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An evergreen or forgotten subject: relationship among crime, criminology and criminal policy

In the mid-1970's Daniel Bell and Allan Touraine formulated a classic vision of post-industrial society. Twenty years later, in 1990, John Naisbitt defined five mega-trends of changing post-industrial society:

1. In the economic area: change of dominating industries: after a transition from agricultural production to industrial production (in the modern society), there comes a transition from industrial production to services, an area unrelated directly to production: trade, finance, transport, health care, recreation, research, education, administration, government.

2. In the class structure and stratification hierarchy: increase of the significance of services in the society and, as a result, increase of the significance of the role of people employed in the areas of science, research and development, social services, education, health, culture, recreation, social security. Ralf Dahrendorf called this society "a service class society".

3. In technical area: development of data processing rather than processing of raw materials and energy.

4. Technological development will have a dominant role in shaping of the society.

5. Knowledge and its pursuit as a co-dominating aspects in the life of societies, hence, as Peter Drucker says, contemporary society is referred to as the society of knowledge.[1]

Among sociologists there are authors such as Baumann and Habermas who see the development of modern societies differently and more dynamically. They claim that social changes are irreversible and direct towards a New type of society – a post-modern society.[2]

Anthony Giddens disagrees with the above and claims that we are living in the late modern era, and the post-modern era has not come yet. ,,There appears rather a qualitatively new phenomenon which fundamentally reshapes the modern world and transfers us to the new disturbing universe of experiences"[3]. Late modern societies, according to Giddens, are characterised by four features: trust, risk, lack of transparency, and globalisation. The

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[1] Quoted by: P. Sztompka: Socjologia zmian społecznych, wyd. ZNAK, Kraków 2010, s. 89.
[2] P. Sztompka, op. cit., s. 90.
[3] P. Sztompka, op. cit., s. 90.

presence of the latter in the modern world, but also the shape of the previous features, is an effect of developed telecommunication systems, electronic mail and the Internet. Internet as the most rapidly developing tool of communication in the world and, at the same time, as the main motor of political, social, economic, and cultural globalisation[4]. As Giddens writes, globalization is a group of unpredictable processes which are difficult to manage. The modern society is a society of sudden change and risk. And in such a society, like in any previous one, there is crime. In the society dominated by the internet, network society, digital world society[5].

In European societies we can observe a decrease in crime reported in police statistics. We, criminologists, list the following factors which influence this decrease:

- demographic – growing old of societies,

- more effective police work: identification and arrest of crime perpetrators,

- development of technical methods of evidence collection: DNA tests, video surveillance; the risk of catching a perpetrator has increased,

- social changes: young people longer live with their parents - in the EU 28% of people aged 25-34 live with their parents,

- criminals have less opportunities to commit crime: houses are wired with alarms and surveillance; in modern apartments there are no items which are valuable for a thief (since they are hard to sell).[6]

Crime has not disappeared. It has changed. Terrorism crimes are rare but highly dangerous. There is economic crime which is difficult to detect as it requires specialised knowledge of the investigators. And there is the most important phenomenon of modern social life: the Internet.

Cyber space is a place where crimes are committed and it is also a tool to commit crimes. Cyber-crimes - what we know from police data - are detectable but this detection is difficult, much more difficult than detection of common crimes[7]. I dare say that crime will transfer to the cyber space and it will become the main place where crimes are committed. Decrease of crime levels observed nowadays is, at least partly, an effect of this transfer.

As an example, let us have a look at trade of counterfeit perfume widely described in Polish press. Such counterfeit goods are sold via the Internet as items of trademarked brands (e.g. Chanel) much cheaper than the originals. This counterfeit trade flourishes, there are sellers and buyers, but the latter admit that „the perfume quickly loses its scent".

What will the crime of the late modern - or, according to others, post-modern - society look like?

Of the societies dependant on the Internet, on Google, and at the same time societies where a significant part of population (probably even up to 30 percent) will remain unemployed for a lifetime? These phenomena are entirely new ones for human societies and seem much more revolutionary than the invention of printing or the industrial revolution.

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[4] A. Giddens: Socjologia, wyd. PWN, Warszawa 2006,s. 74-75.

[5] M. Kleiber: Człowiek przyszłości. Płytki umysł i uzależnienie od technologii?, „Dziennik Gazeta Prawna",27.V.2013, nr 101.

[6] Where have all the burglars gone ? , „The Economist", July 20th 2013.

[7] Raport o stanie bezpieczeństwa w Polsce w 2012 roku, https://msw.gov.pl/pl/aktualnosci/11197,Raportostaniebezpieczenstwaw2012roku.html

There has appeared a new type of perpetrator: a hacker - who breaks into computer systems for financial profit (working for organised criminal groups) but also another type, breaking into a government or bank computer system purely for intellectual satisfaction.

Criminal-penal reaction in modern democratic societies towards perpetrators of the most serious crimes will remain unchanged: imprisonment. The rest will be fined (fines are dominant type of punishment in part of the EU countries) and supervised (controlled) liberty. Future of supervised liberty, in my opinion, is in various systems of electronic control which should affect the number of imprisonments. In post-communist EU countries one can observe overcrowding of prisons. In Poland the researchers have established that this overcrowding is an effect of widely decreed suspended sentence of imprisonment which is later revoked when a convicted person commits a crime while on probation (every year there is roughly the same number of suspended sentences of imprisonment as sentences of revocation when later the probation is violated).[8] The problem of prison overcrowding can be solved in two parallel ways: with wider use of electronic tagging as a means to execute a sentence of deprivation of liberty and, second, wider sentencing for electronic tagging as a form of controlled liberty. Fines are still a penalty difficult to pay for worse-off perpetrators (at least in Polish conditions). But what should we plan for perpetrators of crimes in the cyber-space? How can we limit or prohibit internet access as a penalty? Is such a punishment enforceable?

