

The Art Of Criminology In A Hostile Environment

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“The necessity of teaching criminology has been unanimously declared by all participants”.

This unanimity is unsurprising, since criminology already has a long history as a scientific discipline. Following the works of Cesare Lombroso (1876), Enrico Ferri (1881), and Raffaele Garofalo (1885), it developed through numerous international congresses of criminal anthropology (Rome, 1885; Paris, 1889; Brussels, 1892; Geneva, 1896; Amsterdam, 1901; Turin, 1906; Cologne, 1911). This tradition continued with international congresses of criminology (Rome, 1938; Paris, 1950; London, 1955). However, all sciences are disposed to dissemination through organized teaching.

In fact, at the first International Congress of Criminal Anthropology, Tarde, supported by Enrico Ferri, proposed that students only be admitted to criminal law courses on condition that they first joined a prisoner patronage society and that they took part in weekly visits to prisons, either as groups or individually. In 1890, The Saint Petersburg International Penitentiary Congress expressed a wish “that a chair of penitentiary science be created in universities”. A similar wish was formulated in 1895 by the Congress of the International Union of Penal Law held in Linz (Austria).

Since then, the idea has frequently been re-expressed. In London, in 1925, the Ninth International Penitentiary Congress affirmed that “legal training should be complemented by teaching of criminology”. The Third International Congress of Penal Law, the First International Congress of Criminology and the Twelfth Penal and Penitentiary Congress subsequently expressed similar wishes. Finally, on December 17, 1952, the Meeting of Specialized Agencies and Non-Governmental Organizations Interested in the Prevention of Crime and the Treatment of Offenders, gathered in Geneva under the auspices of the UN, recommended:

1° that universities teach criminology and criminological subjects, according to local traditions, possibilities, and skills;

2° that this teaching be compulsory for those wishing to become judiciary or paralegal professionals;

3° that this teaching have recourse, more widely, to clinical exercises.

Thus, criminology teaching is thought to be necessary not only by criminologists themselves, but by all those involved in preventing crime and treating offenders. In fact, in most countries, there is a surge of opinion demanding a transformation of justice and penal administration. Police, magistrates, and prison staff everywhere feel the need for a change in their methods. However, in all countries, when they want to act on their good intentions, they find their efforts blocked by a severe or even total lack of norms and precedents. This situation has driven the most determined among them to undertake a difficult task, basing their efforts on practical experience alone, and faced every day with the proof that good will alone can change little. They therefore want scientific training in criminology to be put in place, to help them steer their efforts in the right direction.

They see this training as particularly indispensable since penal and penitentiary reform has created, alongside the traditional auxiliary staff within the penal service (such as medical examiners and psychiatric experts), a new breed of auxiliary staff including

psychologists, social workers, and educators.¹ The resultant diversity of legal and paralegal staff makes cohesion difficult to achieve. In order to avoid fragmented work where no-one looks beyond their own domain, shared basic training is required.

Moreover, the evolution of viewpoints, institutions, and staff in the domain of crime prevention and offender treatment poses the question of a renewal of criminal law and procedure. Criminological factors must therefore be taken into account when constructing the rule of law. This means that conventional lawyers must be brought up to date with advances in criminology.

Finally, it should be remembered that beyond professional training for judges and their auxiliaries or for lawyers, criminological teaching is necessary to stimulate scientific research. This research cannot be successful without a constant effort to methodically classify the partial results obtained by individual researchers and integrate them into an overall science, where rigorous systematization allows them to be put in perspective, revealing their full significance. In this approach, training must separate what is confirmed from what is only thought to be true, break down watertight barriers in thinking, draw attention to urgent questions, and disseminate the latest research by various specialists in different countries.

These, in brief, are the arguments in favor of teaching criminology.

The agreement as to the need for criminological training would have been illusory without discussion regarding the definition of criminology itself.

This problem formed part of the investigation program and was presented to the different reporters. It was also largely addressed in the general introductory note written by one of our group and distributed at the London conference. Similarly, it was addressed at this conference by Mr. Benigno di Tullio, professor at the University of Rome and honorary president of the International Society for Criminology.

The vast majority of participants agreed on Enrico Ferri's conception of criminology as a "synthetic science" drawing upon criminal anthropology¹ and criminal sociology.

