

ROLE OF SOCIETY IN THE SHAPING UP OF CRIMINALS-
A JURISPRUDENTIAL PERSPECTIVE

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ABSTRACT

It is imperative to understand that the existence of Crime in the society is inevitable and not to mention it has co-existed right from the start of the basic human interactions as a member of a large group. This project will aim to look at the reasoning behind the shaping up of criminals with special reference to the societal aspects, say, on the lines of poverty, religion etc as well as Psychological theories propounded. It is always important to understand the reason behind a crime in the due process of fighting against it and it is usually such that the crime that so takes place is a grave after effect of the failure of the society to act reasonably upon a certain individual. The project will deal with Lord Devlin's claim that the central function of the criminal law is to simply enforce a moral principle and nothing else, Rawlsian model of law, Kantianism, Personal Justice, Natural Law Theory, Utilitarianism, etc and analyses their application in the aforementioned scenario before giving out my comprehensive observations and conclusions.

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INTRODUCTION

It is imperative to understand the fact that the existence of crime in a society is an inevitable phenomenon and not to mention it has been in co-existence with the society right from the start of the basic human interaction. An act can be said to be a crime only if there is a law that confers that the said act ought to be construed as a crime and in continuance when the same mandates a said punishment so as to make sure that the individual who has suffered is delivered justice with an additional motive of reforming the perpetrator. It is very much important to understand the fact that the human needs play a very important role in determining their actions and the emotions are the key in determining as to the course of action they take to satisfy their needs⁴⁵⁴. Be it any crime, there will be a motive behind it and such a motive is to satisfy a said need that so arises right from the psychological interiors of the perpetrator which indeed is an important factor that has to be considered when determining a said act of crime. Of all these factors, this topic will take into consideration the crimes whose motives are merely dependent upon the factors that are controlled by the society. The project will aim to look at the reasoning behind the shaping up of criminals from a jurisprudential point of view associating the study from the societal point of view where the time and circumstances of the society being the hotspot of human interactions could lead to such a motive. Some commit crimes in order to get over the poverty that has struck him or her, while some do it in the name of religion, while some, when justice is taken away from oneself by the society or a particular fraternity that resides in a society or as a matter of fact an individual.⁴⁵⁵ The project will primarily look at the claim of Lord Devlin where he had mentioned that the function of the Enactment of Criminal Law is to make sure that a moral principle is enforced and nothing further. This study will also take into consideration the Rawlsian Model of Law, Theories propounded by Kant, The Role the concept of Personal Justice plays in the making of a criminal in the society, Natural Law Theory etc. and not to mention it tends to look at their mere applicability as under the current scenario while trying to reason out the result.

It is important to note that the concept of Justice is a very grey, ambiguous area and with its subjective application it comes across as one major factor behind the shaping up of a criminal in the society. Justice as anyone commonly perceives is looked upon as something that is associated with the rules and regulations and the mere reasonableness that so is attached to the

⁴⁵⁴ David Canter & Donna Youngs (2016) Crime and society, Contemporary Social Science, 11:4, 283-288,

⁴⁵⁵ McCollister, Kathryn E., Michael T. French, and Hai Fang. "The cost of crime to society: New crime-specific estimates for policy and program evaluation." Drug and alcohol dependence 108.1-2 (2010): 98-109.

same, while however, what one merely fails to understand is that Justice has several ways of interpretation and in different scenarios it was associated with different actions. Say at one juncture, during the struggle for Indian Independence, the justice ought to be perceived as the act of granting freedom to the Indian Subcontinent. Now moving back to an another scenario, say during the abolition of untouchability, justice merely meant equality towards them in the eyes of the law. With that having been said, it is important to note that John Rawls dealt with the aforementioned ideas of justice. Now one prominent reason why I start off my project with the mere statement that depriving someone off his or her justice is an important factor in determining as to why someone would merely resort to committing a crime. There are indeed several types of justices and one of the prominent concept with regards to the same is the concept of social justice wherein every individuals in a society are treated as equals and not to mention they are vested with all the rights they are entitled to, right from the birth. While the social justice is more or less good on paper the implementation of the same is often shaky and is one of the reasons why a man aggrieved by the society's inability to vest his share of social justice will rise up and commit crimes which are against the essence of such a society. The right to have a fair judiciary is one such important principle that has to be assured by Social Justice and not to mention, often, when the law is a grey area and the judiciary is unable to mete out justice that an individual deserves, the person is sent into a wrong sense wherein he or she believes that he can attain the same by taking matters on his own and achieving his objectives and by doing so, the perpetrator tries to exceed his own boundaries that so are put forward by the law at hand or as a matter of fact the Criminal Law in this sense thereby becoming a "Criminal" as the law calls it⁴⁵⁶. While the social justice is more or less looked upon as a concept that is focused upon a larger fraternity based on the principles of haves and havenots, personal justice is what is important over here because, unlike social justice which is decided upon by a wider fraternity, personal justice leaves it to the said individual so as to decide on what can be termed as justice for the said individual. In short, while there are several ways to determine as to what social justice is, the personal justice is more or less personalized and might or might not align with the social justice prevailing in that particular society.

