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Causation of Crime in Criminology

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ABSTRACT

Causation is a fundamental concept in criminal law that refers to the link between a person's actions and the harm that results from those actions. Establishing causation is essential in determining whether a person can be held responsible for the harm they have caused. However, determining causation can be complex, and courts must consider a range of factors, including the defendant's actions, the victim's pre-existing conditions, and other external factors that may have contributed to the harm. This abstract explores the concept of criminal causation, including its importance in criminal law, the factors that must be considered in determining causation, and the implications of establishing causation for criminal trials.

Keywords: Conditions, Criminal Causation, Mens Rea, Society.

I. INTRODUCTION

Criminology is the scientific study of crime, criminals, and the criminal justice system. It encompasses a range of disciplines such as sociology, psychology, law, and public policy. Criminologists aim to understand the causes, consequences, and prevention of crime. Some of the key subject matters in criminology include.

Criminal behavior: Criminologists study the nature of criminal behavior, including its causes, patterns, and trends. They examine factors such as genetics, socialization, and environmental influences that contribute to criminal behavior.

Criminal justice system: Criminologists investigate the workings of the criminal justice system, including law enforcement, courts, and corrections. They analyze how these institutions function and their impact on society.

Victimology: Criminologists study the experiences and needs of crime victims, including the physical, emotional, and financial consequences of victimization.

Crime prevention: Criminologists develop and evaluate strategies for preventing crime, including community policing, situational crime prevention, and offender rehabilitation programs. **Deviance and social control:** Criminologists examine the social norms and values

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that define what is considered deviant behavior and how society responds to deviance through social control mechanisms.

II. HISTORY

Criminal causation, also known as causality in criminal law, refers to the relationship between an accused person's actions and the resulting crime. The concept of criminal causation is critical in determining criminal responsibility and liability. This research paper will examine the various theories of criminal causation and their application in criminal law.

The study of criminal causation has a long and complex history in criminology. From classical and positivist theories to contemporary approaches, criminologists have sought to explain the underlying causes of criminal behavior and to develop effective interventions to prevent and reduce crime.

Classical theories of criminal causation, such as those developed by Cesare Beccaria and Jeremy Bentham in the 18th century, emphasized the rationality and free will of individuals as the primary factors influencing criminal behavior. According to this perspective, individuals weigh the potential costs and benefits of their actions and make rational decisions based on their own self-interest.

In the late 19th century, positivist theories emerged, which sought to explain criminal behavior in terms of biological, psychological, or social factors beyond the control of the individual. The Italian criminologist Cesare Lombroso, for example, proposed that criminal behavior was determined by physical traits and abnormalities, which he believed could be identified through careful observation.

In the 20th century, a range of other theories of criminal causation emerged, including social learning theories, strain theories, and rational choice theories. These perspectives emphasized the importance of social and environmental factors, such as poverty, inequality, and social disorganization, in shaping criminal behavior.

Contemporary criminologists continue to explore the complex and multifaceted causes of criminal behavior, drawing on a range of theoretical frameworks and empirical evidence. The development of sophisticated statistical and data analysis techniques has also enabled criminologists to conduct more rigorous and nuanced analyses of criminal causation.

III. THEORIES OF CRIMINAL CAUSATION

The first theory of criminal causation is the actus reus theory. This theory holds that a person is only criminally liable if they voluntarily committed the act that resulted in the crime. This theory

is based on the principle that a person should only be held responsible for their own actions, and not for the actions of others.

The second theory of criminal causation is the *Mens rea* theory. This theory holds that a person is only criminally liable if they had the intent to commit the crime. This theory is based on the principle that a person should only be held responsible for their own mental state, and not for the actions of others.

The third theory of criminal causation is the concurrence theory. This theory holds that a person is only criminally liable if both the *actus reus* and *Mens rea* were present. This theory is based on the principle that a person should only be held responsible for their own actions and mental state.

The fourth theory of criminal causation is the proximate cause theory. This theory holds that a person is only criminally liable if their actions were the direct and immediate cause of the crime. This theory is based on the principle that a person should only be held responsible for the consequences of their actions that they could reasonably have foreseen.

