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**THIRD UNITED NATIONS CONGRESS
ON THE PREVENTION OF CRIME
AND THE TREATMENT OF OFFENDERS**

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**SOCIAL CHANGE AND
CRIMINALITY**

WORKING PAPER PREPARED BY THE SECRETARIAT

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I. INTRODUCTION

1. A historical review of the interest of the United Nations in the implications which social change has for criminality does not appear to be particularly necessary in this paper; the interest, dating from the Economic and Social Council action in this matter in 1953, was traced in a document prepared by the Secretariat for the Second Quinquennial Congress (London, 1960)^{1/}. All that may perhaps be added is that since that date, other United Nations social defence meetings have discussed the problems of social change and criminality, with particular emphasis on juvenile delinquency, and the reports on these respective meetings in Latin America (Caracas, Venezuela, 1963), Asia and the Far East (Fuchu, Japan, February-March, 1964), Africa (Monrovia, Liberia, August 1964) and in the Middle East (Damascus, Syria, September-October 1964) may be consulted for more information.

2. This continuing interest underscores the urgency of the problems being faced in many countries of the world, particularly in view of the apparent increase in criminality reported in many of these countries, and points to the need for new and imaginative preventive measures which will, as far as possible, ensure that social change does not of itself necessarily produce an increase in criminality. The discussion of this topic of social change and criminality at the current Congress is all the more timely in view of the accelerated pace of social change in many of the developing countries - an acceleration which has often been deliberately undertaken by social and economic planners, in part at least, to catch up with the developed countries and to attain the high standards of living achieved there. The urgent question facing these societies is whether this acceleration can be allowed to take place while at the same time maintaining a reasonable equilibrium in society so that the gains made will not be offset by increases in the social and economic costs of crime. The feasibility of such a proposition can be determined only on the basis of a careful study of the nature of social change and the ways in which it affects existing social concepts and social controls, of the possibilities of social conflict which such change can engender, and of the extent to which any such conflict can be resolved in an orderly fashion.

^{1/} Prevention of Types of Criminality Resulting from Social Changes and Accompanying Economic Development in Less Developed Countries: Report prepared by the Secretariat, United Nations Document A/CONF.17/4.

II. THE NATURE OF SOCIAL CHANGE

3. By "Social change" is generally meant change in the institutional structure of a society. A social institution is an accepted and shared set of beliefs and behaviour identified, in some instances, by certain shared symbols such as modes of dress and expression. These externals, while they have a certain ritualistic significance, and while they may contribute to the cohesiveness of the institution, are not essential to the existence of the institution; the essence of the institution lies in its shared values and the behaviour demanded as acceptance of these values.

4. All societies undergo change; no society is truly static. The change may be imperceptible over short periods of time, and observable only over extended periods. Nonetheless, change is inherent in society, and it is an ongoing process. Thus, all societies are in a constant process of disorganization and reorganization inasmuch as change implies an alteration in existing positions; the disorganization in institutional patterns leads to a reorganization so that the institution itself can go on functioning.

5. Rates of change differ from one society to another, and, even within a particular society, certain institutional patterns are more stable than others. Thus, for instance, the rate of change in economic institutions such as business organisations is usually much faster than that in social institutions such as the family, whereas religious institutions are usually much slower to change than the family.

6. A society may experience change through any one or a combination of a variety of circumstances. Change, for instance, may be experienced through the export of ideas which, again, might have come about peacefully through normal means of communication or travel, or sometimes as a consequence of a violent event; the capture of Constantinople in 1450 by the Turks apparently led to an exodus of Greek scholars who took with them to Italy the classical knowledge of ancient Greek art and literature which in turn helped in the flowering of the Renaissance. Change can, again, come about through conquest and colonization. Arabic cultural forms in Spain and British cultural patterns in Africa are evidence of this. In the contemporary world, one might refer to urbanization, industrialization, migration, the potency of the mass media of communication, and the like as factors in social change. Mention might also be made of planned social change, under which efforts are deliberately made to change the patterns of life in a society; a planned policy of detribalization is such an effort.

7. In connexion with planned social change which is not imposed and maintained by brute force of arms, an issue might be raised as to the role of legislation in effecting such change. It is often argued that legislation which is contrary to community opinion stands little chance of acceptance, and that a change in values, beliefs, attitudes and behaviour cannot be effected through legislation. Legislation in certain parts of the United States against racial discrimination is cited as a case in point, and its ineffectiveness in changing the ideological and behavioural system is alleged. That same legislation is, on the other hand, cited by many not only for the principles it maintains, but for the practice it eventually produces. When legislation forces a cessation of discrimination, the immediate consequence might be violence. But the ultimate consequence, even after a

generation, it is argued, is compliance and acceptance. Further, it is pointed out that although legislation cannot compel individuals to love one another, it can certainly prevent their intolerance for each other from expressing itself in murder; the law can and should enjoin violence though it may not be able to enforce brotherly love.

