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ON THE STRUCTURE AND SITUATION OF CRIME AND DELINQUENCY

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In this paper the writer's basic standpoint is summarized as to problems that arise between the criminal or delinquent structure and its situations. Crime or delinquency is here defined to be an injurer-sufferer relation limited by the penal legal standards or by the juvenile laws with certain historical contents in given times. Therefore the concrete contents of crime or delinquency that a criminalpsychologist has as his theme must basically be varied by a legal culture. So this problem consists in that of a structure showing how a person encounters with society and legal culture; it is basically a socialpsychological problem. And then a criminalpsychologist must describe, analyse and explain the structure and the situation of "criminal or delinquent action space" of each person. Both the structure of criminal situations and that of the situations of criminal readiness formation are especially treated in details here.

PROBLEM

A criminalpsychological standpoint of the writer is summarized, so far as the problems which arise between the structure and its situations are concerned, in this paper. This point of view would always not only be premised in his researches for crime or delinquency and developed with them, but also, as an immediate background, has influenced strongly forming his theoretical constructs, for example, "Delinquent Depth" or "Delinquent Geno-Types".⁽¹⁾ Therefore this viewpoint must be closely examined here, referring to on both his theoretical constructs and his concrete results, especially about the subject as to what to be grasped with delinquency or crime and how to approach the subject as to situation and structure.

CRIME and DELINQUENCY

We will begin here with making the concept of crime, delinquency clear. It must be highly important also to a criminal psychologist, to do make explicit what sort of fact the words "criminals", "delinquents" or "crime", "delinquency" directly denote, because for him to do so immediately means that he does see what sort of actual fact is to be the nuclear subject that criminal psychology has to describe, analyse and explain. If it fails, however exactly something may be described and analysed, never it could be made clear whether ever for criminal psychology that is useful or not.

(1) cf. J. Abe, Note on the theory of delinquent or criminal life-space: especially on "Delinquent Depth" and "Geno-type of delinquency". *Tohoku psychologica Folia*, 1964, Tom. XXII, Fasc 3-4.

Now a marked distinction between the criminal, delinquent and other persons will surely lie in that the former could have once had some state of crime or delinquency in a certain region of his whole life-space, at least for a few minutes in his time. That, I think, is no more than such.⁽²⁾ And then so much is certain that criminals or delinquents do never mean directly those men who have been by no means showing good, socialized conduct; even a habitual criminal, of course, cannot criminally act for 24 hours all the year round, but mostly only for several hours almost every day, at least in the times of action-centered legal standard; for all the rest of his life-time he will practically make himself adjusted to socialized conditions.⁽³⁾ Finally the relevant theme to be imposed on a criminal psychologist just as a positive scientist cannot be but a state of crime or delinquency acted within and without the individual's life-space itself, in which also socialized regions can be comprehended, and but some dynamics functioning between the crime region and the socialized region of his whole life-space.

And then state of crime or delinquency could be said to be such a fact that individual(s) or group(s) objectively makes up or compels to fear doing a happening or lasting situation of an injurer-sufferer relation just between himself (themselves) or his group(s) and the other individual(s) or his group(s) or, if none of other persons is present there, directly only the institution or custom, moreover at least with a certain structure of conflicting with a penal or juvenile law, such as the Criminal Cords or the Juvenile Law in certain times. So this fact, that is, state of crime or delinquency must be a social action-state basically characterized by such a reciprocal process as the injurer coping in the reverse vectors with the victim or the public third party so that, although temporarily, he becomes dominant over the latter with the contents of conflicting with a certain legal standard; conversely speaking, this state consists simply in a harmful social action pattern selected and decided by some legal standard legislated or held by the public highest organ of the political synthesized society (for instance, State in modern times or tribes in primitive). Hence here is such a state in which the facts shown by an injurer are judged as adequate to be crime or delinquency for the conflicting with a legal standard, judged by those men who are qualified to have rights and duties to do it by that highest organ in given times. Here is a person's state that is determined by a culture and its control organization in certain times.

(2) We have distinguished pure criminals or delinquents from peripheral criminals or delinquents; the former are those criminals whose nuclear region of ego is maintained by crime, the latter those men whose peripheral region of ego is maintained by crime. Both sorts of criminals or delinquents consist also in the amateurish one or the professional one, that is, in criminals or delinquents of all the "Delinquent Depth". But anyhow, we call their generic name the criminal or delinquent here.

(3) Of course, in the time of group-punishment or in the cases of thought- belief-punishment, it is possible that his criminality takes place in very lasting situation, because his action is never questionable here, but only his group-belongingness or consciousness; but even such cases could have a chance of adjustment to legal standard.

