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**Kriminalita očima kriminologů**

**Crime through the eyes of criminologists**

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*Summary*

In 2010, the Institute of Criminology and Social Prevention (“ICSP”) celebrated its 50<sup>th</sup> anniversary as an organization. A collective of authors made up of institute workers prepared an essay for the occasion entitled “Crime through the Eyes of Criminologists”. As the name suggests, the objective of this publication was to introduce to the general technical public selected criminology topics, compiled with a certain generalizing overview. So it is not a summary of results from experiential criminological research projects undertaken by the Institute; the effort of the authors was rather to examine crime from various professional angles with an accent on phenomenology of crime and crime prevention possibilities in the Czech Republic.

The roots of *criminology in the Czech Republic* may be found (Chap. 1) at the turn of the twentieth century. This does not mean that criminology existed at that time as an independently developed science. But knowledge of criminological thinking had appeared in Europe at the time, when criminology had already formed as a science of its own. In the 1920s, the term “criminology” in the Czech environment was already regularly used to denote the scientific study of crime, whereas two approaches were still differentiated: the study of the personality of the offender and study of social aspects of crime.

It could be assumed that criminology arising from the environment of jurisprudence will be closer to the former of these approaches, i.e. the problematic of the offender and his sanction, but in reality Czech lawyers standing at the roots of Czech criminological science expressed a distinct sense for a wider view of crime as a social phenomenon.

The creation of the criminology research institute in 1960 (and also the origin of the Cabinet for Criminology at the Department of Criminal Law as a joint work station of the Law Faculty of Charles University and the Institute of State and Law of the Czechoslovak Academy of Sciences) at the time did not mean founding criminology as a science “on a green meadow”, but rather a basic opportunity for developing approaches to criminology.

During the so-called “normalization” period after 1970, ideological pressure grew, where the institute was accused of non-Marxist deviation. Certain research workers were forced to leave the institute. Despite this, at that time basic works were published including the first Czech criminology textbook, though tributary to the period of its creation and ideological limitation.

Deep social changes after 1989 newly paved the way for criminological research. The need for valid criminological knowledge seemed undeniable, mainly in the situation where a quantum leap in the growth of registered crime occurred and when crime came to the forefront of phenomena considered a source of fear for citizens. After a long period, the ideological barriers came down. Czech criminology began to quickly digest experiences from worldwide criminology, and to establish international contacts.

The method of criminological work was dictated in this period by a specific situation characterized by this overall growth in crime and some of its new manifestations. So logically the work of criminologists in the institute, which underwent a change in personnel and renaming to the Institute of Criminology and Social Prevention, mainly focused on current experiential research.

Among the key areas in criminological considerations are *social factors influencing the development of crime* (Chap. 2), since crime is not an isolated phenomenon, but plays out in a certain social framework. Criminology accepts these facts. Aside from gaining experiences on the state, structure and development of crime, on offenders and victims, from an analysis of the effectiveness of legal remedies and preventative and further measures and perhaps also from predicting possible variations of further development, it also deals with social and individual criminogenic factors. Criminogenic factors are understood as risk factors that evoke, facilitate or support perpetration of crimes.

By international measure, the most important criminogenic factor is the process of globalization, paradoxically occurring concurrently with the deepening of differences between advanced and stagnating countries. The open systems of today’s world without borders enable criminal structures the relatively free movement of illegal goods, money derived from criminal activity, weapons, criminals and their victims.

In the area of internal policy, it is necessary to search for criminogenic factors on the general level of the political system, if the political representation is not capable of submitting a well through-out conception from which viable strategies of how to effectively confront crime are derived. In recent years, attempts have been undertaken to form a strategy

in the fight against organized crime and corruption, an anti-drug policy exists, and a system of crime prevention has been elaborated.

So it is a matter of society correctly formulating and defining its *criminal policy and purpose of punishment* (Chap. 3), because every nation declares by its criminal policy mainly the level of protection of basic human and civil rights and freedoms, which it is willing and capable of realistically providing. Criminal policy of the state is specified mainly in its criminal legislation, substantive and process law, in the system and arrangement of bodies and institutions providing enforcement of criminal law standards and in practical activity of these entities.

The method by which a nation punishes an offender for crimes, i.e. what punishments it imposes and how it handles convicted persons, is very closely related to the character of the political and social arrangement of the given society, to respecting human and civil rights, and speaks of the concept of the entire legal system. Upon imposing and performance of criminal sanctions, the criminal policy of the nation is directly manifested.

