
CRIME: AN INTEGRATED CRIMINOLOGICAL PERSPECTIVE ON DEFINITIONAL CHALLENGES AND CONTROL STRATEGIES

Muhammed Rafi K P, LLM, Central University of Karnataka

ABSTRACT

The famous philosopher of law Russel admitted that "to define crime is a task which so far has not been satisfactorily accomplished by any writer". Crime has been defined by many jurists in a way that has not yet comprised of all essential factors of crime. How can a crime be defined and who has the authority to define an act as a crime? Who has the authority to build canons of crime? Such questions have been roaming between jurist. In a fact to define crime is quite a difficult act which led intellectuals unhealthy. This work is an attempt to identify the canons of crime and evaluate how crime has been defined by different jurists moving from singular definitions to integrated models like the Square of Crime and Hagan's Pyramid. Furthermore, this paper extends this definitional debate into the realm of crime control, analyzing how an integrated understanding of "harm" and "social norms" necessitates a shift from purely repressive punishment to restorative control strategies.

Keywords: Crime, Definition of crime, Factors of crime, Social Control.

BACKGROUND

Crime is a primary concern to every member of society, which is inevitable in any human society, but paradoxically some sociologists have gone to an extent that it helps to have social solidarity among people. This has been explained by Emile Durkheim, in his work *Rules of Sociological Method*: "There is no society that is not confronted with the problem of criminality. Its form changes; the acts thus characterized are not the same everywhere; but, everywhere and always, there have been men who have behaved in such a way as to draw upon themselves penal repression".

Thus, the spectrum of crime is different, even in the same regime; it may not be seen as uniform. In all aspects it's obvious that crime is associated with harms and violence; harms to individuals, property and denial of respect. However, it's very complicated to draw a conclusion to questions like what is exactly a crime? How can it be defined? To define crime, it is preferring to have an integrative definition approach. This article is an attempt to find the basic elements of definition of crime and crime control strategies. The concern of crimes is raised in various forms of curiosity; it may idol curiosity to get some short thrill.

1. CRIME: INTEGRATED DEFINITION

Philosophically, a definition should include everything that comes and excludes whichever is not considered. So, how could someone define something without knowing the subject in a mean? In here it's obvious that defining crime in legal gives basic premises and it will distinguish crime from the terms like "sin and moral wrongs". The term crime has been defined by many jurists. The lawyer-sociologist Paul W. Tappan has defined crime as "an intentional act or omission in violation of criminal law, committed without defense or justification, and sanctioned by the laws as felony or misdemeanor"¹. The admission of Russel that "to define crime is a task which so far has not been satisfactorily accomplished by any writer"² indicates that it's very difficult to give a precise definition to crime. Since crime is not a singular way which stand alone, it is incorporated with different aspects of the society, effective integrative definition - includes moral consensus, rule-relativism, political conflict, power, and social harm, - helps to know the to an extent what is crime.

¹ Crime, Justice and Correction, 10

² Russel on crime, JW Cecil Turner, Vol 1, 12th Edition, Stevens & Sons, London, P 18

Those who support integrated definition of crime pointed out that rather than implied definition, explicit definition sounds good. As Bark explained "Integrative ways of viewing crime and criminals are preferable to non-integrative or singular ways because the former affords the key to obtaining the fullest possible picture of the nature of crime and social control, whereas the latter provides only partial and incomplete pictures of the phenomenon"³. The combination of two or more pre-existing theories to a single reformulated theories is comprehensive and valuable. The best example for such integration is Braithwaite's theory "Re-integrative shaming theory" which amalgamate with the elements of control theory, labelling theory, subcultural theory, opportunity or strain theory, and social learning theory. In another way we can say that integration is an opening up to different types of expressions. But while defining crime as integrative form, it's highly complicated what integration is intended to explain? How should an open-ended definition be formed?

Legal, moral consensus, rule-relativism, and social harm are prevailing dimension among the multiple dimensions of integrative definition of crime. The legal definition can be defined as "act committed or omitted in violation of public law forbidding or commanding it"⁴. So, the authorities have the right to select an act as crime and punish for it. However, such selective approach has been criticized by sociologist and relative theorist. All act (include omission) which are the violation of social norms can be defined as deviant behaviour (in other word it can also be said as crime in moral sense). The Rule-relativists argued that crime is not absolute, it is culturally and environmentally relative. An act which has been defined as crime once may not be considered as crime in future e.g.; Adultery. As Justice Dalveer Bhandari said - "Every criminal act is an offense against the society. The crime is a wrong done more to the society than to an individual. it involves serious invasion of rights and liberties of some other person or persons"⁵. All crime harms the society is the argument raised by those who focus on social harm in crime. From all these dimensions to date there has three attempts been made for a holistic framework of integrative definition of crime.