8. To determine the nature of social change, it is necessary also to establish the relationship between norms of conduct of a given society and patterns of social relationships. A social norm is the accepted definition of a situation by a group or society that has established the situation and its modus operandi. By social relationships is meant the way in which individuals and groups interact in a given society; the interaction may be permissive, acceptive or hostile depending on the values and attitudes of the interacting parties.

9. Every society has norms and value systems which are a part of the various institutions and which promote the social system. These norms regulate individual and group conduct in varying situations. Some of these norms are written into the criminal and penal codes whereupon they become express proscriptions against specified conduct, or injunctions requiring the observance of certain conduct. Other norms are social norms and, within certain limits, society accepts reaction to, and deviation from, these social norms.

10. Reactions to deviations from social norms can vary in the direction of tolerance, approval or disapproval. In general, modern societies, particularly those societies which stress the rights of individuals as contrasted with those stressing the rights of society, encourage a certain amount of nonconformity perhaps because they feel that individual creativity derives from a rejection of accepted norms, theories and patterns of behaviour.

11. Tolerance and approval of deviation from the social norm is not meaningful in terms of social defence. Disapproval of deviation is meaningful. Of course, there are varying degrees of disapproval ranging from polite rebuff to violent rejection, and it is when the social disapproval becomes deeper in intensity that the deviant behaviour becomes a matter of social defence concern. It is at this point that society moves to either act outside the law, or to enact and enforce laws to proscribe such deviant behaviour.

12. Deviation from a social norm embodied in the legal provisions of the State or governmental machinery, makes that deviation punishable by the State. Criminal behaviour is specifically defined behaviour subject to specifically defined penalties. There can be no crime without a law, nor can there be a penal sanction without a crime the law may be statutory law or common law.

13. Sometimes, criminal behaviour represents a conflict of the norms of minority groups with the norms embodied in the law which has been enacted by majority or ruling groups. Thus, former British legislation in India against the so-called "criminal tribes" proscribed behaviour which had been socially accepted among those tribes. Further, it may be observed that the conflict of norms need not necessarily be one of religious or racial groups. The "norms of sub-groups which conflict with legal norms may be those of certain age-groups, social classes, occupations, neighbourhoods or regions"^{2/}.

^{2/} Clinard, Marshall B., Sociology of Deviant Behaviour, New York, Holt, Rhinehart and Winston, Inc., 1964, page 24.

14. Criminal behaviour is subject also to the changing values of the society which enacts the laws that define specific actions as criminal; ideas of what is proper and improper normative behaviour can and do change. "It was a crime in Iceland in the Viking age for a person to write verses about another, even if the sentiment was complimentary, if the verses exceeded four strophes in length. A Prussian law of 1784 prohibited mothers and nurses from taking children under two years of age into their beds. The English villain in the fourteenth century was not allowed to send his son to school, and no one lower than a freeholder was permitted by law to keep a dog. The following have at different times been crimes: printing a book professing the medical doctrine of circulation of the blood, driving with reins, sale of coins to foreigners, having gold in the house, buying goods on the way to market or in the market for the purpose of selling them at a higher price, writing a cheque for less than one dollar"^{3/}.

15. A more contemporary example may be noted in the changing attitudes towards the crime of homosexuality as evidenced in the United Kingdom, for instance, and reflected in the recommendations of the Wolfenden Report.^{4/}

16. This means, of course, that definitions of behaviour as criminal are not necessarily the same in various cultures, nor are they the same in a given culture over a period of time. In rapidly changing societies such as the newly emerging countries of Africa and Asia, this is doubly significant. These are generally traditional societies in the process of emerging into modern, mobile and commercial societies. Not only are new laws being enacted, with specified penalties for their violation, in order to shape and direct the emergent society, but the rapidity of social change has altered the character formerly rigid controls exerted by social institutions and has thus left the individual with relatively more freedom of action; freed from the shackles of expected social relationships, the individual has more social mobility - a mobility which allows him to climb or to fall.

17. Thus, on the one hand, one finds in these emerging countries an increasing complexity of restrictions and controls designed to move the society forward economically and socially, and, on the other, one finds an emancipation of the individual from his traditional obligations. An increase in crime is sometimes the by-product of this paradox.

^{3/} Sutherland, Edwin H., and Cressey, Donald R., Principles of Criminology, Philadelphia, J.B. Lipincott Company, 1960, page 15.

^{4/} Speaking in a May 1965 debate on the report in the House of Lords, the Archbishop of Canterbury, Dr. Michael Ramsay, observed, "I think the case for altering the law in respect of homosexual acts between consenting adults in private rests on reason and justice" New York Herald Tribune, 13 May, page 3.