In conclusion, the theories of criminal causation play a critical role in determining criminal responsibility and liability. The *actus reus* theory focuses on the voluntary act, the *mens rea* theory focuses on the intent, the concurrence theory focuses on both the *actus reus* and *mens rea*, and the proximate cause theory focuses on the direct and immediate cause of the crime. Each theory has its own strengths and weaknesses, and it is important for legal professionals to understand and apply them in order to ensure that justice is served.

IV. WHY DOES CRIME OCCUR

Criminologists have developed a range of theories and explanations to understand why crime occurs, drawing on various social, psychological, and economic factors.

One of the most influential theories in criminology is strain theory, which posits that crime is a response to the strain and frustration that individuals experience when they are unable to achieve their goals through legitimate means. According to this perspective, individuals who are unable to achieve their goals through education, employment, or other legitimate means may turn to crime as a way to achieve success or to alleviate their feelings of frustration and deprivation.

Another theory that has gained prominence in criminology is social disorganization theory, which emphasizes the role of social and economic factors in shaping criminal behavior. According to this perspective, neighborhoods and communities that are characterized by poverty, unemployment, and social isolation are more likely to experience high rates of crime

and violence.

Other theories of criminal causation include rational choice theory, which emphasizes the importance of individual decision-making and cost-benefit analysis in criminal behavior, and social learning theory, which suggests that criminal behavior is learned through interaction with others.

Why is crime related to age gender ethnicity and social class?

Crime is related to age, gender, ethnicity, and social class because these factors are closely linked to the social and economic conditions that shape criminal behavior.

Age is a significant factor in criminal behavior, with young people being more likely to engage in criminal activities than older individuals. This is partly because young people are still developing their sense of identity and are more susceptible to peer pressure and influence. Additionally, young people often face difficulties in finding employment and accessing education, which can lead to feelings of frustration and hopelessness that may contribute to criminal behavior.

Gender is also related to crime, with men being more likely than women to commit violent crimes. This is thought to be due to a complex interplay of social, cultural, and biological factors, including societal expectations of masculinity, hormone levels, and the influence of peer groups.

Ethnicity is another factor that is related to criminal behavior. Minority groups are often disproportionately represented in crime statistics, which has been linked to social and economic factors such as poverty, discrimination, and lack of opportunity.

Social class is also a significant predictor of criminal behavior, with individuals from lower socioeconomic backgrounds being more likely to engage in criminal activities than those from higher socioeconomic backgrounds. This is thought to be due to a combination of factors, including lack of access to education, employment, and other resources, as well as the influence of peer groups and social networks.

Why does crime vary across different spatial and temporal dimensions?

Crime varies across different spatial and temporal dimensions due to a variety of social, economic, and cultural factors that influence criminal behavior in different contexts. Some of the main reasons why crime varies across different spatial and temporal dimensions include:

Social and economic conditions: Crime is strongly influenced by social and economic conditions, including poverty, inequality, and social disorganization. These factors can vary

across different spatial and temporal dimensions, leading to differences in crime rates. For example, individuals who are unable to find stable employment or access adequate resources may be more likely to engage in criminal activity as a means of survival.

Cultural and institutional factors: Cultural and institutional factors, such as legal systems, social norms, and religious beliefs, can also play a role in shaping criminal behavior. These factors can vary across different spatial and temporal dimensions, leading to differences in crime rates. For example, individuals who are exposed to media and cultural messages that glorify violence and criminal activity may be more likely to engage in these behaviors themselves.

Demographic factors: Demographic factors, such as age, gender, and ethnicity, are also closely linked to criminal behavior and can vary across different spatial and temporal dimensions.

Law enforcement practices: Law enforcement practices, such as policing strategies and sentencing policies, can also influence crime rates and vary across different spatial and temporal dimensions.

Technological advancements: Technological advancements, such as the widespread use of social media and the internet, can create new opportunities for criminal activity and change the way that crimes are committed and detected.

Overall, crime varies across different spatial and temporal dimensions due to the complex interplay of multiple factors that influence criminal behavior in different contexts.

Why do individuals vary in their likelihood of committing crime?

Individuals vary in their likelihood of committing crime due to a complex interplay of biological, psychological, social, and environmental factors. Some of the main reasons why individuals vary in their likelihood of committing crime include:

Biological factors: Some research suggests that biological factors, such as genetics and brain function, can influence criminal behavior. For example, studies have found that individuals with certain genetic variations may be more likely to engage in impulsive and aggressive behaviors that increase the risk of criminal activity.