Therefore only a certain legal culture itself can give the facts that should be the theme to a criminal psychologist; it is naturally never reverse. So the concret contents of crime as his subjects must basically be varied by those of a cultural system, even in traditional crime. It, of course, does directly never mean crime, that a person causes some harm to the other, the group or the norm; murder, theft and fraud, even all these can never immediately consist in crime as a fact. For instance, for a soldier to murder an enemy in battle will rather deserve a decoration in a sweeping majority of cultures, and as executor of the life punishment must be sanctioned, which the law standards of some States have. Besides, the murder of legitimate self-defense, that in the time non compos mentis, that in such a psychiatric condition in which we are not able to make demands on the person's responsibility, that of the not yet matured and trying a murder through such a means as a black magic in which we are no more able to consider the reasonable causality nowadays, all this is not thought to be criminal, in the action-centered and rationlistic modern legal standards.

Therefore though exactly "murder action itself is generally explained only from the injurer's character or the sociological background, it can not directly clarify a criminal action scientifically, because the subjects of criminal psychologists are never murder action itself, but murder action as crime and this is merely a specific part of such general actions; some murder actions are criminal, some admirable, some suitable to one's duty and some proper, some admitted. How this hurtful action of murder is specified as crime, this must depend only on contents of a certain legal standard. So the facts as subjects of a criminal psychologist come to be varied by a legal culture. Therefore a criminal psychologist cannot have his subjects, without grasping the structure of the injurer encountering with the victim, the third party and the legal standard, nor could analyze and explain the necessity of his problems, without doing so the structure. The opinions from a viewpoint of pure psychology or biology couldn't have meaning to see crime or delinquency for themselves, but they can only by being reorganized into such a structure.

And then the heart of problems in psychological phase on the criminal or the delinquent must never lie in the facts of crime grasped only from an individual psychological point of view and its biological or physiological bases, for instance, his character, his intelligence, his motivational or perceptual mechanism, his emotional or pathological traits, or his developmental or maturation state, and his simply formalized social attitude, in which cultural concrete contents are completely eliminated. Rather this psychological nuclear and general problem on crime must consist first in his anti-legal attitude, through which channel his motive with certain cultural and social contents is actualised as criminal state in a situation, that is, his repulsive attitude against a concrete legal standard, his disregardful, his ignorant (subjective) attitude acted when a legal standard is conflicted by his using a criminal technique. Next, as important a psychological problem as the former must be his criminal technique, by which a criminal state is first successfully actualized through his

gaining an advantage over the inhibition one of the opponent in a happening or lasting situation, moreover by which it is inhibited through his being overcome with a controller's inhibition technique, and then, by which he cannot make it actualized through his expecting defeat for himself; in the latter case even if he has criminal attitude, he remains to be not a criminal. Here are some basic types of the criminal technique, that is, a "*non-presence* criminal technique", a "*non notice* one", a "*coersion* one", a "*pretense* one" to a coping force of inhibition technique which is present to him or imagined by him. Both the attitude and the technique are the personal basic factors (readiness) actualizing a state of crime or delinquency in a happening or lasting situation with a certain social and cultural structure.

Now this word state of crime or delinquency must be that which is able to denote and comprehend the very various conditions, whose concrete meaning is defined by a legal culture of a given society; it must be a word showing the general structure and being able to denote the various styles. For instance, some states mean an action, when the law standard is individualistic, rationalistic and action-centered; therefore this attitude and technique must have principally a specific structure bound more with each personal and happening action situation, than with belief or group-belongingness. But some states mean to have a thought or belief as conclusive evidence, when the law is thought-belief centered, therefore this criminal attitude and technique, and also the action comes to put stress point on a lasting situation holding and extending a certain thought, belief or state of the inner world against an inhibition pressure; therefore it is never thought fit that the psychic phase is explained by a behavioristic standpoint here. Moreover, state of crime in group-punishment consists only in his group-belongingness; in it not any action nor any belief matters; for instance, a child is killed on account of being a member of criminal's family, for being one of his neighbours and for belonging to his race; his crime has already a state beyond his psychic and actional structure as conclusive evidence. But such group-belongingness must be maintained and got by attitude and skill must be especially bound with holding and extending a group. Besides the next state can never already be any living men's crime, namely, dead person, soul of an ancestor, Satan, demons, animals and plants themselves or a person being fascinated by them; in the case where an actual injurer is not a living man, a criminal psychologist must have rather an interest in a judge, a victim, the third party maintaining it; the criminal attitude and skill of the fascinated by demon must be bound with making comprehend a sign imagined to be a magical force in individual or group action or its believes.

But, although every such conclusive evidence of the state of crime that an injurer must have, may be action or thought, or group-belongingness or being fascinated by demon, a heart of problems related to a criminal psychologist must be first such an attitude and such a skill, as an injurer or his group causes a happening or lasting criminal action situation between himself and victim, third party, having a state with various conclusive evidence which is regarded as markedly harmful to be inhibited and

punished for a basic social structure, at least from a point of view of the law organ in given cultural style. Therefore a criminal psychologist might be able to find a general cue for the research only in the person's criminal attitude and his technique in a structure of a state of crime or delinquent as the problem of such an encounter. Pure psychological fact has a very different meaning with each state of crime and every conclusive evidence; though it can prove a criminal state it cannot always be generalized.