Apart from the mere concepts of Justice the paper also looks at the perpetrators from the view of punishments where it is imperative to note that there are several modes of punishments such as "retributive punishment" which refers to the concept of an 'eye for an eye' say with regards to Capital Punishment as a punishment for a terrorist who had killed a large number of

⁴⁵⁶ Gibbons, Don C. Society, crime, and criminal behavior. Englewood Cliffs, NJ: Prentice-Hall, 1982.

individuals. Now, as long as the punishments are meted out by the rule of law based on the concept of social justice, it is absolutely fine, but when it comes to personal justice which so is denied to an individual and such an individual decides to take matters on his or her own hand with no compliance, that is the moment when a criminal is shaped up by the society. The second form of punishment is with regards to rehabilitation wherein it looks to reform anyone who has committed the fault, with the mere aim being that the individual must be corrected and reformed. The final form is deterrence wherein an act is punished in order to make sure that no one else repeats the said act ever again. Now, retribution can also be linked with deterrence and the same is seen with regards to Criminals whose state of mind is not just to capture an eye for an eye but at the end of the day to teach to the society at large a stronger message.

When Justice and Punishment being two multi-faceted concepts are taken into account it is important to understand the fact that, the end goal of both the law enforcing authority and an individual who wants to avenge are the same which is to cater to justice, for example A rapist being given death sentence by the judiciary and a rapist having been killed by the perpetrator, however it is imperative to understand the fact that the way through which the same is being carried out is different with varied reasonings and with one being legal and the other being illegal as under the eyes of the law. While this is just a mere example, the project will aim to look at the shaping up of a criminal by the society and such an individual's tryst to claim his share of personal justice which may or may not be in coherence with that of the Social Justice as a member of this Society

A) Hypothesis

When societal justice is denied to an individual say in the due course of time an individual takes matters into his own hands and delivers justice in an egoistical manner which is one of the main reasons in the shaping up of a criminal.

B) Research Questions

1. What is the effect of a crime upon the mere normal functioning of a society?
2. What are the major elements of a crime that so affects the society at large?
3. What is the role of a society in defining a crime?
4. How does the society contribute to the shaping up of a criminal in its ambit?

CRIME AND ITS CHARACTERISTICS

Before moving further with regards to the topic it is always important to look at what exactly falls under the ambit of a crime and not to mention what are the basic characteristics of a crime

owing to the fact that there are several definitions assigned to the same and one being a crime for an individual might not be a crime to another, which merely gave rise to a proper definition of a crime based on the guidelines that are set by the law. In other terms, A crime is said to be performance of an act or an omission in performing the same which is prohibited by the law of the state. This is an important aspect owing to the fact that the term 'crime' is often used to signify a moral offense as well leaving the same into an area of grey. Now it is important to understand that once an individual performs an act or fails to perform an act that is mandated by a law, then in such a case upon the event of a conviction, the individual is punished by the agents of the state and not by a certain individual of the state and such a punishment shall not involve the payment of compensation. With that having been said, crimes can be defined as any wrong in the moral sense or social sense such that it is committed by an individual against an individual or a group of individuals or as a matter of fact a group of individuals against an individual or a group of individuals such that the act that so was committed or omitted from such a commission is mandate by a law, with a condition such that upon conviction it is only the state that can punish the said perpetrator against the commission or omission of an act that so is mandated using its agents and not any private individual. While there are several categories of crimes that so prevail in a society, based on the definition of the crime that so was formulated by the researcher, here are a following observations-

1. It is imperative to understand the fact that the crimes are to be prohibited by a law that so is in force at that point of time. This is very important and the principles of *Nullum crimen sine lege* and *Nullum peone sine lege* are very much applicable over here.⁴⁵⁷ The maxims which are based on the concept of legality merely try to ascertain the fact that there can be no crime without a law that is explicitly mentioning it and not to mention there can be no punishment when the said act is not merely mentioned under the eyes of the law. On a very bare perusal of the aforementioned maxims along with that of the formulated definition of Crime it is imperative to understand the fact that the act that so is under consideration or the act that so has been omitted must be explicitly called so as something that falls under the ambit of a crime and not to mention once a said law has invariably mentioned that the said act falls under the ambit of a crime, it should also prescribe a punishment as such so as to make sure that the principle of legality is established.

