an increase in crime against women. Women constitute less than 2% of the total South African prison population (DCS Annual Report 2013/2014:16), but very few training and rehabilitation programmes for preventing recidivism are available to them. Gender inequality in all spheres of South African life is well documented and it is declared government policy to rectify this.



ACTIVITY 4.2.2

Why do you need to do this activity?

- To establish your opinion regarding the specific factors contributing to crime in South Africa.

Instructions

- Read section 4.2.4. above. Reflect on the specific factors contributing to crime in South Africa. Which one of the above- mentioned specific factors do you think is the most serious contributor to crimes of violence in South Africa? Give reasons for your answer in your workbook.

FEEDBACK ON ACTIVITY 4.2.2

No specific feedback. Compare your answer/s with those of your fellow students on myUnisa.

4.2.5 Conclusion

This theme dealt with milieu-oriented factors that may play a role in causing criminal behaviour. Firstly, we discussed the general factors, namely factors in the broader society, such as the population structure, urbanisation, unemployment, political factors, social transformation, migrant labour, shortcomings in education, inadequate welfare services, weaknesses in the criminal justice system, illegal immigrants, emphasis on human rights, large-scale amnesty and poor weapons control.

Secondly, we briefly discussed specific factors in South Africa, that is, factors in the immediate community that may lead to criminal behaviour. Examples of these factors are the estrangement of the youth, overcrowding, criminal subcultures, lack of parental control and a subculture of violence.

It is, however, important to remember that crime is a complex phenomenon and a multivariate analysis should take place where all contributing factors, including the less obvious contributors, must be taken into account. It is this fact that drives criminologists to apply integrated theories (or a combination of aspects of various theories) in the explanation of criminal behaviour. In the next section we pause to examine theory and some of the theories that are applied in criminology.

4.2.6 Self-assessment questions

- (1) Explain the role of the following general factors contributing to South Africa's high crime rate:
 - (a) population structure
 - (b) rapid urbanisation
 - (c) high levels of unemployment
 - (d) political factors
 - (e) poor firearms control (15)
- (2) Describe the contribution of the criminal justice system to the high incidence of crime in this country. (15)
- (3) Describe the basic descriptive analyses of the data from several surveys over the last decade which suggest characteristics that may increase the likelihood of experiencing crime (15)
- (4) Describe the role of specific political factors contributing to crime in South Africa. (15)
- (5) Explain how poverty, unemployment and relative deprivation may contribute to criminal behaviour. (10)

4.2.7 Feedback on self-assessment questions

- (1) See section 4.2.3, items (1), (3), (4), (5) and (17). You should mention at least the three main aspects of each factor.
- (2) See section 4.2.3, items (10) to (13). Your answer should include the police, prisons and courts.
- (3) See section 4.2.3, item (15). Mention examples to illustrate your viewpoints.
- (4) See section 4.2.4, items (1) to (4). Your answer should include negotiated transition, political culture, violence and crime, political rivalry and the absence of national consensus on crime issues.

- (5) See section 4.2.4 (5). In your answer, you should indicate that the relationship between poverty, unemployment and relative deprivation is complex. Poverty, unemployment and homelessness combined with socio-political factors provide an incentive for criminal activity.

LEARNING UNIT 4. 3: APPLICATION OF THEORY
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What is theory?
What is a “good” theory?
How to study theory
The usefulness of theory
Classification of theories

LEARNING UNIT 4.3

Application of theory

- 4.3.1 Introduction
- 4.3.2 Key concepts
- 4.3.3 What is theory?
- 4.3.4 What is a “good” theory?
 - 4.3.4.1 Plausibility
 - 4.3.4.2 Evidence of validity
 - 4.3.4.3 Falsifiability
 - 4.3.4.4 Predictability
- 4.3.5 How to study theory
 - 4.3.5.1 Background
 - 4.3.5.2 Key premises
 - 4.3.5.3 Responsibility for actions
 - 4.3.5.4 Policy implications
 - 4.3.5.5 Evaluation
- 4.3.6 The usefulness of theory
- 4.3.7 Classification of theories
 - 4.3.7.1 Classical and positivist theories
 - 4.3.7.2 Structure and process theories
 - 4.3.7.3 Consensus and conflict theories
- 4.3.8 Conclusion
- 4.3.9 Self-assessment questions
- 4.3.10 Feedback on self-assessment questions



LEARNING OUTCOMES

When you have worked through this learning unit you should be able to:

- explain what theory is
- discuss the four components of a “good” theory
- identify the five common areas of theory to improve our understanding of each
- indicate the usefulness of theories
- describe the classification of theories

4.3.1 Introduction

Theories are logical constructions that explain natural phenomena. They are not in themselves always directly observable, but can be supported or refuted by empirical (realistic) findings (Burke 2014:8). Many people, including our students, think that theories are abstract and do not apply to reality. Nonetheless we all use theory on a daily basis to rationalise or give reasons for events in our lives (Walsh 2015:17). If you see a dark cloud in the sky you may state that it will rain. This is your theory about the weather. Although it is a simple theory, it expresses your view on the connection or relationship between clouds in general, dark clouds and the falling of raindrops from the sky. A theory to explain crime is not as simplistic because people are complex beings who behave differently in different circumstances and crime is a comprehensive concept that covers many different actions. For this reason, many different theories have been developed to explain crime. A theory may apply to a particular crime or category of crime, for example, a theory to explain crimes of violence such as murder. This theory is not necessarily applicable to crimes against property such as burglary and arson.

