CHAPTER 6

THEORETICAL EXPLANATION
6.1 INTRODUCTION

Having discussed motivational and contributory factors as well as the proximal antecedents and situational contexts in which they occur in the previous chapter, the challenge and focus of the study now shifts towards the identification and development of a theoretical crime causation model that will sufficiently explain conservation crime as it relates to the illegal reptile trade phenomenon.

A perusal of the criminological literature pertaining to crime causation theories reveals, however, a legion of, often vastly divergent, perspectives and ideologies, none of which, it is submitted, adequately explain or allow for a full understanding of any particular crime or crime category entirely unaided. This fact, therefore, inter-alia, highlighting the complex and multi-dimensional nature of crime and criminality. An interesting, and at the same time perplexing observation in this regard, is the fact that, whilst approaches are often based on competing assumptions, and therefore diametrically opposed, they can be equally credible and applicable to analogous crime phenomena.

Since conservation crime, although unique in many specific ways, in essence shares certain qualities with conventional crime, the explanatory model developed will inevitably gravitate towards a synthesis of plausible fundamental schools of thought that have historically evolved in the criminological discourse and necessarily, therefore, be eclectic in nature. A prerequisite for the tentative explanation envisaged is, however, that it should, at least, be pragmatic and enrich the theoretical repertoire - serving as a means to an end rather than purporting to be an end in itself.

The academic pursuit of criminology and the formulation of criminological dogma can thus be viewed as integral to the development of the discipline, and as the basis for all the activities, which are to be personified in criminal justice.
Bhom (in Brown, Esbensen & Geis 2001:18), states appositely in this regard:

‘Theory is the foundation of criminology and the basis of action. Everything done in criminal justice is based on theory, although we are often unaware of the theory on which actions are based. We study theory, then, to know why we are doing what we do. People who are uninterested in (or abandon) theory are people who choose to move blindly through life, or, in the case of criminal justice, intervene in people’s lives with only vague notions about why they are doing what they are doing’.

In order to address the issue of crime causation modelling in a holistic, comprehensive and chronological manner, it is, therefore, considered sensible praxis, to provide a succinct overview of those broad schools of thought, as well as their developmental sequence, that have historically dominated the criminological discourse, as a precursor to this chapter.

### 6.2 CLASSIFICATION OF CRIMINOLOGICAL THEORY

Identifying and explaining the processes that cause criminal behaviour are undoubtedly, as alluded to above, of fundamental importance in examining and analysing the crime phenomenon. To explain and understand crime, criminologists have formulated many theories that, at least in their ideal form, are composed of clearly stated propositions that posit relationships, often of a causal sort, between events and things under study (Schmalleger 1996:15), and customarily have their roots in one [or both] of the two major theoretical approaches discussed below.

Through the years two central ideologies have evolved by means of which criminologists seek to explain and understand crime and criminality. These two ideologies or “schools of thought”, namely the *classical* and *positivist* schools are, paradoxically, characterised by antithetical assumptions and diverse policy implications. Notwithstanding this obvious and inherent mutual exclusivity, both schools have drawn a wide following and divided support base that essentially remains to this very day.
It is, moreover, not surprising that these unicausal, all inclusive and dogmatic shibboleths have often facilitated the fusion of elements from both schools in order to create theoretical perspectives that more suitably attempt to explain the complex and multi-dimensional phenomenon that is crime and criminality. These two schools have, furthermore, inevitably spawned various derivative explanatory theories/perspectives that are, to a lesser or greater degree, germane to crime aetiology, but which can invariably be linked to the particular disposition and orientation of the criminological initiator/scholar.

According to Snyman (1990:18), the history of the development of criminology is assimilated into the changing language of current criminology. Snyman op. cit. asserts that there is no “new” criminology, as each line of thought is a continuation of previous ideas developed through the centuries. The approach to criminology is, therefore, anything but static, develops with the changing times, and can be said to be as much influenced by history as by current events.

The doctrine that characterises each of these schools, their evolutionary/developmental adjuncts as well as certain other more prominent theoretical perspectives will be systematically articulated below, serving as a template for the development of a herpetological crime explanatory model.

6.2.1 THE CLASSICAL SCHOOL

The classical school of criminology was established in 1755, and is so called because it was the first (italics mine) attempt to reflect logically and formally on criminology (Snyman 1990:6). The school was founded by Cesare Beccaria and Jeremy Bentham and was developed in response to the primitive and cruel European justice system that existed prior to the French Revolution of 1798 (Glick 1995:710; White & Haines 2001:28); effectively usurping earlier views that crime is a supernatural phenomenon (Brown, et al. 2001:227).
Strangely, and of course most appropriately in the context of this thesis it was, according to South (1998:211), Beccaria himself who once remarked:

‘Do not commit any crime and be just with all the things that surround you. Remember that even the smallest creatures, crushed by arrogant and cruel men, are endowed with a little ray of life’.

- **Definition**

McLaughlin and Muncie (2001, s.v. ‘Classicism’) define this school, which they term classicism, as follows:

‘An approach to the study of crime and criminality which is underpinned by the notion of rational action and free will’. It was developed in the late eighteenth and early nineteenth centuries by reformers who aimed to create a clear and legitimate criminal justice system based upon equality. At its core is the idea that punishment should be proportionate to the criminal act and should be viewed as a deterrent. Further assumptions include the notion of individual choice within a consensual society based on a social contract and the common interest’.

- **General premise**

Ultimately the classical school views human behaviour as essentially rational in nature and suggests that people have the ability to choose right from wrong – in actual fact, it proposes that the major element governing a person’s choice of action is the basic human desire to obtain gratification and avoid pain (Bartol 1995:12; Glick 1995:71; White & Haines 2001:29). Maguire and Radosh (1999:23) summarise the core presumptions of this ideology as follows:

- All individuals seek to maximise what is in their own interests (hedonism).
- Rational calculation is used to achieve aims.
- Behaviour is freely chosen.
- The tendency to seek pleasure often results in crime.
This theory, therefore, presupposes that the criminal offender is a conscious agent, not someone who is so besieged by internal or external forces so as to lose his/her personal sense of reason. Hence, the emphasis within this school falls on crime per se, and not necessarily the criminal. Punishment is seen as a major mechanism by which to promote compliance with the law [crime prevention/deterrence], and the notion of equitable chastisement is, therefore, unconditionally endorsed (White & Haines 2001:29; Williams & McShane 1999:23). For Beccaria (in White & Haines 2001:28) the objective of punishment was fundamentally to prevent the criminal from doing further injury to society, and to prevent others from committing similar offences by inflicting punishment in such a mode that it would make the strongest and most lasting impression on the minds of others, with the least affliction to the body of the criminal.

According to Mc Reynolds (in Bartol 1995:12), Bentham, somewhat incongruously, apparently believed that all individuals are inherently motivated to seek pleasure and avoid pain, without exception, in all situations and it would, therefore, appear that even Bentham’s notion of free will included a good measure of biological determinism, a fundamental tenet of positivist ideology. Despite such paradoxes, the classical school of thought remains popular in the criminological academia, and according to Williams and McShane (1999:24), it may be safe to say that some two-hundred-year-old ideas are among our latest policy and theoretical notions.

