

## **CRIME WAVES: SENSATION SWEEPING OVER TRUTH**

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The work focuses on the phenomena of crime waves and the impact of social constructionism on it, considering the crime wave that was generated in the wake of the Delhi gang-rape incident. Through claims making, people are convinced about the existence of a problem that needs to be remedied. News media and mistaken understanding of statistics can be supposed to be the root causes of the problem. The attempts of the news media to personify and apply a common theme to disconnected events and interpretation errors in relation to statistics, due to shifting degrees of tolerance, errors in calculation and the redefining of offenses lead to the conception of the perception of a crime wave. The result is fear and moral panic which further leads to the sustenance of the perception. Thus, there is a need to be more questioning and analytical, instead of accepting such claims solely on the basis of a shared perspective.

### **I. INTRODUCTION**

A crime wave may be defined as a phenomenon in which there is an increase or decrease in the level of crime at a particular place during a particular period of time.<sup>1</sup> But there is a problem with this general definition. There may be cases in which incidents of crime go unnoticed by people other than the victims. This is due to the absence of fear and anxiety and the social stigma associated with such crimes. This further leads to many of the incidents not being reported. On the other hand, even when the crime levels are stable, there is an increase in the number of incidents reported because of a decrease in the level of tolerance in a society. Sally

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<sup>1</sup> VINCENT F SACCO, WHEN CRIME WAVES 6 (2005)

Merry<sup>2</sup>, has argued that the rising crime rates do not depict the whole story. Several social conditions also play a central part in determining the crime rates<sup>3</sup>. This can be understood with the help of social constructionism<sup>4</sup>. It is a broad theoretical perspective that is useful for understanding a wide range of social problems. According to this approach, it is the subjective perception of social problems that is more important rather than the objective assessment. Social processes play a key role in determining what is perceived as a problem. This can be experienced in the cases in which the problems which are portrayed as the most significant ones are those that do not necessarily make any substantial damage. Thus any study about the crime waves should include both actual crime levels as well as the perception about the crime levels. How this perception is created can be explained through the process of claims making<sup>5</sup>. It is a process of framing a condition in such a way so as to make people believe that it is a problem that needs to be remedied. Therefore we can simply state that, a crime wave is under way when there exists a widely shared perception that a crime wave is underway.<sup>6</sup>

As we have already seen that the presence of the perception of a crime wave being underway is created by certain people, we now need to understand why they create such a perception. It can be contended that the idea of a crime wave being underway benefits people in certain ways. Crimes certainly occupy an important portion of news reporting. This is primarily because they make interesting reads. Joel Best, Professor of Sociology and Criminal Justice, University of Delaware has argued that the rapid development of press provided a showcase for melodramatic and sensationalist crime reporting<sup>7</sup> Focus of crime news shifted from particulars of the incident to the attempt of generalization from a case to a broader problem. Several disconnected and random events are connected and presented under a common theme. Another section who is benefitted by the creation of such a perception is the victims. Victims or rather the spokespersons of the victim organization are among the first and most vocal claimants to argue

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<sup>2</sup> Professor of Anthropology, NYU School of Law,

<sup>3</sup> SALLY MERRY, URBAN DANGER: LIFE IN A NEIGHBOURHOOD OF STRANGERS (1981)

<sup>4</sup> J. A. HOLSTEIN & G. MILLER, CHALLENGES AND CHOICES: CONSTRUCTIONIST PERSPECTIVE ON SOCIAL PROBLEMS 36, (2003),

<sup>5</sup> M. SPECTOR & J.I. KITSUSE, CONSTRUCTING SOCIAL PROBLEMS 147(1977)

<sup>6</sup> Sacco, *supra* note 1, at 9

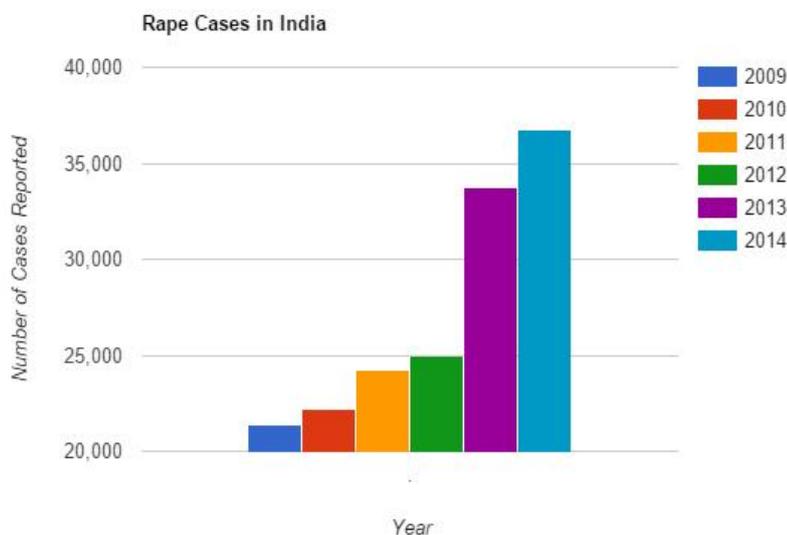
<sup>7</sup> JOEL BEST, RANDOM VIOLENCE: HOW WE TALK ABOUT NEW CRIMES AND NEW VICTIMS 78 (1999)