2. Now considering the fact that there is a law that so says that a said act or an omission of said act falls under the ambit of a crime it is imperative to note that the punishment that so was

⁴⁵⁷ Williams, Glanville. Textbook of Criminal Law. London: Stevens, 1983. Print.

specified must be enforced against the perpetrator only by the government which happens to be the lawmaker and not to mention such an enforcement must be such that the agents of the government aid in the same and the perpetrator cannot be prosecuted by any private individual. This is primarily due to the fact that the Private Individual is not the law maker at this juncture and not to mention punishing a perpetrator in their own hands would only imply that the an individual who is not authorized by the law to carry out the functions it seeks to carry out is taking law in his own hands and doing the same. While although it is imperative to understand that the motive of the private individual might or might not be in coherence with that of the law, it is imperative to understand that considering the fact that he is not anyone who is authorized by the law to carry out the said function, the person cannot be allowed to discharge such functions.

3. With reference to the maxim *Nullum peaeone sine lege* it is important to take into consideration the fact that a said punishment must not be something that is under the nature of a compensation. This could primarily be since the delivery of justice as such cannot be put to monetary terms which is a very important factor, not to mention it is also important to note that this would also make sure that money is looked upon as something that can ease and bring in justice a crime of any sort, which is more or less a very flawed notion. Thus, a punishment that so has been prescribed must be of a nature such that it is a punishment as a whole and not something that so is restricted to monetary compensation.

With these observations having been formulated, the main characteristics of a crime as observed are summed up hereunder:

1. An act of crime is anything that so is prevented by the law by an explicit statement
2. The crimes that so are defined by the law must be prosecuted by the agents of the government and private individuals don't have any stake to claim in prosecution
3. Once convicted, the resultant must be a punishment and not compensation.

SOCIETY AND ITS CHARACTERISTICS

The society is said to be a conglomeration of people who set to interact with one another sharing their spirits of companionship and association. In other terms, society refers to a group of individuals who are in association with one another and they are defined by the social interactions. The said set of people who comprise such an association have a common identity either by the way of territoriality or by the way of culture as such which merely tend to act as an unifying object. It is imperative to understand that the behavioral state of individuals in a

society can aid in a positive development of all the individuals which is otherwise not possible in an individual basis. But the downside of the same is the fact that as humans decide to interact and function as a part of the society there are a set of rules and regulations that are conceived as norms which might or might not always be legally in coherence with that of the law. This would only mean that for an individual who resides in a society, apart from the legal obligations he or she is expected to satisfy, the said individual will also have to take into consideration the norms laid down by the society⁴⁵⁸. One can definitely state that there norms might be right for a few while may seem wrong to the rest and this is exactly where a person's justice when affected will tend to get him or her to go ahead and take the matters in their own hands. A society as such is consisted of like-minded people such that they have their own norms and values and not to mention such norms are more or less the ones that are favored by a large number of individuals who belong to a said society. With that having been said, inherent norms that prevail within the society are one of the main reasons behind why the said society tries to transform someone into a criminal. For Example Let us say there exists an individual who was kept as an outcast in a society owing to the fact that the said person is an alcoholic, even though there is no law that so mandates such a norm, then in such a case the person is often subject to an inhuman treatment and is outcasted from the society as a whole and a man being a social animal at the end of the day when his mere characteristics are suppressed, there is some sort of a personal injustice that so is caused to him which would only mean that at the end of the day the said alcoholic develops a mindset that the said society as a whole is depriving him of his humanely privileges and not to mention it Is also important to understand that there could be some sort of a bias against him in the society as well. Now, in the case of such an unfair classification by the societal norms, the individual has two ways of resolving the said issue, either by approaching the issue, the legal way, say by approaching the courts of law to claim justice or by taking the law in the individual's own hands and working towards the fall of such a society. Individuals who falls under the ambit of the latter are a representation of criminals. With that having been said, there are a set of requisites so as to aid the interactions within a society and not to mention it so is important to note that there ought to be a different role and conditions in any society thereby making it heterogeneous while however with the people associating themselves through a common cause. The existence of language is a necessary tool for communication and not to mention the way the said language is incorporated say in various

