

CRIMINOLOGY AND CRIME PREVENTION

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1) Traditional approach

The definition according to which criminology deals with the outward forms and causes of crime and the possibilities of prevention is a commonplace in the profession. From the second half of the 19th century - apart from the last decades of the 20th century - theories were made and researches were pursued mainly on the basis of this scheme. Causal theories - bearing partial truths mostly - were born in this way, and it was this model which helped us understand more and more about crime and the social and psychic reasons of the particular criminal acts by means of the modernisation of data processing. Sophisticated mathematical models and high-speed computers were at the disposal of scientists for either proving the theoretical statements with practical facts (or, on the contrary, contradicting them), or creating theories on the basis of empirical experiences. These endeavours obviously extended knowledge. It was especially true in the case of the theoretical and practical experts of those countries who could join collection of data and theory making only belatedly, since the official ideology of their countries had decided everything well in advance: in the ex-communist countries - as it is typical of some dogmas of several other great religions, too - only the individuals, and never the environment, or, in a broader sense, society - can be responsible for crimes. Since the society is becoming more and more perfect - as the apostles of this proclaimed it "religion" -, crimes will be committed more and more rarely. Criminals will be either extinct, (if they won't go straight voluntarily, they will be killed at the worst) or they will be reclaimed. And since one of the main doctrines of criminology was that crime and criminal acts were mainly determined by society, some particular countries considered criminology a bourgeois pseudoscience for a shorter or longer time.

When the pressure of dictatorship weakened, the scientists threw themselves eagerly into getting acquainted with the social regularities (those of their own societies). Causal theories were born one after the other, and most of the

scientists regarded sacrilegious anyone if only he dared to recite Patrick Tormudd's ideas about the uselessness of causal researches.¹

The pre-change Hungarian regime concentrated crime prevention, as well as criminal politics within, on the maintenance of public peace, based on the principles of social justice. It involved a view to pay attention mainly on the crimes and their committers that in the opinion of the political prestige group were gravely dangerous to society. There was a double demand in the background: to put off public opinion on one hand and the anxiety of the holders of power on the other hand.

The general public was especially afraid of the acts that disturbed the peace of everyday life. These lists were led by crimes committed against material goods, and next to them against life and safety. Naturally the regime wanted to penalise the attitudes hostile or supposed to be hostile to the regime. Within the scopes of dictatorship it was not difficult to meet these demands more or less. And under these circumstances criminal politics, as well as crime prevention could be successful.

2) The challenge at the end of the century: new forms of crime

Both criminal politics and the whole process of crime prevention have to face some realities. (Nota bene: giving up illusions started earlier in this field than in the circles of either statesmen or the persons dealing with criminal politics, which was due considerably to criminologists.) For this reason paradigm changing is needed in managing crime.

There are two causes, or more exactly, two new perceptions in the background of paradigm changing:

1) Compared to the previous ways of intervening, more fruitful, effective and appropriate forms are being provided in the fields of crime prevention and criminal politics within (but especially on the dividing line of the two). This may root partly in the failure of earlier experiences, and in the development of social science.

2) Some social phenomena, in the background of which there are some complete changes in the whole functional system of society, have been born almost imperceptibly, and they have become dangerous in a very short time. Both the society and the regime would like them to be responded in the same

¹ Tormudd, P.: *The Futility of Searching for Causes of Crime*. *Scandinavian Studies in Criminology*. Vol. 3 (1971) 23 - 33. pp.

way and with the same means as it happened earlier in the case of the committers of crimes gravely dangerous to society. However, the experiences, which have been, obtained lead to the realisation of the fact that these methods are not adequate for managing the problems any more. On a large scale penal law seems to be an inadequate device to deal successfully with crimes and their committers, even if we accept that one of the important, or perhaps the most important task of penal law is to mark the dividing line clearly between what is prohibited and what is allowed to do, and to reinforce the ethical taboos forbidden by penal law, too. (See what is mentioned in Point 1 above.)

To deal with crime shown in Point 2, - that is, crime (partly international) brought about by the new economical conditions - both the traditional ways of prevention and criminal politics and penal law respectively seem to be a less and less satisfactory device. As for the future, we can meet two predictions, partly joining, partly differing (regarding the outcome).