III. SOCIAL CHANGE AND SOCIAL CONTROLS

18. Social change, it has been pointed out in the preceding section, involves changes in existing institutional patterns of life. The individual, as he grows up in society, internalizes these patterns and learns to live by them; the patterns are the controlling and regulating forces in his social life. Some of the institutional patterns are obligatory on him; others are merely expected of him. When change occurs in the social institution, the character of the control in that institution also changes. In a technical sense, the change is disruptive. But the disruption can have both good and bad effects depending on the way individuals respond to that change, and on the interpretation of that response by other individuals acting in the interests of other social institutions. In a study of the Busoga people of southeastern Uganda, for instance, it was observed that "the breaking down of traditional institutions appears to reduce the frequency of homicide and suicide rather than increase it. ... There is a suggestion here that with the loosening of the traditional structure there is also a decline in the severity of some of the conflicts... which are inherent in it. We do not, needless to say, suggest that social change always has such consequences, either in Africa or elsewhere, but merely note that, thus far, in Busoga, such appears to have been the case."^{5/}

19. The changes in the character of the control, and some of the effects flowing from them, may be seen in some of those social institutions in which change has often been associated with criminality.

20. The family, which in the traditional society ^{6/}, was the main centre for almost all activities has been altered considerably through the interaction of factors precipitating social change such as urbanization and industrialization, and the controls it once exercised over its members through the rights of parents and elders and relatives have been greatly modified. The trend in many countries, especially -

^{5/} Fallers, L.A. and M.C., "Homicide and Suicide in Busoga", in African Homicide and Suicide (Ed. Paul Bohannan), Princeton University press, Princeton, New Jersey, 1960, pp. 84-85.

^{6/} "A society is traditional if ways of behaviour in it continue with little change from generation to generation. Where traditionalism is present, certain other characteristics are also found. Behaviour is governed by custom, not law. The social structure is hierarchical. The individuals's position in the society is normally inherited rather than achieved". Hagen, Everett E., On the Theory of Social Change - How Economic Growth Begins, The Dossey Press, Inc., Homewood, Illinois, 1962, pages 55-56.

but not exclusively - in the urban areas 7/ is away from the extended family to the nuclear family. Further, the nuclear family itself has given up many of its functions and controls 8/.

21. This change in the character of the family has often been related to juvenile delinquency on the assumption that when children get into trouble it is because there is something wrong with the family, and what is wrong with the family is that it is now unable to control its children. While this may be true for many nuclear families, it is equally true that, with the change, the urban nuclear or single unit family is enabled to free itself from controls normally exercised by traditional extended families, and to develop into economically viable units, and to promote stability in the modern setting. In a study of young people in Ghana which showed a marked tendency toward change in various facets of the family institution, it was observed "If the matrilineal aspects, as well as other aspects of the whole familial system, are under attack, it is only because they are not serving present needs adequately. The breaking up of the extended family is occasioned by the inability of an essentially static institution to cope with the modern world, and an age of mobility and individual freedom of choice". 9/

22. Other changes in the character of the control the family once exerted may be seen in the gradual weakening of the practice of arranged marriages (except perhaps in certain countries, particularly those with caste structures), the decline in the authority of the parents over children, the lesser importance attached to dowry and bride-price, and the trend toward acceptance of the equality of the sexes in marriage.

7/ It is true that in most developing countries the majority of the people still live in rural areas. In Africa south of the Sahara, for example, only 6 per cent of the people are inhabitants of towns over 20,000. "However, the influence of the towns is much greater than these figures suggest, due, in part, to the extreme mobility of the African workers striving, as he does, to keep a foothold in two worlds. Furthermore, the return of the migrant spreads the knowledge and habits of urban life among the rural population and in this way closes the gap between the migrants and the non-migrants lack of mobility" Gutkind, Peter C.W., African Urban Family Life, Publications of the Institute of Social Studies, Series Minor, Vol. III, Mouton and Company, The Hague, 1963, p.158.

8/ See Section III of the paper prepared for this Congress on Social Forces and the Prevention of Criminality for further analysis of the functions of the contemporary family.

9/ Omar, T. Peter, "Changing Attitudes of Students in West African Society Toward Marriage and Family Relationships" in The British Journal of Sociology, Volume XI, No. 3, September 1960, page 207.

23. Similar modifications or changes may be seen in the control once exerted through education, particularly through the school. The school was once an institution which not only taught its students but also disciplined, indoctrinated them with "accepted and fundamental" values and prepared them for a certain mode of life. The modern school continues its tradition of teaching, but even here, the techniques of teaching are not as authoritarian and didactic; permissiveness and informality seems to be more in evidence. As far as indoctrination, disciplining and preparation for accepted modes of life are concerned, the school, generally speaking, seems to have found them rather difficult to carry out.