In this learning unit the focus is on theory as an explanation for criminal behaviour. We describe what a theory is and we address the question of how to recognise a “good” theory. We provide guidelines on how to study a theory and, finally, we classify theories by means of examples.

4.3.2 Key concepts

Theory. The “bread and butter” of any science, including criminology. There are many contending theories seeking to explain crime and criminality. Although we do not observe such theoretical disagreement in the more established sciences, the social/behavioural sciences are young and, and human behaviour is extremely difficult to study (Walsh 2015:22).

Systematic observations. The process(es) by which the scientist gathers information from the external or internal environment. The important role played by preferences created by previous experience is widely acknowledged.

Generalisation (generalised knowledge). This is a process by which a pronouncement is extrapolated to a bigger group or population on the basis of a study of a limited number of similar cases.

Valid (true). This concept refers to a scientific demand that is made of research acts (such as observation and the use of techniques) and survey results (such as the

processing of collected information). Validity thus indicates (i) the absence of bias (in the scientist) and (chance) errors; (ii) the existence of a close relationship or cohesion between procedures carried out in the research process, the research findings and the study object.

Structure theories. These theories concentrate on the way in which society is organised and how it influences people's behaviour (the individual offender is not emphasised).

Process theories. These theories do not stress social structures, but try to explain how people become offenders, for example through learning.

Conflict theories. These theories embody the view that human behaviour is shaped by interpersonal conflict and that those who maintain social power will use it to further their own needs.

Consensus theories. These theories are founded in the belief that the majority of citizens in a society share common ideals and work together towards a common good, and that crimes are acts that are outlawed because they conflict with the rules of the majority and are harmful to society.

4.3.3 What is theory?

A theory is a set of logically interconnected propositions explaining how observed facts within a domain of interest are related and from which a number of hypotheses can be derived and tested (Walsh 2015:16). Theories are, therefore, explanations that provide answers to the question *why?* They imply a search for the truth. Theories start off as generalisations that are made because they explain how two or more events or elements are related to each other and the conditions in which this connection becomes operational. For example, in learning unit 4.4 we discuss the connection between deficient parenting and the development of poor self-control on the part of the child.

In order to develop a theory, events are observed systematically. Masses of raw data (facts) about such events are processed in an attempt to understand and explain them and to formulate guidelines for appropriate action. In criminology, theories represent individuals' attempts to understand and explain crime. Theory is therefore the cornerstone of criminology and the basis for all the activities that are embodied in criminal justice, such as the prediction, treatment and prevention of crime. Historically, criminological theories have developed according to three distinctive viewpoints, namely, that:

- crime is a hereditary trait (biological theories)
- crime is a tendency that individuals have acquired (psychological explanations for crime)
- the causes of crime are to be found in the structure and function of society (sociological explanations for crime)

4.3.4 What is “good” theory?

According to Maguire and Radosh (1999:157–158) four vital components reflect the ideal characteristics of a “good” theory:

- plausibility
- evidence of validity
- falsifiability
- predictability

These four components will now be discussed in more detail.

4.3.4.1 Plausibility

In the first place, a theory should provide a plausible explanation for the relationship between two or more facts; for example, juveniles often commit deviant acts such as the use of illegal drugs because of peer group pressure. In other words, the explanation for this form of deviant behaviour must be meaningful and logically consistent. A theory is of no use if it does not make sense or if there is no connection between ideas. The elements of a theory must fit together and not contradict each other.

4.3.4.2 Evidence of validity

To what extent does the theory enjoy real-life (empirical) support? It is important for a theory to be valid. If a theory is valid, it will be supported by research findings and by the predictions that arise from it. A “good” theory will therefore be one that best reflects the findings of the research.

4.3.4.3 Falsifiability

A theory is never proven true, but it must have the quality of being falsifiable or disprovable. If a theory is formulated in such a way that no amount of evidence could possibly falsify it, then the theory is of little use (Walsh 2015:18). Theorists attempt to develop explanations that are precise enough to be tested. The essence of this type of scientific testing is in fact to contradict the assumptions of the theory. Only after researchers have repeatedly failed to prove a theory as false, do they eventually accept the theory and then only conditionally. It is important to realise that no amount of research or testing can ever determine that a theory is absolutely true. On the contrary, it determines that the fact that it is absolutely false could not be proven. For this reason it is clearly stated that any theory is subject to scientific falsifiability.

4.3.4.4 Predictability

All scientists place great value on those theoretical explanations that have predictive value. The best criminological theories will not only be backward looking in the sense that they harmoniously fit known facts together, they must also be forward looking, telling researchers where they should find new facts (Walsh 2015:17). Anticipating future behaviour has specific policy implications which will underline the development of effective (crime prevention) programmes and suitable sanctions (punishment). A theory has merit and is useful to the extent that it accurately predicted what is later observed; it has generated a large number of research hypotheses and has supported it (Walsh 2015:17).