Now, next we will keep in mind a relation of crime or delinquency with the other control culture than legal standard. A penal law standard would be mostly based on such control standards of a people as moral, custom, institution and group-rule; but that would conversely always base the fundamental social structure which at least the political governors regard highly important, by the exerting of stronger force from the outer world of each individual or group having some other control culture. Each person acts, feels, thinks and forms a group, closely connected with his reference group and his basic group, being equivalent into plus or minus vectors to this penal law standard or some control cultures, such as morals, rules, customs, institutions.

And then a control culture must naturally be premised by a devotional action form itself, such as the repulsive action, the disregardful, the innocent (subjective), because it can first play its part only when most people really observe it, but a few would always make people fear to deviate so strongly, that the basic social structure can be dissolved. Therefore in such a case as a penal law standard mostly overlapp with the people's mores, it can be the ultimate weapon of both the governor and the people to protect themselves from this excessive deviation. The more closely the law standard overlaps with the people's control culture, the more it becomes not only the weapon of both, but a maladjustment to the latter comes to prepare conflicting with the former. In juvenile laws the misconduct must be inhibited. But the penal law standard can be scarcely based on the people's control culture such as an occupation army's law standard, a despotic or a colonial. But a penal law standard as a fact can be such a control culture, as it can consist just in being never sanctioned by people, but only in its force, because it has the essential characteristics of strengthening the coping force to crime by the stronger force, so that it can be there to be only force. Therefore crime does never directly mean a maladjustment to a people's mores; the marked coping with an occupation army on the basis on the people's mores is surely a crime, but never maladjustment to a custom.⁽⁴⁾

(4) It really functions as a crime. We must severely differentiate the crime seen from a factual point of view from the crime seen from a critical or legislative viewpoint. From a legislative point of view that fact may not be criminal, but this law itself may rather be to be criminal; therefore all the criminals or all the delinquents may not be always persons having to be corrected, seen from a legislative standpoint. Criminal psychology is, of course, a fact-science, but should never be any normative science. Being fact-science means to do take never a critical viewpoint as a positive science, and it does never mean not to make any norm or criticism seen from a factual viewpoint, but explain as pure facts also *how*, *why* and whether a legislative action itself is judged to be criminal by a people and a government or not, because criminal psychology as a fact-science can be doing so first play its part as a mirror to a legislative discussion, to a construction of a law, to correction techniques.

Now we have always attached importance to the state, how well a penal or juvenile law standard is coincided with some control cultures, which are present and directly acting on each individual life-space. And then it also is highly important that the region for the nucleous ego to be anchored is plus to a legal standard or minus to it or plus-minus to it, and this nuclear region is his protective region (family, school, community, etc.) or his professional one.⁽⁵⁾ But we must notice that in the coincidence there are two different aspects; the one is such a case in which a region is plus or minus or plus-minus, seen from the viewpoint of both people's mores and the governor's legal standard; in this case a minus region is never a region having a criminal culture as a subculture, but merely a criminal and anti-cultural one; the other is that case, which has not any coincidence between both; the minus one can be criminal and cultural, the plus one can be legal and anti-cultural, and the plus-minus one can have no legal standard, but can be culutural or anti-cultural.

After all crime or delinquency as fact means to have the structure of a person forming a situation in a certain state decided by contents of penal or juvenile law between himself and victim, the other party; this sitation basically consists in a certain structure formed between a legal organ and a person's lifespace having a people's control culture. A criminal psychologist must approach to each case by finding the a certain general construct between the structure and the situation. We must next examine into it.

SITUATION and STRUCTURE of CRIME or DELINQUENCY

Now, the fact of crime and deliquency, as a subject of criminal psychology, must first consist in a system of action situations having such a structure, as cannot be decided on it only by the inner world of the injurer's system of action itself, but by the other's judgement. But this, of course, does not mean a criminal psychologist nor a victim nor such third parties, as teachers, parents, neighbors so on, except the public legal organ. Accordingly none of criminal psychologists can necessarily find out his subject there, so far as it is such facts as, like a case of psychophysical psychologist, it is basically not assumed as precondition to be decided by the public legal organ; only a criminal psychologist can have his subject in such facts as it must be assumed as *sine qua non* for them to be decided by the public legal organ, at least will be sure to be done so by this, if an injurer is found by the latter. So a criminal psychologist must first objectively describe, analyse and explain the structure of the injurer encountering with the other, or the law institution; his nuclear theme must be problem of the "criminal action space structure" that should be such facts as an individual shapes between himself and the victim, the executor of legal standards.

So from a point of view of pragmatistic criminologists it may be insisted that a

(5) Cf. J. Abe, Note on the theory of delinquent or criminal lifespace: especially on "Delinquent Depth" and "Geno-type of delinquency". *Tohoku Psychologica Folia*, 1964. Tom. XXII Fasc 3-4.

criminal psychologist should never make an injurer be his subject before he is judged to be criminal by a judge. But we cannot bear out this standpoint, because this opinion basically fails of grasping a relation between the criminal structure and the criminal situation; an injurer had ready indeed a criminal structure the moment he acted so, he only does not get a situation overt to others. Really a judged situation is such a state as the criminal or delinquent action space becomes most explicit and most overt by its structure, as its social characteristics has become most clearly determined and fixed, and its real criminal action most strongly inhibited or controlled. But still this limitation is never thought fit, because it gets lost by this opinion, that a criminal psychologist can research into what the judged situation of the other, the arrested pressure by the other, and finally the whole legal structure itself, the actions of each criminal or delinquent who not yet found, and moreover that he can help a judge make a structure of "a criminal action space" from covert to overt for the social prevention.