6.2.2 THE POSITIVIST SCHOOL

Although the classical perspective dominated the thinking and understanding of crime, law and justice for almost a century, many of the proposals made by the classical theorists had little effect on the crime problem (Glick 1995:77). More emphasis was subsequently placed on the existence of certain patterns in the manifestation of crime, drawing attention away from notions of rationalism and punishment, moving towards a scientific investigation of the
causes of crime and stressing in particular the influence of hereditary, psychological and social factors (ibid. 1995:76-7). White and Haines (2001:36) stress that the development of positivistic perspectives constituted a major break with the classical tradition that saw crime as primarily a matter of individual choice, due to positivists explaining crime by reference to forces and factors outside the decision making ability of the individual.

• **Definition**

McLaughlin and Muncie (2001, s.v. ‘Positivism’) define this school as follows:

‘A theoretical approach that emerged in the early nineteenth century which argues that social relations and events (including crime) can be studied scientifically using methods derived from the natural sciences. Its aim is to search for, explain and predict future patterns of social behaviour. In criminology it straddles biological, psychological and sociological disciplines in an attempt to identify key causes of crime – whether genetic, psychological, social or economic – which are thought to lie largely out of each individual’s control’.

• **General premise**

Positivism, according to White and Haines (2001:38), was in fact founded upon the belief that society (civilisation) is progressing ever forward, and that the social scientist can study society, provide a more accurate understanding of how society works, and ultimately provide a rational means of overcoming existing social problems and ills by using scientific methods. Williams and McShane (1999:32) stress further in this regard that the primary characteristics of positivist criminological thought [essentially empiricism] are a deterministic view of the world, a focus on criminal behaviour instead of on legal issues such as rights, and the prevention of crime through the [individualised] treatment and rehabilitation of offenders.
Positivism essentially stressed the idea that much human behaviour is a function of external social forces beyond individual control, and internal forces such as mental capabilities (psychological determinism) and biological makeup (biological determinism) – people were beginning to be viewed and understood as beings that are part of the animal kingdom, whose behaviour was very much influenced (if not determined) by social, cultural and biological antecedents, rather than as self-determined beings who were free to do what they wanted (Glick 1995:77-8; White & Haines 2001:43-46).

White and Haines (2001:40) stress that three presuppositions in particular underpin the scientific approach as conceived by the positivists:

- Social scientists are seen to be neutral observers of the world, and their work is ‘value free’. This is because the world was seen to be ‘out there’, as an external reality, and the role of the scientist is merely to record the ‘facts’.
- The key method of the positivist is to classify and quantify human experience and behaviours through a range of objective tests. This means developing various ways to measure human activity.
- As with the natural world, the social world is seen to obey general laws of operation. The task of the positivist is to uncover the causal determinants of human behaviour (i.e., to identify ‘cause’ and ‘effect’ relationships), and thus both to predict and to modify future behaviour outcomes.

Positivism is, therefore, related to efforts to adopt natural science methods and concepts in the study of society, basically entailing the acceptance of certain ideas about human experience, and attempting to enumerate and systematise this experience in the anticipation that expert intercession could obviate or remedy/mitigate specific kinds of social problems. To all intents and purposes the positivist school (also known as the Italian school), with its emphasis on hard biological determinism and reliance on the use of the senses to gather observable facts and measurements,
heralded the beginning of modern scientific criminology (Bartol 1995:13). The premise of this school, founded by Cesare Lombroso (1835-1909) is, therefore, deterministic and focuses on the offender whilst seeking to explain criminal behaviour in terms of biological attributes. The positivist orientation, with its exclusive or near exclusive reliance on observable facts, continues to be significant in the study of crime today (Bartol 1995:13; Snyman 1990:11).

Modern-day positivists, however, define and identify criminality in a manner geared to establishing those people who are ‘at risk’ of certain behaviour, and there is no longer a one-to-one link between crime and behaviour; rather, certain groups are seen to be more predisposed to crime than others because of biological and social environmental factors – individuals are not born criminal, they are exposed to baseline biological and psychological processes that mould their persona in childhood (White & Haines 2001:48).

6.2.3 THE NEOCLASSICAL SCHOOL

Largely due to its extreme and inflexible nature, classicism proved to be unrealistic in its assumption of the complete rationality of offenders as well as its unequivocal opposition to judicial discretion, and was, therefore, gradually bespoke by neoclassical thought (Brown Esbensen & Geis 1991:242).

- **Definition**

Winfree and Abadinski (2003:23) define neoclassicism as an approach effectively maintaining the basic belief in free will while paving the way for the entry of mitigation (and subsequently aggravation) into criminal justice based on past criminal record, insanity, retardation, and age – punishment only being justified if the crime is the result of reasoned behaviour.
• **General premise**

This school does not, however, represent any schism with the classical view of human nature, but merely challenges the classical position of absolute free will (Bartol 1995:12), subsequently developing rules to cope with extenuating circumstances where individuals could be deemed not to be totally responsible for their actions (White & Haines 2001:30). Bartol *op. cit* maintains, furthermore, that neo-classicists specifically argue that free will can be inhibited by pathology, incompetence, mental disorder, or other conditions that may mitigate personal responsibility. Whereas “pure” classicists had maintained that humans are totally accountable for their actions, neo-classicists claim that this is not always the case.

Neoclassical thought, according to Brown *et al.* (1991:229), introduced the following shifts in criminal policy, namely:

- There was an identification of degrees in criminal responsibility. Juveniles and the mentally ill, for instance, were deemed incapable of forming intent to commit crime and were consequently absolved from responsibility. This shift from a focus on the harm inflicted to the intent of the offender represents the most important distinction between classical and neoclassical thought – a focus that has survived as a governing principle of western jurisprudence.

- Neoclassicism excepts certain categories of persons from the assumption of free will, otherwise presumed in classical thought to dominate all human behaviour. It logically follows that if an individual does not exercise free will, punishment will be of no deterrent value. Neoclassical revisionism strengthened the premises of classicism with its pragmatic philosophy for administration of justice.

- Closely related to the introduction of the idea of criminal intent, was a return of a limited degree of discretion to judges. If free will is not absolute, then providing for extenuating circumstances is understandable. Following this line of reasoning, criminal codes began to specify ranges of punishments.
Neoclassical philosophy can according to Empey, Stafford and Hay (1999:234), be divided into three branches or groups, namely:

- **Utilitarian philosophers** who believe that legal punishments serve two vital functions: (1) deterring persons from committing crimes and (2) protecting society from those whose acts threaten the social order. The proponents of this philosophy, which is basically deterrence theory, agree with positivists that people are not entirely rational, but hasten to add that this does not imply that they are undeterrable. They are of the opinion that deterrence depends on the likelihood and on the regularity of human responses to danger, and not on rationality.