4.3.5 How to study theory

Although each theory has a specific focus we can, according to Maguire and Radosh (1999:158–159), usually identify five common areas that will help us to gain a better understanding of a particular theory, namely:

- Background
- Key premises
- Responsibility of actions
- Policy implications
- Evaluation

4.3.5.1 Background

A theory is not the product of a theorist's imagination or even of his or her considerable insight. The theorist's own social and intellectual environment always plays a role in the development of theory (Burke 2015:1). Theories do not arise so much from facts as from people's perceptions of the facts and their own observations. Theorists may therefore interpret the same facts differently. A theorist who is psychologically oriented and who stresses people's inner lives will emphasise and concentrate on intrapsychic conditions which arise from past experiences as contributors to crime. A theorist who is sociologically oriented will be inclined to explain crime by means of conditions in the individual's environment. This difference in perception (and orientation) is important because it also has implications for the prevention of crime.

Theorists who advocate different perspectives will also argue in favour of different crime preventive strategies (Burke 2015:8-9). Theorists who adopt a psychological approach will stress treatment and therapy for individual offenders. If the offender is regarded as someone who is mentally ill, the solution to the problem would be psychotherapy. Theorists who are environmentally oriented will stress the necessity for improved social conditions such as better housing, educational facilities and job opportunities to prevent crime. If it is accepted that people commit crime because of economic pressure, then career guidance and access to job opportunities would be advocated as preventive strategies to reduce the incidence of crime.

4.3.5.2 Key premises

Key premises constitute the framework of a particular theory. The construction of the theory may be very complicated and detailed. However, the essence of the theory can be reduced to a number of key premises. When attempting to study a theory we should start by asking what the essential arguments or key premises of the theory are. These arguments are often expressed in the theorist's own words.



NOTE

For example, the basic or key premise behind cognitive theory is the idea that the way we think about or perceive ourselves and others determines how we respond to the world with our emotions and behaviours. The goal of any treatment programme based on cognitive theory would thus have to include changing the way a person thinks about himself and/or the world.

4.3.5.3 Responsibility for actions (free will)

Crime in South Africa is regarded as an extremely serious social problem. The study of crime has generated a considerable number of theories to explain crime, but our theoretical comprehension of crime is unsatisfactory. An important reason for this shortcoming is the lack of success when dealing with the matter of responsibility for actions. In this respect the most important question is: To what extent do individuals act as free agents?

The responsibility for action is the most important consideration when studying crime. Criminal behaviour is often explained as a product of one of three dimensions (biological, psychological or social) as explained in learning unit 4.1. This implies that one of the dimensions is emphasised, while the ideal is that all three dimensions should be taken into consideration to reflect a balanced view of the responsibility of actions.

There should be balance between theory and practice. In practice, for example, the criminal justice system focuses on individual responsibility for behaviour (was it the perpetrator's intention to commit a crime; to what extent did the victim contribute to the crime as in the case of provocation?) Theory, on the other hand, should take account of the influence of all external factors (social dimension) as well as the matter of individual responsibility (biological and psychological dimensions) to establish the required balance.

4.3.5.4 Policy implications

In the scientific world, theory is only successful if it is supported by empirical evidence. A theory on crime should include policy implications. If a theory successfully provides convincing insight into the reasons why people commit crime, then it should automatically have implications for social policy and the changes or development thereof. Social science findings can and have been used to help policymakers determine which course of action to follow to "do something" about the crime problem (Walsh 2015:21).



NOTE

For example, research that supports the key assumptions of a theory on the causes of drug dependency may lead to the development of policies for drug prevention and drug treatment.

Theorising (which is an abstract undertaking) is then in effect combined with policy-making (which is a practical undertaking). In terms of the particular (effective) theory programmes or policy, guidelines will be considered which may then be implemented in practice.

4.3.5.5 Evaluation

Theories are evaluated in terms of their adequacy, comprehensiveness and usefulness in the explanation of a phenomenon. Theoretical adequacy refers to a theory's plausibility, empirical support; falsifiability and predictability (see section 4.3.4).

Not all theories are comprehensive explanations for criminal behaviour, but comprehensiveness is an important criterion when evaluating a theory. A theory may

be described as comprehensive only when it can explain all types of criminal behaviour, including crime committed by the wealthy, the poor and the middle class. Theories that can explain the incidence of crime only among the lower classes or the underprivileged in society are not seen as comprehensive. This requirement of comprehensiveness also applies to the various types of crime. A theory is thus comprehensive when it can explain both violent and non-violent crimes.

Of course, one should take note of the fact that some theories are not suited to current circumstances because they have become dated and are no longer applicable. Also, some theories may have been effective only during a particular period. For this reason, in order to have them remain useful, some theories are “updated”, elaborated upon and adapted to suit contemporary situations in society.

4.3.6 The usefulness of theory

Lawlessness, as found in areas with high crime rates in Gauteng province in South Africa, has serious financial implications for society in general and the cost of running the criminal justice system. Crime results in a financial loss to community members and sometimes loss of lives. Theory helps us to understand why crime occurs. Once we understand the “why”, the theory explaining the “why” can assist in the development of strategies that will control the form of criminal behaviour.