Psychological factors: Psychological factors, such as personality traits and mental health disorders, can also play a role in shaping criminal behavior. For example, individuals who score high on measures of psychopathy or have a history of childhood trauma may be more likely to engage in criminal activity.

Social and environmental factors: Social and environmental factors, such as family dynamics, peer influence, and neighborhood conditions, can also influence criminal behavior. For

example, individuals who grow up in environments with high levels of poverty, crime, and social disorganization may be more likely to engage in criminal activity.

V. NCRB & UNODC

The National Crime Records Bureau (NCRB) in India is the agency responsible for collecting and analyzing crime data across the country. According to NCRB data, crime in India has been on the rise in recent years.

The NCRB's latest report on crime in India, which covers the year 2019, indicates that a total of 50.7 lakh crimes were reported in the country during that year. This represents an increase of 1.6% over the previous year. Some of the major categories of crime in India, as reported by the NCRB, include:

Crime against women: In 2019, a total of 4,05,861 cases of crime against women were reported in India. This includes crimes such as rape, molestation, and domestic violence. The NCRB report indicates that crimes against women have been increasing in recent years.

Crimes against children: A total of 1,67,516 cases of crimes against children were reported in India in 2019. This includes crimes such as kidnapping and abduction, sexual assault, and infanticide.

Property crimes: Property crimes, such as theft and burglary, continue to be a major issue in India. In 2019, a total of 21,71,061 cases of property crimes were reported in the country.

Cybercrime: Cybercrime is a growing concern in India, with the number of reported cases increasing every year. In 2019, a total of 44,546 cases of cybercrime were reported in the country.

The NCRB data also highlights the need for better law enforcement and criminal justice systems in India. The report indicates that the rate of conviction in criminal cases in India is low, and there are significant delays in the judicial process. Addressing crime in India requires a multi-faceted approach that includes not only law enforcement and criminal justice reform but also addressing the underlying social, economic, and cultural factors that contribute to criminal behavior.

Crime rates in Asian countries vary significantly, depending on a range of factors such as economic development, social structures, political stability, and law enforcement. It is difficult to make a direct comparison of crime rates between countries due to differences in data collection methods and reporting systems.

However, according to the Global Study on Homicide published by the United Nations Office

on Drugs and Crime (UNODC), the homicide rate in India is lower than the average rate for Asia. In 2019, the homicide rate in India was 2.9 per 100,000 population, compared to the average rate for Asia of 3.7 per 100,000 population. However, it is important to note that the UNODC data only covers homicides and does not provide a comprehensive picture of overall crime rates.

In terms of other types of crime, the situation varies widely across different Asian countries. For example, countries such as Japan, South Korea, and Singapore have relatively low crime rates compared to countries such as Pakistan, Afghanistan, and the Philippines, where crime rates are higher.

It is worth noting that crime rates and trends can also be influenced by a range of factors, such as population density, urbanization, and economic development. Additionally, cultural and historical factors can also have an impact on crime rates and patterns.

Overall, it is important to understand that crime is a complex issue that varies significantly across different countries and regions. Addressing crime requires a comprehensive approach that takes into account the underlying social, economic, and cultural factors that contribute to criminal behavior.

VI. IMPORTANT CASES

R v Blaue (1975) - This case involved a defendant who stabbed a woman who refused to engage in sexual activity with him. The victim was a Jehovah's Witness who refused a blood transfusion on religious grounds, and ultimately died as a result of her injuries. The defendant argued that the victim's refusal of medical treatment broke the chain of causation, but the court disagreed and held that the defendant was still responsible for the victim's death.

R v Pagett (1983) - In this case, the defendant used his pregnant girlfriend as a shield during a standoff with police. The police responded by shooting at the defendant, and the girlfriend was killed. The defendant argued that the police were responsible for the girlfriend's death, but the court held that the defendant's actions in using her as a shield were the cause of her death.

People v. Decina (1956) - In this case, a man with epilepsy drove a car despite knowing that he was prone to seizures. He had a seizure while driving and caused a fatal accident. The defendant argued that his medical condition was the cause of the accident, but the court held that his decision to drive despite knowing the risks was the cause of the accident.

