
CHAPTER XII

AN EVALUATION ON CRIME AND CRIME THEORIES

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1. Introduction

From eating raw leaves to feeding on hamburgers, from cooking their food by lighting a fire to using microwave ovens, from using animal skins as clothes to wearing embroidered fur coats, from sheltering in caves to living in luxury residences, from hunting using arrows to hunting with a rifle, from guarding houses with wire fences to using more sophisticated security systems in order to secure houses and huge shopping centers have made human life easier and more comfortable, as well as brought many negative effects with it. With the increase in the human population along with the social, economic and environmental factors experienced during and after this process of change and transformation, some people have difficulty in reaching their basic needs such as food, drink and shelter, while others have continued to live in luxury, pleasure and abundance. Especially in ancient times, some people who could not meet their basic needs in order to continue their lives committed crimes in order to meet these needs. In today's world, some people commit crimes for reasons other than meeting their basic needs (Thotakura, 2011: 196). To put it more briefly, human beings have committed different crimes for different reasons since their first existence and continue to do so. Social life without crime is nothing more than a dream.

The Oxford English Dictionary defines “crime” simply as: ‘An action or omission which constitutes an offence and is punishable by law’. In the Dictionary of the Turkish Language Association, the name of the crime; acts contrary to customs, moral rules, in terms of name and law; illegal behavior is defined as an offense. Dönmezer (1984: 57) underlines that an act must be sanctioned by a law in order to be considered a crime. Durkheim states that crime is inevitable and is seen in all societies (Lunden, 1958: 5).

There are many theories on revealing the reasons for the crime phenomenon and preventing possible crimes. These theories generally deal with the concept of crime in the context of social, biological, economic and environmental factors. The common purpose of all these theories is to understand the phenomenon of crime (Özaşçılar, 2016: 17). Each theory has a unique point of view. Each point of view has some shortcomings in itself. For this reason, each theory is criticized by another theorist and these criticisms help to form new theories (Güllü, 2014: 104).

Before the modern period, there was no systematic legal order in which criminal acts were written. Persons thought to have committed crimes were punished by harming their bodily integrity or by torture. With the onset of the modern era, the facts of crime and punishment have undergone radical changes (Güven, 2018: 176). With the transition from the traditional period to the modern period, after the technological, cultural and political developments, the types of crime have also changed. It is not possible to understand cyber crimes that threaten social life in today’s world with early criminal theories, terrorist organizations such as “fethullahist terrorist organization- parallel state structuring” (FETÖ / PDY) and “ad-Dawlah al-Islamiyah fil-‘Iraq wa ash-Sham” (DAESH) who deceive with Allah and transcend the borders of the country, and white-collar criminals who obtain financial benefits by using inconceivable methods. Crime phenomenon; It is a complex and dynamic phenomenon that concerns multiple and multidimensional disciplines that change according to time, place, society and the policies of states and take new forms according to new situations. For all these reasons, it is very difficult for a theory to explain the crime in all its aspects and to reveal the reasons for the crime.

There are many early and modern criminal theories that try to explain the crime phenomenon in biological, social, economic, cultural and environmental terms. In this study, the prominent crime theories are discussed under two headings as traditional and modern crime theories.

2. Traditional Criminal Theories

The science of criminology, which tries to understand the crime phenomenon in all its aspects, deals with the crime and criminal behavior in three separate stages as pre-crime, during the crime and after the crime, at the same time, it examines the issue of prevention of crime and rehabilitation of the resulting crime within the framework of scientific techniques and research methods (Malkoç, 2014: 2-3). One of the leading scientists of criminology science is Cesare Lombroso (1835-1907) (Ferracuti, 1996: 130). Traditional (classical) crime theories are the first theories put forward to explain the crime phenomenon. Since these theories are the first theories to understand crime, they are far from looking at the crime phenomenon in a holistic way (Kızmaz, 2005: 150). However, these theories; They are very valuable in that they are the first, consider the crime with scientific methods, and try to understand the crime separately from the church.