Today, as in the past, the objective of this synthetic science is to reduce criminality and, on the theoretical level that works towards this practical goal, to provide a complete study of the criminal and crime, the latter being viewed not as a judicial abstraction, but as a human action, as a fact of nature and society. The method employed in criminology is that of observation and experimentation, applied within the framework of a true social clinic.

It nevertheless goes without saying that in viewing criminology as a unitary and autonomous science that synthesizes results from clinics and experimentation, the participants at the London conference simply identified a direction—a path to follow. Clearly, this view of criminology supposes that the clinical, experimental approach is sufficiently integrated in practical institutions to allow serious research. The development of observation centers, penitentiary anthropology laboratories, and classification institutes is a prerequisite for the harmonious application of this approach. All were aware that when this condition is not fulfilled or only partially fulfilled, criminology must be content to remain a collection of sciences. It then embraces all those sciences linked to the criminal phenomenon. In these circumstances, it is more appropriate to speak of criminological sciences than of true criminology, since this term applies only to a synthesis of the constituent disciplines.

These two views: criminology as a collection of sciences and criminology as an autonomous science in itself are not mutually exclusive. They are in fact complementary. The social clinic of true criminology uses the methods and data of the fundamental disciplines together. Consequently, the teaching of criminology itself is an extension of, and not a replacement for, the teaching of criminological sciences.

It hardly needs emphasizing that the teaching of criminological subjects and criminology can be usefully complemented by that of related sciences such as legal forensics, scientific policing, and forensic psychology.¹ However, these disciplines should be clearly distinguished from the fundamental disciplines and from criminology itself. Although they study the criminal phenomenon, they do so only to establish the material facts and proof of the crime. They do not envisage scientific study of criminality or seek solutions, whereas this is the precise objective of criminology and the fundamental disciplines.

It is not necessary to insist further on the interest of teaching criminology and on its usefulness for training professionals, students, researchers, and teaching staff.

Essentially, this teaching, as defined above, concerns human criminal activity and aims to assist with the fight against the social ill that is crime. It can thus be perfectly incorporated into social sciences teaching.

When reading various national reports, it is impossible not to be struck by the multiplicity of structures involved in teaching criminology and by the diversity of statuses assigned to it.

One might be tempted to put these differences down to the pluralisms observed in the subject of criminology itself. These fundamental divergences undeniably have some influence at the institutional level. There is, in particular, what can be called an annexing tendency, in which old or traditional disciplines such as penal law consider criminology and the criminological sciences as auxiliary disciplines. This results in an attitude that makes a small space for these disciplines in a pre-established framework unfortunately not designed to accommodate them. The same trend can be seen outside of penal law, and the core disciplines are no exception. Although the situation varies between countries, sociology, psychology, biology, and penology all display an annexationist approach to criminology.

In fact, the principal factor in the multiplicity of structures for teaching criminology and in the diversity of statuses attributed to it is the variation in the organization of university studies between countries. The contrast is typically made between continental European and Anglo-Saxon universities.

Cambridge University professor M. C. W. Guillebaud emphasized these differences in his remarkable general report on the teaching of economic sciences, which forms the opening to the study of these disciplines in this collection. We will not dwell on the matter here, but it should be noted that his observations are equally applicable to criminology.

These differences in the “structure, organization and hierarchy” of qualifications between Anglo-Saxon and continental universities have repercussions for university teaching of criminology. The Anglo-Saxon system is less homogeneous than the continental European system, and the United Kingdom system differs from that of the United States (which displays characteristics of both systems). Any brief, general comment on these differences risks being misleading. Instead, the most important differences for criminology are addressed in the various sections of this report. It is nevertheless possible to make the following preliminary observations:

1. An important difference impacting on the treatment of criminology is that between state and private universities. The tight state control over continental universities and the resultant high uniformity in structure and organization makes for greater uniformity in university teaching of criminology in continental Europe than in the UK. Conversely, the autonomy of British private universities, despite the financial aid they receive, allows for greater diversity in exams, programs, and degrees. This naturally creates variation

between universities in terms of the importance given to criminology, the number of hours devoted to the subject, the breadth of the topics covered, and the level to which it is taught.