Now that an injurer has the structure of conflicting with the legal standard in a certain state or tribe with given historical contents, shows the essential structure of a criminal, delinquent action space, and that he is to be judged and treated as a criminal or delinquent by the public third party, means the control structure of a criminal, delinquent action space. But both of them do not mean directly the situation itself. So, whether the essential structure of a criminal action space of an injurer becomes really overt to others, and how exactly an injurer imagines it, and how objectively he is corresponded to it in all his life-space, all these are highly important here. The essential structure is, of course, never always immediately overt to others at each situation, but the situations which are covert from the control structure expected by him are rather so frequent. It is not for nothing; for an injurer to keep it covert from the public forces means that the more strongly coping force than he in social pressure gets controlled by an injurer to the extent that he thinks fit to his force; so his criminal or delinquent action could have been actualized. And then if he has an action situation ignoring the essential or control structure, this will be very effective to his mal-adjustment to legal standards or to a correctional institute or to some arrested circumstance or even to a commitment. So his covert action exactly corresponded to both the essential structure and the control comes to be a sort of technique most important to form a criminal situation, though this is never only one, too. But the criminal action could as well surely become actualized by the overt action directly coping with the strongest third parties, if he is stronger than they, as done by such a covert action avoiding not only the public third party but even the victim's coping force. And both the criminal's covert action and his overt, of course, cannot only be intended by himself, but also they are forced by action situation from the outer world too. But anyhow a criminal or delinquent action can basically consist in the legal equivalence broken by more dominant the injurer's psychic or physical coping force than that of victim or the third party, at a situation, though temporarily.

Now next the very various possibilities or competences (techniques) by which

criminal or delinquent action situations are formed must be classified into some types; we may basically classify them under two large types: the covert type and the overt type. That covert type may be further divided into two groups: 1) the “*non-presence*” group and 2) the “*non-notice*” group. The non-presence group includes only the cases forming such a situation as there is never a coping man, who is a victim or third party, in each injurer’s perceptual environment, here are only an injurer (s) or his group and at least a little valuable thing, which is natural or some artifact; this situation is shaped by his action controlling the present conditions that he thinks not fit to him or shaped by him who is passively controlled by the conditions themselves, so that the situation is focalized to injurer’s harmful action by congruence of the casual or habitual technique against control force with the attitude against the legal value, such as a repulsive or a disregarding or an ignorant (non-objective), in order to fulfilling some motive, amateur-like or professional in a certain cultural structure; for example, prowling, gambling in secret room, many a delinquency (truancy, smoking, drink in solitude or only among boysgangsters) if there are inhibited by a certain legal culture. Here is never immediately any victim or any controller of the third parties in his perceptual situation. But here consists in a criminal or delinquent essential structure just the moment an injurer acts so, therefore here already exists his criminal or delinquent action space, because the possessor of things stolen, the upholder of a institution and the executor of a legal standard have already been infringed at the same time, as his having operated some things or acted thus. But the structure remains in a situation not only unknown yet to a victim or a controller here, but also to any control-system of the public third parties. An injurer of this group could have shaped objectly the essential criminal structure first through avoiding a public pressure situation with a non-presence type technique covert from control structure expected.

Next, the second group of the covert type, the “*non-notice*” group comprehends such cases, as some men coped by an injurer as the victim and/or the third party are present in his perceptual environment, and the injurer(s) or his (their) group interacts with them that he gets his more dominant force than that of the opponents, his being not really coped by opponents through never attracting their attention to his presence or his action; this interaction is a onesided seeing interaction, that is, the one side person acts adjusted to the other side’s action without making notice of it to the other, but the latter makes adjusted to the former’s action, so that the injurer can make the other be a victim; here is an interactive relation between both of them, only the other is never aware of it, but he makes abjusted to the condition formed by the former; both to do good by stealth, and a relation between the mother and her newborn are such an interaction. And then there can be the same situation as that of a non-presence technique in other condition; here readily exists a criminal or delinquent essential structure the moment he acts so, too: for concrete instance: pick-pocket, burgler, shop-lifter, poisoner etc.

And then the overt type also will be furthermore parted into two groups: 1) the

“*coercion group*” and 2) the “*pretense*” group. The coercion group comprehends such cases, as an injurer not only stands before a victim or a third party, but he, intentionally or not, brings to their notice of his presence and his harmful intention, whether harmful enough or not, so that he suppresses directly their coping forces with violence and threat to get hegemony over a victim and an other third party. For instance, assault, compulsion, robbery, political terrorism and so on. But in these cases too, of course, it must be wanted that the coping force of the victim or the third party should be limited to the extent of its being fit to his force within a situation; and the covert technique or the pretense would be to the without of a situation to make it fit to his force.