⁴⁵⁸ Gupta, Joyeeta, et al. "The adaptive capacity wheel: a method to assess the inherent characteristics of institutions to enable the adaptive capacity of society." *Environmental Science & Policy* 13.6 (2010): 459-471.

dialects entirely depends upon the members of the said society⁴⁵⁹. Not to mention as soon as a society is formed, there are a set of societal rules and regulations which are not necessarily coded as such which merely translate to a societal norm and not to mention adhering to them would qualify an individual as someone who meets the standards of the society. A Society also has various social institutions which further ensures social interactions such as marriage, brotherhood, companionship etc. With that having been said it further is important to note that the society with all the interactions pronging within it also suffers from a range of problems such as but not limited to Discrimination, forced prostitution, unemployment etc and these problems primarily affect individuals who then develop a notion that the society has incurred upon a great injustice upon them and then resort to crimes against the society. Every society has different characteristics apart from these that so are mentioned, like for example, a primitive society has a different way of functioning when compared to an urban, rural, or tribal society. But at the end of the day every society has its individuals who identify themselves through a common ground and not to mention every society has its own norms that are set and also a set of problems that is brought along.

ROLE OF THE SOCIETY IN DEFINING CRIME

A said act cannot become a crime unless and until it is explicitly mentioned by the law that the said act or the omission of the performance of the same falls under the ambit of a 'crime'. Now, what prompts a law to be enacted that so defines a crime?, it is merely the society that mandates for the same. In short, once a society at a larger perspective feels that a said act or an omission of the said act has to fall under the ambit of a crime, the government will look at the interests or the society and enact a law which calls for the same. For example, the society at this juncture believes that sexual harassment during workplace is wrong which more or less became a law later on. Society plays a very important role in determining as to what falls under the ambit of a crime owing to the fact that the laws that so are enacted is primarily based upon the society's perception towards a said act and not to mention it is the society's outlook as a whole. For example, the society at this juncture believes that post-marital rape is not a crime and that is one of the reasons why there is no law with regards to post-marital rape owing to the fact that the general perception of the society is that it is acceptable, now, although an act is morally incorrect if the societal norms validate the same as something that is correct, then in such a

⁴⁵⁹ Tyler, Tom R., et al. *Social justice in a diverse society*. Routledge, 2019.

case, a law won't be made criminalizing the same. It is important to take into consideration that the law that so is in force is usually the societal perception while however a society can also have a set of norms that are not in consonance with the law. Society therefore shapes up a criminal if the norms of it are exploitative and in the eyes of the criminal deprive him of something which is not necessarily justice. The only difference is that at times, the said norms become a law in the government but at the other times, they just exist as norms. Not to mention, various evils that affect the proper day to day functioning of a society say with regards to poverty, sex trafficking etc. again play a very important role in shaping up of a criminal owing to the fact that they are created by the society at one juncture and the society merely seeks to ignore these evils which creates a sense of tension in the minds of those who are oppressed. It is important to understand that the society doesn't always consider every immoral activity as a crime which would only make it such that an exploitative environment is created as a result of which an individual's personal as well as social justice is denied.

THEORIES OF A SOCIETY

A) Natural Law Theory

It is imperative to understand that there are several philosophers who propounded the Natural Law theory, however one of the most important forms of the Natural Law Theory is the one that was proposed by Aquinas who merely mentioned that the universe as a whole was created by God who merely made sure that the human beings are instilled with all the needs and wants that are required for their sustenance in a society. He further says that when all these wants and needs are given to an individual the society is at peace with no disturbance whatsoever and is functioning smoothly as such, such that there is no interference whatsoever. This theory merely aims to reason that the society is said to be in equilibrium when all the needs and wants of an individual are given by the God, which merely goes on to reiterate the fact that a society is said to be in unrest when a set of individuals out of the lot are not given the survival goods or in other terms, deprived from their reach.⁴⁶⁰ The survival goods are as follows- Avoiding of Offenses, Life, Shun Ignorance, Education, Reproduction, Live in Society and Seeking God. It is important to note that when there is an act that so is done such that the individuals struggle to catch hold of the above-mentioned basic goods, by the society, then the society is said to be lacking equilibrium. With that having been said, Aquinas further propounded that the reasons

⁴⁶⁰ Dworkin, Ronald. "Natural law revisited." *U. Fla. L. Rev.* 34 (1981): 165.

