Evaluation of the Role of Individual and Social Factors Effective on Homicide

Mansureh Esfandiyari Jazi  
MA in Criminal Law and Criminology, Department of Criminal Law and Criminology, Qom Science and Research Branch, Islamic Azad University, Qom, Iran. 
MA in Criminal Law and Criminology, Department of Criminal Law and Criminology, Qom Branch, Islamic Azad University, Qom, Iran

Mohammad Ali Hajidehabadi *  
Assistance professor, Department of Criminal Law and Criminology, Qom University, Qom, Iran  
E-mail address: dr_hajidehabadi@yahoo.com

Abstract

Homicide is among topics that various sciences have investigated its different aspects. Meanwhile, criminology and criminologists have researched for many years regarding the causes and factors that lead to committing homicide and significant findings have been reported. Criminologists’ efforts have lead to formulation and expansion of criminology of homicide, where in this area criminology has tried to investigate the causes and factors influential on commitment and occurrence of homicide. Despite numerous factors that based on the opinion of most specialists are reasons that lead people to homicide, such as deficiency in educational and health facilities and poverty and impoverishment and … which almost exist across the nation with different strengths and weaknesses. In this research, we evaluated the role of individual and social factors influential on homicide.

Keywords: Homicide, Individual Factors, Social Factors, Aggression, Family.
Introduction

Homicide and aggression are considered part of human behavior and individual reactions which have a specific physical structure, spiritual and mental conditions and while being influenced by them, humans as a social entity is affected by environmental and external factors as well. Homicide is not a new and unknown phenomenon for humans. Homicide is among the most primitive crimes against physical integrity which has existed from the primary periods of human life. Occurrence of a homicide is sometimes under the influence of three factors of biology, psychology and sociology. Some scientists have placed biological and psychological reasons at the forefront of their research and believe that biological and physical disorder and psychological disarray leads to occurrence and manifests as aggression in human behavior and pushes him or her towards homicide. In contrast, another group of experts believe that the phenomenon of homicide is influenced by external and social factors and homiciders commit deviating behavior and become afflicted with lack of adaptation due to environmental deficiencies and economic problems, inappropriate family conditions, lack of kindness and weakness in moral-religious beliefs. Therefore, the purpose of this research was evaluation of internal and external causes of the phenomenon of murder with intention.

Definitions and Concepts

Murder

Murder in the Persian language comes from the Arabic language and is an infinitive meaning killing, removing and obliterating of the spirit from the body. If the spirit is removed from the body by another person, by definition it is considered Murder and if life is obliterated itself, it is called demise (Ghoreishi, 1993, 91). The expressional meaning of Murder is not very far from its literal meaning and is removal of life from another person, whether it is by a material and physical act or by way of lack of action.

Intentional homicide

Intentional homicide is a crime that a mature and judicious person commits with intention and purpose and accepts its criminal consequences. In other words, intentional homicide is where the homicider commits a behavior by awareness and with his or her discretion with the purpose of killing another human, even if the tool used is not an instrument of murder or a tool that kills, but yet, Intentional homicide realizes with the purpose of injuring another person’s life with an instrument that is usually lethal, even if while performing the hit intention to kill does not exist. The reason is that the intention of performing such act is similar to purposeful murder (Feiz, 1990, 69).

Non-Intentional homicide

Non-Intentional homicide is a combination of intention and error. The reason is that it is completely similar to Intentional homicide with regards to the presence of purposeful action and for this reason it is called non-intentional. It also has complete resemblance with murder due to
absolute error regarding error in purposeful intention. Therefore, it is called non-intentional and intention similar to error or non-error (Abazari Foumeshi, 2011, 15).

Culpable homicide

In this kind of murder, the murderer neither has intention to perform it on the victim, nor the purpose of removing life, yet he or she attempts an action or intent on an object or person or the entity under consideration that accidentally leads to the mentioned’s murder (Abazari Foumeshi, 2011, 15).

Elements of Murder

Principally crimes have elements that without their summation, realization of the crime is not possible.

Material element

Physical behavior

A- Action and lack of action:

Action is the central point and focus of every punitive crime and includes a behavior that violates the negative requirements of the law maker such that the most evident example of behavior in the crime of intentional homicide is the act and in another word, it is the behavior most applied leading to murder.

Lack of action is violation of positive orders and requirements. Yet, the question that arises at this point is that can we legally prosecute any violation of any kind of positive orders and necessities? Can we include positive ethical and social orders and necessities in the area of punitive law? Conviction to crime frequently involves commitment of behaviors that society has forbade them and most laws are inclusive of prohibitions rather than positive necessities and their main purpose is also establishment of order in society (Tibit, Translation: Rezaii Khavari, 2005, 21).

