

CRIME PREVENTION: THEORY AND PRACTICE

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S u m m a r y

Crime prevention is one of the elements of the social control over criminality. Social control over criminality is one of the elements of the system of social control.

Crime prevention is understood as such influence of a society, institutions of social control, individual citizens on the factors of criminality, which result in reduction of criminality and/or leads to desirable change of its structure and to prevention of potential crimes. The idea of the crime prevention is much more reasonable, democratic, liberal, progressive than punishment and reprisals.

But how much is crime prevention realistic and efficient? According to criminal law, about 100 per cent of all adult population are criminals. Who whom will "prevent"? Prevention is first of all the influence on the factors of crimes. Who can state today that he knows these factors? We have no data about efficiency of existing programs of crime prevention. There is serious danger of degeneration of prevention in the infringement of the human rights.

But prevention is always better than repression *post factum*. The set of measures of primary, secondary, tertiary prevention should as a whole improve social conditions, create more human atmosphere, to protect specific person, to rescue potential victim from possible encroachments.

Introduction

Social control over criminality is one of the major problems in the modern world. Street crime, organised crime, violence crime, white-collar crime, terrorism, and so on disturb people all over the world. Legislators, politicians, police, criminal justice try, more often habitually, repressive methods to realise the control over criminality. However, traditional measures do not give the desirable result. More often in strategy and tactics of criminal policy, the idea of crime prevention including community prevention [15, 17, 24: 293-332] is used.

The problem of effective social reaction, including all levels and forms of prevention, is especially important to Russia, occupying today a leading position in the world at the level of murders, other heavy violent crimes, corruption, suicides, alcoholisation of the population, etc.

Russia, as it is surprising from the first sight, has rich experience of theoretical development and practice of social prevention. This paper is devoted to those problems.

I. THEORY OF CRIME PREVENTION

1. Social control

Crime prevention is one of the elements of social control over criminality.

Social control over criminality is one of the elements of the system of social control.

Social control is the mechanism of self-organising and self-preservation of society by an establishment and maintenance of the normative order, in the given society elimination, neutralisation or minimisation of the deviant behavior. Two basic regulators of individual behaviour produced by society are social values and the norms appropriate to them. Both values and norms are transferred by means of signs. Two basic methods of social control are encouragement and punishment ("Bait and Switch").

There are various forms of social control (formal and informal, internal and external, direct and indirect, etc) and numerous patterns of social control [5, 9].

A set of social institutions (from family and school to police and prison) carries out the functions of social control.

In general, social control is reduced to the fact that the society through the institution sets values and norms; provides their transference and socialisation of the individuals; encourages for observance of norms (conformity); punishes for their infringement.

The basic question of sociology is: why is the existence of society possible, why is it not destroyed? The problem of order and social control was discussed by all theorists of sociology (A. Comte, H. Spencer, K. Marx, E. Durkheim, M. Weber, P. Sorokin, T. Parsons, R. Merton and others).

Thus, some questions arise:

- What is "order"? Do objective criteria for its estimation exist? For natural sciences it is a level of entropy, its reduction or not increase. And what about social systems?
- For whom is "order"? In whose interests? From whose point of view? (by G. Becker's expression: "Whose side were you on?");
- Is a society without "disorder" possible? Obviously – not. Both organisation and disorganisation, norm and deviation order and disorder – are indispensable additional (N. Bohr) processes.

Moreover, deviance (fluctuation, mutation) is the necessary mechanism of change and development of system (social, physical, biological). Without deviance, a society, as well as any other system, is dead. Therefore, there is a theoretical danger of excessive fixing and excessive control;

– What means, what price support "order" (A. Hitler's "the new order", J. Stalin's the order of GULAG, prompting of "order" by America in Vietnam, by Russia – in Hungary, Czechoslovakia, Afghanistan, Chechen...).

Social practice of the XX century with two world wars, hundreds of local wars, Hitler's and Stalin's camps, with genocide, the Holocaust, terrorism etc., has destroyed all the illusions and myths concerning "order". The number of crimes committed by the state has exceeded personal crimes hundred times over [16]. Thus, the states do not "repent" but deny [7: 489-507]. S. Cohen names three forms of such refusal: denial of the past, literal denial and implicative denial.