Next, the pretense group; it has such cases, as this group’s injurer really stands before a victim or a third party as the coercion groups’ one. But he signifies to them his pseudo-intention whether fully enough or only as a hint and they are led to come into belief for his action to be useful for them, so that he can make loose their coping force or rather actively make it turn to joint force to get them become victim. Now some such cases as he commits frauds on the other without coming upon the scene is not counted among these cases, but among them of non-presence group.

Now, as so far mentioned, these possibilities or competences (techniques) shaping criminal situations are basically determined by dynamics coping in reverse vectors of psychic or physical forces between the injurer and the victim, the public third party in a certain cultural contents. When an injurer obtains domination over his opponent in a situation, criminal action is established there, but if conversely an injurer becomes less dominant over his victim or the third parties as controllers, for instance, executors of legal standards, family, teacher, neighbors and so on, the inhibition situation is formed. So the inhibition situation and the criminal situation are formed in the same dynamic process.

Therefore the possibilities or competences (technique) forming inhibition situations must have both the covert type and the overt type as those of criminal situations have two types. Besides, this covert type has two groups too: the non-presence group and the non-notice group. The non-presence group includes such cases as there are only a controller and some things, in his perceptual situation, but never any injurer appears immediately here; both a general injurer and a specified injurer, not yet found or already found, are indirectly or directly controlled with the things there: for example, arrangements of physical equipments or facilities of buildings or institutes, the cares through masscommunication. In this case the injurer’s actions can be inhibited with the physical equipments or through the remote communication with the controlling information.

Next, the non-notice group of the covert inhibition techniques comprehends such cases as others interact with an injurer brings his notice to their presence or intension, so that they interrupt his criminal acting: for instance, shadowing a pick-pockets, spying upon political terrorists, superintendence of shoplifting in departmentstores, etc..

Moreover there are two groups of the overt inhibition techniques: the coercion group and the pretense group. The former group of the overt inhibition has such a case as others inhibit criminal actions by the coercive techniques through the verbal or actional coping forces in perceptual situation; this techniques is not only a threat or an interruption with physical forces, but also persuasion. This group, of course, contains not only many cases where an other person coersively copes with a criminal or delinquent using the covert techniques or the pretense techniques, his finding them and their technique, but also cases of coping with the coercive criminal one or delinquent one through the coercive inhibition technique. And then the pretense group has such cases as an other person affects an air of cooperation to criminals or delinquents, so that he inhibits or interrupts a criminal or delinquent action.

After all such dynamics can never form always the criminal or delinquent situation or the inhibition one through the same type of technique. Either the criminal or inhibition situations can often be achieved to shape by their changing a technique to the other technique; for instance, a non-presence delinquent technique may be turned to a fraudulent technique, when found by others, moreover to coercive technique and first come to form a criminal situation; a mother's coercive inhibition may become a non-notice inhibition one her companion being avoided by her son, and further take the non-presence. After all such dynamics consist in forming either the criminal situation or the inhibition situation by shaping "the dynamic head, criminal or inhibition" between both the forces. But a "criminal head" is always relative in a situation; there is a different grade of head, from such a weakest criminal one as inhibited even by the weakest control pressure of family to such a strongest criminal head as never interrupted even by the pressure of an army; here is a distinction between the amateurish skill and the profession one too. And a criminal or inhibition situation is never always bound to keep the same motive or motivation from first to last. A pick-pocket's motive may be turned, if he is found, to a run away motive, further, to a coercive motive; and a father's educational control motive may be changed if it is interrupted by his son, into that of dignity as a father, and then into that of his personal hate to his son. Besides, also the role in the situation may be turned from a victim or an inhibitor to a criminal by committing an excessive self-defence. And then, such dynamics between the criminal situation and its inhibition situation may turn suddenly, but both can constantly keep the same balance too. But the criminal situation or the inhibition is, anyhow, determined by dynamic structure between the injurer's anti-legal attitude, criminal technique and the controller's lawful attitude or inhibition technique. After all the necessity of forming crime or delinquency states could be first understood only by making it clear enough how a person's motive out of a life organization becomes actualized into a situation through both such structures; attitude, as the corresponding to the interior necessity of the essential structure of crime, having such a value system as conflicting with a legal standard, and some technique, as the corresponding to the control structure, being able to inhibit the other's

coping force of inhibiting his criminal or delinquent action. And then, it has been treated with due consideration in our investigations, that, as an attitude against legal standard, there are the repulsive, the disregarding, the ignorant (non-objective) and as an attitude for legal standard, there are the cooperative, the respectful, the serious (objective).