B- Material or nonmaterial act

Material act is an act that is effective directly or indirectly on the body of the victim and murder has resulted due to injury inflicted on the body of the victim such that the committed act leaves an objective and visible effect on the body of the victim and can include burns, cuts, broken bones or overall injury to the extremity of the body of the victim and similar to them such that in the report of examination of the corpse by forensic medicine, we can witness statements such as broken skull bone and internal and external hemorrhage due to impact of a hard object or impact of a bullet from a hot artillery to the body and internal hemorrhage due to it.
Yet, can nonmaterial behaviors also be considered instruments of commitment of Intentional homicide or not? In general, is there a need for existence of material injury and lesions on body parts of the victim and as Garofalo notes to consider spiritual murder true? Some law specialists do not clearly consider commitment of Intentional homicide via non material behavior true (John Pradel, Translation: Adib, 2007, 44) and believe that Intentional homicide is only realizable by material instruments and if we do not limit Intentional homicide to only material behavior, homicide will be «super natural» and in general non material instruments lack the characteristic and capacity for removal of life and the reason for this issue is considered to be lack of causal relationship between non material instruments and death (Azmayesh, 1998).

C- Agency and instrumentation

One of the kinds of behavior realizations by the convict is uniquely agency and literally it means that the individual has personally initiated an act and reaches the end and target or leads something to something (Alraed, 2004, 1532). It has also been defined as action issued without a mediator, player of an instrument, care taker of an office and sexual intercourse (Moiin, 2005, 1254). Additionally, in legal terms considering Article 317 of the Islamic Punishment Law, it means commitment of a crime directly and without mediation. Yet, instrumentation in Persian comes from the root word cause and literally it means using as a tool or money transfer due to a person’s owe to another who is a debtor. It has also been used as turning to someone for performance of a task and placing someone as a mediator. In legal definition with consideration of Article 318 of the Islamic Punishment Law it is causing death or commitment of a crime indirectly and by a mediator.

Conditions and where about

A- Being a human

The necessity of murder is the victim being alive beforehand which leads to his or her death. By human, we mean a live person. Determination of the point of beginning of life in fact involves the time since the individual can be a victim to crimes. What is important is that we need to see since when a fetus is considered a human and consequently can become victim of murder or object of injury.

B- Being another

By the condition of being another, we refer to the issue that in crime against individuals, the victim should be someone other than the committer him or herself. Self harm or injury or suicide even though a huge crime religious wise, but regarding punitive law of Iran, it is not considered a crime except in special situations.
C- Blood respect for the victim

Physical crime against individuals inclusive of murder and harm and injury will occur when body and soul of the victim is legally supported. In other words, if we kill somebody whose blood is legally and religiously respectable, then we have committed murder.

Resulting consequences

A- Conditional crimes: are crimes in which realization of the consequences is a condition and necessity, where if the consequences do not happen, the act performed is not considered a crime. Therefore, murder is conditional because its consequence is removal of life.

B- Absolute crimes: are crimes where the condition of realization is not a necessity. An example is having a gun. Just by holding a gun, crime has been committed and there is no necessity for shooting or someone’s murder for crime to be realized (Sadeghi, 2007, 77).

Spiritual element

The principle of spirituality has been interpreted as one of the fundamental pillars in intentional crimes and involves the general and specific mal-intent of the convict such that by virtue of it, the will of the convict is directed towards performing the prohibited act and realization is the consequence that is considered a crime by the prosecutor law maker. For realization of the spiritual element there is need for existence of some conditions among which we can name purpose of act and purpose of consequence.

Purpose of act

Purpose of act should have two characteristics which are: occurrence of the crime by the act intended and intending a particular person.

A- Occurrence of the crime by the intended act

Attainment of intention in a crime depends on whether the victim has been injured by the same act that was intended by the murderer for committing the crime. Therefore, if the murderer had the purpose of killing someone else with poisoning him or her and accidentally in the process of hunting and while shooting an animal suddenly kills a person, the crime will not be considered intentional. The reason is that even though the intended person was killed, yet, the act performed had not intended the victim. Therefore, if murder occurs due to or because of a reason other than the purpose of the murderer, the homicide will not be intentional; although, the event of the murder will be attributed to him or her (Ghiasi, 1996, 91).

B- Intention for a particular person

In addition to the necessity for intention of the act that has happened, mental attention of the murderer to the victim him or herself is also among other necessary components for proving
intention. In other words, the act that led to the murder should have targeted the person that the murderer intended to kill. Additionally, it is not only necessary that the act performed be intended by the convict, but also the person who has undergone the harmful act should also have been target of the murderer and the intended act should have been inflicted on the person under consideration (Alhasani, 1995, 108).