that a sizeable problem exists and that it is getting worse. They do so to attract attention to their predicaments as well as to gather support.

Now let us understand the phenomenon of creation of crime waves through the recent example of the perceived crime wave in the aftermath of the Delhi gang rape incident. The following table shows the data provided by the National Crime Records Bureau on the rape statistics.

Year	Number of cases reported
2009	21397
2010	22172
2011	24206
2012	24923
2013	33707
2014	36735

Data Provided by the National Crime Records Bureau on Rape Statistics.



It can be clearly seen from the above statistics that the number of rape cases reported in the years from 2009-2012 showed a gradual and consistent increase. However, after the said incident took place on the 16<sup>th</sup> of December, 2012, a sudden and substantial increase in the number can be seen in the following years. This cannot be read to imply that the actual number of incidents of rape increased by such an amount. These numbers suggest that the

increase would have been in the number of cases being reported. This increase can be explained as follows.

Studies have shown that a significant portion of news reporting is covered by crime news. With the development of communication technology, the accessibility to news has increased which has led to increased attempts on the part of the media to make news reporting more approachable and comprehensible. Media, after all, is a profit making enterprise. This has led to the tabloidization of mainstream media. According to Howard Kurtz<sup>8</sup>, the elements of tabloid news style include flashy presentation, emphasis on personal background, use of dramatic re-enactments etc.. For example, an article published online after the said incident was titled- “Mohammad the Intestine-Ripper, should be given Jail for Life: Can’t let this animal loose on the streets of India!”<sup>9</sup> Such titles immediately grab the attention of the reader who is already enraged by the turn of events. The enraged viewer/reader seeks a medium to vent.. A theatrical journalist shouting at the top of his lungs on national television becomes this medium and the enraged viewer feels assuaged almost instantly.

## II. NEWS MEDIA AND CRIME COVERAGE

These crimes are being reported to such an extent that the viewers and readers begin to think that such incidents have become commonplace.

News reporting of crimes does not seem to show a larger picture. As in the present case hardly any attention was given to the more deep rooted problems such as the complexities associated with the man- woman relationship and the misogyny embedded in the fabric of the society. All that was talked about being the law enforcement problems and catering of justice.

### A. Personification by Media

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<sup>8</sup> Darrell West, ‘*The Tabloidization of the Media*’, (December 9, 2016, 10:20 PM) <http://www.insidepolitics.org/ps111/tabloids.html>

<sup>9</sup> Desh Kapoor, “*Mohammad the Intestine-Ripper*” (*Delhi Gangrape*) *should be given Jail for Life: Can’t let this animal loose on streets of India!*,’ (December 9, 2016, 10:21 PM) <http://www.patheos.com/blogs/drishtikone/2013/02/mohammad-the-intestine-ripper-delhi-gangrape-should-be-given-jail-for-life-cant-let-this-animal-loose-on-streets-of-india/>, September 1, 2013

It refers to the process of portraying stories about crime as stories about people. This is done by focusing and emphasizing on the emotional and personal content of the story. Media tries to increase the involvement of the viewers and readers by presenting the story in a melodramatic form.

An article published in an online magazine, Quartz, “How the Indian dream died with the Delhi gang rape victim” begins by giving an account of the daily routine of the victim. The article reads-“The family hailed from rural Uttar Pradesh but moved to Delhi for better jobs and education. Her father worked at the airport, earning 7,000 rupees a month (\$127). A brighter future was willed of her, the eldest of three, so she enrolled in a physiotherapy course. She attended classes between noon and 5 PM, and then worked 7 p.m. to 4 a.m. at a call center, answering questions from Canadians about their mortgages. She spent the Sunday before she was raped seeing the *Life of Pi* at a newer posh mall in South Delhi, aptly named Select Citywalk.”<sup>10</sup>

The readers form an immediate personal connection with the story. They start caring for the victim as they feel, he or she is one of them. A report on CNN’s official website was named - “ ‘*She could have been me*’: Action urged after Delhi gang rape case ”.<sup>11</sup> Readers develop a fear of being victimized in the future. Thus, their concern about the apparently growing problem increases.