One of the possibilities of sanction policy is formed of *new and alternative forms of punishment in the Czech Republic after 1989* (Chap. 4), which should react to the fact that the high number of offenders given unconditional prison sentences overfills the capacity of prison facilities and inhibits the social rehabilitation of prisoners.

The issue of alternative punishments and alternative methods of proceedings has therefore become one of the key questions of criminal policy; the range of alternative punishments was expanded and new alternative methods of procedures were introduced. Upon practical implementation of alternative procedures, the need was created for effective involvement of qualified workers - probation officials - who would secure a responsible selection of cases suitable for negotiation in a certain type of alternative proceedings, who would be responsible for assembling the necessary experiences and information for decisions by the court on imposing an alternative punishment, or would see to performance of alternative punishments.

These tasks have been fulfilled in the Czech Republic by probation and mediation officials since 2001. Probation and mediation services in their work are derived from the principles of restorative justice, where the crime is understood as a social event, which has interfered with the lives of persons of the applicable community and upon resolving its results, it is necessary to take into consideration the interests and needs of the offender, and victim of society.

Entering the forefront is the *task of prevention in controlling crime mainly in relation to youth* (Chap. 5). In terms of crime amongst young persons, this is actually a matter of failure, failure of the individual in his human and social dimension. Every person living in society simply must socialize. The problem though is whether he socializes (or is socialized) well, or badly or better stated, mainly well or mainly badly in regards to the society in which he grows up. For creating concepts and life principles, it is very important for impulses encountered by the person, mainly during his early stage, to have a consistent character, and not be incongruently conflicting and unpredictable.

The results of criminological research has shown that juvenile delinquents are frequently born into abnormal upbringing conditions, which obviously have a strongly adverse effect on preventative work, and also make such work crucial. It seems that the most important delinquent factors that lead a young person along an asocial path must be found in the family orientation. The person to later become an offender is often born into – in terms of child-rearing – a poorly prepared family environment. Parents of delinquent children or youth make many parenting mistakes.

It is necessary to perceive prevention of crime and the negative phenomena associated with it as a certain focused effort to modify the life's path of the person in time and in an appropriate manner.

The topics of *offenders of crimes, criminal recidivism and prediction* (Chap. 6), are a traditional subject of criminological studies. Criminology understands the term offender to be not just persons who committed acts determined by law to be crimes, but frequently also persons who do not pose an interest to authorities involved in criminal proceedings or whom such authorities are not prosecuting. Attention is also focused on individuals by whose age (children) or state of mind (insanity) fall outside the limits of criminal law. Criminology also deals with those persons who have already served a punishment for a committed crime, as well as persons indicated as potential offenders of a crime. It even deals with individuals who are known for sociopathic behavior (ex. persons with drug and other dependencies, prostitutes, socially excluded persons, extremists and their sympathizers, problem children, persons with diagnosed Antisocial Personality Disorder, etc.).

Criminological research focused on the personality of the offender therefore generally examines: the motivation of the offender's behavior including criminal behavior, his personal, family and criminal anamnesis, the course and developmental problems in his socialization, the level of his adaptation to the surrounding social environment, the life style lived, the influence of potential and previously served punishment on his future, predictions are made regarding his further behavior and an estimate of possible recidivism of his criminal behavior.

The seriousness of the topic *victims of crime in current contexts* (Chap.7) arises from the fact that according to representative research performed in the Czech Republic in 2006, nearly two-thirds of the roughly three thousand respondents interviewed had become victims of at least one of the ten research-monitored offenses (63.5%) over the five analyzed years. Nearly 40% of those interviewed suffered damage by one of these ten offenses during the mentioned period. Crime and phenomena related thereto are thus becoming more and more a part of our lives. Some citizens may regard crime as a normal risk that is a fact of life.

For offenders of hate crimes, the victims are often, for example, foreigners, asylum seekers, homosexuals, homeless persons and members of other widely varied population groups. Victims are often attacked just because they exist, their identity is attacked. Their possibility of prevention is thus significantly decreased, and repeated victimization becomes a problem.

The question *What do we know about organized crime?* (Chap. 8) is not just an academic question. What criminal activity are we to imagine under this term specifically,

what is its true form and scope, and wherein lies its danger? Organized crime may be defined by means of criminal law, the language of international documents or from the aspect of criminology. Pursuant to Sec 129 of the Criminal Code no. 40/2009 Coll., organized crime falls under the concept of a “criminal organization”. A criminal organization is defined as an association of multiple persons with an internal organized structure, with differentiation of functions and share of activities, which is aimed at systematic perpetration of intentional criminal activity. The basic international document, i.e. the United Nations Convention against Transnational Organized Crime also does not define organized crime as such, but states what is a group of organized crime; in other words it proceeds in the same manner as our Criminal Code.