- **Just deserts philosophers** who, in contrast to utilitarians, question the utility of legal punishment as a means of deterring crime and advocate its use only because those who commit crimes deserve to be punished. They claim that the rehabilitative ideal is a vehicle for abuse and that the only alternative is to restrict its power and replace it with a system based on classical principles. In short, the just deserts model holds that criminal offenders deserve the punishment they receive at the hands of the law because they allowed themselves to be attracted to crime and chose to violate the law. Siegel (2001:140-141) and White and Haines (2001:31) in harmonising and supplementing the above sentiments, propose four basic principles, which essentially encapsulate notions of free will and rationality, as well as proportionality and equality, with regard to the just deserts approach, namely:

  - No one other than a person found to be guilty of a crime must be punished for it.
  - Anyone found to be guilty of a crime must be punished for that crime.
  - Punishment must not be more than of a degree commensurate to or proportional to the nature or gravity of the offence and culpability of the criminal.
Punishment must not be less than of a degree commensurate to or proportional to the nature or gravity of the offence and culpability of the criminal.

Just deserts philosophy, therefore, eschews individual discretion and rehabilitation as aims of the criminal justice system.

- **Rational choice philosophers** argue that the principles of classical criminology can do more than merely shed light on the appropriate legal reactions to crime. They can be used to construct scientific theories that explain such behaviour.

As is abundantly clear from the above exposition, the distinction between the classical and neoclassical schools is at best obscure, and they, in essence, represent a continuum of free will based deterrence doctrine. As Einstadter and Henry (1995:43) aptly put it '[c]lassicism and neoclassical developments are based on a very different set of assumptions and offer a fundamentally more measured analysis of crime and justice, relying, as they do, on humans’ capacity for rational thought, rather than assuming an animal instinct of fear’.

The contrast between these highly similar schools and positivistic criminology, however, remains very sharp.

### 6.2.4 CONFLICT CRIMINOLOGY

One of the more prominent doctrines to be developed in the late fifties and early sixties in reaction to the afore-mentioned ideologies, and one which itself has spawned various derivatives such as left realism and anarchism (Williams & McShane 1999:171-2), is the conflict theory. This ideology, with its emphasis on economic, social and/or political conflict as the major causes of crime in society strove to replace existing theories, methods and applications with new ones possessing strong political undercurrents (Snyman 1990:14).
Modern conflict theories, also known as radical, critical, new, materialist, Marxist and/or socialist criminology represent a strategic break from the idealist, somewhat stereotyped and linear thinking applied by specifically positivist scholars, and questions the fundamental orientation of conventional criminology, which focuses primarily on the criminal as the main subject of research.

**Definition**

McLaughlin and Muncie (2001, s.v. ‘Conflict Theory’) define this theory as follows:

‘Conflict theory is usually contrasted with positivism or those theories that assume that a basic consensus exists in society. It has taken three major forms. *Culture conflict* theory focuses on clashes between conduct norms. *Group conflict* theory relates such clashes directly to the position of elites and the wielding of political power. *Class conflict* theory views power differentials in the context of the systematic generation of structured inequalities in capitalist societies. All stress that to understand crime we must also understand the interests served by criminal law and the way in which those in authority use their power’.

**General premise**

According to Platt (in Barlow 1996:431), radical criminologists reject those liberal doctrines, which they believe have served to strengthen the power of the State over poor, Third World communities and the youth. To radicals, crime and criminality are manifestations of the exploitative character of monopoly capitalism, and current efforts to control crime are poorly disguised attempts to reduce freedoms and to divert attention from the real culprits – those who control capital (Barlow 1996:432). Put another way, criminals are the manifestations of the failure of society to meet individual’s needs and the sources of crime are to be found in the laws, customs and distribution of power and wealth (Glick 1995:175).
Tierney (1996:281) identifies the main features of radical criminology as follows:

- The nature and extent of crime are analysed within the context of a specifically capitalist society.
- Such a society is seen as characterised by inherent class conflict, and other conflictual divisions based upon, notably, patriarchy and racism.
- Crime, law and social control are to be understood by locating them within material and ideological contexts.
- The ultimate goal is the transformation of society along ‘socialist’ lines.
- Individualised, positivist explanations of criminality are rejected.

In summary, therefore, the conflict perspective posits that crime is a result of the competition within the capitalist dispensation that persuades individuals that each one is responsible for his/her own well being, and that it is hence economically justifiable to compete with others for wealth and status. Crime through the conflict perspective, it is submitted, is essentially seen as a product of a criminogenic society in which justifications for criminal activities are [seemingly] sought, rather than a realistic cause/explanation for criminal behaviour.

6.3 THEORETICAL EXPLANATION OF HERPETOLOGICAL CRIME

Based on the salient features of herpetological crime identified in the preliminary chapters of this thesis, as well as a perusal of the criminological philosophy and theoretical subsidiaries that have traditionally dominated this discipline, it now becomes possible to identify appropriate theoretical constituents and develop a causational model/perspective that will adequately explicate the illegal reptile trade phenomenon.
When taking into account the characteristics, features, activities and typical nature of conservation crime directed at herpetological resources, the premeditated, lucid, but also underlying positivist nuances and attributes of this crime category become evident. An appropriate explanation for herpetological, and indeed much other conservation crime, it is submitted, can thus be sought within the existing framework of both the classical/neoclassical and positivist ideologies.

This model-designate draws on the limited theory and research in the field of herpetological/conservation crime and on leading crime explanatory theories in order to develop a comprehensive model/perspective concerning the aetiology of the illegal reptile trade: a model designed to integrate previous particular this theoretical model/perspective draws on and merges, to a greater or lesser extent, elements from Gottfredson and Hirschi’s General Theory of Crime (Classical/Neoclassical), Bandura’s Social Learning/Socialisation Theory (Positivist), Sykes and Matza’s Neutralization Theory (Positivist) and Cornish and Clarke’s Rational Choice Perspective (Classical/Neoclassical), in order to proffer an explanation as to why herpetological crime occurs. These theories have been selected, as they appear to provide a satisfactory foundation on which to construct an integrated model/perspective of herpetological crime, given their focus on the factors, which, in the opinion of the researcher, lead individuals to illegally exploit and manipulate natural resources.

6.3.1 Gottfredson and Hirschi’s General Theory of Crime (GTC)

- **Definition**

According to Winfree and Abadinski (2003:212) this theory, also called *self-control theory* and *event-propensity theory* can be defined as a theory in which the key causal elements are poor parental management and inadequate child rearing practices resulting in low self-control which
influences an individual’s choices when faced with an opportunity for immediate gain through little investment.

- **General premise**

Gottfredson and Hirschi proposed their General Theory of Crime as an all-encompassing theory to explain not only all types of crimes, but also many other deviant actions (Moyer 2001:151). Consistent with Brown *et al.* (2001:354-5), crime, in terms of GTC, is the result of individuals with low self-control encountering situations or opportunities in which crime will produce immediate gratification with relatively low levels of risk. According to Brown *et al.* (2001:355); Moyer (2001:153); Siegel and Senna (2000:182); and Williams and Mc Shane (1999:197), Gottfredson and Hirschi maintain that self-control is taught in early childhood, implying that parental discipline and management (child rearing practices) are key factors in explaining delinquent and adult criminal offending.