As theories that explain crime change, they affect and bring about change in governmental policy and the criminal justice system. An example of this in South Africa is the implementation of the Reconstruction and Development Programme which aims to improve social conditions in order to eventually reduce the incidence and scope of crime.

In the criminal justice system, theory is used on various levels. The SAPS has designed some of its prevention activities on the basis of theoretical explanations and judges pass sentences which are based on their understanding of the character of the accused and the environment in which the individual lives. In pre-sentencing reports, forensic criminologists individualise the offender before the court and recommend suitable sentences – the arguments raised for a recommended sentence are based on theoretical explanations. Drug treatment programmes, for example, are also based on theoretical assumptions as empirical evidence supporting the theory will contain aspects that would facilitate the treatment and prevention of drug abuse. The Department of Correctional Services also takes cognisance of theory in its endeavours to maintain discipline in prisons and theory forms the basis of the criminological assessment of prisoners for the purposes of treatment, management and release.

4.3.7 Classification of theories

Theories are classified to establish the similarities and differences between them. The classification of theories can be confusing because different textbooks use different classifications. Below are three examples of classifications.

4.3.7.1 Classical and positivist theories

One of the oldest ways of classifying theories is to distinguish between classical and positivist theories. The names are derived from two schools of thought dating from the 18th and 19th centuries respectively.

Classical theories focus on laws, government structures and the rights of the individual. Positivist theories concentrate on the pathology of criminal behaviour and deal with the correction of criminality within the individual.

4.3.7.2 Structure and process theories

Explanatory theories which are environmentally oriented are sometimes subdivided into structure and process theories because of the differences in their points of departure. Structure theories focus on the way in which society is organised and how it influences people's behaviour (the individual offender is therefore not emphasised). A branch of structure theory is strain theory, which developed from the assumption that a chaotic society causes strain which leads to delinquency and crime. In South Africa, factors such as inadequate education, unemployment and poverty have been identified as elements which contribute to strain in society.

Process theories do not stress social structures, but try to explain how people become offenders, for example through learning. Thus they look at the process through which the person develops criminal behaviour.

4.3.7.3 Consensus and conflict theories

Consensus and conflict theories are also known as the old and the new criminology respectively. Advocates of consensus theories are of the opinion that individuals in society agree about what is right and wrong. Members of society therefore seem to share the same values and a distinction may be made between law-abiding people and law-breakers. For this reason, rules and laws meet the needs of the majority of members of society.

Advocates of conflict theories argue that there is, in fact, no consensus in society, since people have conflicting values. The reason for the differences in values may be found in the differences between social classes and groups which are typical of South African society; the interests of the rich and the powerful conflict with those of less-privileged groups. Conflict theories question the fact that a certain type of behaviour is regarded as unlawful while other activities which are equally detrimental are not illegal.

4.3.8 Conclusion

In criminology, theories are applied to explain criminal behaviour by taking into account general and/or specific factors that are related or conducive to crime. There are various explanatory theories, some of which concentrate to a greater extent on the individual and his or her innate or inner characteristics (biological and psychological dimensions). Other theories emphasise stress conditions (pressure) which occur in society (social dimension). Such theories cannot be described as comprehensive because the three dimensions are not equally represented in the explanation so as to sustain the ideal balance between theory and practice.

A "good" theory may be described as meaningful, consistent and valid, supplying an adequate explanation which cannot be proven false and on which predictions may be based.

Theories are useful in practice and may be classified in various ways. Although most theories have not succeeded in explaining all forms of crime, general theories have been developed which claim to do so. We discuss one such general crime explanation theory in learning unit 4.4.

4.3.9 Self-assessment questions

- (1) Define the concept of “theory”. (10)
- (2) Describe the four components of a “good” theory. (10)
- (3) Discuss three ways of classifying theories and indicate their relevance to the South African situation. (15)

Multiple-choice questions

- (4) Four components of a “good” theory are ...
 - (a) plausibility and predictability
 - (b) accessibility and accountability
 - (c) reliability and validity
 - (d) validity and falsifiability
 - (e) accountability and plausibility
 - (i) (a) and (c)
 - (ii) (a) and (d)
 - (iii) (b) and (e)
 - (iv) (c) and (e)
 - (v) (b) and (d) (1)
- (5) Key premises refer to ...
 - (a) a theorist’s perceptions of facts
 - (b) the predictive value of a theory
 - (c) the essential arguments of a theory
 - (d) the empirical support for a theory
 - (e) none of the above (1)
- (6) The most important consideration/s when studying crime is/are ...
 - (a) the influence of external factors
 - (b) the balance between theory and practice
 - (c) people’s perceptions of facts
 - (d) the responsibility for action
 - (e) none of the above (1)
- (7) Theories are evaluated in terms of ...
 - (a) plausibility, empirical support and validity
 - (b) adequacy, comprehensiveness and usefulness
 - (c) plausibility, comprehensiveness and reliability
 - (d) adequacy, empirical support and reliability
 - (e) usefulness, validity and policy implications (1)

(8) Theories are classified to ...