## B. Why Do Media Generate Crime Waves?

As it has been discussed, news reporting is a profit making enterprise. The primary objective of any media house is to sell as much as possible. As the demand for crime news is more, the supply has to increase. The supply cannot be increased as crimes are not commodities to be manufactured. Thus, to meet the increase in demand, the perception of a large

<sup>10</sup> S Mitra Kalita, ‘*How the Indian Dream died with the Delhi Gang Rape Victim*’, QUARTZ (December 9,2016, 10:30 PM) <http://qz.com/42148/how-the-indian-dream-died-with-the-delhi-gang-rape-victim/> , (Last visited on September 12, 2016) , January 09, 2013

<sup>11</sup> Sarah Brown, ‘*She could have been me*’: Action urged after Delhi gang rape case’,CNN, (December 9,2016, 10:30 PM), <http://edition.cnn.com/2013/01/04/world/asia/irpt-new-delhi-gang-rape-ireport-reaction/> , January 4, 2016

increase is created by enhancing the focus on the incident. The media are obsessed with crime and celebrity, we are told, because we are.<sup>12</sup>

News reports are often considered to be objective sources, but there are hardly any reports in which journalists investigate the incidents themselves. Most of the news is obtained from secondary sources. Journalists do not try to interpret the press releases objectively and question these releases. They end up generating a picture which is only partially true.

### C. Mechanism Of Crime Wave Generation

The main device used is a common theme applied to disconnected events. An article reads:

“With her died a piece of the Indian dream: The upward mobility that defines modern India, a palpable sense that you could be Somebody if you study and work hard enough; that your caste, your parents, your gender, might not get in the way after all.”<sup>13</sup>

In the above article an effort has been made to link up a rape case with much more common themes- themes that a major part of the readership can identify with. The article goes on to talk about the Mumbai terror attack and the Commonwealth scam. Gradually, the focus shifts from individual incidents to the theme itself. Crime wave stories now gain more prominence in comparison to the incidents which comprise the crime wave. This contributes to creation of panic and anxiety, therefore contributing to further incidents being reported.

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<sup>12</sup> Sacco, *supra* note 1, at 92

<sup>13</sup> *Supra* note 10

### III. STATISTICS

The very first indication of a crime wave being underway is the growth in the number of incidents being reported. Our perception is formed on the basis of the crime statistics that we come across. But the basic problem with use of statistics as a measuring rod of crime lies in the fact that not all the consumers are well versed in understanding and interpreting statistics. This is the problem of “innumerate consumers”.

In an article published online by Sally Kohn, she, while commenting on the rape problem in India stated – “ We're horrified by news reports of rape in India and feel lucky we don't live there. But the country with the highest rate of sexual assault isn't India—it's ours”.<sup>14</sup> The report brings into light the condition of the United States of America as far as rape cases are concerned which clearly is far worse than India. In the United States of America, where the population is around 300 million, 83,425 rapes were reported. Whereas in India, where the population is around 1.2 billion, the number of cases reported were 24,206 in 2011. Despite this, India is perceived as the “Rape capital of the world”. This clearly indicates ignorance on our part and our tendency to accept the data as it is provided. We do not even attempt to compare it with other countries so as to see a bigger picture.

As it can be seen the numbers themselves are very large, but the consumers fail to see the context in which these are being presented. They are unable to understand the complexities associated with statistics and thus fail to appreciate them in their true sense. The state of affairs is much likened to an idealized past, There is, instead, a need to see a legitimate comparison point. There are cases in which the problem, just continues to occur, but it is depicted as if it is worsening. Statistics also create a problem when expressed in percentages. When this is done, subtle differences tend to be inconspicuous. For example, one rape occurred last year and two this year; if this number is expressed in percentages, then it would be shown as a hundred percent rise. This can be misleading at times.

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<sup>14</sup> Sally Kohn, ‘*Is India the Rape Capital of the World?*’ , (December 9, 2016, 10:20 PM) <http://www.more.com/news/india-rape-capital-world>

## A. Crime Clock

We often hear in the news about the crime statistics being expressed in terms of number of crimes happening in the lapse of definite intervals of time. This is called the crime clock. For calculating this, number of seconds in a year is divided by the total number of crimes in that year. It appears to be the crime rate, but in reality, it is not. The crime rate is actually arrived at by dividing the number of crimes by the population and then further multiplying it with a constant which is the number of people with respect to which the rate is calculated. Thus, the crime clock fails to take into account the variable population. . The data released by NCRB reports indicate that one woman is raped every twenty minutes in India<sup>15</sup>. The concept of crime clock itself is faulty and tends to mislead the consumers.

