

1.1: Problems of Definition and Fear of Crime

1.1 The meaning of crime

Activity 1

What is a crime? Good question, but how to go about answering it? For most of us, most of the time, crime is something other people do. So why not check that against personal experience? Have a go at the questionnaire below, private and confidential we assure you. Estimate the total fines and prison sentences you might have under gone had you been caught, charged and convicted of these offences.

Table 1

	Incident	Offence	Maximum Penalty
1	Have you ever bought goods knowing or believing they may have been stolen?	Handling stolen property	£5,000 and/or 6 months imprisonment
2	Have you taken stationery or anything else from your office/work?	Theft	£5,000 and/or 6 months imprisonment
3	Have you ever used the firm's telephone for personal calls?	Dishonestly abstracting electricity	£5,000 and/or 6 months imprisonment
4	Have you ever kept money if you received too much in change?	Theft	£5,000 and/or 6 months imprisonment
5	Have you kept money found in the street?	Theft	£5,000 and/or 6 months imprisonment
6	Have you taken 'souvenirs' from a pub/hotel?	Theft	£5,000 and/or 6 months imprisonment
7	Have you ever left a shop without paying in full for your purchases?	Making off without payment	£5,000 and/or 6 months imprisonment
8	Have you used a television without buying a licence?	Using a television without a licence	£1,000 fine
9	Have you ever fiddled your expenses?	Theft	£5,000 and/or 6 months imprisonment
10	Have you ever been in possession of cannabis?	Misuse of drugs	£2,500 and/or 3 months imprisonment
Total			Fine =
			Prison Sentence =

(Source: Muncie and McLaughlin, 1996, p. 37)

Reveal discussion

How can these different senses of crime be reconciled with each other? Have another look at the questionnaire. Does it assume a particular way of thinking about crime? The Maximum Penalty column is the give-away. All of the offences carry fines or the possibility of imprisonment. So there is an assumption that crimes are acts that are codified in law; in this case a law that has been created, policed and enforced by the UK state (the police, the criminal justice system, parliament, the Home Office, etc.). Crimes are acts which break the law of the land. Think of this as the legal definition of crime.


Another place to start answering a question like *What is a crime?* is a dictionary. And even the Oxford English Dictionary sees things in a more complex light than the legal definition of crime. The OED defines crime as:

An act punishable by law, as being forbidden by statute or injurious to the public welfare ... An evil or injurious act; an offence, sin; esp. of a grave character.

But this definition begs a whole host of questions. Ones that come immediately to mind are: Does the law cover all acts that are injurious to public welfare? Does that include disastrous economic decisions taken by the government? Does the law forbid all the sins of this world? Is it against the law to fail to honour one's mother or father? For an orthodox Muslim consuming alcohol is a sin, but it is hardly a crime codified by UK law. Is it always against the law to take another life? What about conduct in wartime or assisting euthanasia?

The reason that the OED's definition raises more questions than it answers is that the definition combines at least two ways of thinking about crime which are often in practical conflict with each other. On the one hand, crimes can be thought of as acts which break the law – the legal definition of crime. On the other hand, crimes are acts which can offend against a set of norms like a moral code – the normative definition of crime. So, the two meanings of crime cannot be reconciled because a great deal of legally-defined crime is not considered to be normatively-defined crime.

However, norms come in different forms. Potentially criminal acts can be judged against formal moral systems, like religious beliefs. Quakers and pacifists, for example, would not accept that refusal to fight in a war was a normative crime, whatever the state might say. Alternatively, some legally-defined crimes might not be unacceptable when judged against the norms, codes and conventions of socially-acceptable behaviour. Many personal telephone calls from work are routinely considered a reasonable perk of the job. Keeping money we find in the street, in small amounts, is just good luck – who's going to ask at lost property anyway? Most office cultures assume that employees service some of their private stationery needs from the office cupboard.

 We all want to crack down on crime

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Looking again over the questionnaire, we wondered what someone reading it a hundred years ago might have made of it. For a start they might have wondered what a television or a telephone is. Can there be a crime of not paying your licence fee before there are televisions? Even on a narrow legal definition of crime, what is a crime varies over time. They might also have been surprised that possession of cannabis is a crime. It certainly wasn't when cannabis tincture was routinely available from Victorian pharmacies as a painkiller. It isn't a crime now in parts of the Netherlands.

So what a crime is depends on whether you view it from a legal or a normative perspective; what formal and informal normative codes and conventions you are guided by; what moment in history you are considering; and which particular society you are looking at. There is no simple, fixed, unassailable, objective definition of crime. The meaning of crime cannot be separated from the many and varied uses of the term in a particular society. Social scientists would describe this by saying the meaning of crime is a *social construction*.

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