

'Graffiti To Terrorism Notes

(27/7/16) - Subject Overview: What is Criminology?

Thinking about crime and criminology

Crime has been discussed for centuries, by writers including:

- ✚ **Aristotle** (380BC) – “poverty engenders crime”
- ✚ **Cesare Beccaria** (1764) – “the more promptly... punishment follows upon the commission of a crime, the more just and useful will it be”
- ✚ **Karl Marx** (1863) – “[T]he criminal produces the whole apparatus of the police and criminal justice, detectives, judges, executions, juries, etc. ... Torture itself has provided occasions for the most ingenious mechanical inventions, employing a host of honest workers in the production of these instruments”

Although the formal study of criminology had not been developed when these statements were made, but they are nonetheless criminological statements.

Origins of Criminology

The study of criminology originated with three broad, social/intellectual changes which occurred in the 18th/19th centuries:

- ✚ The belief in rationality and the free-willed individual
- ✚ The legal reforms of the Classical period
- ✚ The birth of modern science

Also, the development of the modern prison in this time period moved the focus of punishment from the body (physical torture, etc.) to the mind (incarceration).

Basis of Criminological Study

- ✚ ‘man’ is a free-willed being
- ✚ if ‘man’ chooses to commit a crime, he must face a punishment which outweighs the benefit/pleasure gained from the crime
- ✚ the array of punishment must be broad, as death is too harsh a penalty for most crimes – most common form of punishment is incarceration, as it removes the criminal from society and allows a chance for rehabilitation (in theory)
- ✚ science can be used to improve methods of control (e.g. **Panopticon**) and correction (rehabilitation)

At the same time as criminology was being used to develop more effective methods of punishment to put into practice, a school of more *academic criminology* was emerging in **Italy** (1880s), the **US** (1920s), **UK** (1950s – British Journal of Criminology), and **Australia** (1950s, first department at the UoM).

(28/7/16) - Defining Crime

Criminology – the “scientific study of crime and offenders” (**Hermann Mannheim**, *Comparative Criminology* – 1965)

Criminology uses scientific methods of observation to systematically and objectively study causes and patterns of criminal activity. Historically it has

focused on crime as **any form of deviance from the law**, but it is also important to consider:

- ✚ why certain acts are considered 'criminal'
- ✚ who decides what is and isn't a crime, and what bias do the lawmakers hold
- ✚ what is the political nature of criminal law

Criminology has given birth to countless theories explaining what 'makes' a criminal, including **biological differences, insanity, introversion/extroversion, misunderstanding, and disadvantage**. The breadth of competing theories shows that there is no 'model criminal' and no way to say *what makes people commit crimes* – every 'criminal' is different.

"Criminology includes the scientific study of *making laws, breaking laws, and reacting toward the breaking of laws*" – **Sutherland 1960, Principles of Criminology**.

"Criminology is the attempt to produce a coherent and productive vocabulary to delineate and comprehend certain aspects of the social world loosely grouped around the concept of crime Criminology is the *discourse* concerning crime and the methods by which society deals with crime" – **Morrison 1995, Theoretical Criminology**.

Within criminology, two broad approaches are taken by researchers:

- ✚ **Consensus Driven** – studies informed by legal definitions of crime, utilising applied research (hypothesis based)
- ✚ **Critically Oriented** – studies driven by desire to understand why crime is defined the way it is, and political, economic and cultural factors affecting and derived from crime

Definitions of Crime

1. Legalistic

"Crime is an intentional act or omission in violation of criminal law (statutory or case law), committed without defence of justification, and sanctioned by the state as a felony or misdemeanor." – **Paul Tappan 1947, Who Is The Criminal?**

The problem with this conception of crime is that it ignores the historical, political and cultural dimensions of criminal law, and assumes that criminal law prevents all harm.

Harm beyond criminal law

- ✚ Violence in sport
- ✚ Police shootings ('justifiable deaths')
- ✚ Sexualization of advertising
- ✚ Live animal exports (animal cruelty)
- ✚ Environmental harm (uranium mining, deforestation, oil spills, etc.)
- ✚ Treatment of asylum seekers (mandatory detention)
- ✚ Inaction on climate change

2. **Cross-Cultural Perspective**

"The unqualified acceptance of the legal definitions of the basic units or elements of criminological inquiry violates a fundamental criterion of science. The scientist must have freedom to define his own terms, based on the intrinsic character of his material and designation properties in that material which are assumed to be universal" – **Thorsten Sellin 1938**, *Culture, Conflict and Crime*.

This approach suggests that the subjects of criminological study should be those who violate **international conventions and norms**. This is advantageous as it moves beyond one country's legal definition of crime and facilitates collaborative research, but is held back by the lack of specificity around conduct norms and who determines them.

3. **Statistical**

"At some time or another, some form of society... has defined almost all forms of behaviour that we now call 'criminal' as desirable for the functioning of that society" – **L.T. Wilkins 1964**, *Social Policy, Action and Research*.

This approach to criminological enquiry looks for patterns of behaviour that emerge over time in a society. **High frequency** behaviours are considered **normal**, while **low frequency** behaviours are **deviant** and sometimes **criminal**. The advantage of this approach is that it can keep pace with societal changes which redefine what is and isn't considered deviant. However, just because a behaviour is uncommon doesn't mean it is necessarily criminal.

4. **Human Rights**

"All people must be guaranteed the fundamental prerequisites for wellbeing, including food, shelter, clothing, medical services, challenging work and recreational experiences, as well as security from predatory individuals or repressive and imperialistic social elites" – **Herman & Julia Schwendinger 1975**, 'Defenders of order or guardians of human rights', *Issues in Criminology*.

The focus of this school of criminological thought is on the *conditions* that deny human rights – e.g. legal, political, cultural and economic structures – and is a more macro-scale approach: "The state and legal apparatus, rather than directing... investigations (becomes) a central focus of investigation as a criminogenic institution" – **Platt 1975**.

Criminogenic – (*of a situation, place or system*) causing or likely to cause criminal behaviour.

This approach is beneficial as it recognized the law's complicity in causing crime, and avoids the problems of focusing too closely on legal definitions. However, it is **Eurocentric** in the sense that it assumes all cultures strive for the same goals as the West, and it is **anthropocentric** as it doesn't look at crimes which don't affect people.

No matter the definition of crime, it is important to remember that it is more than a legal category – crime is a subjective concept dependent on cultural and social factors. What may be considered a crime by one culture may be perfectly normal in another (e.g. pre-marital sex, polygamy, etc.). Also, what we think is a crime may not always be able to be prosecuted under law, and all deviant behaviour is not necessarily criminal.