- (a) prevent confusion
- (b) differentiate between schools of thought
- (c) highlight structure and process theories
- (d) indicate consensus and conflict orientations
- (e) establish similarities and differences

(I)

4.3.10 Feedback on self-assessment questions

- (1) Emphasise systematic observation of events to indicate how the underlying elements of the concept relate to one another. Also refer to the three theoretical approaches in criminology.
- (2) The four components are described in section 4.3.4. Plausibility includes qualities such as meaningfulness, logical consistency and connection of ideas. Validity will be reflected by research findings and sound predictions. Scientific falsifiability centres on the ability to prove a theory false or to disconfirm its arguments. Predictions lead to specific policy implications.
- (3) Identify the three types of classification and emphasise their respective focus. Show how strain within structure is relevant to South Africa, whereas conflicting values or a lack of a common value system reflect the diversity of the “rainbow” nation.

Multiple-choice questions

- (4) (ii)
- (5) (c)
- (6) (d)
- (7) (b)
- (8) (e)

LEARNING UNIT 4.4: EXPLANATION OF CRIME



Key premises of the general theory of crime
The criminal act
The potential offender
Causes of poor self-control
Evaluation

LEARNING UNIT 4.4

Explanation of crime

- 4.4.1 Introduction
- 4.4.2 Key concepts
- 4.4.3 Key premises of the general theory of crime
- 4.4.4 The criminal act
 - 4.4.4.1 Definition of crime
 - 4.4.4.2 Common characteristics of crime
- 4.4.5 The potential offender
- 4.4.6 Causes of poor self-control
 - 4.4.6.1 Poor child-rearing practices
 - 4.4.6.2 Circumstantial factors
- 4.4.7 Evaluation
 - 4.4.7.1 Empirical support
 - 4.4.7.2 Shortcomings
- 4.4.8 Conclusion
- 4.4.9 Self-assessment questions
- 4.4.10 Feedback on self-assessment questions



LEARNING OUTCOMES

When you have worked through this learning unit you should be able to:

- identify the key premises of the theory
- indicate the common characteristics of crime
- give an overview of the characteristics of the criminal offender
- discuss the role of child-rearing practices in the development of poor self-control
- describe the evaluation of the theory in terms of empirical
- support and shortcomings

4.4.1 Introduction

Different theories have been developed to explain crime, but not all such theories comply with the ideal of comprehensiveness, meaning that one theory cannot fully explain criminal phenomena. Some theories are directed at the individual, which means that crime is explained with reference to factors within the individual such as personality and ego development (biological and psychological dimensions). Other theories are environmentally oriented and explain crime with reference to shortcomings in the social structure and the development of negative subcultures (social dimension). There are, however, also general (comprehensive) theories which try to explain all forms of crime according to a single theory. The theory of Michael Gottfredson and Travis Hirschi is an example of a general theory which was published in their book *General Theory of Crime* (1990).

4.4.2 Key concepts

Self-control. A strong moral sense that renders a person incapable of hurting others or violating social norms (Walsh 2015:133). Self-control is established early in childhood. Children do not learn low self-control; low self-control is the default outcome that occurs in the absence of adequate socialisation (Walsh 2015:135).

White-collar crime. Illegal acts that capitalise on a person's status in the marketplace. White-collar crimes can involve theft, embezzlement, fraud, market manipulation, restraint of trade, and false advertising (Burke 2014:509).

Self-control theory. This theory is defined as the extent to which (different people) are vulnerable to the temptations of the moment. It accepts the classical idea that crimes are the result of unrestrained natural human impulses to enhance pleasure and avoid pain (Walsh 2015:135). These impulses often lead to crime. The theory sees most crimes as spontaneous acts requiring little skill and earning the criminal minimal short-term satisfaction. People with low self-control possess the following personal traits that put them at risk for criminal offending (Walsh 2015:135–6):

- They are oriented to the present rather than to the future, and crime affords them immediate rather than delayed gratification.
- They are risk taking and physical as opposed to cautious and cognitive, and crime provides them with exiting and risky adventures.
- They lack patience, persistence, and diligence, and crime provides them with quick and easy ways to obtain money, sex, revenge, and so forth.
- They are self-centred and insensitive, so they can commit crimes without experiencing pangs of guilt for causing the suffering of others.

4.4.3 Key premises of the general theory of crime (GTC)

The following are the key premises of Gottfredson and Hirschi's general theory of crime (Burke 2014:302-4; Walsh 2015:136):

- The definition of crime is less confined than is the case with other theories.
- The criminal act and the criminal offender are considered as separate concepts.
- The explanation for individual differences in the tendency to commit criminal acts may be found in a person's level of self-control.
- The root cause of poor self-control is inadequate child-rearing practices.

We now look at these key premises upon which the theory is based in more detail.