The second consequence of this difference results from it being easier for universities with highly state-controlled administration to provide criminology training for police officers and for penal, probation,¹ or correctional staff. With looser ties between the State and universities, as seen in the UK, the State tends to organize criminological teaching outside of universities for police and correctional staff. This key difference is clearly visible in the details about training for civil servants found in national reports. Remarkably, there are even differences between Anglo-Saxon countries: The United Kingdom has only private and independent universities, whereas the United States has a mix of state and private universities, so some training colleges for policing and correctional staff are attached to universities, while many others are independent.

2. In general (although wide variation within the system makes generalizations impossible), the Anglo-Saxon system gives less attention to the subjects often united under the umbrella of criminology (legal forensics, scientific policing, and forensic psychology). Yet this does not imply any disaffection for these subjects. They are simply treated as specialisms and taught accordingly, within lessons devoted to the core disciplines, or in specialist courses offered by institutes or other educational establishments (including teaching organized by the services concerned, for example the police).

3. Another important difference arises from the teaching of sociology being more developed in U.S. universities and, to a lesser degree, in UK universities, than in continental Europe. It also arises from the fact that sociology itself has taken a great interest in criminology. This phenomenon has influenced the teaching and direction of criminology, even outside of universities. The discipline is therefore widely taught in sociology departments in the United States and United Kingdom, whereas departments in continental Europe emphasize the links between criminology and law.

Nevertheless, although specializations are not taught when criminology is taught at a general, elementary level, specialist subjects such as psychiatry and legal forensics are taught as part of the core disciplines in both systems.

4. The hierarchy of university qualifications differs widely between the two systems, but this difference is more a matter of words than of knowledge levels. Nevertheless, Mr. Guillebaud's comments are perfectly applicable to criminology.

5. Many criminology courses exist outside of universities in the United Kingdom and the United States. This complex organization of teaching and the freedom given to educational establishments constitute the two most striking characteristics of the Anglo-Saxon system. These courses either demonstrate the universities' interest in allowing students to audit courses, or are a response to the professional needs of particular groups.

The in-service training courses for probation officers, the preparatory courses for certain police officer grades, and the courses organized in psychiatric clinics for correctional case workers are all examples of the latter scenario.

The later sections of this report provide greater detail on this complex teaching structure outside of universities. In general, it can be said that this characteristic of the Anglo-Saxon system aims to provide training that is better adapted to the needs of the professional environment.

6. A further difference between the two systems is that the United Kingdom and United States have highly developed training in social work, with a wide variety of qualifications, diplomas, and certifications. This is particularly visible in criminology teaching in the UK, where probation officers follow a two-year, full-time university

course in order to obtain a social science diploma, before undertaking more specialist training at the Home Office.

In both countries, many of these courses are not directly linked to criminology, despite having some relationship to it. This trend generally results in improved professional training, producing greater professional competence among the clinical criminologists that are social workers and probation officers.

7. The two systems are deeply entrenched and almost incomparably different. Nevertheless, in both systems, teaching of a multidisciplinary science such as criminology could benefit from the creation of university criminology institutes (naturally, with the appropriate adaptations for each system). This suggestion applies to the Anglo-Saxon as well as the continental system. However, given the current situation in Anglo-Saxon countries, it would have been more logical to distinguish between the criminology taught “inside” and “outside” universities rather than that taught “inside” and “outside” criminology institutes. This latter classification has nevertheless been retained here to facilitate comparison between various national datasets.

By using this division and by means of this study, we hope to emphasize that each system could benefit from drawing more than they have done so far upon study of the other’s respective advantages.

It seems that such study could lead to a greater number of reforms than have been made to date. With this in mind, international exchange of knowledge and experts, encouraged by the International Society for Criminology, can only be beneficial.

Criminology institutes are proposing to unite teaching of criminology, the criminological sciences, and sometimes also criminal law within a single institution. Their organization varies widely: they may be public or private, taking the form of institutes or universities.

As regards their public or private nature, there is quite a clear distinction between Anglo-Saxon institutes and continental European institutes.

Anglo-Saxon institutes are usually private. This is how the Institute for the Study and Treatment of Delinquency, founded in London as a private company in 1931 and initially an open clinic for examining delinquents of all ages, later became an evening school dedicated to social studies, with the fourth year focusing on criminology (these courses depended on the Extra-Mural Department of the University of London and thus on the institution’s extension learning service).¹ In the United States, where higher education establishments are too numerous and too diverse for any generalization to be made, it is possible to single out professional development institutes, which target professionals and depend on both the university and the State. One example is the Institute of Correctional Administration, created under the auspices of the General Studies College of George Washington University, which acts as a professional development centre for prison and probation service staff.