Now such injurer's readiness as to attitude or technique forms a criminal or delinquent situation through the criminal head of dynamics alive in injurer-victim-'the third party' relation. So it is especially noteworthy here, that the dynamic relation between criminal readiness and situation involves two types. I) the case inducing such a situation as it is fit to a readiness of attitude and technique by selecting or by controlling the conditions; we have called it type of the governing situation. II) the case induced by such a situation as it is found fit unexpectedly to be criminal or correctional, expected situation being broken down. We have called it type of governed situation. It happens then that a lawful coping action goes to excess as a victim, or mass group is forced to surpass legitimate action from pressure of situation, criminal situation and readiness formation being simultaneously caused. Psycho-physical, psycho-psychiatric or pure psychological factors are useful in grasping a criminal or delinquent situation, but only by combining attitude and skill with this dynamic structure between readiness and situation. So, that there are a nucleus or periphery of ego as location within I in which such an attitude functions, is very important. And as a standard classifying some concrete motive and technique actualized through such formal and conclusive factors we have been using "Delinquent Depth" with "Socialization-Depth", that is, a scale deepened from the theme of a protective society to that of occupational life-space; and this scale also shows the centerpoint of each individual's social life-space that encountered person's development with a certain cultural standards, in certain times.

Now it is noteworthy that the actualization-inhibition relation of the criminal or delinquent action does not directly mean the formation-extinction relationship of the criminal or delinquent readiness: the inhibition situation means only regulation situation to a actualizing action and its influences, the inhibition situation may be not only effective to correction (extinction), but also may take effect to form a new criminal readiness and to criminal maturation.

Now why such dynamics must, however, function in a specific person, moreover in a certain situation can first be grasped by making both the *hows* clear, namely: how a certain criminal factor is fixed in a person and in such condition, and how an inhibition factor too does so in a victim or in a third party, in a situation. The criminal or delinquent readiness scarcely is caused in their present situation, but in that of the different time and place. Therefore there should be not only timeless dynamics of a situation in criminal psychology, but also historical dynamics here, because all this is logically necessarily for comprehending criminal's personality: as timeless dynamics of a situation show really necessity of function of action's various readiness, but never

that of existence of readiness here; so that timeless dynamics must premise the historical necessity, because its function premises the existence of factors: reversely, historical dynamics can tell us inevitability of its existence in a situation, but never that of functional formation of it in a situation for the readiness is formed, so that historical dynamics premises just this function necessity in a certain situation; therefore both must be premised reciprocally. Next, an extinction situation must be comprehended not only by functional dynamics in a situation, but also by grasping conditions historically already no more present at control situation, but really fixed in those times.

Now the readiness-fixed-situation, happening or lasting, can be defined to be so only in relation to a certain criminal or delinquent situation. The situation of readiness formation can be actually alive with the present criminal situation, as it is, in the same way it is already lost, but the readiness formation situation to be actualized in the criminal situation can be diverse as to places or conclusive, happening by chance or lasting, most general pertaining to motive or so specific, or thought or action in some psychic states, or group-belongingness or not by social conditions. But these inclinations must anyway be alive as a readiness within an injurer present in a criminal situation, having historical background with a certain cultural contents.

Now, the situation of criminal or delinquent readiness formation will have to be classified into four types, called by us "Delinquent-Geno types". Type A has such cases as the repulsive attitude, the disregarding, the ignorant (non-objective) against legal standard are basically caused in socialization process for a man's making himself adjusted to moral, custom, institution, maintained by law organ or only legal standard if that control culture is not premised here, and, after a person has fallen already into the crime or delinquency, in controlled process by legal standard. Therefore the cases of this type would take place caused in a standard situation that the most common and general value governs his life-space's nuclear ego. A person is not only a person to be adjusted to it but also a victim or controller especially disturbed. These inclinations will be induced to be readiness to criminal or delinquent chance suddenly or slowly in duration of pseud-adjustment, if he is strongly compelled to see or always feels that it is merely never useful to himself or rather disturbed him from fulfilling his important needs through the standard control culture or useless in avoiding his crises with the standard, so that a damage of his ego forming the psychic complex against mores is given him in socialization or control process, maintained by conditions criminally within or without; some such conditions are highly important here; as those without, his finding distrust or non-sympathy to unexpected conducts of a controller of an opponent, and security, coerciveness or sympathy to anti-legal group, his having self-confidence in criminal techniques or non-finding at least imagined; and, as those within, his being able to keep ego balance by neutralization, rationalization and to expect the maintenance of his ego or fulfilling his important needs by crime, delinquency or criminal, delinquent group at least imaginally. But the less such a condition comes

good enough, the less such readiness may join with a criminal or delinquent chance, so that this remains not actualized so much into criminal situation.

Now, in A type readiness formation of criminal or delinquent techniques, especially in a case of the not yet criminal, it is noteworthy, that a person may turn an inhibition technique that his controllers or his victims used for holding in check his misconducts and that must have made him feel very painful, into means of his crime or delinquency; a child uses coercive technique, which his or her father used for him or her to inhibit his or her stealing, to bully his or her weak friend. After all an extinction process of A type readiness could first take effect only when a correction process should not only aim at inhibition, but also be followed by dissolving his complex to mores, by deepening his experiences of satisfying his important life-motive along the line of standard mores, as well as possible, in the criminal or delinquent situation, in the educational or in the correctional institute, family and school. If it fails, an inhibition process not only remains preserving such a readiness, but it is rather possible to facilitate deepening "Delinquent-Depth" and criminal maturation here, because it is no more than repeating a situation of "A type readiness formation". After all, the cases of A type directly show, that the most common legal standard can have a marked limitation to canalizing or organizing many a injurer's motive out of his life-space and the legal standard can effect him, making him very much maladjusted or give him ego-damage or must protect his ego itself.