1.) Square of Crime.

Left realistic "square of crime" is an implicit attempt to have an integrative holistic framework for crime. The left realistic approach stated that there should be four elements to consider an

³ Bark, S. E. (2009). *Criminology: A sociological understanding* (6th ed.). Pearson.

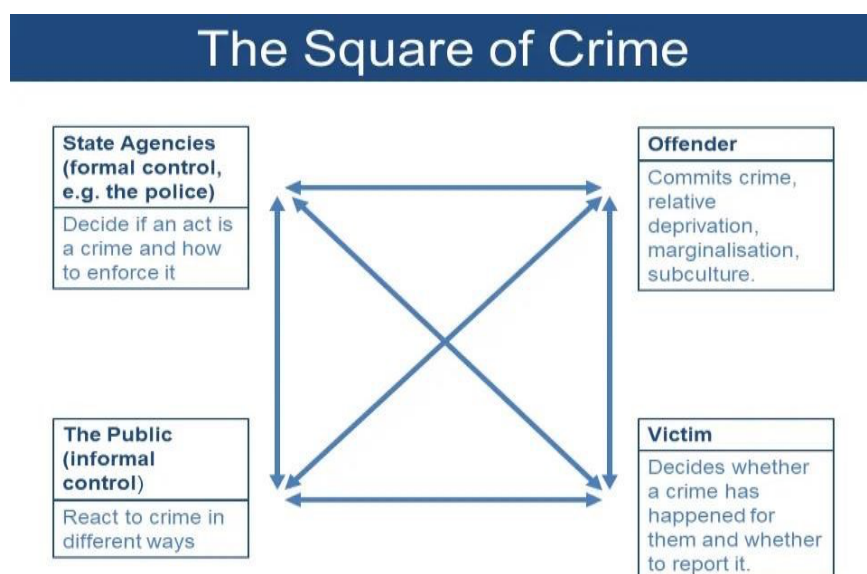
⁴ Sir William Blackstone, *Commentaries on the Laws of England*, Vol 4, 17th Edn, 1830, P 5.

⁵ Mohd.shahabuddin V. State of Bihar, (2010) 4 SCC 653.

act as crime. (1) the offender, (2) the victim, (3) the police (state agencies), (4), the public. “Offender” means that there should be an actor who involve in the commission of an offensive behavioural act. And those who suffered from the act of offender is the “victim”.” Police” is the agencies of Government enforcing the law, that, he should strive to control and maintain a legal society. The existence of informal community and their sense and reaction towards crime can be referred as “Public”.

The realistic approach stated that all these elements are necessary for a crime. On the view of realistic approach, the government agencies should take actions against offender, and such action will help to have a deterrence in the mind of public. These square of crime are interconnected in impact of crime (relationship between offender and victim) and efficacy of policing (relationship between Police and Public. However, by adding the public left realism expanded the traditional “triangle of criminology” which shows that individual is not only the matter of crime, but it is also a part of social phenomenon.

Fig 1.1



In other way we can say that left realism emphasizes the significance of understanding the social context of crime like inequality and lack of opportunity. Thus, the square of crime can be adopted to know and understand crime in various context and helps to develop effective crime control strategies. But the attempt while showing how interaction between the elements constitute real crimes, it fails to explain what the elements are make the event a crime or not a crime.

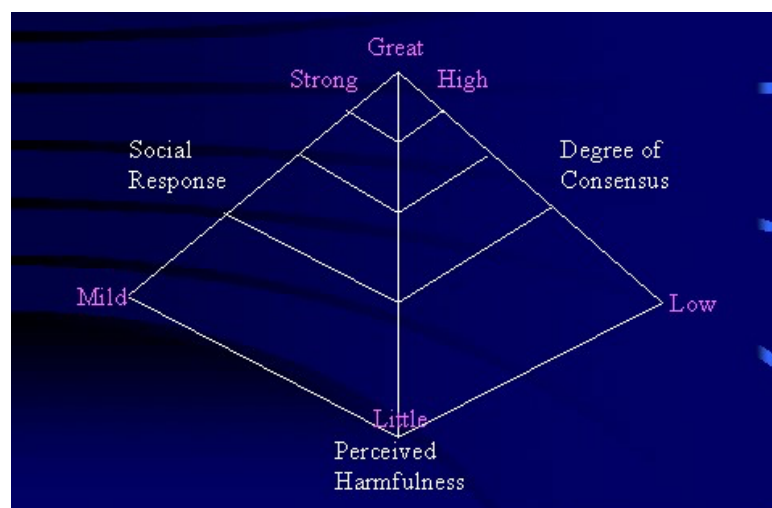
2.) Hagan's Pyramid of Crime.