In the 18th century, the French Revolution, the increase in the population in the cities with industrialization, the emergence of the modern state, the spread of the Renaissance movement that started in Italy to the whole of Europe, and the rapid developments and changes in human rights and freedoms caused the decrease of the effectiveness of the church on the society. After all these developments, the roles of states have been questioned again. Now, states are no longer seen as the holy representatives of God on earth, but rather as organizations created to protect the property, life and rights of the people, in a more succinct way, to serve the people. With this understanding, an incredible development and change has been experienced in social and scientific sciences. Early crime theories about the crime phenomenon are also a product of this understanding.

2.1. Classical School Crime Theory

Cesare Beccaria (1738-1794) and Jeremy Bentham (1748-1832), one of the important scientists of the 18th century, pioneered this theory. Classical school theory; There can be no crime and punishment unlawful, everyone is equal before the law, punishment should be regulated in a manner that can deter crime, the individual can only be held responsible for the crime he / she committed (principle of the personality of the crimes), the state cannot perform arbitrary practices, and defends the basic principles of the law that constitute the basic principles of today's modern criminal law. Although classical school theory

contains many thoughts on the phenomenon of crime, it mainly speaks of basic principles such as social benefit and absolute justice (Schofield, 2019: 65-68; Caro, 2013: 150). “*The thought that dominated the criminal law in 19th century Continental Europe was the causal connection centered classical crime theory*” (Özgenç, 2011: 135). Classical crime theory fed by “*Enlightenment Thought*”; It is based on the idea that the individual has a free will and that the individual himself can make the decision to commit a crime and therefore each individual should be held responsible for their criminal acts.

2.2. Biological Crime Theory

Human anthropology is a science that deals with the physiological characteristics of human beings and investigates the development of human from existence to present. As a physician, Gall tried to understand the good behaviors of some of them and the bad behaviors of others by looking at the different features of the skulls of the people around him and their appearance. The biological explanation of the crime phenomenon begins with the acceptance of biology as a science. The most well-known scientist in the field of crime anthropology is Cesare Lombroso. He conducted long-lasting research on prisoners in Lombroso prisons. He observed the prisoners in prisons and examined their movements, their past lives, their education, and their relationships with their friends. After all these studies, it was concluded that crime is an organism problem. According to Lombroso, just as some animals are born predators and wild, some people are born criminals. These people have some physiological characteristics that distinguish them from other normal people. Their gaze is harsh, has an arrogant smile, is short, has a narrow forehead, a small skull, and a large chin and cheek bones. Again, these people have long arms, usually with plenty of hair and a little beard. According to Lombroso, different physical characteristics point to the commitment of different crimes. The physiological characteristics and gaze of killers and thieves are different. These people have painful tattoos on different parts of their legs and arms and they do not feel pain during this intervention. In his recent works, Lombroso moved away from these rigid thoughts. In the last years of his life, Lombroso moved away from the idea that people were congenital and expressed the opinion that besides the physiological characteristics, the appropriate social environment was also effective in people committing crime (Dönmezer, 1984: 114-117).

2.3. Structural-Functional Criminal Theories

The leading names of this theory are Emile Durkheim (1858-1917) and Robert K. Merton (1910-2003). Structural-functionalist theories, which are also named as Durkheim's social reductionism, Merton's social structure and anomie theory, connect individuals' criminal deviation behaviors to social causes (Merton, 1938: 672). Durkheim tries to explain, for social reasons, even an individual preference, such as an end to one's own life voluntarily. According to Durkheim, socialization steps and efforts such as living in society, social solidarity, working together for a purpose and division of labor will prevent individuals from committing crimes (Can, 2004: 96-97).