**Intention of the consequence**

Another component of a psychological basis for the intended homicide is a specific purpose or intention for death of and injury to the victim. The reason is that this homicide has been of crimes conditional to consequence and completion of the crime stops at occurrence of death or injury and harm. Therefore, proof of intention in addition to intention for the act requires the presence of intention for homicide and consequences. Intention for consequence might realize in one of two ways «clear and primary intention» or «subordinate intention» (Alhasani, 1995, 110).

**A- Primary intention**

Primary intention which is also called genuine or direct intention occurs when the murderer clearly has the intention to kill or dismember or injure a limb. His or her primary will to kill or injure the victim is directed to the victim (Alhasani, 1995, 111).

**B- Subordinate intention**

Consequential intention is at times direct and clear such that the convict initially and immediately after willful action seeks realization of the criminal consequence and in some cases without clear intention for occurrence of the criminal phenomenon, purposeful act is by itself sufficient for realization of intentionality. In this case, the committed action should possess such characteristics that due to it, criminal intention can be assumed. This kind of purpose is called indirect, subordinate or implicit (Marashi Shoushtari, 2002, 85).

**Reasons for occurrence of Intentional homicide**

Overall the reasons for Intentional homicide can be divided into internal and external causes:

**Internal causes**

Internal factors are predisposing influential causes and the environment does not have much role in them. Among these factors biological and psychological factors can be mentioned.

**A) Biological factors**

Gender, age, height, lack of symmetry of the skull, aesthetics, inherited defect and overall genetic factors have significant role in committing homicide. Congenital factors include phenotypes that the child inherits from parents and predecessors and is born with. The effect of inheritance cannot be denied on formulation of the child’s personality. Research in the context
of inheritance shows that a group of chromosomal derangements have deep effect on emotions, excitement and overall human behavior. Acquired traits of human personality lead to some potentially congenital talents to blossom or in reverse prohibit growth and development. These traits that undoubtedly can lead to criminality at times involuntarily influence the growth and development of the fetus (Karimi, 2005, 132).

B- Psychological factors

Psychological predisposition which is based on reactive and emotional emotions such as anger, jealousy, worry, fear and … have significant influence on exhibition of abnormal behaviors. Criminal psychology investigates such traits that form abnormal personality. Freud considers the source of all abnormalities failure and lack of satisfaction of personality and believes that dominance of the desire for destruction and mutilation over the desire for love and constructivism is what leads to personality deviation (Hemat Banari, 2006, 129).

External factors

External factors are also definitely influential on commitment of homicide and include natural and social environmental factors that are described below.

A- Natural environmental factors

One of the involved factors in expression of crime and deviation includes the special condition and situation of the environment. Although these factors are not as involved in occurrence of crime as human factors are, yet, weather, seasons, day and night, geographic location, city or village, warmth and cold and ultimately humidity and drought are influential on crime (Karimi, 2005, 135).

B- Social environmental factors

Social environment also at times places an individual in contact or in disagreement with people in the community and at times this environment is temporary: such as army, educational environment including schools and training centers. At times the individual has a role in selection of this environment. The latter can be the professional and family environment a person selects for him or herself or accepts or how leisure time is spent such as socializing with friends, selection of hobbies and group media (press, cinema, radio and television) of interest. In reverse: at times individuals do not have a will in selection of their environment and it is enforced upon them such as detention centers, jails, centers of revision and teaching and similar institutes which are not desired by them. The cultural environment also is considered crime provoking at times. Very often it happens that group values (guilds, political groups, ethnic groups, committees and …) are in disagreement. Meanwhile, individuals for freedom of this conflict are forced to break the norms and crime may happen (Karimi, 2006, 136).
Individual causes and factors relevant to commitment of homicide

Theoretical viewpoints regarding individual factors relevant to commitment of homicide

Biogenic approach to homicide

There are at least two theories with biogenic approach to murder that still have supporters, the theory of autology and the genetic theory. Autologic theory has been presented by ethicists who were primarily zoologists and specialized in study of animal behavior. Based on the view of this group, humans are different regarding the instinct to kill from other animals and are more voracious. The reason is that other dangerous animals rarely kill their own kind (Jangali, 2013, 26). The genetic theory explains that every genetically normal human is born with twenty three pairs of chromosomes in their cells. A small percentage of the population «near 1/4 percent» is born with an extra chromosome and has the xyy genotype. The extra y chromosome makes the individuals excessively aggressive and therefore, the xyy trait is genetically considered abnormal which leads to facial acne, taller height compared to the average man and most importantly extreme tendency for aggression and commitment of harsh and dangerous crimes and homicide are characteristic (Jangali, 2013, 27).