John Hagan the author of "who are the criminals?" is a famous American Sociologist and criminologist. Hagan's Pyramid of crime is one of his criminological models that organize different types of crime and emphasize the severity of different crime. Hagan's define crime as a kind of deviance, which in turn consists of variation from a social norm that is prescribed by criminal law. Thus, he agrees with the views of critical theorists that says harm is essential element in constituting a crime and legal tradition of law violation. These approaches lead him to measure the seriousness of crime into low/weak to high/strong.

Hagan approached to see crime as different dimensions, One, consensus crime, that is collective consensus about an act as wrong that is crime e.g. Murder, Second, conflict crime, that is severity of society's response in law. How harsh is the punishment and societal reaction on it? punishments can range from avoiding someone socially or giving a warning, to kicking them out of society or even using the death penalty. The harsher the punishment and the more people support it, the more serious the act is considered.

The third dimension is relativity, which is part of radical theory; that is relative seriousness of crime based on the harm it has constituted. However, he stated that some acts are victimless crimes like drug use, and many other crimes harms other and sometimes the harm only affects one person at a time. In a short we understand that the pyramid of crime is inculcated with three questions (1) How much do people agree is wrong? (2) How harsh is punishment? (3) How much harm does it cause? and these three things show how serious a society thinks an act is.

Fig 1.2



At the top of the pyramid are highly visible crimes, like robbery, assault, or murder. These crimes are often committed by people with less power and are easily noticed, so they get a lot of attention. At the bottom of the pyramid are less visible crimes, like fraud, embezzlement, sexism, racism, or hate crimes. These crimes are usually committed by powerful people or groups, such as government officials or corporations, and often happen in private settings, like workplaces. Because they are hidden, they don't get as much attention. In short, the pyramid shows that while some crimes are very visible, others, often committed by the powerful, stay in the shadows.

Hagan defining crime as violation of social norm and he evaluated the failing of legal agencies in punishing the offenders of invisible crimes. So how society interact with an act evaluate whether that act amounts to right or wrong. While defining crime also Hagan not only turn his mind to sole legal part, but rather all of that he tried to integrate the definition of crime with social aspects. Since Hagan's model is rooted in conflict theory, which suggests that laws are created by those in power to maintain their status, this integrated approach of crime also criticized. The main critique one can argue that while the model is powerful rhetorically, it oversimplifies a complex legal reality and over centred to power and status not individual character. But in current scenario the Hagans pyramid should be read with theories like "Differential Association theory" coined by Sutherland⁶.

Crime Control

1.) Harms of Reduction and Harms of Repression.

Pre-modernist approaches argue that crime can be prevented by identifying the cause of crime, and individuals have a significant role in preventing crime. Meanwhile, post-modernist thinkers argued that crime is social construction, and society is fragmented with a large diversity of groups. Society is rapidly changing, which instead of value consensus is filled with uncertainty and chaos. So post-modernists argued that definition of crime should be based on justice and respect, not of using narrow legal definitions.

Under the post-modernist approach, harms divided into two, that is simply we called, harms of reduction and harms of repression. The harms of reduction indicate that harms that reduce

⁶ Criminal behavior is learned through social interaction, not innate traits

personal abilities and loss of some quality which result from another's action. It will make positive change and make impact in persons without having any judgement. This harm principle supports the view of deterrence theory of punishment, which the negative aftermath of an offender will make impact and deterrence on others. A person's crime record file does shrink his future opportunities and effect in building careers.

Harms of repression are what is actively done to the people and restricts a person from accomplishing a future desired. This kind of strict control, like harsh policing and jail, often makes the problem worse instead of solving it. When we label offenders as 'criminals,' we push them away from society. This leads to a cycle where they are likely to commit crime again—something sociologists call 'secondary deviance.' If the state only focuses on punishment, it ignores the real reasons for the crime, such as poverty or lack of fairness. Instead of fixing the behavior, too much harshness isolates the person and breaks the social connections they need to live a law-abiding life.

2.) Democratizing Control: The Application of the "Square of Crime"

If we accept the premise of the Left Realist "Square of Crime," then the monopoly of the Police in crime control must be questioned. As stated earlier, the "Public" and the "Victim" are equal pillars in the definition of crime; therefore, they must be equal pillars in its control. Traditional policing views the public merely as witnesses, but an integrated control strategy views the public as partners. This is often termed "Community Policing." If the interaction between the police and the public determines the efficacy of the law, then control strategies must focus on building trust rather than just instilling fear. Without the cooperation of the "Public" corner of the square, the "Police" corner becomes isolated, leading to what sociologists call a "militaristic" style of control which paradoxically increases crime by alienating the community. Thus, a vital strategy is the democratization of control—where the community takes ownership of its own safety through informal social controls, rather than relying solely on the formal control of the state.