Durkheim used the concept of anomie for the first time (Irmak and Çam, 2014: 1298). According to Durkheim, anomie is a state of social disorder that occurs after rapid industrialization, abnormal division of labor, periodic degradation and crises (Willis, 2007: 110). In other words, anomie is the disruption of the social order for different reasons and the deterioration of the relationship between the individual and society and social rules. Undoubtedly, in a society where social order and income justice cannot be achieved, the individual will move away from social life. It is highly likely that individuals who stay away from social life will behave deviatingly.

2.4. Labeling Theory

Leading names in labeling theory are Erving Goffman and Howard Becker. This theory focuses on the behavior and reactions of the state and society to the person who committed the crime after any crime, rather than the criminal behavior and the crime phenomenon. Most of the theories about the crime focus on the cause of a crime and look for the cause of the crime more on the person who committed the crime. Labeling theory, on the other hand, deals with the negativities of society stigmatizing the person who committed a crime after a deviant behavior. It is seen that people who commit crimes and who are imprisoned, after serving their sentences and gaining their freedom, these people are excluded by the society by using expressions such as convicts, that they are labeled, and these people continue to commit crimes (Kaya and İnan, 2020: 45-51).

According to this theory, some people who are strong in economic, social and political terms in the society tend to ignore, exclude from the society

and marginalize those who show deviant behavior in order to maintain their dominant power. In other words, those who hold power ignore people who have the potential to pose a threat to their power in order not to lose power and not to disturb their comfort. Following this ignoring, exclusion, ghettoization and exclusion, individuals continue to be the perpetrators of different crimes.

2.5. Marxist Crime Theory

Marx divides societies into three classes as capitalists, workers and bourgeoisies, and according to Marx, these classes are always in conflict due to the problems in the sharing of capital and goods (Colvin and Pauly, 1983). According to Marx, this conflict mostly passes between capital owners and laborers. In other words, the reason for each conflict in society is related to how equitably the resources are used and shared by people. The noble segment that can access resources such as capital, goods and services, that is, those who hold power tend to crush and ignore the classes that cannot access these resources. According to Karl Marx, the cause of conflict and deviating behavior in society is capitalism. So the real reason for crime is capitalism.

Marxist theory argues that the emergence of the crime phenomenon is due to the inequality between those who have power and those who do not. This theory does not punish those in power who commit important crimes such as war crimes, crimes against the environment, and non-payment of taxes, whereas simple crimes committed by poor people are punished. Marxist thought sees crime-punishment policies as a product of the strong class in terms of class. According to the Marxist crime theory, crimes can only be prevented by the equal distribution of resources and the participation of all segments of the society in decision-making processes. (Güven, 2018: 187).

3. Modern Criminal Theories

The number of theories to understand and examine the crime phenomenon is quite high. Traditional crime theories have been subjected to many criticisms in their own time and today. These criticisms generally focused on the one-dimensional view of each of these theories on the crime phenomenon. Modern crime theories are critical of traditional crime theories and advocate the idea that crime can be prevented by governments with comprehensive and contemporary policies. In this part of the study, some of the modern crime theories that stand out in the literature, as in the traditional crime theories, are taken into consideration.

3.1. New Right Realism Approach

Before explaining the new right-wing theory of reality, it is necessary to briefly talk about “neo-liberalism”. Because this theory is a product of the neo-liberal currents that brought the end of the “welfare state” understanding in the early 1980s.

After the first quarter of the last century, states started to intervene more in the economy and the market after the economic crisis known as the “1929 Great Depression”. This new economy model, expressed as “Keynesian economy-Keynesian welfare”, has been applied in almost every country in the world until the end of the 1970s (Aktan, 1995: 12). The fact that the state has entered the market completely, taking an important and determining role in the market has brought some problems, especially financial. After some economic, social and political developments in the world since the early 1970s, the “Keynesian understanding of welfare state” has become questioned (İnanç and Demiray, 2004: 164).

