CRIM111 Notes

Thursday 20th July

Criminology is not
- About how to solve or investigate crimes, how to ‘catch’ offenders, the most effective policing strategies or criminal investigative techniques
- Methods of analysing crime scenes, forensic pathology or forensic psychology
- Exclusively focused understanding on the causes of crime (criminogenesis)

Criminology is
- The term ‘criminology’ first coined by French anthropologist Topinard over 130 years ago
- Earliest criminologists known as the ‘Italian school’
- Criminology has developed into a very diverse discipline, which draws on many other others including sociology, psychology, philosophy, indigenous studies, law, economics, anthropology, and political science
- Criminology is multi-disciplinary
- Criminologists are diverse in their approaches, perspectives and interests
- Some criminologists focus on exploring the socio-economic factors that influence crime and/or responses to it – while others focus on biological and/or psychological factors
- Some criminologists are concerned with understanding why some behaviours are criminalised and the impacts of this

Three Major Areas
1. The sociology of law
2. Theories of crime causation
3. The study of social and political responses to crime

Scope of Criminology
• Attempts of measure the extent of crime and offenders
• Attempts to understand how laws are formed and applied
• Attempts to understand issues of punishment
• Explores the impacts of crime on victims
• Explores how crime is represented
• Explores approaches to crime prevention
(Coleman and Norris, 2000)

Quinney’s Social Reality of Crime
Quinney’s *Social Reality of Crime* (1970) offers six interrelated propositions that comprise his ‘social reality’ theory. Three of these convey his definition of crime:

1. A definition of human conduct that is created by authorised agents in a politically organised society.
2. Criminal definitions describe behaviours that conflict with interests of segments of society that have power to shape public policy.
3. Criminal definitions are applied by the segments of society that have the power to shape the enforcement and administration of the criminal law.

*Friday 21st July*

**Classicism and the Foundations of Modern Criminal Justice**

Crimes against state - often no trial in totalitarian states - torture often a means of extracting a confession (even if false)

Criminal Justice in Western Democracies - not supposed to be this way

How is it that our Criminal Justice System originated? - why is our society's judicial system (in western societies) so vastly different from that of those in totalitarian societies?

Roots of our Criminal Justice system go back aprox 250 years ago (mid 18th century) due to social changes, ideas that began to form in respect to criminal justice initially set out due to Cesare Beccaria (1738-1794) - whose literary work was titled ‘Of Crimes and Punishments’ - during the age of enlightenment - also helped found the ‘school of thought’ and further progressed the age of enlightenment and manipulate and develop society into the basic pillars in which we see our said society today.

**Mid 18th Century Judicial System Themes (pre modern, pre enlightenment)**

1. **Death** - widespread use of death penalty, conducted in public, for even minor crimes. (often hanging). - 300 separate offences carrying the death penalty. Sometimes death was not sufficient enough, their bodies may be displayed until they rot and decay as a reminder to people of the town what the consequences of crime are. After hanging the criminal may be decapitated.
2. **Majesty** - the operation of justice was often accompanied by more pomp and ceremony than today. Judges had arbitrary and unfettered powers, almost unlimited discretion. The judges, when they went to court, would do so in an elaborate procession through town - wearing exquisite gowns and wigs. ‘Put on an act’ ‘no other choice’ but to go through with the death penalty - despite the minor crime.
3. **Class-biased Justice** - Rich or poor could be prosecuted, but nearly always the poor were defendants in court, the product of a very clear class-biased justice system. E.g. savagery of laws against trespass, poaching, theft by servants etc. Power, wealth, time available, and resources were all at the hands of the rich and thus they had the means
to prosecute the poor. Whilst the law proclaimed to be neutral and unbiased toward either the rich or poor, it clearly favoured the rich and powerful.

4. **Mercy** - Juries often reluctant to convict because of savagery of penalties. 600 executions in one year. Judges had discretion to throw cases out if defendants of ‘good character’. Even the judges went out of their way to find loopholes, which allowed them to throw the case out of court, e.g. spelling mistakes, simple errors. Condemned prisoners could always beg or try and buy a pardon, thus again decreasing the frequency in which executions occur. Could also petition the monarch after the sentence had been decided. Could bring as many character witnesses as you could, to convince both the monarch and court that you were of ‘good character’ and simply could not be executed - suited rich and powerful, more connected you were, the more impressive your character witnesses would be. Public executions may only cause riot, and thus more crime (out of sympathy for the person to be executed). People did not want to prosecute as they would have to live with the outcome for the rest of their lives, life taken for an incredibly minor crime.

**Beccaria** - Classical theory summed up as follows:

1. All people being by nature self-seeking are liable to commit crime.
2. There is a consensus in society as to the desirability of protecting private property and personal welfare. - *law not just for wealthy landowners*
3. In order to prevent a “war of all against all,” people freely enter into a contract with the state to preserve the peace within the terms of this consensus. - *efficient law enforcement cannot rely on courts - need a state police*
4. Punishment must be utilized to deter the individual from violating the interests of others. It is the prerogative of the state, granted to it by the individuals making up the social contract, to act against these violations.
5. There should be as little law as possible, and its implementation should be closely delineated by due processes. - *Should be little law as possible (do away with the 300 capital offence resulting in death penalty)*
6. Punishments must be proportional to the interests violated by the crime. It must not be in excess of this neither must it be used for reformation; for this would encroach on the rights of the individual and transgress the social contract.
7. The individual is responsible for his/her actions and is equal, no matter what their rank, in the eyes of law. Mitigating circumstances or excuses are therefore inadmissible. - *Character witnesses came to an end, despite one's high ranking facts came first in the eyes of the law.*

**Tuesday 1st August**

**Historical background**

Contemporary perspectives focus on:

- Evolution, Genetics, Neuroscience, Psychophysiology

Contemporary approaches emphasise the interaction between biological and social processes – argue for a ‘biosocial criminology’