24. The change in school control was perhaps inevitable with the increased numbers of children seeking admission, the establishment of coeducational schools, the democratization of the school environment - partly because of an acceptance of the new philosophy of education - the proliferation of technical, scientific knowledge with its focus on experimentation and open-mindedness, and the emphasis placed by schools on acquiring such knowledge.

25. Change has also been observed in the character of the control once exerted by religious institutions. It is true that in certain countries, religion permeates almost every aspect of an individual's life and controls his habits, conditions his thinking, and sometimes prescribes his diet and his dress. In many other countries, however, religion seems to have disassociated itself from an individual's secular life and to have confined itself to catering to his spiritual needs. Even in his spiritual contemplation, an individual in these countries is much more likely to question ecclesiastical instructions or imperatives, and to seek answers through establishing a personal relationship between him and his God.

26. This disassociation of religion from an individual's secular life has its positive aspects inasmuch as it may free the individual from theocratic tyranny or from archaic and stultifying customs, emancipate him from regimented modes of thinking, and allow his creativity to express itself. The negative aspects of this disassociation are that, freed from the control exercised through religion, an individual can, and often does, abandon the scheme of ethics embodied in that religion, and seeks a justification for his behaviour only in the benefit such behaviour brings him 10/.

27. It may therefore be argued that, with the change in the character of the controls exerted through such social institutions, there has been a great deal less restriction on the individual's physical, social and intellectual mobility and that this has resulted in almost phenomenal social progress. But, equally, the change has left many individuals without an adequate frame of reference - both a value frame of reference and a conduct frame of reference.

28. The critical problem facing a society which is undergoing very rapid change would seem to be, therefore, one of providing an adequate frame of reference (of values and conduct) which itself is in harmony with the direction and pace of modern life.

10/ The advantage which can be taken of a disruption in religion was argued by Max Weber in his classic study on The Protestant Ethic and the Spirit of Capitalism, and later by the British historian R.H. Tawney in his Religion and the Rise of Capitalism.

29. It might seem that one way of providing at least part of this frame of reference would be to embody the norms of expected conduct in law which could then become a more pervasive, although formal, social control supplementing, and sometimes substituting for, the social controls which have been eroded or relinquished. But, whether law can be expected to regulate most conduct, or whether in fact it should even attempt to do so, are highly debatable propositions. For one thing, it is difficult to define human conduct with the specificity required of law, and, for another, laws, once enacted, are difficult to change or to repeal. Further, human acts are crimes only when defined by the law as such. The law is a highly formalized technique of social control and might thus be somewhat inappropriate for extensive use in rapidly changing societies.

IV. CRIME IN CHANGING SOCIETIES

30. By "changing societies" is not meant some esoteric societies which are now being exposed to accelerated change. The term is used as a generic description of all societies, inasmuch as all of them are undergoing change.

31. Since a crime is the commission or omission of an act which is specifically proscribed or required by the law, and for which there is a specific penalty prescribed, it seems necessary first to discuss crime in society in terms of the law. This does not mean, of course, that one has here to discuss the law of particular countries; generalizations can be drawn and inferences made without prejudice to individual countries. Secondly, one might discuss crime in terms of the new conditions being created.

32. There are two features of the law which are particularly relevant in discussing criminality in the context of social change. One is the durability of law. The other is its propensity to expand.

33. It has been observed, perhaps half seriously, that if all the laws in a country were to be enforced conscientiously, an extraordinarily large number of otherwise honest and upright citizens might suddenly find themselves labelled as criminal. In a number of jurisdictions, there remain on the statute books large numbers of unrepealed, but obviously anachronistic laws. These laws, reflecting old customs and privileges, had a function in the age in which they were enacted. With the passage of time, however, the customs and privileges fell into disuse; the laws upholding them survived. For the most part, they remain unenforced, but on occasion they are used to procure convictions which could not otherwise have been obtained. Commonly, these are laws against "sedition", "unlawful assemblage", "disorderly conduct", "breaches of the peace" and the like. The enforcement of such anachronistic laws creates a problem of artificial criminality. The problem is not usually serious in terms of the number of convictions secured. But the problem is serious in that it is an injustice.

34. Another aspect of the durability of the law is that it tends to preserve untouched the morality of a bygone age, and thus is a formidable barrier to the enactment of newer laws in keeping with the changed mores of society. Social change introduces new concepts of what is desirable and what is undesirable, but the law is often agonizingly slow to accommodate itself to the new concepts. In particular, this slowness, even reluctance, to catch up with morality manifests itself in the area of sexual relationships. Contemporary attitudes and behaviour in both heterosexual and homosexual relationships would seem to make penal sanctions (often severe sanctions) against fornication and homosexual relationships between consenting adults pre-mediaeval, if not antediluvian. The same might be said for the so-called "crimes against nature" which make punishable all but the "normal" acts of love-making.