These authors contend further that, according to Gottfredson & Hirschi, not all individuals with low self-control will engage in criminal behaviour because, although the tendency will be for such individuals to pursue immediate gratification, only when opportunities allowing for use of self-gratifying force arise, will these individuals resort to crime. Moyer (2001:153) stresses in this regard that there must be money or goods that are attractive to the offender, available to the offender, not rightfully the property of the offender and that the offender must be insufficiently restrained for crime to transpire.

Moyer *supra*, furthermore, importantly mentions that low self-control implies that people differ in the extent to which they are restrained from criminal acts, with individuals possessing less self-control more prone to committing crimes, but as Gottfredson and Hirschi (1996:41) argue, crime not being an *automatic or necessary* (italics mine) consequence of low self-control.
Elements of self-control

Gottfredson and Hirschi (1996:40-41) and Winfree and Abadinski (2003:213) distinguish between the following fundamentals of self-control:

- Criminal acts provide immediate gratification of desires. A major characteristic of people with low self-control is, therefore, a tendency to respond to tangible stimuli in the immediate environment. People with high self-control tend to defer gratification. The researcher infers from this sentiment that even when criminal acts do not immediately realise, let's say fiscal benefits, the promise thereof sufficiently qualifies as immediate gratification.

- Criminal acts provide easy or simple gratification of desires. They provide money without work, sex without courtship, revenge without court delays, and so forth. People lacking self-control also tend to lack diligence, tenacity, or persistence in a course of action.

- Criminal acts are exciting, risky or thrilling. They involve stealth, danger, speed, deception, and/or power. People lacking self-control, therefore, tend to be adventuresome, active and physical.

- Crimes provide few or meagre long-term benefits. They are not equivalent to a job or a career. People with low self-control thus tend to have unstable marriages, friendships and job profiles. They lack long-term commitment, so to speak.

- Crimes require little skill or planning. The cognitive requirement for most crimes is minimal. People lacking self-control need not possess
or value cognitive or academic skills. The manual skills required for most crimes are minimal.

- Crimes often result in pain or discomfort for the victim. People with low self-control tend to be egotistical, indifferent, or insensitive to the suffering and needs of others. They need not, however, be routinely unkind or antisocial.
- Crimes require the interaction of an offender with people or their property. All things being equal, gregarious or social people are more likely to be involved in criminal acts.
- The risk of criminal penalty for any given criminal act is small, but this depends in part on the circumstances of the offence.

Gottfredson and Hirschi (1996:41) reason that individuals who possess low self-control exhibit to a large extent the traits listed above, subsequently rendering same a stable construct useful in the explanation of crime.

- **Child rearing and self-control: The family**

Gottfredson and Hirschi (1996:44-49) are, in addition to the aforementioned indicators of poor self-control, of the opinion that the following child rearing deficiencies play a crucial role in the inculcation of poor self-control in a child:

- Degree of attachment of the parent to the child - lack of concern for the welfare of the child is a necessary condition for successful child rearing.
- Parental supervision – the correlation between social control and self-control could not be more direct than in the case of parental supervision of the child. Such supervision presumably prevents criminal or analogous acts and at the same time trains the child to avoid them on his own.
- Recognition of deviant behaviour – in order for supervision to have an impact on self-control, the supervisor must recognise deviant behaviour
when it occurs. Evidence of poor conduct standards in homes of delinquents is common.

- Punishment of deviant acts – not all caretakers punish effectively. Disapproval by one people one cares about is one of the most powerful sanctions.

- Parental criminality – people lacking self-control do not socialise their children well, allowing the prediction that some people are more likely than others to fail to socialise their children and that this will be a consequence of their own inadequate socialisation.

- Family size – a consistent finding of delinquency research is that the larger the number of children in the family, the greater the probability of criminal behaviour occurring. Affection for the individual child may be unaffected by numbers, and parents with large families may be as able to recognise deviant behaviour, but monitoring and punishment will probably be more difficult the greater the number of children in the family.

- The single parent family – studies directly comparing children living with both biological parents with children living in “broken’ or reconstituted homes consistently show that the children from intact homes have lower rates of crime.

- The mother who works outside the home – the effect of this phenomenon on delinquency is completely accounted for by the quality of supervision provided by the mother. The children of employed women are thus more likely to be delinquent.

- **General theory of crime – classical or positivist?**

  Although this theory, due to its close correlation with socialisation aspects, such as, child rearing practices (parenting) seems to genuinely suggest a positivist orientation (White & Haines 2001:49-50), Gottfredson and Hirschi, however, rule out positivistic sources of self-control such as learning or cultural transmission, arguing that no one will intentionally pass on to their offspring the trait of low self-control, given that it is a dysfunctional trait (Brown et al. 2001:355).
According to these authors, Gottfredson and Hirschi further aver that in the absence of effective child rearing, low self-control will persist and if children’s behaviour is not monitored and deviance sanctioned over the first eight years of life, self-control will be set or remain at a low level. Maguire and Radosh (1999:199) endorse this sentiment by stating that the inability to control oneself successfully is linked to childhood experiences that portend of lifelong propensity for committing illegal acts.

Williams and McShane (1999:198) appositely sum up the gist of what has been said above by stating that criminality traits are naturally present and that in the absence of “socialisation” an individual’s ability to accurately calculate the consequences of an action are affected, causing the individual to be high on crime potential and predisposed towards diverse undesirable social behaviours such as truancy, alcohol abuse, smoking, and so forth.

- **Application in herpetological context**

Although this theory is often presented as a complete explanation for crime causation, it is felt that such an application would essentially serve to trivialise/oversimplify the complex process of crime causation, and GTC, in as much as it stresses deficient self-control and crime opportunities, is, subsequently, in the context of an explanation of herpetological crime only viewed as one, albeit integral, aspect of the total criminal process/performance. GTC as an explanatory theory tends to combine various circumstantial elements, such as rational choice (exercise of free will), hedonism (seeking pleasure) and opportunity (lifestyle issues), whilst placing a strong emphasis on the inculcation of poor self-control - unmistakably the central thrust of the theory. It is this element of GTC (together with crime opportunities) that is then selected as a vital constituent of the herpetological crime explanation model.
6.3.2 BANDURA’S SOCIAL LEARNING THEORY

Although GTC accurately, it is submitted, identifies the human trait of greed (self-interest) as being intrinsically present in all human beings, and the establishment of low self-control (in concert with opportunity, hedonism and rational choice) as being a central premise enticing/sensitising/predisposing individuals towards [conventional] crime, it is felt that there is a further underlying factor that stimulates individuals to partake in herpetological crime - essentially non-conventional crime. GTC can indeed be applied as an explanatory theory for many, if not most, forms of conventional crime, but would seem to founder somewhat in explaining why someone would specifically participate in something so unique as herpetological crime.