why human beings breach this natural law is merely due to the existence of Emotions and Ignorance. Now, ignorance merely refers to the fact that a doer is someone who is oblivious of the repercussions his acts are bound to have and not to mention he also tries to reason out the effect that emotions have upon the day to day functioning of human beings. With that having been said, placing reliance on the “IS-ought” principle, it asks a pivotal question as to “Merely due to the fact that a said act has to be done or should not be done, is it supposed to remain that way forever?” which further elucidates that a human who is merely hit by a violation of this natural justice that has caused him a grave injustice or has made sure that one of those seven survival goods are kept distant from him will resort to do something immoral (irrespective of it being so in the eyes of the society) in order to satisfy one’s needs which is not something that so is acceptable by the public at large. This is further one of the reasons behind the shaping up of a criminal by the society, that is, when he is deprived off his basic survival goods which also remotely includes personal justice

B) Kantianism

This philosophy which was developed by Immanuel Kant merely states that in order to determine as to whether the said action of an individual is right or wrong, we should look at the reasoning behind such an act. For example, let us say an unknown person kills a rapist, while the said act at the initial notice seems to be wrong and unlawful, the motive behind the same, which is to avenge the stripping away of dignity by the rapist in the society would invariably make such an action right as under the mere scope of Morality. Immanuel Kant merely tries to reason out the activities of an individual by taking into account the concept of morality which as under him is a constant phenomenon and with that having been said, let us say an injustice was caused to a person as a member of the society by the members of the society or when the individual is deprived off his basic human rights, such an individual tends to take In adverse methods which are otherwise not in the eyes of the law to claim back his justice or serve himself with basic needs which in the eyes of Immanuel Kant constitutes reasons that so are morally right to fight for.⁴⁶¹ Immanuel Kant is further of the view that most of the time, when a group of people mandate in the society such that the members of the society ought to do something or should refrain from doing something they could be ignorant of the aspect of Morality which might or might not be present when such a rule is being implemented and that the presence of morality is imperative for the co-existence of humans in a society. Not

⁴⁶¹ Akers, Ronald L. Social learning and social structure: A general theory of crime and deviance. Routledge, 2017.

to mention, Kant further states that the right to live in a society without any hindrance would also fall under the ambit of basic good and the facilitation of the same ought to be carried out such that there is no compromise on the concept of morality at hand. Now the issue is that the concept of morality as a whole is merely subjective and unlike laws, it is highly variable from one individual to another which would only mean that the theory varies from one individual to another as per an individual's definition of morality as a part of a society. Not to mention Kant believes that it is the Moral law that so is binding irrespective of whether an individual as a part of the society decides to be moral or not but has failed to determine as to what falls under the ambit of morality. The two main determining factors of Kantianism are

1. The Principle of Universalizability which refers to the fact that an individual needs to act upon a said rule or maxim that so is accepted universally and not to mention it is not fair for someone to make exceptions to the said rule or maxim so as to justify one's actions and at the end of the day one cannot violate a moral law for a good cause.
2. The Formula of humanity merely emphasizes on the fact that humans are self-sustainable and are rational with autonomy that so is granted to them. The humans exist for themselves as a result of which their existence cannot be exploited by another and with that having been said, an individual who is a part of the society must honor the interests of the other.

C) Utilitarianism

Utilitarianism is often considered as a critique over the Kantian philosophy which merely looks at the end result of an action of an individual rather than the intention behind the same. This philosophy was developed by Bentham and Mill who believed that it is the end result that should determine if the said act is right or wrong and at the end of the day the intention of the individual will make little to no sense.⁴⁶² This is similar to the Hedonist principle which merely underlines the fact that any act that has a good consequence is pleasant. Not to mention it is imperative to note that the principle of Utilitarianism merely suggests that an act of the individual must result in the greater good of the society irrespective of the interests the said person holds in performing such an act and the benefit he or she merely acquires from having performed the same. Further, Utilitarianism merely asserts that for an individual who is a part of the society his interests must not be given preference over that of the society's as a whole. With that having been said, utilitarianism tries to validate an act that is prohibited by the law if such an act aims to function for the greater good of the society. Now let us say there is a

⁴⁶² Pollock, Joycelyn M. *Ethics in crime and justice: Dilemmas and decisions*. New York, NY: West/Wadsworth, 1998.