35. It would seem to follow that, in the context of rapid social change, the law must also change so that it is reflective of social patterns of behaviour instead of being restrictive on them; the law must be dynamic and flexible. But, it is argued - and with reason - that the law is the product of legislative deliberation and judicio-legislative consensus, and that the formulation of the law is often a long drawn-out process compounded by frequent referral to special committees and by

contested amendments; the attempts of some European countries to revise their penal codes are evidence of this. Hence, the law will always lag behind the new mores. Further, if flexibility is written into law so as to enable it to respond immediately, that law runs the risk of being vague and misleading; the vagueness of so named national eugenic or abortion laws, and the delinquency statutes in many United States jurisdictions would seem to support this contention.

36. Another approach to providing appropriate dynamism and flexibility in the law might be to permit the judiciary to interpret the law flexibly; the historic reinterpretation of the Fourteenth amendment to United States Constitution by the Supreme Court in 1954, and its rejection of the separate-but-equal doctrine in the issue of racially segregated educational facilities, may be cited as an example of judicial flexibility. Against this is, of course, the doctrine of judicial restraint and the argument that the judiciary cannot make law, but must merely apply it. But the difference, in the matter of law, between interpretation and application may be only a semantic one; application does call for a certain amount of interpretation.

37. It has been suggested that a concession to the demands of social change, and perhaps a way out of the dilemma of either making the law flexible or of giving the judiciary power to interpret it, would be to establish specialized courts to deal with violations of the criminal law which are merely technical violations, and in which there has been no clearly proven criminal intent. Many violations are allegedly committed through sheer ignorance or misunderstanding, or perhaps out of fear of being socially disgraced, and such violations might appropriately be the concern of these specialized courts. It is said that such technical violations are most common in cases of infanticide, abortion, certain types of sex crimes such as carnal abuse, homosexuality, statutory rape and the like.

X 38. The other feature of the law which is of relevance in a discussion of criminality in the context of social change, is the propensity of the law to expand. As society has grown and become more complex, and as social institutions have been created, so has the need grown for ordinances and laws to regulate the relationships of these institutions and the individuals who work within them. In any modern society, the variety of laws, by-laws, ordinances and regulations, each of which carry penalties for their violation, is bewildering, and the honest citizen can commit unwittingly a number of offences which were unknown perhaps in his father's time. If he cuts down trees contrary to conservation schemes, or uses the wrong materials in building a house, or fails to clear the ice from his sidewalk, or throws household trash out of his window or plays his radio too loud after a specified time at night, or allows his bull to serve a neighbour's cow in contravention of the terms of its permit, he is in danger of being prosecuted and, if found guilty, penalized. The irony is that the law does not often distinguish between this type of offence and what is commonly recognized as crime. As observed by a lay magistrate, "crime has become so much entangled with the many rules and regulations required by modern, complex civilization that we can no longer recognize it clearly, and are no longer sure what it is"^{11/}.

39. The propensity of the law to expand has thus created a vast number of new offences whose committers are often processed, albeit in the lower courts, in the same way as the perpetrators of offences traditionally regarded as criminal. In the eyes of the law, it is as much of an offence to cut down the wrong tree or to sound a car-horn in a silence zone as it is to steal a postage stamp.

^{11/} The Magistrate (The Journal of the Magistrates Association), Volume XXI, No. 3, March 1965 page 25

40. In many of the developing countries of Asia, Africa and Latin America, this intrusion of the law into areas of human activity customarily regarded by people as of private concern should be of special interest to social defence specialists inasmuch as the bulk of the potential violators will be the illiterate, unsophisticated and tradition-bound peasant who cannot be expected to know, and far less to understand, what the law is. This does not apply only to health laws, traffic laws, building and maintenance ordinances and the like. In many of these countries, there is often the very special problem of economic offences stemming from measures taken by the Government in its attempt to modernize and industrialize the country's economy. Such economic offences include contravention of currency regulations, non-payment of inheritance taxes, evasion of exise duties and the like.

41. In view of the law's steady expansion, and the likelihood of its even greater expansion, it would seem useful to make a very clear separation between the truly criminal offence and the breach of rules and regulations, to see these two categories of errors as distinct from each other, and to process the committers of these two categories differently. The difficulty of doing so, is of course, immense, but the alternative seems to be one of unnecessarily inflating a crime rate, and of allowing moral values to be blurred instead of being sustained by the processes of law.

42. Apart from the relationship of the law to crime in a changing society, and the problems arising therefrom, it would seem necessary to discuss some of the conditions which a changing society creates, and which provides the setting for new types of offences. Historically speaking, it has been observed that "the most important modification in the phenomenology of crimes has arisen from the multiplication since the industrial revolution, of occasions favouring the commission of crime"^{12/}.