Psychogenic approach to murder

In this approach, at least two theories regarding murder of humans have the most supporters. psychoanalytic and the psychologic theories. Based on the psychoanalytic theory which is influenced by Freud, human psyche includes three different components: «id», «ego» and the «superego» (Sarvestani, 2010, 138).

Id is the intrinsic impeller of humans for life, enjoyment, sexual activity and having fun. Yet, such impellers cannot be realized without learning. The knowledge gained from these learning forms the «ego». «Ego» shows where the limit and boundary of satisfaction of the «id» or enjoying the self is. This limit and boundary for enjoying the self is enforced by society in the form of laws and regulations. Acceptance of these laws and regulations by the individual is the building stone of the superego which is similar to conscience (Jangali, 2013, 28).

Biological theories of aggression

Previous theories in this outlook divided individuals to two groups right behavior and deviant behavior. Deviant behaving individuals are specific kind of people whose internal forces are very high and this in turn is due to their biologic characteristics which are frequently inherited. Proponents of this theory endeavor to identify a delinquent person by way of their member autopsy traits. The tools of their research are instruments for measuring human parts and cameras. In this theoretical school, fundamental distinction between animals and humans is not made (Ashraf, 2005, 42).
Cultural and economic factors

In this section cultural and economic factors are described as social causes of crime.

Cultural factors

These factors are: immigration, religiosity and use of substances of abuse.

A- Immigration

Immigration is a form of geographic mobilization or movement from places which occurs between two geographic units. This geographic mobilization is change of residence from source of moving location to the goal or arriving location (Mortazavi, 2004, 19). Time wise, with the beginning of the twentieth century, sociologists have devoted attention to the relationship between social deviations with city dwelling and have investigated delinquency and crime in large cities. They have found out that phenomenon such as population load, traffic pressure, decreased unofficial social controls due to weakness of relations with neighbors, family and extended others, high immigration rate, outskirt living, interaction of traditionalism and modernism in the direction of lightening of traditions, lack of identity and social behavior consistent with the mass population, namelessness, lack of responsibility, unpredictability of events and obliteration of unofficial social control principles which are among intrinsic municipality development traits and a expanded mass of population in large cities have led to social deviation (Ahmadi, 2005, 179).

B- Religiosity

In every society, various social, cultural and economic measures and etc are implemented in the direction of uprooting criminality and creation of a healthy society such that decision to commit crime does not occur in the mentation of individuals. Meanwhile, the role of religion in creation of religious commitment, culture of enduring in face of criminal temptations and cohesiveness and social interaction is considerable. Yet, if these general measures does not affect some individual and he or she is still destined to commit crime, a situation should be created that makes realization of the criminal act more difficult, risky or impossible (Mirkhalili, 2004, 60).

C- Use of narcotic substances

To assume that use of narcotic or stimulant substances by itself leads to commitment of crimes such as homicide, injury and harm … is not very scientific and defendable. The individual should also have the predisposition to this behavior culturally, economically, socially and developmentally. In this case, use of substances of abuse particularly stimulants such as cocaine, crack, crystal and heroine can lead to rapidification in directing of individuals towards criminal behavior (Goudarzi, 1998, 1185).
Economic factors

Frequently, the influence of level of income on an individual’s behavior is considerably less than effect of the method of making money and this is an undeniable truth that family, religious and friendly relationships even for those who do not have much financial ability can create various grounds for activities that can lead to major enjoyment. Despite it, conditions and situations that result from poverty especially in places where there is excessive population density can make activities and skills of individuals a futility.

Conclusion and Suggestions

Despite various factors that in the opinion of experts lead to commitment of homicide, strategies effective on decreasing its rate can be mentioned such as creation of jobs and sufficient income for all individuals in society, equal distribution of wealth, development of social justice, fight with illiteracy, poverty, addiction and outskirt dwelling, passing appropriate laws and enhancement of culture of fighting with crime, public education, omission of aggressive programs and movies in the television, cultural and educational planning, planning for strengthening organizations and matters of counseling and social work, enhancement of cultural and religious programs, strengthening of judiciary sectors and the police force, planning for promotion of education level in individuals in society, planning to encounter culture of carelessness and promote cultural ethical human growth, attention to education and development and teaching and upbringing that is correct, necessary and appropriate training regarding the consequences of divorce and methods of prevention of disruption of family cohesion and prevention of forceful marriages.

Additionally, considering that most intentional homicides are influences by ethnic and local culture, acculturation and informing regarding duties and responsibilities of family members and relevant legalities and increasing general awareness of people and cultural growth by way of holding congregations and seminars in this regard will be useful.
References


B: Articles, Notes and Dissertations