criminal who attempts to kill an officer who has been taking enormous amount of bribes, this would obviously imply that he had done so for the greater good of the society while however the said act that he has committed falls under the ambit of a crime. He will be called a utilitarian in that sense. Utilitarianism is primarily based on the concept such that the world in itself is a place where immoral activities are always bound to take place and the only way to counter the same and make the world a better place to live in is to ensure that these immoral activities are countered by immoral activities and not to mention if someone has to make the world a better place to live in, he has to do so even if it means getting his hands dirty, which in other terms would imply that an utilitarian will look at the benefits of breaching a moral law, for the greater good of the society. With regards to Utilitarianism in itself it is imperative to understand the fact that there are two types, namely Act Utilitarianism and Rule Utilitarianism. With regards to Act utilitarianism it refers to the said act that so is performed by an individual for the greater good of the society even if it means breaching of the current norms that are set by the society or by bypassing an existing law. With regards to Rule utilitarianism, it refers to the rule that humans ought to follow the rules which are utilitarian in the long run. Therefore, the concept of utilitarianism in society can also shape up a criminal who believes that the said crime that so has been committed is for the benefit of the greater good of the society.

PSYCHOLOGICAL THEORIES OF CRIME

It is imperative to understand that the society plays a very important role in determining as to how a person's psychology is set and not to mention at various phases of a human's existence in the society such as but not limited to the early perception to the experience that so is gained throughout the life, the psychological perception keeps evolving and a criminal can resort to such acts at any of these stages which are merely simulated by the society. In short, society plays a very important role in determining as to what the psychological framework of an individual is.

The three major Psychological theories are:

1. ***Psychodynamic theory*** which is merely based on the presumption that it is an individual's early childhood experience that is bound to increase the chances of an individual to commit crime in the future.
2. ***Behavioral theory*** which is merely based on the notion that a human being commits a crime based on his or her experiences in life as a member of the society at large.

3. *Cognitive Theory* merely focuses on how exactly an individual perceives the world at large and how such a perception of an individual governs his or her actions in determining the individual's potential in committing a crime.

1. Psychodynamic Theory

It is important to understand that the Psychodynamic theory suggests that an individual has one's personality that so is determined by the processes that have been involuntarily taking place right from early childhood experiences, or in other terms, an individual's personality is controlled by his or her early childhood experiences⁴⁶³. This famous theory was developed by Sigmund Freud who claimed that the human personality revolves around (1) The Id, (2) The Ego, (3) The Superego

Now ID refers to the primitive part of an individual's mental development where the said individual right from the birth has an unconscious biological drive for various necessities such as but not limited to food, sex etc. This is probably one of the main reasons why human beings living in a society tend to commit crimes owing to the mere fact that the thought of satisfying their basic human desires will not aim to look at any repercussion whatsoever and is associated with instant gratification.⁴⁶⁴ One of the prominent examples of a crime where instant gratification is sought is with regards to sexual crimes where an individual seeks instant sexual gratification and acts in a highly immoral manner in order to attain the same. The said person inadvertently at that state of mind will not aim to look at any repercussion that so thrives which is an important aspect of an id. Now, for a crime that so is committed on the pretense of Id, the facts and circumstances play a very important role owing to the fact that there are times when the society as a whole will try to keep a human away from seeking his basic essentials. For example, assuming a society as a whole looks upon an individual as an untouchable in the society and fails to provide food to him, the said individual will then resort to stealing food from various households which although is wrong in the eyes of the law or as a matter of fact under the eyes of the members of that particular society, when morally looking at it from the eyes of this individual seems valid. However, the same cannot be said when it comes to crimes like rape which are inhumane and not to mention disturb to society as a whole, in other terms,

⁴⁶³ Cordess, Christopher, and Murray Cox. *Forensic psychotherapy: Crime, psychodynamics and the offender patient*. Vol. 1. Jessica Kingsley Publishers, 1995.

⁴⁶⁴ Karpman, Benjamin. "Criminal Psychodynamics--A Platform." *J. Crim. L. Criminology & Police Sci.* 47 (1956): 8.