43. One of the more obvious signs of the modernization of a country is the evidence of the mechanization of its transport facilities - public as well as private transport. This introduction and increasing use of the motor vehicle has, in some countries, contributed disproportionately to the increase in crime statistics. In Japan, for instance, "the trends in crime after the war, as reflected by the statistics of the number of cases received in the Public Prosecutor's Office, showed that the total number of cases received amounted to 555,108 in 1946. The figures rose sharply to over 1,658,247 in 1947 and then decreased to 1,433,859 in 1952 ... After fluctuating somewhat till 1959, the figures rose sharply until in 1963 they reached 5,077,076. This increase was mainly due to the disproportionate increase in traffic violations; the percentage of traffic violations out of the total number of cases received by the Public Prosecutor's Office increased from 12% in 1949 to 43.9% in 1953; to 70.4% in 1958; to 81.1% in 1963"^{13/}. Further, it has been reported that in that country, in 1963, the number of registered automobiles was 5,722,037 which was thirty-nine times as much as in 1945. This has resulted in a steep increase in the percentage of offences of professional negligence resulting in injury and death under the Penal Code. These offences increased from 6.8% in 1954 to 29.9% in 1963. The percentage of prosecutions initiated for fatal cases rose from 63.5% in 1955 to 74.7% in 1962, and prosecutions in injury cases rose from 67.5% in 1955 to 81.5% in 1962^{14/}.

^{12/} Sellin, Thorsten, "La criminalité et l'évolution sociale", Revue de l'Institute de sociologie, Université Libre de Bruxelles, 1963, page 15.

^{13/} Summary of the White Paper on Crime, 1964, The Training and Research Institute of the Ministry of Justice, Government of Japan, page 1.

^{14/} *idem*, page 9.

44. In developing countries too, the increasing use of the motor vehicle has produced its particular crime problem. In Nigeria, for example, the most important crimes are those against local by-laws and breaches of traffic regulations. It has been reported that "breaches of traffic regulations of one sort or another are a particular cultural problem of West Africa". Despite Nigeria police enterprise in officially examining over 60,000 vehicles a year, there is constant danger to the public (and equally constant addition to the number of criminal offences) from the large number of unsafe vehicles, especially the passenger-carrying lorries which are in constant use. Allied with speeding, overloading and driver fatigue, this represents a problem for the police^{15/}.

45. Another pattern of criminal behaviour which the modern complex society with its advanced methods of communication and transport, and its scientific technology, has made possible is that of organized crime. Organized crime was not unknown in the past; there was the thuggee society of India, for instance, whose members were reputedly votaries of the Goddess Kali and who murdered and robbed in her name. But contemporary organized crime is different in its organization and methods of making money; it is subtle, sophisticated and preserves the semblance of respectability through a general avoidance of violence and through the use of legitimate techniques of business. The profits from such organized crime are enormous; the difficulties of destroying such criminal enterprises are no less enormous. In a recent article on organized crime in the United States^{16/}, it was observed that "the underworld penetration of business and industry has reached a degree undreamed of a generation ago", and that crime syndicates "have taken over bowling alleys, real estate holdings, food packaging concerns, industrial plants, Wall Street brokerage houses and trucking companies, and to be eating their way into banks, union welfare funds, the construction industry and other components of the national economy". Further, that "investigating bodies have been told that organized gambling involves 7 billion dollars a year in the United States, that loan sharks take 1 billion dollars and that the narcotics trade comes to 350,000 million of dollars".

46. There are also the international aspects of organized crime, to wit the theft and disposal of art objects, the traffic in narcotics, the smuggling of pharmaceutical drugs and other goods and forbidden traffic in armaments.

47. Still another pattern of criminal activity which the complex social institutional structure of modern society makes possible is that of white collar criminality. In some of the developed countries, the existence of a multiplicity of financial institutions and the way in which they are often interlocked with other business organizations such as brokerage houses, investment firms, insurance companies and the like, make it possible for unscrupulous bankers, brokers and business partners to harvest millions of dollars of profit through prescient purchase of stocks, shares and securities or through expert manipulation of investment funds. It seems hardly necessary to cite cases in individual countries; wherever there exist complex, and sometimes interlocking, business and financial institutions, there invariably exist also ample opportunities for fraud.

48. Apart from white collar criminality in the stock market, there is also the opportunity which social progress brings for an increase in other types of white collar criminality. These types include misuse of funds held in trust for others, fraudulent

^{15/} Milner, Alan, "The Control of Crime in Nigeria", Excerpta Criminologica, Volume 4, No. 6, November-December 1964, page 677.

^{16/} The New York Times. 14 February 1965. page 65.

advertising and sales, cheating on income tax and payment of inheritance duties and the like, illegal fee-splitting, etc. Perhaps, there should be included also in this category of white collar criminality the greater opportunities for graft and corruption which an increase in governmental activity tends to provide.