It is not surprising that post-modernism in sociology and criminology of the end of the XX century, created by works of J.-F. Lyotard and M. Foucault, has come to the following conclusions: social reality is deviance [18]; "the phenomenon of deviance is an integral feature of society" [14: 8]; normative regulation is a temptation for the consumer [4]; and, finally, it is necessary to refuse hopes connected with illusion of the control [18].

The truth, probably, is that post-modernism, as the reaction to the illusion and Utopia of Enlightenment, will appear as lop-sided as Enlightenment is. But the conformity to natural laws of increase entropy leads us to the more pessimistic variant...

2. Social control over criminality

The social control over criminality includes "War on Crime" by means of reprisals and crime prevention.

The mankind has tried all means of reprisal, including qualified kinds of death penalty and refined torture. However, criminality has not disappeared for some reason...

At present, the conventional point of view is that exist "crisis of punishment" (T. Mathiesen, N. Christie, and others), crisis of the criminal justice, crisis of the criminal-law control over criminality, including the control of police [1, 3, 9, 10, 12, 22, 23].

Movement of abolitionism develops towards the cancellation not only of death penalty (it is undoubtable for the majority of professionals) but also towards replacement of imprisonment by alternative measures of punishment and restoration of the rights deprivation because of the transition from the retributive justice to the restorative justice.

That is why the last (from 11) recommendations of the National Criminal Justice Commission of the USA offer "shift crime policy from agenda of "war" to an agenda of "peace"" [10: 218]. S. Barkan in the 14-th (from the 23-rd) recommendations of his generalising work for all three levels of crime prevention (primary, secondary, tertiary) advises to "reduce reliance on imprisonment and to put more emphasis on community correction" [3: 542].

It is necessary to add that while the "struggle" is conducted (with doubtful success), mainly against "street crimes" (or, by the expression of A. Liazos: "nuts, sluts and perverts"), the huge layer of "respectable crime" still remains outside the "fields of fight". And, then, only "scapegoats" are caught by the police and condemned by the court, demonstrating successful "struggle against criminality".

The basic tendencies of the theory of modern western policy of the social control over criminality are the following:

- Recognition of irrationality, inefficiency of reprisals ("crisis of punishment");
- Change of the strategy of social control from "war" to "peace", "peacemaking" [10: 218, 21];
- Search of alternative (non-repressive) measures;

– Priority of crime prevention.

3. Prevention of criminality

The crime prevention is understood as such influence of society, institutions of social control, individual citizens on the causes and factors of criminality which results in reduction of criminality and/or leads to desirable change of its structure and to prevention of potential crimes.

Many scientists wrote about opportunities and preferences of the prevention of criminality from ancient times (Plato, Aristotle and other). In the New time, the priority of prevention was precisely stated by Ch. Montesquieu in "De l'Esprit des lois", and then it is repeated and advanced by C. Beccaria ("About crimes and punishments"). Voltaire has named the prevention of crimes "true jurisprudence", making comments about the idea of prevention in the work of Beccaria.

The instructive idea sometimes came true. Thus, in the "New Police Instruction" for London police (1829) it was offered to understand that the purpose of a policeman is to achieve "the prevention of crime".

In modern literature, three levels of prevention are distinguished: primary prevention – influence on environment, ecology, economic, social, political conditions of life with the purposes of their improvement, harmony (Russian term close to the sense – "general prevention"); secondary prevention – maintenance of security measure, influence on "groups of risk", elimination of circumstances, provoking fulfillment of crimes (Russian analogue – "special prevention"); tertiary prevention – "individual prevention" in Russian criminology.

The idea of crime prevention is much more reasonable, more democratic, more liberal, more progressive, more pleasant than "struggle" and reprisals. Each good trainer knows that "bait" is much more effective for the management of an animal than "switch". But how much is crime prevention realistic and efficient?

Firstly, what is the object of prevention, if many criminologists, including the author of the report, do not know, what such "criminality" is? Probably criminality is not an object, determined by its own, immanent properties inherent in it but a certain construction, product of the arrangement – conventionality of criminality [3, 6, 13, 20]. Thus, the legislature determines what criminality is (and determines it completely differently in various states and different time), and police demonstrates that there is criminality. The criminal law as often as not is so spacious that 100 percent of all adult population are criminals (including the author of the report). Who whom will "prevent"?