Although the institute model is not very developed in Anglo-Saxon countries,³ the same cannot be said of continental countries, where institutes are generally (but not always) public. This is the case in Austria (the Vienna and Graz institutes), Belgium (the criminology departments of the State universities of Ghent and Liège), Brazil (the institute of the Federal District University), France (the Paris and provincial institutes), Italy (the Rome institute), Turkey (the Istanbul and Ankara institutes), and Yugoslavia (the Sarajevo, Ljubljana and Belgrade institutes). All of these are public institutes.

Along with these institutes, the criminology department of the Free University of Leuven and the criminological sciences department of the Free University of Brussels should be mentioned. These are private, but like the institutes listed above, they are university establishments.

The only organized institute existing outside of a university in the continental European countries is the School of Criminology and Technical Policing of the Belgian Ministry of Justice, which is to some extent comparable to American professional development institutes.

Almost all of the university institutes are attached to law faculties, with the sole exception of the Stockholm Institute, which since 1947 has been a university institute, while remaining privately funded.

This attachment to law faculties has certain consequences. In Paris, the Institute of Criminology is under the scientific direction of the law faculty, the head of its administrative council is the dean of the law faculty, and the director and associate director must be members of the current criminal law teaching body. In Rome, the director is the professor of penal law. In Ljubljana, the director is elected by the law faculty from among its teachers.

Such measures are significant and reveal a lingering juridical imperialism belonging to the old view of criminology as an auxiliary science annexed to or complementing criminal law. One might legitimately wonder whether this juridical preeminence, which once corresponded to a certain historical state of affairs, is now outdated. Criminology supposes a multidisciplinary approach to the individual case and, to judge by the continental countries, its core disciplines belong to the medical and humanities faculties.

In such conditions, it appears that the exclusive attachment of criminology institutes to law faculties might provoke criticisms or reservations from various members of the criminological team. It would therefore be appropriate to bring teaching of criminology within institutes onto neutral grounds, with the “university institute” model seeming preferable to that of “institute attached to the law faculty”.

Outside of criminology institutes, the subject is taught in university faculties and establishments linked to scientific research or professional training.¹

In the Anglo-Saxon countries, criminology is widely taught in university faculties. In the UK, it is linked to the development of social science teaching in universities. The University of London, the London School of Economics (not forgetting the Institute of Psychiatry), and the social sciences faculty at Oxford University seem to have been at the forefront of the movement, followed by numerous universities. At Cambridge, however, criminology is taught within the criminal science department of the law faculties. Elsewhere, it is part of the psychology department (Aberdeen) or the psychological medicine department (Durham).

In the United States, of the 30 most important universities offering graduate training, only five do not teach criminology. In addition to this, 607 colleges (65% of American colleges) offer undergraduate courses in sociology, and criminology is one of the most popular subjects in these courses. This teaching is mostly provided by the sociology or sociology and anthropology departments. Criminology sometimes constitutes a specialist subdivision of the social sciences, while the University of California has a separate criminology department.

In the Anglo-Saxon countries, criminology, in the form of criminal sociology, has thus become closely integrated into the social sciences and sociology departments. This is not the case in continental European countries. Courses in many different faculties undoubtedly evoke “criminological” problems in passing (psychology and sociology courses within humanities departments, legal forensics and psychiatry courses in medical faculties, or criminal law courses in law faculties). However, core disciplines of criminology are rarely offered individually, exceptions including criminal anthropology in Italy, criminal psychology at the Catholic University in Milan, and forensic psychiatry

at Stockholm University. However, many law faculties offer basic teaching more or less complementary to criminal law, under the name “criminology”. For now, it is sufficient to note the existence of such teaching, as seen at Innsbruck in Austria, at Rio de Janeiro and São Paulo in Brazil, and at Ankara and Istanbul in Turkey. In France, a recent reform introduced a semester of penal law and criminology in the second year of undergraduate law degrees.

Comparable to this university teaching is that provided in certain establishments in connection with scientific research. These establishments and the kinds of teaching they offer are essentially diverse. Sometimes, the research centre complements university teaching, as is the case in London, Oxford, and Cambridge. Similarly, in Belgium, the René Marq Center at the Free University of Brussels provides criminological training for researchers. In France, the School for Advanced Studies provides criminal sociology teaching for researchers and the School of Anthropology (a private institution founded by Broca) offers a criminology course.