## B. Redefining Crimes

Sometimes changes in the legal definition of crime can also lead to an increase in the number. Like, in the earlier times, the category of sexual offenses was restricted to very few offenses, but now the category has become much wider. For example, after the Criminal Law (Amendment) Act, 2013, the definition of sexual harassment has been widened. Sexual offences now include stalking<sup>16</sup>, voyeurism,<sup>17</sup> etc.

## C. Tolerance

The number of crimes being reported also depends upon the tolerance level of the society members. The notion of what is considered offensive by the community may change with time and other social circumstances. For example, as in the case of sexual assault, many

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<sup>15</sup> Spence Feingold , ‘*One rape every 20 minutes in country,*’ TIMES OF INDIA, (December 9, 2016, 10:34 PM) <http://timesofindia.indiatimes.com/city/delhi/One-rape-every-20-minutes-in-country/articleshow/22040599.cms>, August 25, 2013

<sup>16</sup> The Indian Penal Code (45 of 1860) as amended by The Criminal Law( Amendment) Act ,2013 (13 of 2013), § 354 D

<sup>17</sup>Ibid , § 354 C

incidents are not reported because of the social stigma attached to them. The impression that a crime wave is underway and the problem being widespread puts an ideological impact on the minds of the victims. The victims no longer think that they are alone in their suffering and thus are not afraid to report the incidents of crime. Increasing awareness encourages more people to report crimes. Policies of zero tolerance and various marches and demonstrations that take place in the aftermath of a major incident adduce the same point.

#### D. Statistical Errors

Errors can occur in collecting and computing large amount of data. Thus the statistics that we come across are not cent percent accurate. These errors are rarely detected, leading to misconceptions being formed in the minds of consumers of these statistics.

#### E. Entertainment Value Of Statistical News

Statistical news is often dressed up in a way so as to increase its entertainment value. Catchy phrases are used to grab the attention of the consumers. For example, Delhi is often crowned as the rape capital of India. The statistical stories are also turned into stories about people. All these methods make the stories more engrossing. Since statistical news is considered to be an objective and accurate source of news, it is also considered to be the most important and reliable source of news.

#### IV. MORAL PANIC

Crime waves may be “things of the mind”, but they have real consequences.<sup>18</sup> These consequences may be in the form of fear and anxiety in the minds of the victims as well as the society members at large. Fear occupies an important place in discussions related to the phenomenon of crime waves. It helps in sustaining the perception of a crime wave. It forms a bridge that connects individuals other than who have been victimized to the ongoing problem. They are able to relate to it in a more personal way. And this is not a one way process. While crime waves cause an increase in fear, rising fear levels can cause the crime level to increase as well.

The fear that we generally deal with in criminology is the anticipated fear rather than the actual fear. Fear is thus thought about more as an attitude or a perception rather than as a physical response.<sup>19</sup>

According to an article by H Kearn on a website,<sup>20</sup> in an informal online survey conducted in 2008, the response of a woman when asked about how safe she felt was - “I always feel uncomfortable when I am out alone at night in my neighborhood. As every man walks past me, I silently evaluate how likely he is to rape me and what I would do if that happened. I always notice how many people are around, what their gender is, etc.” Cynthia Grant Bowman, author of “Street Harassment and the Informal Ghettoization of Women,” discovered that when women talk about street harassment, they usually talk about their fear of rape.

Fear of rape or any other violent crime travels through generations. Therefore, people are not only afraid for themselves, but according to Mark Warr,<sup>21</sup> fear can also exist out of concern for a person one cares about. This kind of fear can be termed as “altruistic fear”. Frightening press accounts, easy availability of violent pornographic movies, cultural stereotypes of rapists and their victims, attacks on friends and acquaintances, and escalating statistics have

<sup>18</sup> M Fishman, *Crime Waves as Ideology*, 25 SP 531-543 (1978)

<sup>19</sup> Sacco, *supra* note 1, at 125

<sup>20</sup> H Kearn, ‘An underlying fear of rape,’ (December 9, 2016, 10:55 PM) <http://www.stopstreetharassment.org/2009/11/an-underlying-fear-of-rape/>, November 25, 2009

<sup>21</sup> Mark Warr, *Altruistic Fear of Victimization in Households*, 73 SSQ 723-736 (1992)

contributed to women's fear of rape.<sup>22</sup> Also, women are generally warned against going to secluded areas alone. While this is mainly perceived as precautionary, it is also an illustration of the behavioural dimension of fear which gets instilled in the minds of people. This makes people feel safer. Masses may not actually pronounce that they are afraid, but may exhibit their behavior through their activities.