According to one of the versions - let us call it an optimistic one - the state is able to manage the problems which can make a country or even a region incapable of functioning or decline into anarchy (or, giving up the rules of democracy, into dictatorship) if the state loses control over them.

The other version - let us call it a pessimistic one - takes the view that financial power will take over the control from the traditional characters of state life, and economical interests will rule every other interest (and value).

Recent indications show that some leaders of Central Europe have already realised the dangers threatening centralised power, and a search for adequate responses has been started. We can consider it as one of the first steps that the taxing of black (illegal) incomes has been declared a hopeless effort because on one hand it is simply impossible, and on the other hand the expenses invested into investigation and sanctioning would exceed the hopeful profit.

3) The new problems of the system changing countries

The persons elected by society, just like the electors themselves set out with several illusions to the period coming after the official condemnation of existing socialism and the declaration of its extinct. Many people believed that by cutting the iron curtain and demolishing other physical obstacles a new world would come immediately, better than the previous one in every sense.

This region of Europe has been in need of material goods for centuries. In the hierarchy of values the value of life has always been preceded by material ones. Naturally, people expected a radical change in this respect. They hoped so all the more that their two or three day personal experiences, or the world shown on

television suggested them the false idea that over the barbed wires everybody is rich - or at least those people who are hard-working and want to work.

The average individual expected the increase of his safety and wealth in all respect from the worried promised to be new. However, compared to his expectations he realised that everything - or nearly everything - that was essential for his feeling safe in everyday life, remained unchanged or was growing worse. Both the leaders and the people led by them had to acknowledge that the accomplishment of human rights, including the rights for freedom, are not worth much if they are accompanied by existential disadvantages.

Sometimes there is a deep gap between public feelings and objective reality. However, it has been shown by several researches that neither of them can be evaluated more important than the other.² Being underpaid, defenceless, deprived of rights: feeling injustice because of the justification of violating norms that are legally declared to be crimes, or the fear of offence can be as hard to bear as the objective reality itself. Among others it may be the cause of the gap between the expectations of the state and its support by the population. As a result, in the present societies, which are changing rapidly, and - as already mentioned - are missing any firm moral support, most of the population exchange significant winks, or even assist actively some particular forms of organised crime, as for instance tax fraud, crimes against the customs acts and their committers, and find nothing to object in black and grey economy, which becomes more and more difficult to manage in view of the national economy (We should emphasise again that these phenomena are not to be considered as the specialities of the eastern part of Central Europe either in the past, or in the present.)

A great many experiences, mainly based on the results of public opinion polls, show that the population becomes more and more sceptical as to the advantages of system changing. It can hardly be a chance that local authorities are mentioned by terms used during the one-party regime: people speak about local councils instead of local municipalities. Apart from a short, temporary period, the representatives of the institutions of public services and utilities respond in the old way, that is, they do not serve taxpayers but bear power.

² Cf.: Fatah, E.: The interchangeable roles of victim and victimizer. HEUNI papers No. 3, Helsinki 1974.

4) The basis of up-to-date crime prevention

It should be a basic point of view to use the available financial means effectively in the countries with deficiency problems. Unfortunately, prodigality is still characteristic of the countries of the region because of cultural and political traditions.

As a sign of problem-managing based on the analysis of expenditure-profit and expenditure efficiency, inspiring a healthy way of thinking a certain view is developing according to which it is not the intensification of the rigour of criminal regulating that has to be emphasised, but the spreading of regulations which are adaptable to realities. Summing up in a word it means that to follow the individual interests on a short and long run makes it meaningless to violate norms. Recognising the society's real necessities, interests and characteristics rooting in the system of values and standards, this idea implies the re-thinking and - if needed - the re-regulating of the phenomena belonging to the field of black and grey economy. It is not the aim to create more and more offenders of norms, but to draw more and more persons into the sphere of economy controlled by the state, mainly by means of preferring individual interests, not of prohibitions.³

Some reports tell about the invisible revolution of black economy.⁴ According to the warnings of some recent European examples, if a mercantilist government resists reforms and the necessary institutional changes, it encourages violence. Discrimination and extreme bureaucratic obstacles make the mobilisation of the poorest classes impossible, in this way reinforcing the base of an extremist violent solution. A quiet revolution against mercantilism is already at an advanced stage: the results of black economy speak for themselves. However, black economy can help the development of a backward society only in one way: if the legal system is going to be adjusted to reality, and its activity can be legalised as soon as possible.