Next B type of the readiness formation consists of such cases, as a person has the repulsive attitude, the disregardful or the ignorant (non-objective) against legal standard basically is brought about by anti-socialization process for the man's nuclear ego making himself adjusted to anti-legal value standard and to custom, institution, legal standards that are never sanctioned by legal standard of a then law organ; such a 'person' cannot be only a person who should be made to be adjusted to anti-mores or a controller who should adjust him to it, but also their victim; we have many a case where an amateurlike boysgang (I or II Delinquent-Depth) turned to professional gang by his being able to be in contact with professional gangs through his being forced to be a victim by them.

Anti-socialization process does never mean such a situation as completely eliminates any cultural value standard and any legal structure; that is rather a process of recognizing cultural structure by criminal or delinquent motive structure or action because their actions can be achieved only in a society where there are the victims and his life. Therefore his life-space must have, at any cost, some socialized region too: A type of a amateurlike criminal or delinquent (Delinquent-Depth I-II) must have his criminal readiness formation space in his protected life organization or in its close region, for example, family, school, friendship neighborhood, under the premise of socialized region of the occupation got by himself or his protectors, and the professional criminal (Delinquent-Depth III-IV) must have his family or his protected field in his socialized region based on criminal occupation. And then any criminal group too

must have a rule, that mostly must be found of the same moral as the non-criminal. Only that is applied to his ingroup but never to any victim or to any outgroup; a pick-pocket group has a rule that its member shouldn't pick each other's pocket among the members, but should do picking pocket on outgroup, because they cannot conform a group and exert themselves to its group-goal without a socialized rule, though its goal is anti-social. And besides, they also must know legal structure well enough to control the legal structure to form criminal situation. But we cannot bear out such an opinion that here is a gang's culture as subculture of a national culture, because that it becomes a criminal state, can never depend only on structure, that there is an adjustment of a person's nucleous ego to a life organization, such as community life, occupation one, friendship's one, family one, in which some criminal techniques are involved there, but only on the criminal techniques and anti-legal attitude that are defined by a then legal organ to be punished. Therefore when this legal standard can completely consist in a disregard for a mores of a people, such as government by an occupation army's force or by a dictatorship, the coping strongly with it from the deep adjustment to a native mores is directly criminal, because a legal standard can be made appropriate only by force too; it is counted into B type crime. In this case, it is merely anti-legal culture and criminal, though it is based on his folk-culture; it is never gang's legal culture. And then in the case of a legal culture coinciding with control culture of people too, it does never consist there because, though what it is called gang's culture fuses a criminal attitude or technique into one system of ordinary control culture, so far as it has a criminal attitude or technique as a means or a goal, it is not a subculture of a national culture, but simply anti-custom or anti-moral value-standard; as it never be admitted by men to be necessarily related opponents of a criminal state (a victim) or by the third party over the ingroup, it already does never function as a sub-culture of national one, but merely as an anti-culture value standard.

Therefore this B type of the criminal or delinquent readiness formation, both in attitude and in techniques, consists in adjustment process to anti-legal standard in a life-space that fuses moral, legal standards as means of control or adjustment, into one system of anti-legal structure; and then anti-legal standard comes to bear out and determine his whole life-space. Therefore the repulsive attitude, the disregardful or the ignorant against law cannot get turned into the cooperation, the respect, the seriousness to legal standard only by letting him know and learn the mores and the inhibition, because to do so may be able to be rather effective in strengthening and deeping a means useful for integration of criminal ingroup and for criminal technique covert or overt of/to legal structure, if it couldn't succeed in separating severely mores as means from group goal and in pulling him apart from his ingroup to recognize his whole life-space into that found only by mores and by legal standard. But if the ingroup is a family, the psychic separating being so difficult, that its control is apt to be A type criminal readiness formation.

C type of criminal or delinquent readiness formation includes such cases as the

repulsive attitude, the disregardful, the ignorant (non-objective) of legal standards are basically caused in the process of adjusting himself to action standards to much inconsistency to adjust himself to legal standard. Two polar situations cause this inconsistency, one of those is the confusion type from the controller's standards, the other is the confusion type from actor's standards. The former fails in consistence of a controller's value standards at control or inhibition situation. Here is inconsistency, that a controller has in his control standard, or that many a controller forms among their very diverse or reciprocally coping control standards. In either case, a person couldn't learn and make authority of legal standard fixed to himself, because his maladjustment takes place there by intending to fulfil his important needs by what he holds fixed at a any certain value standard and a legal standard. Therefore he assumes only cunning and shrewd attitude and takes an attitude against fixed law standard ignorantly, disregardfully or repulsively. So then he simply sets much value on his fulfilling needs good enough and is careless about right or wrong, so that he makes good or crime so long as it is interesting; it is in a competition among the value standards that such an attitude is conspicuously reinforced. Next in the other group of C type, the learning of consistence and authority of law standard is lost, as a controller has only very weak coping force, so that he fulfills his important needs as he pleases; the controller cannot hold a consistence of value standard to him. Those belonging to C type fail in learning authority of mores and come to be maladjusted to legal standard not seriously. C type criminals would never be trusted by the criminals also, his being apt to betray.