4.4.4 The criminal act

4.4.4.1 Definition of crime

According to Walsh (2015:21), the definition of crime is problematic because acts defined as criminal vary across time and culture. Many criminologists believe that, because crimes are defined into existence, we cannot determine what constitutes real crimes and criminals. However, there is a stationary core of crimes that are universally condemned and always have been. These are predatory crimes that cause serious harm and are defined as *mala in se*, or "inherently bad" crimes, as opposed to *mala prohibita*, or "bad because they are forbidden" crimes. Notwithstanding, Gottfredson and Hirschi define the concept of crime in such a way that the definition is more comprehensive and includes the incidence of white-collar crime, where other theorists ignore it. Gottfredson and Hirschi's new definition of crime is that it constitutes "acts of force or fraud undertaken in the pursuit of self-interest" (Moyer 2001:151). This appears to be a broader definition of crime than the definition found in the statute books (criminal procedural definition). It stresses that people are inclined by nature to pursue their own interests. Additionally, the concept of criminality – low self-control – is not confined to criminal acts, but is also causally implicated in many analogous acts, such as promiscuity, alcohol use, and smoking, where such behaviour is portrayed as the impulsive actions of disorganised individuals seeking quick gratification.

4.4.4.2 Common characteristics of crime

In order to explain crime according to the general theory of crime (poor self-control theory) the nature of crime must be taken into account. Criminologists who advocate other theories place too much emphasis on factors such as race and gender. The point of departure of the general theory of crime should therefore be the common characteristics of crime which are supported by all theories and which may be itemised as follows (Binder, Geis & Bruce 2001:186):

- Crime provides immediate gratification of needs or desires, such as euphoria in the case of drug abuse and gambling, the acquisition of small sums of money (theft) and the solution of problems which arise from circumstantial events, such as a complex conflict relationship which is "solved" by actions such as assault.
- Crime provides for the easy and simple satisfaction of needs or desires. Money is obtained without working for it, sex is practised without courtship and revenge is taken without the delays of court hearings and procedures.

- Crime provides excitement because of the attached risks, as well as the associated danger, speed, mystery, deceit and power.
- Certain crimes do not require a great deal of skill or planning. Such crimes need not be specialised or sophisticated and may simply be a reaction to unexpected opportunities which are easy to exploit for illegal purposes. Crime has few long-term advantages and does not weigh up against the advantages of a job or a career. Crime interferes with long-term commitments such as a job or a marriage.
- The consequences of crime for the victim are pain and discomfort. Property is lost, privacy is violated and trust is destroyed.

The above characteristics of crime have convinced Gottfredson and Hirschi that crime is basically a problem of poor self-control. The key concept is therefore self-control. Self-control is defined as “the idea that people also differ in the extent to which they are vulnerable to the temptations of the moment” (Binder et al. 2001:187). In other words, people differ with regard to their ability to restrain themselves from temptations such as crime.

Theorists who subscribe to the general theory of crime also proceed from the assumption that offenders do not have special motivations, needs or desires: all individuals have the same motivations. The real problem is self-control. If someone's self-control is poor, the probability is greater that he or she will commit a crime. The opposite is also true: if someone's self-control is good, it is less probable that he or she will commit a crime.

4.4.5 The potential offender

Crime brings about an immediate satisfaction of needs. Potential offenders have minimal tolerance for frustration. They react to tangible stimuli from the immediate environment and are concerned with the here and now. They react to conflict in a physical way. One example of this is the abuse of a crying child who is irritating the offender.

If a potential offender regards crime as an easy and simple solution for fulfilling any desires, he or she lacks the necessary zeal, perseverance and determination to take any steps that do not provide an easy solution.

The excitement of crime is attractive to someone with a poor self-image and who is looking for adventure.

Criminals do not associate long-term benefits with crime. Potential offenders with poor self-control are also inclined to have unstable marriages and friendships. In addition, they are uninterested in following a career with long-term prospects.

If the crime does not require much skill or planning, the potential offender does not need academic skills and only a minimal degree of manual skill.

Victims can lose their property or even their lives because of crime. Crime therefore entails the risk of violence and physical injury. The offender is capable of handling physical pain but is indifferent to the physical discomfort of others.

To summarise, potential offenders share certain traits such as impulsiveness, lack of sensitivity, self-centredness, short-sightedness and below-average intelligence.

4.4.6 Causes of poor self-control

The following are given as causes of poor self-control and are discussed below (Siegel 2013:310–317):

4.4.6.1 Poor child-rearing practices

The main cause of low self-control is ineffective parenting and this failure to instil self-control early in life cannot easily be remedied later. It has been suggested that children who manifest behavioural problems are likely to be delinquent and eventually become adult offenders. Why is it then that not everyone resorts to crime? What prevents some people from committing crime? If the roots of crime are established in early childhood, it means that the ability to refrain from crime is also developed in childhood. Gottfredson and Hirschi argue that the traits that contribute to poor self-control are laid down early in a person's life and will remain present throughout his or her life. The road to or away from crime begins early in life and learning self-control will therefore depend on the quality of parenting in early childhood. Children whose parents neglect them or display lax parenting effort may be inclined to be impulsive, to lack sensitivity, be short-sighted in their judgement and be inclined to take risks. Theorists argue that child-rearing practices are the main influence on the formation of certain propensities. If child-rearing practices are inadequate, this will affect the development of traits which will predispose a person to crime. In South Africa, and in many other developing countries, lax parenting methods are often the result of chronic stress, frequent and long spells of unemployment and an often-permanent condition of poverty.