The criminological approach accents that the basis and sense of organized crime is intentional, purposeful and systematic achieving of the maximum profit regardless of the means used and with the choice of these interest areas, which promise to bring this maximum profit. It focuses on areas where the opportunity for profit appears. Organized crime from this aspect may be characterized as a specific form of enterprising founded upon illegal activities. Organized crime enterprising is regularly becoming a part society’s offer and demand structure.

If we accept the “market” definition of organized crime, it is possible to find both differences and similar characteristics with economic crime. One may state as a basic differing characteristic between organized crime and economic crime that organized crime augments the legal economy, turning mainly to the customer, whereas economic crime directly attacks and damages the economy. The typical modus operandi of economic crime is fraud, or embezzlement (as opposed to organized crime, which is only providing the client something of his interest).

Research performed by ICSP proves in specific cases the existence of criminal organizations in dealing drugs, in organizing illegal migration, in stealing and smuggling automobiles, in human trafficking and organizing prostitution, etc. Aside from the analysis of specific prosecuted and adjudged cases, it is possible to refer to expert examinations, which the Institute has performed every year since 1993. Those questions are generally experiences workers of special units of the Police of the Czech Republic aimed at the fight against organized crime.

Chapter 9 is aimed at *foreign working migrants in the Czech Republic – current status and historic reminiscence*. The migrant situation in Czech society has radically changed. The Czech Republic has transformed from a country that fed processes of

international migration (it fulfilled this role over the last two centuries of its existence), on one hand into a country found in the buffer zone separating Western Europe from the eastern part of Eurasia, and on the other hand into a target country in terms of migration aspirations of foreigners. The Czech Republic has become attractive for foreign working migrants mainly because of its capability of resisting – as opposed to other post-communist nations - a decline in the standard of living of its population. Mainly the favorable socioeconomic conditions, including the existing situation on the labor market in the Czech Republic at the start of the 1990s, have appeared as the decisive “push” factors for foreign working migrants.

This chapter, as a historical reminiscence, also describes the situation of around 25,000 emigrants from Russia, who gained political asylum in Czechoslovakia after the Bolshevik Revolution of 1917.

Chapter 10, entitled *Drugs, crime, repression – an integral set or vicious circle*, is derived from experiences that in various cultures and societies historically always a part of the population has used and continue to use substances influencing the psyche of the user, although motivation for use differs in varying periods, geographical areas and groups of population. And individual societies also for various reasons (health, religious, economic, etc.) decide which of these substances they will impose a certain form and a certain degree of regulation, which may culminate in the absolute ban on handling some of them.

In the 20<sup>th</sup> century, the opinion gradually prevailed that production, distribution and use of certain substances represent a serious worldwide problem with health, social, economic and safety aspects, which cannot be effectively resolved only at the level of individual countries. This position led to the origin of international conventions introducing a supranational system of control and regulation of handling selected substances, the use and spread of which was determined to be especially damaging. The first were the so-called international opium conventions, which were gradually augmented by the League of Nations Protocols, consequently replaced by so-called UN transnational anti-drug conventions.

It is possible to classify four basic groups of crimes that relate to drug issues (drug-related crimes): psychopharmacologically conditional crimes, economically motivated crimes, systemic crimes, crimes in violation of drug laws. It is generally possible to state that the criminal justice system may, within the framework of an anti-drug policy, prosecute the offender's drug crimes, draw away drugs from the drug scene and possibly even act preventatively.

*Drugs as a criminogenic factor* (Chap. 11) are a serious problem. Persons dependent upon drugs are often characterized by putting the present in front of the future in

terms of importance, and by increased impulsiveness that may even culminate in aggression. At the same time, they have a diminished capability of foreseeing the consequences of their behavior, and most resolve stressful situations in a less integrated way. They also have decreased responsibility for their behavior and its effects on the surroundings. By their divergent, for society mostly unacceptable life style, they become marginalized in society and mostly only meet with people of the same values, further lending to a distancing from society.