49. One particular feature of white collar criminality which would bear special comment is its corrupting influence on the general population. Social change, it has been pointed out, implies a change in values and a change in behaviour, and in times of rapid change the values and behaviour are in a state of constant flux; there are few fixed points of reference. It is all the more incumbent, therefore, on the leaders of a society - leaders in business, government, commerce and in social life - to try to set standards which the general population can aspire to. The standards are often set, however, by the success of white collar criminality. Malfeasance in office, the impunity of such operation, and the relative immunity from prosecution which such malfeactors seem to enjoy, tends to confirm the general impression that such crime does in fact pay; the basic perniciousness of the values and the behaviour becomes hidden, and what emerges is a value and behavioural system which is accepted because it seems pragmatic and profitable.

V. SOME PERSPECTIVES ON PREVENTION

50. Since crime and delinquency have existed in society throughout recorded history, it could be argued that crime is a concomitant of social change, and that hence one should not be dismayed when preventive programmes seem unable to prevent the emergence of new forms of crime or even to contain the incidence of old forms. This view might be comforting if it were possible to accurately measure the real extent of crime in a society in order to find out whether there has been any change over the years, and also if it were possible to ensure that the pace of social change remains fairly constant. If both were possible, a formula of crimino-social equilibrium could perhaps be established, and measures taken when the incidence of crime grossly upset this equilibrium.

51. Unfortunately, even in the more developed countries, the sophisticated techniques of statistical measurement now available do not accurately measure the real extent of crime; in many of the lesser developed countries, measurement of the incidence of crime is at best an informed guess. Further, the pace of social change is not completely subject to the imperatives of social and economic planners, because the changes occur in many fields of social activity; some changes are more susceptible to control than others. The vagaries of fad and fashion, for instance, are rarely susceptible to any kind of state control.

52. Social change in contemporary society is extremely rapid because of the enormous growth in scientific technology, the extraordinary development of the mass media of communication, and the rapid progress in modes of transport which has greatly enhanced physical mobility. These changes stimulate, and are stimulated by, fluid intra and international population movements, and by the rising tide of popular expectations in all countries. The social changes experienced in most countries since the end of World War II are perhaps greater than anything previously experienced by mankind.

53. Compounding this social change, and being part of it too, is the explosive increase in population in most societies. Prolongation of longevity, decreases in infant and maternal mortality rates, and control of formerly feared diseases, have all contributed to this explosive increase in population. From a social defence point of view, the increase in population could mean an increase in the numbers of individuals coming within its purview even though rates of crime might not increase; the strain on existing facilities and resources would then become much heavier.

54. It would seem, therefore, that the social changes which societies are now experiencing, or will very soon experience, will create the setting in which there could be an increase in the rate of crime, or an increase in the numbers of people being processed as criminals. It must be reiterated, however, that social changes does not mean an inevitable increase in crime. There is evidence to show that, in some places, social change through urbanization has been successfully accomplished without the growth of a serious crime problem^{17/}. Further, it is contended that social

^{17/} Hall Williams, J. E. "Criminological precepts and some problems of over-developed societies". Proceedings of the 12th International Course in Criminology - The Causation and Prevention of Crime in Developing Countries, Volume II, Part one, Lectures and Seminars.

change could, if wisely handled, lead to a decrease in criminality^{18/}. It has been reported, for instance, that in the Uzbek Republic of the Soviet Union, great social changes had taken place after the revolution, that they had brought great social and economic benefit to the population and that there had been decreases in crime including the complete elimination of certain types of crime.^{19/} One contributing factor had been the absence of a rush from rural areas to urban centres, because amenities had been provided in rural areas equal to those available in the cities.

55. The benefits which social change usually bring are many, and in most societies there would be an understandable reluctance to slow down the pace of this change even if the change implies, at least temporarily, a higher rate of social disorganization. The emancipation of women from traditional legal and social restrictions, and their advancement through education and specialized training might, for instance, cause some disorganization in the familial and kin structure of society; the advancement would mean also that a vast reservoir of talent is being made available to the State. Similarly, industrialization, while it can bring in its wake adverse social effects, undeniably also produces an increase in gross national product, an increase in personal income, an increase in the purchase of consumer goods, and the like; the increase in the wealth of a country ultimately tends a greater disbursement of benefits through welfare services, social security programmes and the like. It can also provide the economic opportunity for the social advancement and fulfilment of personal aspirations.

56. Hence, social change in most countries is welcomed and stimulated despite the knowledge that such change is likely to provide a setting in which social disruptions may result in certain unfortunate consequences, including criminality. In the context of this social change - and it is debatable whether the nature and rate of this change is fully subject to control - what is called for is preventive measures which are imaginative and which are as far-reaching as the social changes which are taking place. Efforts in the past have been largely concentrated on introducing humanitarian and rehabilitative principles into the treatment of offenders. These have their place in the prevention of crime because the progressive treatment methods are themselves preventive in that they prevent the repetition of crime or are applied so early that serious criminality can be averted. But these are not enough. They have to be complemented by others.