Secondly, the prevention is first of all the influence on the causes of crimes and circumstances, engendering crimes. But who can state today that he knows these causes and circumstances? In the domestic and foreign literature, hundreds of reasons for crime, tens of quite respectable concepts of the reasons of criminality are stated in all textbooks and courses of criminology that are known. Which of them "can be taken as basis" and used in practice? I think that there are no specific causes of criminality and of criminality only, and there is a very complex combination of social factors (they can be both biological and spacial), to a greater or lesser extent provoking people on infringement of social norms, including – criminal-law. Any criminal or non-criminal actions of a person *per se* do not exist. There is a uniform, continuous, lifelong process of human activity directed to satisfaction of needs. The unsatisfied needs are "cunning of world reason" (Hegel), and that is the "reason" of human activity. And if someone (legislature) calls any forms of this activity "criminal", it cannot exclude the opportunity of such forms (methods, ways) of satisfaction of needs. For

example, I am tired and I want to "brace myself". I drink a glass of wine, either smoke "Marlboro" or I drink a cup of coffee, or use cocaine, or I smoke a cigarette with marihuana. For me, those are the ways of satisfaction of a certain need. Why one of them is legal, and the other is forbidden by the criminal law?

Thirdly, it is not surprising, therefore, that till now the convincing data on efficiency by this or that preventing activity (program) is present. In an interesting and useful book by J. Graham, T. Bennet (1995) quite large material about the perspective prevention programs assembled. But they did not prove to be effective more often.

And at last, fourth, there is serious danger of degeneration of prevention in the infringement of the elementary human rights. Heinz Steiner compared the "instrumental rationality" of prevention with Auschwitz, and wrote in 1991: "I see the whole idea of prevention as part of one of the grave mistakes of this century" [2: 5].

And nevertheless, all that does not deny the utility of efforts to prevent criminality.

Firstly, because the processes organising, stabilising, ordering so are objective for a society, as well as processes destructive, destabilising, deviant.

Secondly, the society will by and large react to conventional certain and by the police revealed criminality. And prevention always is better than reprisals *post factum*.

Thirdly, the set of measures of primary, secondary, tertiary prevention should as a whole improve social conditions, create more human atmosphere, and already, thus, in a final result, serve to reduction of inhuman actions.

Finally, fourth, the measures of secondary and tertiary prevention are capable to protect, especially at a community level of crime prevention, a specific person, a specific potential victim, to rescue him from possible encroachments. And for the sake of this it is necessary to work.

The application of measures of the prevention of criminality should have the restrictions, interfering abusings.

- As a general principle: "Do not harm!"
- Those measures should correspond to the working rules of law and to moral requirements.
- The application of preventive measures should correspond to the human rights as much as possible.
- Development and application of the measures of preventive maintenance should come true first of all by highly skilled professionals (lawyers, psychologists, teachers, doctors, social workers), and volunteers should have preliminary training.

I shall not recommend the preventive measures. It can be necessary to name only some basic strategic directions of secondary and tertiary prevention: 1. The programs of support of family and children; 2. The programs of support and help to drug and alcohol abuses, and also in places of deprivation of freedom; 3. Neighbourhood Watch; 4. Maximum reduction of the number of prisoners. Probably, deprivation of freedom is allowable, as a compelled measure only to violent criminals; 5. Improvement "of the safety precautions" (illumination of streets, yards, squares; security signal system; patrol of local police, etc.). The participants of Chicago Assembly "Crime, Communities and Public Policy" (1992) named two basic theoretical models of "community crime prevention": informal social control and improvement of social conditions.

II. CURRENT SITUATION WITH CRIME PREVENTION IN RUSSIA

4. "Forgotten" about prevention

The idea and the realisation of crime prevention had departed to the background from the beginning of "Perestroika", superseded by political, economic, financial, ideological and other problems. The service of prevention was liquidated by the Minister for Internal Affairs (MIA) Fedortchuk, who replaced Schelokov (1983), and only later it was restored. The course of prevention in MIA educational institutions was cancelled, and then later it has partially become a special part of criminology. The majority of the former forms of crime prevention (voluntary public detachments – VPD, public courts, the councils of preventive maintenance) ceased to exist.