Self-control deficiencies and opportunities for crime, as discussed above, cannot alone, it is submitted, sufficiently explain the incidence of the illegal trade in reptiles, and begs for a further, less arbitrary, mechanism that purports to orientate, sensitise and/or activate those with a propensity towards crime to become involved in herpetological deviance. In this regard the researcher would like to propose that Bandura’s Social Learning Theory, although specifically developed to explain aggressive behaviour (Bartol 1995:181), could provide a satisfactory solution to the issue and serve as a major approach for integrating the other components of this explanatory perspective.

- **Definition**

According to Siegel and Senna (2000:165), socialisation can be defined as the process of guiding people into socially acceptable behaviour patterns through the distribution of information, approval, rewards, and punishments via interaction with significant individuals and institutions – essentially a process of human development and enculturation that is influenced by key social processes and enterprises.
• **General premise**

In terms of the afore-mentioned theory, all human behaviour is learned in early childhood, by observing (modelling), imitating and/or interacting with role models, in particular parents and family members, and can be strengthened by reinforcement or weakened by punishment (Bartol 1995:183; Glick 1995:108; Williams & McShane 1999:198). According to Yablonsky (1990:135-136), the community in which the offender grows up is apt to significantly affect his/her values, ethics and choices in life – essentially promoting criminal tendencies as a result of the social context within which aberrant behaviour is learnt. In a nutshell, therefore, criminal behaviour is viewed as a learnt response to social conditions and life situations, and subsequently qualifies as positivistic theory.

The researcher is not, however, proposing that the criminal tendency to partake in herpetological crime is, in accordance with this theory, learnt per se, but rather that individuals, through the socialisation process, acquire and assimilate the general [negative], unbalanced civic stereotype regarding reptiles, evident in society to this very day. Drawing on Bandura's theory, the crucial features of the socialisation process are the models people are exposed to, the reinforcements and punishments exposed to, the reinforcements and punishments received, and the beliefs they are taught. People learn, albeit incorrectly, in their particular communities/neighbourhoods, that reptiles are cold, heartless, invidious and execrable organisms, which are less significant in nature and, in the main, a threat to human well being - objects that should be despised, killed, maimed or otherwise disliked.

Such sentiments are, furthermore, reinforced by, amongst others, schoolmates and peers as similar socialisation processes transpire within their family environments. Agnew (1998:196) is, furthermore, of the opinion that the media also contributes to this process through their anthropomorphic portrayal of certain animals, like deer and lions. According to this author, such depiction leads people to grant greater
moral consideration to particular types of animals, and by implication, therefore, less to certain others, such as reptiles. Since little or no perceivable punishment/chastisement accompanies these negative sentiments, and conformity with these views realise rewards, in the sense of societal acceptance, this contaminated emotion/response towards reptiles becomes entrenched within the individual’s frame of reference and psyche. Should such an individual also, however, have the misfortune of possessing low self-control, as discussed earlier with regard to GTC, the probability of him/her becoming involved in herpetological crime, will, it is submitted, increase exponentially, should suitable opportunities present themselves.

It should be made clear at this point that the socialisation towards reptiles described above by no means implies that individuals will be compelled to attempt herpetological crime, but rather that the entrenched negative stereotype/perception of reptiles will influence and shape the decision to partake in such activities, should the individual have an elevated crime propensity due to low/deficient self-control mechanisms. It should, furthermore, be emphasised, that such socialised individuals do not generally display any identifiable personality defects, and are no more emotionally disturbed than the average person – they only become more prone to involvement in herpetological crime as a result of the social context in which they learn distorted, prejudiced, and indeed, deviant values regarding reptiles. In relation to the afore-going it is interesting to note that the Senegalese conservationist Baba Dioum once observed the following (Damm 2003:151):

'[I]n the end, we will conserve only what we love, we will love only what we understand, we will understand only what we are taught!'

- Application in herpetological context

Low self-control, opportunities and inadequate/deficient/prejudiced socialisation regarding reptiles are considered as particularly relevant
elements for providing a theoretical foundation, and explaining the genesis of herpetological crime for, amongst others, the following reasons:

- Ineffective child-rearing practices that lead to low self-control can be anticipated throughout society, from rich to poor communities, as well as in all population groups. Although the nature, frequency and intensity of these deficiencies will, in all likelihood, not be uniform in character, and vary depending on one’s position on the affluence continuum, the ensuing low self-control that manifests itself can be regarded as ubiquitous in society. It is, however, anticipated that a higher incidence of low self-control will be evidenced in poverty stricken and deprived communities, due to the presence of a larger number of such communities and the differing hardships, values, standards and norms applicable within such impecunious units. Yablonsky (1990:137) reasons in this regard that in poverty areas, the values, social pressures, and norms favourable to crime can be considered strong and constant. The unconditional eagerness to illegally exploit natural reptile resources for [minimal] monetary gain displayed by rural farm workers in the random and spatially remote trials recently conducted by a conservation capacitated local authority on the West Coast (see chapter 4) serves as testament to this fact.

- Deficient, distorted and notably biased stereotypes, regarding especially reptiles such as snakes and lizards, is a phenomenon that is, similarly, ubiquitous throughout society, and something that is not restricted significantly by status and/or demographic precincts. Just as poverty stricken individuals, as representatives of one extreme of the continuum, indiscriminately utilise natural reptile resources for victuals, subsistence and/or medicinal/traditional purposes, so CDT&C’s, as representatives of the other extreme of the continuum, exploit these selfsame resources for greed (financial gain) and/or status reasons. Agnew (1998:201), however, feels that the more affluent members of society can be expected, on the whole, to be better educated than their lesser well-off counterparts and subsequently more likely to learn about the importance of
treating/viewing all animals as beneficial, and/or be exposed to beliefs that discourage intolerance and discrimination. Even though reptile resources are illegally exploited/manipulated in distinct ways by the different factions, the underlying stimulus, it is submitted, is similar, namely the deficient socialisation vis-à-vis reptiles, and the concomitant propensity to commit crime due to low self-control mechanisms.

The rationalisations provided above, furthermore, to a large extent, explain variations in crime - why certain individuals are inclined to partake in [herpetological] crime and others not. Not all individuals in a community are infused with low self-control, nor are all individuals exposed to the same degree of socialisation regarding reptiles. Not all individuals that have low self-control are necessarily prejudiced towards and/or have a deficient socialisation regarding reptiles and opportunities are, furthermore, not always present. It is only when there is a confluence of these essential ingredients that [herpetological] crime will quite conceivably result.

Having argued these points, it should, however, also be noted that not all illegal reptile exploitation/manipulation can be ascribed to a confluence of the above-mentioned factors, as exceptions are bound to occur. Opportunistic/accidental crime involving reptiles can easily arise, or individuals involved in conventional crime could diversify or be exposed to such crime, inadvertently causing such them to pursue the abundant opportunities presented.

6.3.3 SYKES AND MATZA’S NEUTRALISATION THEORY

- **Definition**

McLaughlin and Muncie (2001, s.v. ‘Neutralization, Techniques of’) define neutralisation as follows:
‘A distinctive set of justifications that enables individuals temporarily to drift away from
the normative rules and values of society and engage in delinquent behaviour. This
social psychological “social control” perspective was developed by Gresham Sykes
and David Matza to challenge overly deterministic, positivistic subcultural theories of
crime which denied agency and rationality’.