As the new right based on the withdrawal of the state led by the United States and Britain from the market and social areas, the social state understanding has replaced by the social state understanding after important problems in the economy, social security, retirement and other areas of life (unemployment, oil crisis, high inflation). As a matter of fact, it is possible to read this change as a search for a starting point for capitalism, which has contracted and entered a crisis (Çolak, 2016: 352; Çımrın, 2009, 201). The new right-wing realism approach theory emerged at a time when states started to return to their main business by withdrawing from social life and the market, except for their basic functions such as justice, security and education. In this sense, it is possible to see the reflections of “the new right” movement in the governments of the countries in general and the view of the crime phenomenon in particular.

The states, which are the fervent practitioners of the neo-liberal currents, chose to abolish the economic and social aids of the Keynesian welfare state understanding, especially to the poor. The New Right Realism approach, which is mostly included in the work of James Wilson and Ernst van den Haag, completely opposes the idea that crime stems from sociological and social problems. This theory does not focus on the economic, social and cultural dimensions of the fight against crime. It defends the view that crimes can only be prevented by effective fight against criminals and by the state supervision

and punishment of those who commit crimes. According to the new right-wing reality theory, there is evil in the nature of human beings and the way to prevent the emergence of this evil is possible by applying the strict rules set by the state without compromise (Yüksel, Güllüpinar et al., 2019: 35).

3.2. New Left Realism Theory

The theory of new left realism feeds on Marxism as well as important gaps neglected by the new right realism theory. While this theory emphasizes the issues of struggle between classes and injustice in the sharing of capital, argued by Marxism, it defends the thesis that crime can be prevented by the abolition of capitalism, not by police measures. In contrast to the extreme statist and securityist approach of the New Right Realist theory, the New Left Realist approach advocates more humane, flexible, and regulations aimed at bringing criminals into society. According to this approach, the prevention of crime will only be possible by removing the economic, social and political problems that people face. This theory opposes current prison practices and methods, arguing that convicted people can become even more marginal by being kept behind closed doors, and argues that these people should be reintegrated into society. This theory defends the view that this marginalization can only be prevented by community service programs and properly planned rehabilitation techniques (Yüksel, Güllüpinar et al., 2019: 39).

3.3. Postmodernist Criminology Approach

“In addition to the social and political changes experienced in societies, postmodernism has also had important effects on philosophy, art, culture, literature, photography, architecture, cinema and theater. That is why it is obvious that postmodernism is in close relation with the areas mentioned above and represents a broad cultural movement that emerged after modernism” (Özseveç, 2017: 135). Some social scientists consider the time we are in as the postmodern period and argue that this period is different from the modern period in every sense. (Parviz and Akbar, 2016: 102). The concept of postmodernism, which is discussed in all areas of life, has found its place in the science of crime (criminology). In today’s world, some crimes and coup attempts are expressed with the use of the postmodern concept. The coup attempt carried out by the FETÖ / PDY on 17-25 December 2013 under the name of so-called corruption entered the literature as a *“postmodern coup attempt”* (İnankul, 2016: 59).

“The postmodernist approach developed a hybrid understanding of criminology by combining chaos theory of basic sciences, complexity theory and semiotic approaches of psychoanalysis”. According to postmodern crime scientists, it is meaningless to reveal the reasons for the crime. Because every thought and assumption that tries to understand the crime is not valid for the future. Again, the postmodern criminology approach asserts that those who constitute the crime are the power holders and the laws. This approach suggests that everything is related to something else and therefore it is impossible to understand the truth of a subject which causes the crime (Yüksel, Güllüpinar et al., 2019: 44).

3.4. Integrated Theories of Crime

In fact, these theories are the name of a new approach in crime science. The number of integrative crime theories that try to bring together different variables and different motivations of crime is quite high (Kızmaz, 2005: 352). In this study, the prominent theories of integrative crime are briefly discussed.