Most of the countries studied also offer professional training courses in connection with universities or the various relevant institutions. This model has allowed the University of London and numerous other British universities to organize “extension” teaching for police and social workers. The Home Office and Scottish Home Department take responsibility for training civil servants working in probation, the police service, the prison service, borstal houses, and approved schools. In Belgium, criminology is taught in nursing and social service schools. France has a school for prison staff and schools for police and educators, organized by the relevant administrative bodies and teaching rudimentary criminology. This is also the case in Italy, which has a graduate scientific policing school, as well as a school and professional development courses for social workers. In the United States, teaching for police and penitentiary staff takes place in universities, usually in separate divisions (such as the Berkeley school in California).

Teaching is also provided for social workers. Finally, Sweden has an institute for social assistants in Göteborg, offering forensic psychiatry and juvenile criminology courses.

This overview of the structure and status of criminology teaching reveals great disparity. Clearly, this disparity is to some extent an inevitable result of the way things are. However, although it cannot be entirely avoided, it could at least be limited if the model of the university criminology institute already suggested above could be accompanied by centralization and effective coordination of teaching for criminology and the criminological sciences.

The organization of criminology and criminological science teaching presents numerous problems: The conditions for admission, the cost of studies, the number of students, the teaching cycle (duration of studies, exams, and qualifications) and employment prospects.

The access conditions for criminology and criminological science teaching display similar disparity to the structure and status of this teaching.

In the case of criminology institutes, we know that Anglo-Saxon institutes are highly specialist centers. As written by one of our group, their function is the “multidisciplinary teaching of criminology to people who are already highly trained in one of the related sciences”. The program at the Institute for the Treatment and the Study of Delinquency in London includes courses aimed at specialists, while also providing for the learning needs of non-specialists. In the United States, prior professional selection is used in admission procedures for the specialist institutes, because of the limited number of places. This explains why the model is one of professional development schools.¹ In Belgium, the

School of Criminology and Technical Policing of the Ministry of Justice is reserved for magistrates, lawyers, university graduates, and those with specialist knowledge.

In continental European criminology institutes attached to law faculties, there are two models for entry conditions. In the first, institute courses in criminology, the criminological sciences and related sciences form an ensemble and must all be studied together. Criminology teaching is consequently independent of the law program. It is an additional course with particular entry requirements. In the second model, however, courses at the criminology institute do not form an ensemble. Law students simply have to follow one of the courses during their studies.

When teaching at a criminology institute is compulsory and complementary, proof of prior scientific training is an admission requirement. The Leuven criminology school in Belgium accepts applicants holding an “applicant” university degree and medical students having successfully completed the second year, which serves as an “application” test in the natural and medical sciences. Similar conditions apply in Brussels, Ghent, and Liège. In Paris, only students with at least a Bachelors in law or holding a certificate of legal competence are admitted, together with students in the humanities, science, or medicine. In Rome, graduates in law, economy, commerce, or the political and social sciences, and medical doctors or surgeons, as well as those holding a degree from another university, can register. In Turkey and Yugoslavia, admission depends on academic and professional qualifications.

It can thus be seen that when a criminology institute provides compulsory or additional teaching, the entry conditions range from those applied to ordinary higher education applicants (as in Belgium), to conditions similar to those required by Anglo-Saxon style professional development institutes (as in Rome, Turkey, and Yugoslavia), with a variety of intermediary situations (as in Paris). The same does not apply when one of the programs is compulsory for law students (Vienna, Graz): They must take two hours of criminology per week for one semester. It should also be noted that students in other faculties can attend the institute’s courses. Auditing is also allowed on these courses.

Given these admission requirements, it is remarkable that no establishment asks applicants to take a preparatory course teaching the basics of biology, psychology, and sociology— notions without which it would seemingly be very difficult to follow anything more than a rudimentary course. General or specialist university qualifications or even professional experience in particular areas cannot be a substitute for the rational acquisition of this basic knowledge.