**General premise**

According to Siegel and Senna (2000:175), neutralisation theory [in the
positivist tradition] contends that damage caused by criminal actions is
neutralised in the mind of an offender before a crime is committed allowing
guilt feelings to be eliminated, temporarily freeing a potential offender from
the moral constraints imposed by society’s rules and laws. Fattah
(1993:243), in corroborating this sentiment, suggests that neutralisation
has the victimiser (criminal) as its focus, and that its main purpose is to
enable the victimiser to overcome the moral and cultural barriers that stand
in the way of the victimisation (criminal) act. Fattah *supra* consolidates by
stating that the neutralisation process operates to strip the criminal act of
its delinquent, illegal or immoral character making it possible to hurt, injure
or harm the victim without feeling bad or guilty about it and without
suffering post victimisation cognitive dissonance (disharmony).

Sykes and Matza (1996:209) importantly point out that although
neutralisation techniques or justifications/rationalisations are commonly
viewed as following deviant behaviour and as protecting the individual from
self-blame and the blame of others after the act, there is also reason to
believe that they precede deviant behaviour and make deviant behaviour
possible. Conklin (2001:217) appositely harmonizes the above sentiments
by stating that individuals can avoid moral blame and maintain self-esteem
while violating the law if they tell themselves and others that they had no
criminal intent or that their behaviour was justified.
Techniques of neutralisation

According to Conklin (2001:217-222); Sykes and Matza (in Blackburn 1993:201); Sykes and Matza (1996:209-212); and Siegel & Senna 2000:175), five techniques of neutralisation can be distinguished, namely:

- **Denial of responsibility** – Offenders may declare that a criminal/delinquent act was an accident or assert that it was caused by factors/circumstances beyond their control, such as poverty, broken home, negligent parents or wayward friends. Sykes and Matza (1996:209), furthermore, aver that the delinquent essentially approaches a ‘billiard ball’ conception of himself in which he sees himself as helplessly propelled into new situations. The criminal, therefore, by learning to see himself as more acted upon than acting, prepares the way for digression from the prevailing normative system without the necessity of a anterior assault on the medians themselves. People participating in herpetological crime that employ this technique might well argue that the state is failing in its duty to protect the province’s/country’s natural resource assets and they are, therefore, fair game – the “if I don’t do it somebody else will syndrome”, or they might reason that the organisms are already so despised by society that their removal is beneficial rather than detrimental. They might even justify their behaviour by reconciling themselves with the fact that crime pertaining to reptiles is not a major crime and that participation in it is commonplace.

- **Denial of injury** – Criminal behaviour is rationalised. Offenders may claim that little or no harm will ensue as a result of their crime, even if they technically violate the law. Those that violate the law may be less sensitive to the effect their behaviour has on victims or may regard their victims as objects or means to their own ends rather than as individuals [entities] that suffer when victimised. People using this technique in relation to herpetological deviance might well argue that the reptile resource is so vast and infinite that it can’t possibly be depleted by their illegal exploitation efforts, despite such activities
running counter to the law. Removal of reptiles from their natural environment could be regarded as “borrowing” from the environment to ensure the safety of the organism, and/or by breeding with poached/rustled [“borrowed”] organisms they can be redistributed, in this manner supposedly promoting the conservation of the resource. Due to society’s general aversion and indifference towards reptiles it could well transpire that the herpetological delinquent’s actions may be tolerated or absolved by the populace, reaffirming, so to speak, the notion that the delinquent’s neutralisation of social controls by means of meeting the criteria of the norms is an augmentation of customary practice rather than a signal of complete resistance.

- **Denial of the victim** – Offenders might argue that a crime is justified as rightful retaliation against the victim, i.e. the victim deserves it. Offenders see the victim as a wrongdoer, rather than seeing themselves as wrongdoers, and use that attitude towards the victim to justify the offence. Sykes and Matza (1996:210) argue further in this regard that even if delinquents accept responsibility for their deviant actions and are willing to admit that their actions involve an injury or harm, the moral indignation of self and others may be neutralised by an insistence that the injury is not wrong in the light of the circumstances. Given the negative stereotype and reputation that reptiles enjoy in society, herpetological offenders might well deem it acceptable behaviour to criminally manipulate herpetological resources. They might further, because of the careless/negligent attitude displayed towards reptile conservation by the authorities feel that they [the authorities] deserve to lose some of the biodiversity that they have been charged with preserving, or even that they are doing society a favour by removing harmful and despised organisms. Having been apprehended/prosecuted for reptile related deviance could also leave the perpetrator feeling victimised and abused as a soft target. Crime directed at reptile resources could subsequently be seen as a form of retaliation/rebellion - justice for the “wrong” inflicted on him/her, whilst not experiencing any substantial awareness of a particular victim during the score settling exercise.
Condemnation of the condemners – The assertion regarding this neutralisation technique is that it is the motives and behaviour of the people who are condemning the offender, rather than the motives and behaviour of the offender, that should be denounced. The blame for the crime is essentially shifted onto others and any feelings of guilt suppressed. Many kinds of offenders justify their actions in terms of this technique. Murderers and bank robbers compare for example the harsh punishments they receive with the lack of punishment for politicians who send young men to their deaths in senseless wars. Sykes and Matza (1996:211) aver further in this regard that delinquents may claim that the condemners are in fact hypocrites and deviants in disguise or even individuals impelled by personal spite. In a herpetological crime context, offenders might argue that those condemning and prosecuting them for herpetological crime are not themselves doing much to conserve the resource, and therefore have no place to speak. They might argue further that disparate legislation lack of coordination and inefficient sanctions, as well as indifference towards grassroots reptile conservation/policing are to blame for herpetological deviance and, furthermore, that law enforcers [guardians] are themselves commonly involved in illegal exploitation endeavours, seldom paying little more than lip service to the conservation cause.

Appeal to higher loyalties – This technique encompasses an attempt to justify violation of the law by the demands of a group – the needs of others, such as peers, take precedence. Offenders might well be “trapped” within syndicates or gangs and intimidated to conform to standards that may be incompatible with the law. The crux of this technique, according to Sykes and Matza (1996:211), is that deviation from certain norms may occur not because the norms are rejected but because other norms, held to be more pressing or involving a higher loyalty, are accorded precedence. Illegal reptile traders/exploiters might be involved, at some or other level, in the syndicate smuggling of reptiles and either cannot or don’t want to leave the fold. This connection may be the only form of income that
the family unit has and the cessation of such activities would be to deprive the family unit of an income. The herpetological criminal does not necessarily repudiate the requirements of the prevailing normative system, but rather sees him/herself as caught up in an impasse that must be resolved, unfortunately, at the cost of infringing the law.