Another aspect related to fear is the object of fear. What different people might be afraid of varies according to their cultural and social status. Fear is not a sudden development but is gradually inculcated in an individual from his very childhood. Therefore, the environment in which a child is brought up has a lot to do with what he or she is afraid of.

As in many cases, a woman is often fearful of male strangers, as they are the ones she has been told to be cautious of. The extent of rationality of this fear is highly doubtful. According to NCRB, in 98% of the rape cases in India, the perpetrator is a person known to the victim.<sup>23</sup>

### A. The Fear- Crime Cycle

The cycle can be understood in terms of six stages. First of all, crime would increase due to various factors. Then, as the crime increases, the news media tend to increase the reporting of these incidents for the reasons we have already discussed above. This then leads to an increment in the fear and panic levels amongst the masses. This is accompanied by a withdrawal from the community participation as they are hesitant to interact with people by whom they fear, they are at the risk of being victimized. This further decreases the informal social control exercised by the society leading to a further increase in the number of crimes.

### B. Irrationality Of Fear

It is often perceived that fear is irrational. But there is no criterion to judge how people are supposed to react. As fear is an entirely psychological phenomenon, there is no means to determine a proportionate response.

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<sup>22</sup> Margaret T. Gordon and Stephanie Riger, *The Female Fear*, 29 CS 167 (1990)

<sup>23</sup> National Crime Records Bureau, Crime in India- 2012

Fear erodes social solidarity and community bonds. But the positive aspects of fear are often neglected. As a result of being afraid, people tend to be more careful. The opposite of fearfulness may not be fearlessness, but recklessness. To the degree that fear keeps us safe, it must be seen to be somewhat adaptive<sup>24</sup>

The question of gauging fear in terms of its rationality or irrationality is not as easy as it might seem to be. It certainly is a very complex affair.

## V. CONCLUSION

It can be concluded that crime waves are nothing more than social constructs. Once a perception is created, no one bothers to look into the complex process it underwent to take the present form. Everyone simply accepts what is claimed to be true as the truth. No substantial attempts are made to view the story from all possible angles objectively.

These perceptions are not limited to the public only, but extend to the government as well. The fear present in the minds of the public forces the government to take measures in this direction. Thus, public policies are shaped to control the “rising crime levels”. This can be understood by taking the example of the JS Verma Committee that was set up in the immediate aftermath of the Delhi gang rape incident. The committee was set up on the 23<sup>rd</sup> of December, 2012, within a week of the incident. The report of the committee was submitted in exactly one month, that is, on the 23<sup>rd</sup> of January, 2013. No sooner, the recommendations were brought into implementation-the Criminal Law (Amendment) Act, 2013 was passed on the 21<sup>st</sup> of March. The recent Juvenile Justice (Care and Protection of Children) Act, 2015 is also an example of the same.<sup>25</sup> At a time, when the criminal justice systems of the world are advancing towards a restorative system of justice, passing such an act clearly indicates a measure taken hastily in order to satisfy public sentiments regarding the perceived crime wave.

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<sup>24</sup> Sacco, *supra* note 1, at 138

<sup>25</sup> The act allowed juveniles between the age of 16-18 years to be tried as adults for heinous offences committed by them.

Emotion is the essence of life. Without that, we would be clockwork machines, winding and unwinding tirelessly. But when emotion intensifies and becomes sentiment, the first victims are objectivity and reason. No justice system in the world can work when these founding pillars are shaken. And they tremble every time when the trial takes place not in a dispassionate courtroom, but in a chaotic newsroom charged with a pathetic lust for TRPs. The media need to be more responsible and should bring to light the actual state of affairs to the readers/viewers instead of dramatizing the issues for the sake of TRPs.

Thus, there is a need to understand that before accepting any such claims, it is necessary to probe into them with a critical eye. Crime waves are primarily generated by the media through the statistics it gives. Once these crime waves are generated, fear develops. To tackle this problem, it is essential to focus on its root cause. People should be more questioning and analytical. Instead of believing in the shared perspective blindly, they must try to reason out the issues themselves and form an individual perspective.