What is lacking in juvenile delinquents? Research findings stress a lack of discipline, supervision and affection, while the parents' conduct is often also poor (they are guilty of alcohol abuse, for instance, or they themselves have a criminal record). In South Africa, a lack of parental control is identified as a significant causative factor of crime.

In order to rear a child correctly, so that he or she develops self-control, the following minimum requirements must be met:

- Someone must monitor or supervise the child's behaviour.
- Supervisor(s) must be able to identify delinquency or detect it if it occurs.
- If delinquency does occur, the child must be punished.

An education system of this nature is activated when supervisors show affection to or make an investment in a child – in other words, when the child's education is a matter of importance to the supervisor.

The result of a good education may be that the child will be less intent on immediate gratification of his or her needs. He or she will be more sensitive to the interests and needs of others. Such a child will also be more independent and more prepared to accept restrictions placed on his or her activities. The child will probably also be less inclined to use force and violence to attain a goal.

When can education go wrong? In the opinion of Gottfredson and Hirschi, it can happen in the following circumstances:

- If the parents do not care for the child

- If the parents do not have the time or energy to monitor the child's behaviour, even if they do care for it
- If the parents do care for a child and monitor his or her behaviour, but see nothing wrong with the way the child is behaving
- When the parents are disinclined to punish the child or lack the ability to do so

To summarise: Because certain children lack self-control, as they grow older they may be attracted to crime, produce poor school results, be early school leavers, and be unable to hold down a job or maintain a meaningful intimate relationship. Conversely, children with parents who care for them, who both supervise and punish them for misbehaviour, will develop the necessary self-control to enable them to resist the temptations of crime and to perform the hard work required to make a success of their school work, a job and a marriage.



ACTIVITY 4.4.1

Why do you need to do this activity?

- To establish whether you understand what we mean by the term “child-rearing practices”.

Instructions

- Read the above section 4.4.6.1. Consider your own childhood years and the way you were brought up. In your workbook list some aspects which in your view contributed positively to your studies at school and currently at university.

FEEDBACK ON ACTIVITY 4.4.1

No specific feedback as student responses will differ.

Read through the following scenario on “Criminal parental neglect”, which clearly reflects the role of child-rearing practices in developing criminal behaviour.

CRIMINAL PARENTAL NEGLECT SCENARIO

(Adapted from CMYI 501, 2007:199–200.)

Ruby Walker lives in denial. Nathan Walker Sr. lives in the house that guilt built. Their 19-year-old son will live the rest of his life in state prison.

Had they given Nathan Walker Jr. a decent first chance, they might not have had to ask a judge to give him a second one.

Ditto for Harriet Rogers and Masterson Poindexter Sr., whose crack addictions doomed Tommy Poindexter to a life of abuse and neglect.

These four parents who couldn't bother showing up in their sons' lives showed up at the Palm Beach County Judicial Centre Tuesday, hoping to persuade Circuit Judge Krista Marx to show the young men compassion – compassion their sons failed to show a mother and her 12-year-old son when they gang-raped and tortured them in a West Palm Beach housing project two years ago.

Judge Marx gave them the same compassion, sentencing Walker, Poindexter and co-defendant Jakaris Taylor to life. Judge Marx didn't refuse to consider that each of them had been fatherless. Or that their mothers were either too addicted or too ill to parent them. Or that poverty and hopelessness characterised their lives. "I sympathise with that," the judge said. It's just that nothing could excuse the "unspeakable violence" of the "atrocities layered upon atrocities" they had inflicted on their victims.

The hours the young boy spent watching them violate his mother. The forced incest between mother and son. The chemicals they poured inside her to destroy evidence and avoid capture.

"I can only surmise that none of you gentleman ever developed any moral code," Judge Marx said, "and I have no confidence that if you are shipped off to the Department of Corrections you will find a moral compass there."

As I listened to the judge, I couldn't escape the feeling that I was witnessing a miscarriage of justice. Not because these rapists were getting what so many believe they deserve. Because their parents are getting off.

I know first-hand that parents can show love, dole out discipline, share quality time, do everything they believe is right and still see their children go down the wrong path and make terrible decisions that hurt themselves and others.

I've also seen parents do everything wrong, yet wind up with children who get it right, excelling academically, emotionally and socially. But when parents get it as wrong as the Walkers, Rogers and Poindexter, who just abandoned their parental responsibility, what price – besides guilt do they pay?

Yes, these young men are responsible for their actions, no matter their upbringing. Their parents are also responsible for the role they played. We send people to prison just for being present at a crime. Can we not also imprison those whose absence and neglect contribute to a crime?

Saginaw, Michigan, may strengthen its parental responsibility policy as a result of a string of youth shootings. Parents who fail to seek professional help counselling sessions, anger management classes or substance-abuse recovery for their criminally involved children would face fines and jail time. Communities in Florida should do the same.

Ruby Walker insists that her son is innocent, despite the DNA evidence and testimony from another rapist at the scene. "He's not," she said, "like that." Perhaps denial gives her the solace that years of alcohol and drug abuse could not. Nathan Walker Sr. testified that he was too busy fighting his "demons" of addiction to be a father to his son. Masterson Poindexter testified to pretty much the same.