- **Auxiliary techniques of neutralisation**

In addition to the above generic techniques of neutralisation, Conklin (2001:223) is of the opinion that, amongst others, the following methods can also be employed to justify crime and delinquency, namely:

- A person could use a defence of necessity to justify a criminal act by saying that it is required under the circumstances; this differs from the denial of responsibility in that the offender accepts responsibility for the act while claiming that it was necessary. Pilfering reptiles in order to consume them as victuals or sell them for food money, as detailed elsewhere in this study, might be viewed as exculpatory and justified as a compulsory act for which an offender accepts full responsibility. Not everyone will, however, partake in such activities as the level of self-control, exposure to crime opportunities, and the degree of [negative] socialisation towards reptiles can be expected to differ considerably from person to person. This fact could, furthermore, to a large extent, serve to explain why certain individuals partake in different forms of crime and why certain others don’t become involved in crime at all.

- An offender could view the law or prohibition being violated as unnecessary, unjust and/or capricious. This argument may take the form of claiming that particular government interference/protocols with regard to conservation is actually detrimental to reptile preservation efforts – a subtle variation on the condemnation of the condemners theme. Examples hereof would, according to Malherbe (2002) and Vorster (2002), be the shortsighted placement [by government] of a total moratorium on the commercial trade in reptiles, prohibition on
collection from the wild for breeding purposes, and/or utilisation of rehabilitated "problem" reptiles to promote reptile education and preservation.

Despite what has been asserted above, it should be borne in mind that some offenders may be so isolated from the world of conformity that techniques of neutralisation need not be called into play, but simultaneously that said techniques are critical in lessening the effectiveness of social controls and that they lie behind a large share of criminal behaviour (Sykes & Matza 1996:210).

- **Application in herpetological context**

One of the more significant, but also ominous, consequences originating from the learning of skewed/biased perspectives towards reptiles is the fact that people become desensitised towards this particular natural resource and fail to perceive it as finite and susceptible to over-exploitation. Reptiles are often viewed with repulsion, and the resultant antipathy and aversion towards them can serve to promote deviance in this sphere. Deviance can, due to this sentiment, easily transpire, be endorsed and/or tacitly condoned in, amongst others, two specific ways, namely:

- A desensitised populace will not necessarily regard illegal acts involving reptile resources as reprehensible and subsequently won’t ascribe nearly the same amount of censure towards such misdeeds as they would, for example, towards other more conventional crimes, like rape, murder, arson and so forth, albeit that herpetological crime rapes the country’s natural herpetological biodiversity. Herpetological crime is resultantly tolerated or “allowed” to take place with impunity.

- Criminally orientated Individuals with an apathetic opinion of reptiles (inculcated through social learning) will, as mentioned in the preceding section, have a propensity towards herpetological crime should the confluence of required conditions/circumstances be present. The
decision to partake in herpetological crime is, however, not made on a whim, but is, it is submitted, rather calculated and laced with rationality. It is, furthermore and importantly, justified through the process of neutralisation. Individual differences, with regard to the negative socialisation towards reptiles, can, however, be expected to fluctuate from individual to individual to the extent that they will morally disengage, neutralise and rationalise the decision to partake in herpetological crime. This fact, it is submitted will also apply mutatis mutandis to self-control (GTC).

As is no doubt the case with regard to many other explanatory theories, the neutralisation theory can be viewed as a functional aid to explain the process of criminal actions, but not necessarily why they occur to begin with. Neutralisation techniques are, however, felt to be extremely appropriate in relation to herpetological crime and have, for this very reason, been discussed subsequent to an exposition of self-control, opportunities (GTC) and socialisation as causational elements. It is the researcher’s contention that the presence of these factors is a qualification for, fuels, and to a certain extent complements the application of neutralisation techniques with regard to herpetological crime and deviance.

6.3.4 CORNISH AND CLARKE’S RATIONAL CHOICE THEORY

As mentioned previously, to cite the rational decisions that criminals make in passing is not considered adequate for the purposes of explaining this multifaceted cognitive process in the concatenation of herpetological crime. Such trivialisation in the opinion of the researcher, serves to underplay the contribution of this important explicatory element in the total herpetological crime performance. A definition and succinct exposition of the approach is for this reason provided as a precursor to further discussions of this contributory element of herpetological crime.
• **Definition**

McLaughlin and Muncie (2001, s.v. ‘Rational Choice Theory’) define said theory as follows:

‘The starting point of rational choice theory is that offenders seek advantage to themselves by their criminal behaviour. This entails making decisions among alternatives. These decisions are rational within the constraints of time, ability and the availability of relevant information’.

• **General premise**

According to Fattah (1993:236-240), Cornish and Clarke’s rational choice perspective takes as its point of departure the following assumptions:

- It recognises the mundane, opportunistic and rational nature of much offending, thus rejecting the view that depicts it as immutably foreign to ordinary behaviour – driven by abnormal motivations, irrational, purposeless, unpredictable, and evil. Much criminal activity is, therefore, viewed as nonpathological and commonplace.

- It stresses similarities between criminals and noncriminals, rather than whatever differences might exist. Instead of focussing on the irrational and pathological components in some crimes it examines more closely the rational and adaptive aspects of offending.

- Rather than viewing crime as a unitary phenomenon that could be explained by a far-reaching theory it calls for crime-specific analysis. The approach intends to provide a framework for understanding all forms of crime without attempting to impose a conceptual unity upon divergent criminal behaviour.
Instead of focussing attention solely on the criminal, his/her attributes, traits, background, and factors governing his/her involvement in particular crimes, it draws attention to the criminal event itself and the situational factors that influence its commission. The rational choice approach explicitly recognises their importance in relation to the criminal event, and, furthermore, incorporates similar influences on decisions relating to involvement in crime.

Rational choice theory focuses, therefore, on the opportunity to commit crime and how the social environment structures criminal choices. Siegel (2001:125) charges that some irrational or mentally disturbed people may commit crime without thought of potential hazard, but it seems likely that immediate or situational variables determine and guide most criminal behaviour – people commit crime when they view its outcome as beneficial.

Another essential ingredient of rational choice theory, and indeed a pillar upon which this theory leans heavily, is that of deterrence. Siegel (2001:125) is of the opinion that if crime is rational and people choose to commit crime, then it follows that crime can be controlled or eradicated by convincing potential offenders that crime is a poor choice that will not bring them rewards but instead pain, hardship and deprivation. Although it is not within the scope of this thesis to provide an exhaustive exposition of the deterrent capacity of this theory, it is, due to the converse essentially being the norm with regard to herpetological deviance (italics mine), deemed prudent to provide a laconic synopsis of the deterrence strategies emanating from it. Siegel (2001:125-126) stresses the following in this regard:

- **Situational crime prevention** – is aimed at convincing would be criminals to avoid specific targets. It relies on the doctrine that crime can be avoided if motivated offenders are denied access to suitable targets – in essence increased guardianship, advertising the fact that the potential reward is not worth the risk.
- **General deterrence strategies** – are designed to make potential criminals fear the consequences of crime. The threat of punishment is aimed at convincing rational criminals that crime does not pay.

- **Specific deterrence** – refers to punishing known criminals so severely that they will never be tempted to repeat their offences. If crime is rational, then painful punishment should reduce its future allure.

- **Incapacitation strategies** – attempt to reduce crime rates by denying motivated offenders the opportunity to commit crime. If, despite the threat of law and punishment, some people still find crime attractive, then the only way to control their behaviour is to incarcerate them for extended periods.