Finally D type of criminal or delinquent readiness formation has such cases as the repulsive attitude, the disregardful, the ignorant (non objective) of legal standard are brought about in a person's way of ego-control, adjusted to fix in a too limited sphere of his activity. Cases of this type will basically be able to be said to be adjusted to legal standard, but he is easily maladjusted to it, if a circumstance surpasses his personal belief, though this circumstance is appropriate to the present legal standard, and he comes to have criminal readiness, because his life-space and belief are too strongly and deeply fixed and limited in a certain sphere of activity; when his nucleous ego is maintained by the belief, the value standard or the life organization not sanctioned by legal organ, he is not counted in D, but in B.

Next, the other group of this type is apt to be maladjusted with ease, as a person is protected too strongly from the state of crime or delinquency without him; he himself cannot exert subjectively his force coping with crime effectively, when exposed to crime, and when he has fallen to victim or is forced to help a criminal or delinquent action, he is liable to have a criminal or delinquent readiness, because he feels himself driven to despair and deeply anxious, doubtful of a socialized controller or his whole life-space broken down, expecting his status and maintenance to be wholly lost, because he has consciousness excessively, and conversely so he comes to find a stability in the criminal or delinquent world.

Now both the groups of D types, even if there is a difference of being independent or dependent between both the groups, have common characteristics of inflexibility and subjectivity of their life-space; its extinction situation, contrary to C type, should be formed by centering around training of flexibility and objectivity of their life-space.

In short, the formation of a criminal or delinquent readiness basically consists in structure of an encounter between person and society, culture. Such a structure simultaneously makes us form both the criminal readiness and the inhibition readiness, that of criminal or delinquent readiness basically springs from excessive solidity of the function, by which a control standard becomes maladjusted to some individual's life-space, and also from the overmuch flexibility, by which a control standard comes to fail in its controlling force to both plus and minus legal value direction, and then from excessive narrowness, because of which the attitude much fixedly adjusted to a certain mores cannot fitly correspond to other value standard sanctioned by present law culture, or to anti-legal force, and finally from active adjustment to anti-legal standard that maintains the core of his life-space. After all having criminal or delinquent readiness means taking ego balance by assuming the repulsive attitude, the regardful, the ignorant (non-objective) of legal standard because of becoming maladjusted to law standards, resulting from losing its function or from being adjusted to anti-legal standard, while control situation of legal standard means its recovery from loss of its function and from anti-legal action or criminal readiness itself, because the criminal legal standard means a channel of forces basically certifying the various legal standards and recovering their loss.

Now criminal and delinquent situation is such a situation as a person takes up an injurer-sufferer relation between himself and a victim, some things, an institution, or a third party with criminal or delinquent structure, as above mentioned. A criminal or delinquent necessary structure readily forms itself the moment he acts so. The injurer's criminal or delinquent action space must, covert or overt, be influenced, pressed, inhibited, changed, extinguished, or more fixed along the control structure. This management must not only mean a process of making his criminal space from covert to overt, but recovering equilibrium so as to come to be dominant over an injurer again.

After all a characteristic of injurer's criminal or delinquent action space must be grasped as integrated structure between his subjective life-space itself and the legal structure of a synthesized society. Therefore each situation must come to be located in "Delinquent Geno-Types" and "Delinquent Depth" as the problem of an encounter between person and society, legal culture.

ZUSAMMENFASSUNG

Ein kriminalpsychologischer Grundstandpunkt des Verfassers ist hier zusammengefasst, soweit es sich um die Probleme handelt, die zwischen der Struktur und der Situation des Verbrechens oder der jugendlichen Verfehleistung auftaucht. Das Verbrechen oder die jugendliche Verfehleistung ist hier als von einem bestimmten Strafrecht oder Jugendgesetz determinierte und kulturhistorisch beschränkte Täter-Beschädigte-Beziehung bestimmt. Also

kann der konkrete Inhalt des Verbrechens oder der jugendlichen Verfehleistung, der auch zu den Grundthemen der Kriminalpsychologie gehört, je nach einer gegebenen Rechtstruktur sehr abwechslungsreich sein. Deshalb bestehen diese Probleme in denselben von der Struktur, die zeigt, wie eine Person einer Gesellschaft und Kultur begegnet; es ist gründlich ein sozialpsychologisches Problem. Folglich muss ein Kriminalpsycholog eine solche Struktur und Situation des Verhaltens-Lebensraums jedes Verbrechers oder Delinquenten beschreiben, analysieren und erklären. Hier sind besonders die Struktur der Verbrechenssituationen und dieselben der Gestaltungssituationen der persönlichen Bereitschaften zum Verbrechen oder der Verfehleistung etwas ins Detail gehend behandelt.

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