Rogers didn't testify, but she did tell The Post's Susan Spencer-Wendel that Tommy "didn't feel loved by us." There always will be children who go astray. When parents have done their utmost to ensure it, their punishment should fit that crime.

4.4.6.2 Circumstantial factors

The characteristics of poor self-control are often confused with particular social circumstances, which make it difficult to differentiate between such characteristics and those circumstances. Gottfredson and Hirschi are of the opinion that the propensity to commit crime is present in human nature and that children will tend to have a higher crime potential in the absence of socialisation.

Crime is regarded as an event in time and space and various factors have to be present for a crime to occur. Crime has an attraction for people who have a tendency to it, because it holds the promise of pleasure. There is a rational element in this theory. The

crime must be seen to entail a reward so that the pleasure which can be gained from the crime is more important than the possible consequences. Further prerequisites for crime are that there should be a potential target and that the situation must suggest the absence of unpleasant consequences. Other factors such as physical power, speed and alcohol abuse may also play a role in the crime situation.

Crime is not the automatic or inevitable result of poor self-control. Antisocial behaviour such as alcohol abuse and truancy are also the result of poor self-control. Also bear in mind that one offender may commit a variety of crimes. Criminals do not always commit one particular kind of crime and it is therefore not always possible to identify a pattern of crime.

4.4.7 Evaluation

Gottfredson and Hirschi claim that the principles of self-control theory may be used to explain all forms of criminal behaviour.

4.4.7.1 Empirical support

Several research studies have been conducted that support the theoretical views of Gottfredson and Hirschi. One approach is to identify indicators of impulsiveness and self-control and determine whether scales measuring these factors correlate with measures of criminality. A number of studies have succeeded in showing this type of association. For example, both male and female drunk drivers were found to be impulsive individuals who manifest low self-control. Research on violent recidivists indicates that they may be distinguished from other offenders on the basis of their impulsive personality structure (Siegel 1995:274).

4.4.7.2 Shortcomings

GTC has been criticised for attributing variation in people's level of self-control solely to variation in parental behaviour and ignoring child effects. The child development literature makes it clear that socialisation is a two-way street in which parental behaviour is shaped by the evocative behaviour of the child just as much as the child's behaviour is shaped by his/her parents. Low self-control may thus be something that children bring with them to the socialisation process rather than a product of the failure of that process. This has been supported by a number of studies that have found a strong genetic component to low self-control.

In a similar vein, attempting to explain criminal behaviour on the basis of low self-control implies that the offender suffers from a personality disorder that makes him or her more impulsive and rash. However, there is still no conclusive proof that criminals may be distinguished from non-criminals on the basis of personality alone.

The theory also fails to address social ecological patterns in the crime rate. For example, if crime rates are higher in KwaZulu-Natal than in Limpopo, can we assume that the people living in KwaZulu-Natal have less self-control than the residents of Limpopo? What about the influence of specific causative factors such as poverty, unemployment

and relative deprivation (see section 4.2.4 in learning unit 4.2 on specific causative factors in South Africa)?

4.4.8 Conclusion

Gottfredson and Hirschi argue that crime has distinguishing characteristics. The personality traits of potential offenders may be defined on the basis of these characteristics. Good discipline in child rearing is important to counteract poor self-control. Also, poor self-control should not be seen in isolation, since circumstantial factors together with self-control play a vital role. Poor self-control not only explains the incidence of crime, but also other undesirable behaviour such as heavy or binge drinking.

4.4.9 Self-assessment questions

- (1) What are the common characteristics of crime, as identified by Gottfredson and Hirschi? (15)

Multiple-choice questions

- (2) According to Gottfredson and Hirschi, the root cause of poor self-control is ... (1)
- (a) limited education
 - (b) inadequate socialisation
 - (c) limited intelligence
 - (d) inadequate child-rearing practices
- (3) The common characteristics of crime are ... (1)
- (a) long-term commitments
 - (b) gratification of needs or desires
 - (c) excitement due to the risks attached
 - (d) skills or planning not necessarily required
- (4) To rear a child properly, the following minimum requirements must be met ... (1)
- (a) to punish if delinquent acts occur
 - (b) to identify and detect delinquent behaviour
 - (c) to show affection towards the child
 - (d) to monitor the child's behaviour
 - (e) to be sensitive to the interests of the child
- (i) (a), (b) and (e)
 - (ii) (b), (d) and (e)
 - (iii) (b), (c) and (d)
 - (iv) (a), (b) and (d)
 - (v) (a), (b) and (c)

4.4.10 Feedback on self-assessment questions

- (1) See paragraph 4.4.4.2. Satisfaction of needs takes place immediately and in a simple way. Other characteristics of crime are the excitement it generates,

the few long-term benefits, the low level of skill required by offenders and the problems experienced by victims. Elaborate on each of these points.

Multiple-choice questions

- (2) (d)
- (3) (a)
- (4) (iv)

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Notes

This image shows a full page of primary-ruled paper. It features approximately 20 horizontal dashed lines spaced evenly down the page, providing a guide for handwriting practice. The paper is otherwise blank, with no margins, text, or other markings.

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