The social danger of drug abuse is found in the fact that the immediate causal relationship between the stimulus and the effect (disruption of social relationships and activities) it is not clear and only appears by an accumulation of changes over a longer time period. The seriousness of this problem also increases by the fact that drug abuse deters the user from developing reasonable ways of resolving the most diverse problems and worries of everyday life. From the social aspect, it is important that a basic sign of drug abuse is a certain social degradation and social isolation, which, when the person in question is female, deepens ever more and more strongly affects her surroundings, especially children.

*Homelessness as an extreme form of social exclusion* (Chap. 12) is the result of a process where a person gradually loses the capacity to secure for himself the basic living needs. By a social measure, there is no deeper chasm in which to fall. This path usually leads from a nonfunctioning or nonexistent family through insufficient education, problems acquiring work, and the incapacity for gaining and financing a place to live. Various sociopathic expressions mostly predetermine and accompany this path, including delinquent behavior and increased probability of victimization. Persons socially handicapped in this way are excluded from the possibility of engaging in civic life, and mainly of entering the job market. Determination of unfavorable circumstances of course is not absolute; it is thus interesting to try to ascertain in which cases and under what conditions it is possible to handle an adverse life situation. Casuistic studies of specific cases of homelessness provide for this a sufficient material basis.

Chapter 13 is aimed at *Radical political subcultures in the CR – a look at twenty years of development*. This chapter contains a detailed description of various subcultures, within the framework of which young people during the period of so-called real socialism expressed their desire for an autonomous life style and resistance to communist ideology. This concerned for example people studying and practicing eastern religious education, tramps searching for all types of clothing with the label US Army, and those following nontraditional music styles. A certain semi-legality, in which subcultures manifesting new and generally “western” life opinions had to maneuver, made them extremely attractive. One of the most



distinct was the punk sub-culture, existing since the first half of the 1980s. Just like their western predecessors, the main aim of punks was to shock their surroundings and demonstrate their disdain for social norms. After 1990, the skinhead culture quickly grew, characterized by extreme nationalistic rhetoric and racial intolerance. In 1991 there occurred a rather logical division between skinheads (hailing patriotism, order, cleanliness and demonstrating resistance to drugs) and the nihilistic and self-destructive punks.

Also developing were leftist anarchy movements with political ambitions, and the Czechoslovak Anarchist Federation was founded in 1995. Certain radical leftist groups tried to keep themselves from being labeled as anarchists, arguing that they have differing points of opinion. Squatting is a typical example where anarcho-autonomous thinking blends in with an alternative life style and culture. Squat means an illegally, i.e. without consent of the owner, inhabited building, occupied by a community of most often young people. This method of social protest became most popular at the turn of the 1980s in various cities in Western Europe.

Opinions and positions taken by the public towards crime and criminal policy are contained in Chapter 14, entitled *The Public and Crime*. The media plays a major task in forming opinions and positions of citizens towards crime and the fight against it. The absolute majority of the public gets its information on crime directly from the media. It is also known and supported by numerous criminological studies that the crime picture offered by the media is notably distorted from reality. Journalists show preferential interest in offenses fulfilling the demands of being interesting to the public, thus becoming news-worthy information. Those crimes that concern children and youth or well-known persons have a greater chance of appearing on the news, just like those that will shock the public by the absence of any rational motive on the part of the offender, sexual overtones or features of randomness, where it is possible to gain the impression that anybody could meet up with a similar incident.

At the conclusion of the summary in the chapter *Epilogue*, thoughts are shared regarding *Criminology in the post-modern period*. Also considered a weak point of criminology and a cause for its unpopularity is the fact that its work doesn't manifest itself in some straightforward, guaranteed recipe for easily and quickly removing crime. Mainly politicians, whose operational timetables are mostly limited to the length of their term of office, would like to hear expert opinions and instructions on immediate solutions if possible. If a reputable criminologist does not offer them such a simple solution and if they moreover emphasize that the actual solution requires much effort and minor tasks that cannot be isolated

and attributed to a single ideology or political program, it is no wonder that such an eccentric and bookworm does not encounter any enthusiastic acceptance in political circles.

Despite this claim, which may sound perhaps a bit pessimistic, one may say that the work of criminologists today comes to doubtless fruition – in legislation, in social work, in police activities, national representation, justice, prisons and post-penitentiary care.

Of course it is also necessary to admit that in many areas, the benefits of criminology are not so apparent – but this was not caused by lack of interest or competence of criminologists, rather by the insufficiency of their research capacity, influenced again mainly by deficit material and financial resources.

*Translated by: Marvel s.r.o.*