Politicians and criminologists

Responsibility for ensuring security is a task of the government. One of the main indicators of security is protection of societies against crime, including adequate criminal-penal reaction to criminal deeds. Hence, the presence of the problem of crime and crime control in the public debate and in political discourse – in this part of social space of democracy which we define as political (apart from axiological, civic and economic ones)[9]. It is here, in the political part of this space, politicians formulate political programmes, this is the place of existence of political parties and other groups which aim to participate in the government and, at the same time, to take responsibility for delivering security to the society, including protection from crime. Crime has been this phenomenon which is much spoken of by politicians' in their election programmes when they promise „fight with crime" while being certain that this is the only way to gain supporters and win the elections.

Let me discuss the example of Poland. During the twenty years after the change of the political system (which took place in 1989), all political parties taking part in elections (be it parliamentary or local) included the slogans of increase citizens' protection against crime. The right-wing parties were the most repressive in their proposals: they wanted the sentences provided by criminal code to be tougher and prison sentences to be longer (with increase of the maximum imprisonment to 25 years), prison conditions to be harsher, conditional sentences to be limited, life sentence without possibility of earlier release to be introduced, sentences for re-offenders to be tougher, property forfeiture to be introduced, and finally death

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[8] K. Mycka, T. Kozłowski: Paradoksy polskiej polityki karnej, czyli jak zapełniamy więzienia nadużywając środków probacyjnych, in: „Probacja", kwartalnik II/2013, s. 26-28.
[9] E. Wnuk-Lipiński: Socjologia życia publicznego, Warszawa 2005, s. 183.

penalty to be re-introduced in particular cases of murder (eg. murder of sexually abused children). Penal policy of the courts was, in right-wing parties' opinion, too liberal[10].

In Poland, between 1989 and 2003 registered crimes in Police statistics were on the rise. Then there began a slow decrease in registered crimes which has continued until today. Victimisation studies have been reporting a successively decreasing victimization index. This means that the number of crimes has been decreasing also if you take into account the information and data coming from crime victims. At the same time, the number of reported crimes has increased. In the research made in 2011, 75% of Poles said their country was safe and 88% responded that their place of residence was safe[11].

In the light of the above data, politicians' slogans to toughen penal repressions justified by the risk of crime are a complete nonsense. The culture of public debate in political space is entirely one-dimensional – it is the culture of punitiveness.

What is interesting, the culture of punitiveness is present in different political systems and has not changed with the political system chance [of 1989]. During communist regime the only party (which always won the elections because of political reasons) always included „fight with crime" in its programme and even included a decrease in crime levels. Effectiveness of this „fight" was supposed to rely on tough penal repression. Such slogans were meant to convince the society that the only ruling party cares for security of the citizens, controls the situation and decisively fights the threat which crime is.

Politicians' public statements about crime and fight against crime are aimed to convince the voters about politicians' decisiveness in coping with the „crime plague". Politicians do not speak of crime as a phenomenon ever present in the society, they do not show that crime can be controlled by administering various punishments – also other than imprisonment and isolation. In politicians' statements, emphasis is put on the need of harsh and absolute repression – this shapes the society in the spirit of repressive, punitive response to criminal deeds. Here we can observe, at least in Poland, a slight difference between political parties – the language of centre and left-wing parties is less repressive.

Analyses of political scientists show that in Poland, after the transformation period, in free market and liberal economy, populist formations of the „law and order" type are taking the floor. Development of liberal economy creates in the society a demand for the ideas of „security protection", „imposing order" and „fight with crime". The more drastic social effects of liberalization, privatization and deregulation in the economic sphere are the more the room for those who sell promises of security[12].

And what should criminologists do?

What they have been so far. They should monitor the condition of modern crime. Investigate etiological factors of crime in modern societies. Today, the internet is such a factor. How will it influence functioning of societies and criminal deeds? Looking at the condition of modern criminological knowledge, it seems that we have a substantial

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[10] A. Kossowska, K. Buczkowski, W. Klaus, I. Rzeplińska, D. Woźniakowska-Fajst: Politicians,Media, and Society's Perception of Crime, in: A. Selih, A. Zavrsnik (ed.):Crime and Transition in Central and Eastern Europe, Springer, 2012, p. 42-47.

[11] Data published at: www.kgp.gov.pl; also see: A. Siemaszko, B. Gruszczyńska, M. Marczewski: Atlas przestępczości w Polsce nr 4, Warszawa 2009.

[12] P. Żuk: Czy każda krytyka neoliberalizmu jest populizmem. O pułapkach demokracji w Polsce w: J-M. de Waele, A .Pacześniak (red.): Populizm w Europie. Defekt i przejaw demokracji? Warszawa 2010, s.123 - 127.

knowledge about etiology of crime. Can we know more? If we know, can we prevent? I think that only a little. We will still be surprised by crimes difficult to explain and perpetrators whose motives we do not comprehend, and who will be dangerous until the end of their lives. It is the criminologist who should say how to react towards criminals and what the penal reaction should be, who should suggest new types of penalties and penal measures. Finally, what has always been the task of a criminologist ever since: to provide the decisive persons, the politicians, reliable knowledge about crime, about methods of response to crime, and about consequences of various political decisions concerning criminal policies.