3.4.1. Elliott’s Integrated Criminal Theory

Elliott’s Integrated Criminal Theory consists of three variables that try to define the crime: tension, inadequate socialization and social disintegration. Tension is the prevention or failure of a person to reach a goal accepted by social life by acting in accordance with the rules of social order. Inadequate socialization is the individual’s inability to coincide with the society or stay away from the society after not obeying social rules. Social dissolution, which is the third variable of Elliott’s Integrated Criminal Theory, is the high probability of being pushed into crime after living in a socially and economically low environment. When these three factors are briefly included, it is possible to state that the integrated guilt theory puts forward the assumption that individuals will be more inclined to commit crimes after they stay away from society and social norms do not embrace everyone. Elliott particularly emphasizes the importance of family and school for individuals to participate in society (Kızmaz, 2005: 353).

3.4.2. Miethe and Meier’s Theory of Crime and Its Social Context

Miethe and Meier explained this theory in detail in their work named “crime and social context”. Miethe and Meier examined the crime phenomenon as victim,

criminal and the social context of the crime under three headings and a single theory. In this theory, the factors that mobilize the criminal are discussed as economic problems, ethnic conflicts, irregular migration and family structure. This theory developed by Miethe and Meier; While highlighting the offender, victim and context components, it suggests that the crime consists of two main decision stages. The first of these is the decision of the person to commit the crime and the other is the choice of source and target. People who have low self-esteem, move away from society, and experience economic and social problems are more prone to commit crimes. In order for people in such a situation to attempt to commit a crime, the target must be easy and accessible besides its attractiveness. It is possible to say that this crime theory is a more expanded reflection of the rational preferences crime theory (Kızmaz, 2005: 362-366).

4. Conclusion and a General Evaluation

Globalization and especially the rapid developments in information and transportation technologies have significantly changed people's lifestyles, shopping cultures, communication styles, and views on social relations. All these changes and developments have differentiated the way the criminal phenomenon is committed, its appearance, its causes and its transboundary global dimension.

Until the last quarter century, the reasons that led people to commit crimes have changed considerably in today's world. People who committed crimes yesterday to feed themselves or to meet their basic needs have become criminals today to buy better car or to enjoy a more luxurious lifestyle. People who attempted to rob banks yesterday using a firearm or a cutting tool left their place today to people who committed massive robberies from banks and financial institutions that they were physically absent from through information technologies. As a result of all these, traditional theories trying to explain the crime phenomenon are insufficient to explain the crimes committed after the incredible changes and transformations in today's world. As a matter of fact, traditional theories have tried to understand the concept of crime by being influenced by the social, economic and social structure of their period. In this sense, it is possible to state that each crime theory has its deficiencies and is not sufficient to explain the crime on its own.

As a matter of fact, Lombroso's biological crime theory explains the crime phenomenon through the biological, physical and genetic characteristics

of the person who committed the crime and almost declared some people as innate criminals and ignored the environmental, social and social reasons that caused the crime to occur. The classical crime theory, on the other hand, has neglected many variables that cause the occurrence of the crime phenomenon, by considering each issue related to crime only in the sense of legal regulation. Structural-functionalist crime theories deal with crime only in the context of social relations, labeling theory tries to understand the crime phenomenon in terms of the exclusion of the person who committed the crime unilaterally, and the Marxist theory sees the crime as a product of the capitalist system. As a result, it is possible to state that each crime theory looks at the crime phenomenon from its own perspective.

In today's world, modern crime theories are also insufficient to explain the crime. In a sense, this deficiency should be regarded as normal. Because the crime phenomenon has a complex structure that cannot be explained by a single theory. In this sense, it is possible to express the similar criticisms of traditional crime theories to one-sided and trying to explain the crime from their perspective in modern crime theories.

AS THE LAST WORD; The crime phenomenon is a complex concept with different dynamics. It is not possible to explain the crime phenomenon with a single theory. Each type of crime has different motivations. For example, the motivation of the crime of theft and the crime of killing or injuring a man with a knife are different. Likewise, the reasons for violence against women and the crimes of using or selling drugs are different. In this sense, in order to understand the crime phenomenon correctly, it is necessary to consider each of the different types of crime separately and to examine the social, economic, psychological, environmental, political and other causes that cause each type of crime to occur.

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