57. One perspective on prevention emerged in the discussion in the previous section on the relationship of law to criminality. A great deal may be done by distinguishing between criminal acts and acts which are merely violations of non-criminal laws, i.e., by clearly distinguishing between two categories of errors and processing the committers differently.

58. Another perspective might be to provide a higher degree of the individualization of justice in those cases where the violation of the criminal law has been without criminal intent. Such violation appears to be a problem particularly relevant to the

^{18/} This contention was strongly made at several United Nations regional social defence meetings in Asia, Africa and the Middle East. See reports of the Asian Regional Seminar on the Prevention of Juvenile Delinquency, Fuchu, Tokyo, March 1964; Expert Group Meeting on Social Defence, Monrovia, Liberia, August 1964; Third United Nations Seminar for the Arab States, October 1964.

^{19/} Report of Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders. A/CONF.17/20, para. 208.

lesser developed countries where there can be serious culture conflict in patterns of rural and of urban life, and also in multi-racial, multi-religious or multi-linguistic countries whose multiple cultural groups have not yet assimilated a common and basic criminal law value system. It does not appear to be a problem in the more developed countries where the pattern of life, as far as the criminal law is concerned, is very much the same throughout the country.

59. Such individualization of justice has, of course, its dangers. In the hands of inadequately trained or improperly motivated individuals, the power of administering justice on an individual basis could be dangerously abused. Thus, it is of paramount importance that there should be developed a corps of administrators and members of the judiciary who are highly trained in an understanding of the social and cultural dynamics at work in these countries so that they would have the insight, together with the power, to prescribe measures appropriate to the special social and cultural factors involved.

60. A somewhat different perspective on prevention emerges from a consideration of the nature of social controls. It may be argued that, historically speaking, societies have moved from a phase of tight social institutional integration to one of social institutional disassociation. In the former, the controls exerted by social institutions such as the family, religion, work organization, and education, were interlocking; they reinforced each other and controlled the individual in almost every facet of his day-to-day life. Such societies existed in complex settings such as Aztec, Mayan, or Pharonic civilizations, or in relatively simpler settings such as Polynesian or African tribal cultures. Contemporary societies, on the other hand, are characterized by institutional disassociation; social institutions have grown far more complex, and of necessity they intrude into each others sphere of activity. But they no longer interlock and reinforce each other in such a way as to bind the individual firmly into a socially accepted way of life; the character of the controls has changed.

61. With this change in the character of the controls, and perhaps in order to substitute for it, the law has grown; regulation of conduct and control of conduct has been attempted through an expansion of the law.

62. It is debatable, however, whether future control should be sought mainly through the law. The trend toward further social institutional disassociation seems to be continuing, but it may be argued that it need not necessarily demand a concomitant and proportionate expansion in the law.

63. There seems to be a tacit and rarely questioned assumption that the law is an excellent teacher and the best model. Hence, if conduct has to be regulated, it should be done on the basis of a law which provides penalties for deviation. On the other hand, it could be argued that the law is far too formalized a technique of social control for use in the regulation of all conduct; that its enactment only encourages violation. In this vein, it would be far more beneficial and effective to rely on education as a means of training people in the habits of discipline and social obligation.

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64. A corollary assumption seems to be that if there is no necessity for new law to regulate conduct, the most obvious alternative in the face of social unrest is to force compliance with existing law; an expansion in the police force results almost automatically. Here too, it may be observed that while a certain amount of expansion in the strength of law enforcement agencies is necessary, and even desirable, to keep up with expanding populations, further expansion must not be regarded as the best, and only, alternative.

65. Certain other perspectives on crime prevention in the context of rapid social change would emerge from a consideration of the composition of the character of a nation or of a community. Thus, for instance, it has been observed that in certain industrialized countries the prolongation of the period of dependence of youth (because of the necessity of longer educational preparation, for one) has contributed to the development of youth cultures. Such youth culture has been described as the special culture of those who are between childhood and adulthood, a culture which differs from both that of the child and that of the adult^{20/}. For this culture which apparently is characterized by restlessness, aggressiveness and a search for values, goals may have to be set so that the energy of youth is not wasted in the pursuit of socially undesirable activities; the goals would have to provide a sense of identification for youth, and in the achievement of them a sense of responsibility.

66. It is clear that there are at the moment only elementary and sometimes conflicting clues to the development of social policy designed to take care of the unsettling effects of social change, to ensure that, as far as possible, social change is not accompanied by an increase in crime. Planning is certainly called for. But it must not be a planning in isolation. It would seem to have to be a planning in concert for the achievement of social and economic goals, and also a planning which does not ignore the experience of other nations. Both national attention and international collaboration are required.

^{20/} Keniston, Kenneth, "Social Change and Youth in America", in Youth: Change and Challenge, edited by Erik H. Erikson, Basic Books Inc., New York, London, 1961, page 176.

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