State of Maharashtra v. Balram Bama Patil (1983) - In this case, the defendant and his accomplices assaulted a man who subsequently died from his injuries. The defendant argued

that the victim's pre-existing heart condition was the cause of death, but the court held that the defendant's actions were the immediate cause of death and therefore he was guilty of murder.

State of Punjab v. Iqbal Singh (1991) - In this case, the defendant and his accomplices assaulted a man who subsequently died from his injuries. The defendant argued that the victim's death was caused by medical negligence rather than the assault, but the court held that the assault was the direct cause of death and therefore the defendant was guilty of murder.

State of Rajasthan v. Kashi Ram (1994) - In this case, the defendant and his accomplices beat a man with sticks and stones, causing his death. The defendant argued that the victim's death was caused by a pre-existing heart condition, but the court held that the assault was the immediate cause of death and therefore the defendant was guilty of murder.

These cases illustrate the complex legal issues involved in determining causation in criminal cases. Courts must consider a range of factors, including the defendant's actions, the victim's behavior, and the role of outside forces such as law enforcement or medical professionals and highlight the importance of establishing causation in criminal cases in India. Courts must consider a range of factors, including the defendant's actions and the victim's pre-existing medical conditions, in order to determine the cause of death or injury. Ultimately, the determination of causation can have significant implications for the defendant's guilt or innocence, as well as for the victim's family and the broader community

VII. CONCLUSION

In conclusion, criminal causation refers to the link between a person's actions and the harm that results from those actions. It is a crucial concept in criminal law, as it determines whether a person can be held responsible for the harm they have caused. Determining causation can be complex, and courts must consider a range of factors, including the defendant's actions, the victim's pre-existing conditions, and other external factors that may have contributed to the harm. Ultimately, establishing causation is essential in ensuring that justice is served in criminal cases, and that those who are responsible for harm are held accountable for their actions.

VIII. REFERENCES

- 1) Akers, R. L., & Sellers, C. S. (2013). *Criminological theories: Introduction, evaluation, and application*. Oxford University Press.
- 2) Siegel, L. J. (2019). *Criminology: Theories, patterns, and typologies*. Cengage Learning.
- 3) Pratt, T. C., & Cullen, F. T. (Eds.). (2021). *The Handbook of Criminological Theory*. John Wiley & Sons
- 4) Beccaria, C. (1764). *On Crimes and Punishments*. Cambridge University Press.
- 5) Lombroso, C. (1876). *Criminal Man*. Duke University Press.
- 6) Akers, R. L. (1998). *Social learning and social structure: A general theory of crime and deviance*. Northeastern University Press.
- 7) Merton, R. K. (1938). Social structure and anomie. *American Sociological Review*, 3(5), 672-682.
- 8) Gottfredson, M. R., & Hirschi, T. (1990). *A general theory of crime*. Stanford University Press.
- 9) National Crime Records Bureau. (2020). *Crime in India 2019*. Ministry of Home Affairs, Government of India.
- 10) Nair, K. S. (2020). Crime in India and the Need for Criminal Justice Reforms. *Journal of Indian Law and Society*, 11(1), 26-39.
- 11) Kumar, A., & Jaiswal, N. K. (2018). Exploring the Linkages between Poverty, Inequality and Crime in India. *The Indian Journal of Criminology and Criminalistics*, 39(1), 41-51.
- 12) Agnew, R. (1992). Foundation for a general strain theory of crime and delinquency. *Criminology*, 30(1), 47-88.
- 13) Shaw, C. R., & McKay, H. D. (1942). *Juvenile delinquency and urban areas*. University of Chicago Press.
- 14) Clarke, R. V., & Cornish, D. B. (1985). Modeling offenders' decisions: A framework for research and policy. *Crime and Justice*, 6, 147-185.
- 15) Akers, R. L., & Burgess, R. L. (2013). *A social learning theory of crime*. Routledge.
- 16) Rosenfeld, R., & Messner, S. F. (2009). *Crime and the American dream*. Wadsworth.

- 17) Giddens, A. (1984). *The constitution of society: Outline of the theory of structuration*. University of California Press.
- 18) United Nations Office on Drugs and Crime. (2019). *Global Study on Homicide 2019*. United Nations Publication.