Rapes too originate from the Psychodynamic approach and have no sense of morality that so is attached to them. This principle is merely known as the 'Pleasure principle' and as far as this principle is concerned the criminal is said to not have any consideration towards the individuals who reside as a part of the society and not to mention it is also imperative to understand that they are from the natural yet controllable desires that originate within a human. Now, moving on to the concept of Ego it refers to the element of human personality wherein reality is given a due consideration. It is imperative to understand the fact that there are several wants but at the end of the day in the case of ego, the individual tries to strike a balance and take a course of action that is best suited so as to compensate for the needs of the Id and the various norms laid down by the society. Superego which is the third principle refers to the psychological attainment of an individual as he grows amidst the moral values of the society. With that having been said, Ego always tries to advocate a balance between the id and the superego so as to satisfy the needs of an individual but to stay within the moral values of the society that so are set. Freud further stated that these three concepts are always in a constant turmoil. Now it is important to understand that the crimes as under my interpretation of the psychodynamic principle occur due to poor sense of superego development in an individual and the dominating id. Not to mention it is imperative to understand that a non-criminal is usually someone who has a strong grip over his ego, in the said society. With that having been said, as under the psychodynamic theory, the criminals are aggravated and frustrated and their actions are merely based on the events that happened in the due course of their early childhood days. Now, it is imperative to note that a troubled childhood, say when the individual is not given any attention or love, the said void will evolve and shape up the criminal offender such that his ego is underdeveloped. When his ego is underdeveloped the said offender will often not take into consideration the sense of morality that the society has put forward which would only mean that there is an absence of social etiquette. Childhood experiences say with regards to bullying or domestic abuse would imbibe a sort of conduct disorder which would affect the said individual as a whole affecting his sociological persona quite significantly. This would further lead to a mind such that the child who is now a grown up will seek to take his revenge against the society as a whole.

2. Behavioral Theory

Behavioral Theory mainly suggests that the human behavior is predominantly a resultant of various experiences that an individual has gone through at various junctures of his or her lifetime. In very simple terms, a child is not psychologically violent but at the end of the day

when the same child experiences a violent behavior or observes that such a violent behavior is deeply rewarded then in such a case the said child is bound to take up such an attribute and become violent. The behavior of an individual is predominantly shaped up such that if the said behavior has earlier been rewarded then such a behavior will be considered as an appropriate one by the said individual and if a said behavior is extinguished by a negative emotion, then such a behavior is looked upon as an inappropriate one.⁴⁶⁵ Now there are several crimes which build up as per this theory. For starters, if an individual is awarded for any criminal act that he has done, say given money for peddling a drug, the said individual looks at the incentive as something that is accepted by the set of people who had incentivized him or her and develops a preconceived notion that the said act is valid irrespective of his or her knowledge that the said act is a crime or not, this is another way through which criminals are shaped up by the society. It is imperative understand that the individuals who reside in areas that so are filled with crime will presume that the society as such is something that is void of any social norms, rules and customs due to the activities of the people around them which would only mean that they will then grow up to suit to the ideals of the society and only when such an individual is allowed to observe the other set of societies will he or she observe that the acts are indeed wrong. With that having been said it is also the mass media that plays a very important role in shaping up of a criminal owing to the fact that certain depictions of crime such as glorification of anyone who commits a crime, depiction of violence predominantly etc., would put upon a wrong impression upon the minds of the individuals who tend to turn up as criminals.

3. Cognitive Theory

Cognitive theory merely focuses upon the mental processes of a criminal. In simpler terms, it tends to identify the rationale behind the crime as something that has to do with the individual's perception of the world around him or her. This starts off with a reasoning as to how individuals morally represent themselves in the world while also looking at the capacity of an individual to process information which merely focuses upon the various ways through which individuals acquire, retain and process the information that so is available. It is important to understand that the cognitive abilities are something that are derived systematically, right from the birth of

⁴⁶⁵ McGuire, James. *Understanding psychology and crime: Perspectives on theory and action*. McGraw-Hill Education (UK), 2004.

an individual.⁴⁶⁶ The initial stage starts off with an individual who is punished for any act that so is deemed inconsistent with socially acceptable norms as such. While a correction as such happens in the initial behavior of the individuals at this juncture, this is then followed by the identification of individuality and instrumentalism by the individuals who merely seek to satisfy their best interests while also developing a perception that the satisfaction of one's best interests is the right behavior. Now, this is then followed by the moral reasoning of the individual who seeks to discover the role he or she plays in the functioning of the society, and it is imperative to understand that this perception is immaterial of other members of the society approving or disapproving the said ideals. As far as the fourth stage is concerned it is merely based on the concepts of law and order. Now as far as this stage is concerned an individual identifies the significance of the various laws and the norms that so exist in the society, which is indeed an important factor owing to the fact that for an individual to thrive in the society and for the welfare of the society as such it is imperative that the social pillars are given due respect. This theory is based on a very utopian idea that an individual will ultimately come to recognize as to what is right and what is wrong and not to mention, if anyone breaks the law, such an act would lead to punishment which would obviously ensure that the individual recognizes that such an act is bad in nature and exhibits obedience with regards to the same. Obviously, a society without laws and punishments leads to chaos. In contrast, if an individual who breaks the law is punished, others would recognize that and exhibit obedience. This is then followed by the next stage, which is referred to as the social contract where the individuals take into consideration the moral worth of the norms and values that so are mandated by the society only insofar such that they are associated with the basic values of liberty, human rights, equality etc. At this juncture the activities of an individual are calculated enough and the individual seeks to make a decision in accordance with his actions as under the norms laid down by the society. This is then followed by principles conscience which is merely characterized by mere principles of justice and autonomy of an individual as a part of the society. Now it is imperative to understand that an individual perceives laws as something that is grounded in justice and not to mention as long as the concepts of Criminal Justice is concerned it is often seen that the concept of justice is merely subjective. With so much subjectivity surrounding an individual in a society it is imperative to understand that the mere quest for justice would only render that