Political voluntarism is out-of-date it is not the politicians who form the functioning of economy any more. However, boom can only start provided that

³ This viewpoint is proclaimed by e.g. Zsuzsa Hegedüs in the mentioned report, who - referring to De Gaulle - emphasises that the income of contractor black economy can be directed onto legal bank accounts, which can be controlled by the state. It implies the extension of the rights of the organizations entitled for controlling within a constitutional compass.

⁴ Hernando de Soto: *The other path*

the conditions of legal economic functioning improve, black economy can be integrated into formal economy, and the politicians realise that the processes of real micro-economy cannot be disregarded and reformed downwards.⁵

Up to now the greatest mistake of the Eastern and Central European countries reorganising their economy according to market conditions has been the ignorance of the above regularities. The economy and the great majority of the people of these countries have had vast losses both morally and financially, because the holders of power did not and still do not realise in time that this type of economy cannot be regulated efficiently by setting up prohibition signs. It is especially true of the branches in which the infringement of these prohibitions has a well-developed, routinised way of practise within broad bounds of the population. The present crisis will surely be overcome with the least loss and in the shortest time by those countries which manage to put an end to the traditional bureaucratic responses in the fastest and the most creative way.

The economical, political and legal conditions of these countries could possibly be measured by the number of bodyguards and encashers per thousand heads.

Nowadays the turn of the criminal conditions of Central Europe is mainly in the hands of economic politicians. Contrasted with several Eastern European states which seem to be hopeless by now, there still exists a real political alternative to be accomplished, but it has to be different from that of Western Europe in a number of aspects. A so-called alternative ecosocial market model is supposed to be the most adequate one for this region.⁶

Thus, the paradigm changing of criminology takes place in three dimensions:

1) Limiting its power to sensible crime prevention, it displays its activity within the circle of traditional crimes, including the influence of criminal politics as well.

2) It breaks off with causal research as an aim and concentrates on developing preventive strategies (where causal research is not more than a device, if needed). Its task is to develop strategies for avoiding crime. The main target-groups for developing these kinds of strategies are the state, the communities and the individuals.⁷ In the case of the first target-group political decision

⁵ Edit Inotai: The invisible revolution of black economy. *Népszabadság* 11 February 1995. 17, 19 pp.

⁶ Cf.: earlier Tibor Liska, recently István Siklay's ideas about driving back economy and trade. László Hovanyecz: White economy instead of a black one. *Népszabadság* 13 February 1995. p.13.

⁷ Cf.: Graham's theory, but it is applied partly by Van Dijk, too.

making, in that of the last one situation-oriented action plays the leading part, while in the middle one both kinds of preventive activities have a part.

3) I agree with Andras Szabo¹, who says that the logical order of the institutional system of criminal law has to be re-established. In this view the most important category of this discipline is not crime but punishment. This is the point where penal law is separated from other branches of law. Consequently, the guarantee rules of penal law - to be laid down in the constitution as well - have to refer to punishment and the possibility of being punished.

In this region of Europe crime prevention has to set the aim of improving bad general feeling. For this it has to show spectacular success basically in two fields:

The numbers show that the state has to give up the illusion of being able to control the phenomena mentioned above by itself once again. It could be reached only in a dictatorship, which would deprive people of most of the human rights again. It can happen easily if the state does not draw the necessary conclusions from the above perception without any delay. This conclusion means to prepare the citizens urgently for the possibilities of potential dangers threatening them. The next step is to make them learn the promising methods of diverting danger. The state can not draw back from this quasi-advisory role. Every state of the region has to learn how to live together with increased crime. The state can help its citizens not to be more frightened than their fellows on the western parts of the Continent, where the present extent of crime has developed in 30-40 and not in 2-3 years, so they had enough time partly to get used to these changes, partly to learn the adequate defending and adapting techniques.

The slogan has to be true in our region as well: Not to be afraid! Prevent!

¹ Andráš Szabó: Criminalpolitics and costitutionality. Manuscript for the 1st Itinerary Congress of the Hungarian Criminologist Society, Szolnok, 1994.