Criminological teaching outside of institutes is less problematic in terms of entry conditions. In the UK, where criminology is most often taught as a branch of the social sciences, it is obviously the entry conditions for these studies that count. Similarly, in the United States, all sociology or social administration students have the opportunity to follow the general criminology modules in universities. In the Anglo-Saxon countries, the criminological sciences are also taught outside of sociology departments, as a part of the general teaching of the other core disciplines. In continental Europe, specialized teaching in the core disciplines (criminal anthropology, forensic psychology, forensic psychology), where it exists, takes place within the framework of corresponding studies in medicine and psychology. Notions of criminology within or linked to criminal law are reserved for law students. The same applies for humanities or medical students, when criminological notions are evoked in relation to other courses in their programs (such as psychology, sociology, psychiatry, or forensics).”

The text above is plagiarized. The words do not belong to the person citing them. It is not a modern text. It dates back to 1956 and was written by Denis Carroll and Jean Pinatel for the UNESCO Congress on Criminology. The Congress took place in Paris. Criminology developed everywhere...everywhere except France.

In fact, since the 1950s, academic pressures have never stopped pitching disciplinary monopolies against criminology's fight to be recognized as a scientific discipline. Criminology is essentially just one in a long line of disciplines defending its turf as part of a struggle for recognition. Yet these other struggles have been rapidly forgotten. In fact, criminology is not the only discipline to have suffered. Before it, the oriental languages (under Francis I of France), the sciences and technologies, economy and management (during the French Revolution), political science (during the Second Empire) and many other disciplines including penal law and journalism were not accepted by the old Sorbonne. The situation is, unfortunately, nothing new.

One might think that Emile Durkheim himself would have been able to resolve this famous controversy: "[...] A number of acts can be observed, all with the external characteristic that once accomplished, they provoke this particular reaction from society known as punishment. We make of them a group *sui generis*, on which we impose a common rubric. We call any punished act a crime, thus making crime the focus of a dedicated science: Criminology". *The rules of sociological method (Les règles de la méthode sociologique*, 1895), PUF, Quadrige, 1981, 35.

Others have also made determined and equally worthy efforts to define criminology: Jacques Léaute, in *Criminology and penitentiary law (Criminologie et science pénitentiaire*, P.U.F., 1972), states that "The aim of criminology is the scientific study of the whole criminal phenomenon".

Stefani, Gaston, Georges Lévassieur and R. Jambu-Merlin, *Criminology and penitentiary law (Criminologie et science pénitentiaire*, Fifth Edition, 1982) state that "The criminological sciences are those that study delinquency in order to look for its causes, its origins, its processes and consequences".

Gassin, Raymond. *Criminology (Criminologie*, Précis Dalloz, Sixth Edition, 2007) defines it as "[...] the science that studies the factors and processes of criminal action and which determines, using knowledge of these factors and processes, the best means of combat to contain and if possible reduce this social ill".

Ellenberger. *Criminology past and present (Criminologie du passé et du présent*, 1966) asserts that "Alongside the general sciences, criminology belongs to the complex sciences, and like them it is recognizable by the following characteristics:

1. [It is] located at a crossroads with sciences from which [...] it remains separate, but to which it is related [...];
2. It is not purely theoretical, and is given meaning only by its practical application [...];
3. It is neither entirely general nor entirely specific, but rather it constantly moves back and forth from general to specific, specific to general [...];
4. It works not only with scientific concepts but also with concepts expressing value judgments [...];
5. It is characterized by an independent ethical goal: To prevent crime, rather than have to punish it. If punishment is necessary, the minimum effective punishment should be used, and reeducation should be combined with the punishment [...]"

Cario, Robert. *Introduction to the criminal sciences (Introduction aux sciences criminelles*, Sixth Edition, 2008, 260) affirms that “criminology can be defined as a multidisciplinary science whose objective is the global and integrated analysis of the social phenomenon caused by criminal actions, in their origins and their dynamics, in their individual and social dimensions, from the viewpoint of the perpetrator as well as that of the victim, for goals of prevention and treatment”.

One might believe that this avalanche would have been enough to stem the sociolatriy whose denial of reality constituted at once its charm, its difference and its fundamentalism, particularly in France... and only in France...