⁴⁶⁶ Johnston, Tricia M., Timothy Brezina, and Beverly R. Crank. "Agency, self-efficacy, and desistance from crime: an application of social cognitive theory." *Journal of Developmental and Life-Course Criminology* 5.1 (2019): 60-85.

the individual will try to not follow unjust laws which at the end of the day might or might not lead to a crime based on the offense. As long as such a moral judgement is significantly developed the individual will learn to thrive as a member of the society in a peaceful manner and a criminal is usually said to have an underdeveloped Moral judgement. With special emphasis on the information processing aspect of this cognitive theory it is imperative to understand that an appropriate action is selected by an individual based on the response.

CONCLUSION

It is indeed important to understand the fact that the society indeed plays a very important role in the shaping up of a criminal especially because the societies all over the world or as a matter of fact even a small geographical area are not the same in nature. As long as an individual tries to do anything that is deemed as moral in the society, the said act is said to be validated and this is how a criminal originates when the society at large is inclined towards crimes. Now, there are several issues in identifying as to if the criminal is indeed an immoral person or not especially when due reference is given to the Ignorance as under the Natural Law Theory. It is important to make sure that before labelling an individual as an immoral individual just because of the fact that the said person has committed a crime owing to the fact that the said person could be a utilitarian as under the societal theory. Even assuming that an individual has any other obligation which is in contrary to the moral law, the same has to be carried out in a legal manner and breaching the mere Formula of Humanity in achieving one's selfish obligations would only mean that the mere morality in the said act is lost. Criminals at the end of the day try to put up a barrier to cover up their crimes by stating the reason behind such a criminal act that they so have committed as under the scope of Kantianism by merely stating that something that rightly belongs to them have been distanced from them by the society. With that having been said the Society is not always fair to every individual who is a part of it and not to mention depending on the type of societies, an individual could be deprived of something that is a bare necessity for maintaining a standard of life that he or she deserves. When such a bare necessity is distanced from them, then in such a case it is imperative to understand the fact that the individual's personal justice is affected and the individual thus will seek to get it right back at any cost. Not to mention, when the society falsely applauds an action that is violent and aggressive in nature, as under the Behavioral and psychodynamic principles, the said person sees no moral wrong in committing such an action and when the individual moves off to another society in a totally different pretense, even before adhering to the norms of the new society, his

actions will be deemed as criminal in nature which is again one of the ways through which a criminal is shaped. Not to mention when an individual is punished for morally right acts or when the individual has a troubled childhood, even then, studies show that an aggression is created which will also lead to an anti-social behavior which at the end of the day would shape up a criminal. As far as what the behavioral theory suggests it is imperative to understand the fact that the said theory states that it is the experience of an individual in his or her lifetime that will shape up their activities and the society indeed plays a very important role in giving an individual a wide social exposure on experiences thereby shaping a criminal. With that having been said, from the various theories that have been discussed I am further of the opinion that when the societal justice as a whole is denied to an individual or when an absolute necessity is taken away from an individual, an individual tends to take up the issue in his own hand and tries to deliver justice in an egotistical manner. However, when an individual is unable to strike a balance between id and superego and prioritizes id, then in such a case a criminal is shaped. While looking at the concepts of morality it is always imperative to make a rational judgement for, at times, looking at the philosophies and identifying the same with the rationale of some of the criminals, the good and the bad co-exist. This can very well be illustrated by an utilitarian who has committed a murder for the welfare of the society, where one can say that the act was wrong yet justified, or as a matter of fact revenges which are fact specific. With that having been said, crime plays a very important role in defining a society and ironically it is the society that shapes up a crime or the criminals. Crimes primarily start off as a mere rebellion against various social issues such as poverty and emotions are one of the main factors behind committing a crime. Crime and society depend upon one another and not to mention crime always persists in a society, for it is the society which labels a said act as a crime or not and when there exists a said society, flawed social interactions and various conflicts in the society would only imply that it is inevitable that the society shapes up a criminal.