Whereas the decrease of the crime rate during the years of "Perestroika" (1985-1987) was replaced by the growth of criminality, especially since 1989. Sharp growth of criminality, including murder (rate per 100 thousand population in 1987 – 6,3; 1989 – 9,2; 1994 – 21,8), gave bodily harm (rate 1987 – 13,9; 1989 – 25,0; 1994 – 45,7), robberies, aggravated assault, theft [8] lead as a result of fear of criminality to "moral panic" (S. Cohen).

Reaction to it, on the part of law-enforcement bodies and first of all of MIA, was habitual "strengthening of struggle"; therefore, the number of imprisoned (per hundred thousand inhabitants) in Russia has exceeded to 760 in 1996 (the first place in the world among the countries, giving the appropriate information, with significant distinction from USA, occupying the second place – more than 560). Certainly, it did not contribute to the improvement of criminal situation...

5. Returning to prevention

Then prevention had been recollected. The attempts to revive the old forms under new conditions seem to be doubtful. Thus, in my opinion, VPD can become today a legal cover ("roof") for radical groups, including neofascist (this assumption becomes a reality [25]). Community (public) courts do not follow reanimate. I think that it is more expedient to form original "arbitration public court" as "institution of the consent" (N. Christie) employees by the intermediary between the offender and victim and carrying out the restorative function. On the other hand, under the initiative there were the quite effective forms of "community crime prevention":

- Public organisations of "self-help" (drug addicts, prisoners and former prisoners, homosexuals and other) – similarity Self-Help Networks;
- Public and commercial organisations of social, psychological help (victims of violence, teenagers, women – victims of family and sexual violence, suicide etc.) – similarity Community Care Structures;
- Neighbour's Association as Neighbourhood Watch;
- Private security organisations (with some deficiencies but with visible prospects).

It is less than hopes I assign on similarity community policing. Domestic regional police of the public order (Militia for Public Order) have training, habitual methods as federal criminal police.

Under the conditions of doubtful criminal policy "from above", crisis of authority and criminal justice, total corruption of the state and law-enforcement bodies and unskilled efforts

"from below" is formed the social claim (requirement) for the theoretical, methodological, informative of crime prevention. International contacts of the scientists and practitioners and translations of Western literature into the Russian language (and vice versa) are very important.

Conclusions

Representing myself here as "the devil's advocate", I have stated theoretical doubts concerning opportunities of social control in general, control over criminality and its prevention, in particular. It seems that it is important to avoid the next illusions, not to expect a miraculous medicine against criminality, and not to reject reasonable "slowly working" measures only because they do not bring prompt effect in the form of reduction of the registered criminality.

If the set of preventive measures is capable to improve significantly social conditions of the person's existence in the world and to rescue a potential victim, it is necessary to aspire to this.

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Nusikaltimų prevencija: teorija ir praktika

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SANTRAUKA

Nusikaltimų prevencija – vienas iš socialinės nusikalstamumo kontrolės elementų. Socialinė nusikalstamumo kontrolė – vienas iš socialinės kontrolės sistemos elementų.

Nusikaltimų prevencija suprantama kaip visuomenės, socialinės kontrolės institucijų, atskirų piliečių poveikis nusikalstamumo veiksniams, kurie mažina nusikalstamumą ir/arba keičia jo struktūrą bei užkerta kelią galimiems nusikaltimams. Nusikaltimų prevencija yra priimtinesnė, demokratiškesnė, liberalesnė, pažangesnė nei baudmės ir prievarta.

Tačiau kiek nusikaltimų prevencija yra reali ir veiksminga? Baudžiamosios teisės duomenimis, maždaug 100 proc. visų suaugusių gyventojų yra nusikaltėliai. Tuomet kas ką saugo? Prevencija pirmiausia yra poveikis nusikalstamumo veiksniams. Kas šiandien gali pasakyti, kad žino šiuos veiksnius? Mes neturime duomenų, kiek paveikios dabartinės nusikaltimų prevencijos programos. Prevencija gali tapti neefektyvi, jei bus pažeidinėjamos žmogaus teisės.

Tačiau prevencija visuomet yra geriau nei prievarta. Visų 3 prevencijos rūšių – bendrosios, specialiosios, individualiosios – priemonių visuma turėtų gerinti socialines sąlygas, kurti humaniškesnę aplinką, ginti žmogų ir saugoti potencialią auką nuo galimų pasikėsinimų.