- **Application in herpetological context**

According to Cornish and Clarke (1987:934), the rational choice perspective asserts that specific crimes are chosen and committed for specific reasons – decisions to offend, in other words, are influenced by the characteristics of both offences and offenders, and are the product of the interaction between the two. This sentiment, in essence, reflects and consolidates the researcher’s submissions about the rational choice approach’s contribution towards the formulation of a comprehensive explanatory perspective of herpetological crime.

In précis of the foregoing section, it can, therefore, be said that the rational choice approach essentially sees crime as a function of opportunity, rationality, exogenic factors and the particular situation. It, moreover, suggests that criminals do not choose their targets randomly, but select them based on certain criteria such as, it is submitted, attractiveness, availability, vulnerability [offence characteristics], and of course, degree of self-control and/or negative socialisation towards reptiles [offender characteristics], making it imperative to incorporate the victim in any explanatory model of criminality, hence the intense focus on these issues in a previous chapter.
Even though someone contemplating herpetological crime is already sensitised towards it, due the reasons detailed elsewhere in this chapter, the eventual decision to perform the crime itself remains, it is submitted, a cogent one. It must once again be made abundantly clear at this juncture that the potential herpetological criminal is in no way *forced* (italics mine) to commit the crime, but that the final decision to continue, displace and/or amend his/her deviant notions, is based solely on economics, i.e. cost (risk)/benefit considerations (Cornish & Clarke 1987:934), and is made entirely voluntarily and rationally. The rational decisions made by criminals to engage in herpetological crime activities, it is submitted, are preceded and complemented by one or more of the neutralisation techniques previously described, and can be viewed as the last stage, so to speak, of the process that sets in motion the actual participation in an illegal act.

It could be said that the neutralisation/s employed facilitate and augment the decision (further rationalisation) to participate in herpetological crime. It would, however, be equally feasible b presume that the decision to partake in herpetological crime could result without neutralisation techniques being employed and only due to the confluence of the factors, greed, low self-control, opportunities and socialisation. The employment of neutralisation techniques prior to involvement in herpetological crime are, all things being equal, considered more probable than their non-employment.

**6.4 SUMMARY AND CONCLUSION**

As is clear from the preceding discussion, various criminological theories/perspectives/approaches, both classical/neo-classical and positivist, can be merged to explicate and provide an enhanced understanding of the phenomenon of herpetological crime, as well as, in all probability, other more diverse forms of conservation crime.
It is, furthermore, implicit in this analysis that there is no readily available panacea or catchall theory, and that the application of a single theory to produce a result of similar authenticity would be highly unlikely. Due to the unique, and somewhat unconventional nature, of natural resource crime, more specifically herpetological crime, it was felt that, rather than attempt to force the various elements and characteristics of this natural resource crime subtype into a particular existing theory, to use relevant elements from existing theories to create a realistic and pragmatic amalgamated explanation.

The theoretical model, which should be viewed as a theoretical explanation rather than an explanatory theory, presented in this chapter, therefore, integrates certain beneficial elements from a number of leading crime theories in order to provide an effective explanation of much herpetological crime and deviance, and can pithily be reviewed in the following sequential manner (recapitulated in figure 6.1).

1) Self-gratification or voracity is assumed to be inherently present within all human beings from birth. The ability to manage and control these urges is inculcated during youth, mainly through parenting techniques. Poor or deficient parenting results in the manifestation of weak self-control and self-control mechanisms within the individual causing him/her to have an increased propensity/inclination towards crime and other forms of aberrant behaviour.

Opportunities for crime act as stimuli or triggering factors drawing such a person towards participation in crime and are regarded as specifically relevant in relation to herpetological crime as they are, due to their very nature, virtually omni-present in society. These elements, consistent with the central thrust of the general theory of crime, are accepted as being relevant and applicable to the genesis of herpetological crime and fundamental elements of its concatenation.

2) Low self-control and opportunities could quite feasibly result in certain forms of conventional crime occurring, but it is felt that for a crime as
unique as herpetological crime to result, that a catalysing factor is a pre-requisite. Through the process of socialisation, consistent with the social learning theory, it is submitted, the general negative societal stereotype vis à vis reptiles is embedded in, specifically, adolescents as they observe and model their behaviour on that to which they are exposed in the social milieu. It is not postulated that herpetological crime is learnt per se, only that the apathetical attitudes and prejudices towards these organisms are entrenched [to varying degrees, prior, in tandem and/or subsequent to the inculcation of poor self-control] in certain individuals.

This negative socialisation, it is submitted, sensitises/orientates them towards crime involving reptiles, promoting, as it were, the application of neutralisation techniques and subsequent rationalisation/s to actively participate in herpetological crime. When there is a confluence of the key elements mentioned thus far the probability of herpetological crime occurring are increased considerably.

3) Consistent with the neutralisation theory, it is felt that a negative socialisation towards reptiles facilitates justification of the criminal act and the decision to participate in herpetological crime, as it is easier to neutralise a criminal act regarding a “victim” that is already despised and regarded as inferior by society. Neutralisation is thus an integral element of the explanation posited here and could serve to explain why rare/scarce/endangered and extremely valuable organisms are indifferently persecuted and smuggled with little or no regard for their welfare or the ecological damage their plunder realises. The utilisation of neutralisation techniques, therefore, it is submitted, in the context of herpetological crime, precedes and complements the decision making process detailed below.

4) The final stage in the sequence of herpetological crime aetiology, consistent with the rational choice perspective, is posited to be the rational, lucid and strategic decision to partake in the actual criminal
event. The criminal is not forced to participate in herpetological crime but does so after weighing up the pro’s and the con’s – basically a decision founded on an evaluation of the opportunities and alternatives as well as the cost/benefit relationship of the envisaged action.

Although what might seem rational to one person might not seem so to another, the crux of this approach is that a person makes a conscious and cogent individualised decision to partake in crime. The rationality thereof in relation to the decision/s of other criminals is, it is submitted, irrelevant in the context envisaged here.

Although there is little direct support for the propositions depicted in this model, data provide indirect support for most of the proposed effects. Such data, however, typically focus on attitudes towards reptiles and reactions to conventional crime rather than the illegal exploitation of reptiles per se. Since the model is quite general in nature it should be viewed as more of a foundation on which to build than a definitive statement of the causes of herpetological crime and deviance.

The model in essence attempts only to illustrate the causal relationships between the variables/elements at an unmitigated level. The theoretical explanation introduced in this thesis should, however, be sufficient to serve as a source for much needed research on the determinants, and interrelatedness of a wide range of variables of natural resource crime and stimulate more focused research on the aetiology of this tremendously neglected topic in the South African context.

The following chapter will examine in more detail the implications and control mechanisms pertaining to herpetological crime and will subsume, amongst others, policing statistics, reactive and pro-active control mechanisms, authority capacity, provincial and national/international cooperation and topical law enforcement issues.
Figure 6.2: Proposed model (theoretical explanation) of the genesis and concatenation of herpetological crime.