3.) Visibilities and Control: Addressing Hagan's Upper Pyramid

Hagan's Pyramid revealed a dark truth: the crimes of the powerful often sleep in the shadows of "low visibility." Therefore, a robust control strategy must shine a light on these upper tiers. Currently, our control systems are heavily biased towards the "highly visible" crimes at the top

of the pyramid (theft, assault) which are often committed by the poor. Meanwhile, the "invisible crimes" at the bottom (corporate fraud, pollution, discrimination) escape scrutiny. To truly control crime, the legal lens must be widened. Strategies must be developed to increase the "visibility" of white-collar crimes. This involves stricter regulatory bodies and transparency laws that force the powerful to operate in the open. As long as control strategies only target the visible crimes of the streets and ignore the invisible crimes of the suites, the definition of justice remains incomplete.

4.) Situational Prevention: Altering the Environment

Beyond the abstract philosophies of punishment, there lies a pragmatic approach: altering the environment itself. If crime is an "event" that happens when an offender meets an opportunity, can we not simply remove the opportunity? This strategy does not rely on changing the human soul but on changing the human situation. It asks a simple question: How can we make the act of crime more difficult and less rewarding? By improving surveillance, lighting, and urban design, we increase the "perceived effort" and "perceived risk" for the offender. However, critics argue that this merely displaces crime rather than curing it. Yet, in an integrated perspective, situational prevention acts as a "hard" barrier to crime, while social justice acts as a "soft" barrier. Both are required for a holistic control mechanism.

5.) Integrated Control: The Shift to Restorative Justice

If we admit that crime is not merely a violation of law but a violation of relationships and social norms (as seen in the Square of Crime), then our control strategies must also change. How can we control crime if we only focus on the offender and ignore the victim or the community? Traditional control strategies focus on "retributive justice"—punishing the offender to satisfy the law. But as we observed with Braithwaite's "Re-integrative shaming theory," true control comes not just from punishment, but from reintegration.

This leads us to the concept of Restorative Justice. Unlike the "Harms of Repression" which restricts a person, restorative justice attempts to repair the harm caused by the crime. It brings together the very elements mentioned in the Left Realist "Square of Crime": the victim, the offender, and the community.

- The Victim: Instead of being a passive observer in the court, the victim gets a voice to

define the harm they suffered.

- The Offender: The offender is made to understand the "Social Harm" they caused, rather than just serving time in a prison which often acts as a "school for crime."

In this way, control strategies become a mirror of the definition of crime. If crime is defined as a social harm, the control must be social repair. As implied by the post-modernist thinkers, we must move beyond the narrow legal definition where the State is the only victim and recognize that crime fractures the social bond. Therefore, effective control strategies must be "integrative"—combining the legal deterrence of the police with the moral force of the community.

The Indian Perspective on Definitional Integration

In the Indian context, the challenge of defining crime is even more complex due to the diverse cultural fabric. The Bharatiya Nyaya Sanhita provides a rigid legal definition, yet Indian society often operates on moral consensus and community norms. As Justice Dalveer Bhandari noted, crime involves a serious invasion of rights, but in India, what is considered a "right" or a "wrong" often shifts between rural and urban settings. For instance, acts that were once considered morally "deviant" in Indian society are now being decriminalized by the Courts, showing that the "legal definition" is constantly chasing the "social definition."

This supports the argument of the Rule-relativists mentioned earlier. In India, the authority to define crime is legally with the Parliament, but socially, it often rests with the community conscience. Thus, for an Indian criminologist, an integrated definition is not just a theory, but a necessity to understand the conflict between traditional values and modern laws.

CONCLUSION

In conclusion, the journey to define crime is not a straight path but a complex matter. From the admission of Russel regarding the difficulty of definition, to the structured attempts of Hagan's Pyramid, it is obvious that no single definition can satisfy all jurists. However, by adopting an Integrated Criminological Perspective, we can see the picture. We understand that crime is a mixture of legal violation, social harm, and political power. Consequently, our strategies to control crime cannot remain static. They must evolve from simple repression to holistic

reduction of harm. Only by integrating the definitions of the past with the sociologies of the present can we hope to build a safer society for the future.

BIBLIOGRAPHY

1. Sir William Blackstone, Commentaries on the Laws of England, Vol 4, 17th Edn, 1830.
2. Ps. Pillai, Criminal Law, LexisNexis, 14th ed, 2021.
3. John Gillin, Criminology and Penology, 3rd ed, New York.
4. Bark, S. E, Criminology: A sociological understanding, 6th ed, 2009.
5. Russel, Crime, Stevens & Sons, London, Vol 1, 12th Edition.
6. Mohd.shahabuddin V. State of Bihar, (2010) 4 SCC 653.