For, as discussed with the professors Villerbu, Herzog Evans, and Cario in a recent tribune,¹ a discipline is above all a political fact whose scientific aim must integrate recognition in order to re-establish its goals. The autonomy of penal law, the birth of the criminal sciences, the recognition of the very notion of criminal policies had to be argued politically, as did the free practice of university teaching of clinical psychology or of sociology. The fact that contemporary criminal lawyers have chosen to write a treatise on penal law and criminology² clearly shows that the two cannot be thought of as the same discipline, just as criminology cannot be reduced to the criminal sciences, even if they are accompanied by sociological considerations and psychological or psychiatric humanism.³

Although criminology is taught in France, it has no official university recognition, in that there is no qualification for it. It can only be an add-on whose disciplinary avatars are weak. It therefore takes refuge at worst in private institutions, at best in university degrees or interuniversity degrees. The number of these has continued to rise, reaching 130 in 2010. According to the Villerbu Report, this explains the words used by members of the National Criminology Conference⁴ in November 2009 to designate both studies of criminology and those that benefited from it: “Homeless” and “paperless”. However, the media constantly continues to promote criminological information that is often partial, sometimes in both senses of the word. The *scoop* is prioritized over educational value.⁵ It should also be emphasized that criminological thought forms part of the teaching of over 110 university academics and interests many practical stakeholders, despite the fact that work in criminology severely lacks visibility.

The French paradox arises from these points: since emerging at the end of the nineteenth century at the crossroads between four recognized disciplines (medicine, legal, psychiatry/mental health, law, sociology), criminology remained an accessory to penal law, which is simply a long-ignored component of private law. Its legitimacy as an academic and social discipline comes in a context of institutional deficiency. It seems that systematic or systemic analysis is not appropriate for studying the criminal phenomenon: criminology tends to rely on texts, doctrine, case-law,⁶ or the multiple theories in the

¹ “La criminologie est elle une science,” *Cahiers Français*, January 2013.

² G. Stefani and G. Levasseur, *Droit pénal général et criminologie* (Paris: Dalloz, 1957); J. Léauté and R. Vouin, *Droit pénal et criminologie* (Thémis, Paris: PUF, 1956). See also P. Bouzat and J. Pinatel. *Traité de droit pénal et de criminologie* (Paris: Dalloz, 1970).

³ When dealing with the relationship of crime (a judicial formulation) to criminal (the person responsible for the crime), these take the names of criminal psychology, criminal psychiatry, and criminal sociology.

⁴ L. Villerbu, Report by the Minister of Higher Education and Research, on the Feasibility, C^{reation} and D^{evelopment} of C^{riminology} S^{tudies}, R^{esearch} and T^{raining} (*Rapport Villerbu*). Presented at the French National Criminology Conference, 2010.

⁵ No news item would be complete without an interview from a self-proclaimed criminologist.

⁶ See B. Bouloc, *Pénologie* (Paris: Précis Dalloz, 1991).

humanities and the social, economic, or political sciences. When the observations are practical, we see a return to their disciplinary origin, even if this is highly disputed: Can psychiatry really be a way of understanding all criminal behavior? Does sociology have all the answers? Can psychology be sure of the origin of criminal ideas and acts, of the victim's position etc, when their fragmentation necessitates a selective vision if totalitarianism is to be avoided?⁷

Because criminology in France is seen as a specialism and not as a discipline, the effects of norms and changes to norms give little occasion for study that might enrich the perspectives of public policies for the territory or the town in question. The discipline thus gives little attention to collective criminality (organized crime and terrorism), to transnational criminality (cartels and mafias), to forms of criminality attributable to the state of the modern world (the "dark side" of globalization), or to the development of criminal networks with the opening up of markets, the development of new technologies and new forms of consumerism.

The National Criminology Conference, which benefited from the presence of field professionals and analyzed observations by representatives of diverse origins and opinions in an attempt to end the clandestine practices of members and partial institutions,⁸ submitted its conclusions in July 2011. The report only began to pose problems for some when, after a few reformulations and conditions, it came to creating a criminology department. The decree creating such a department within the National Council of Universities, as well as the educational and research structures to accompany it, was published in the official journal of March 15, 2012. It was repealed in August of the same year, due to a change in the political majority.

France's National Criminology Conference aimed to make global and integrated research in the undergraduate, masters, and doctoral systems possible⁹ and to guarantee democratic access for all (this is not currently the situation in private or even public university programs). Initial, specialized, or ongoing training for teachers, researchers, and professionals in the penal system or generally involved in dealing with crimes committed or suffered would ideally guarantee scientific content based on an ethic of independence and freedom of the universities, as required by the traditional deontology of university personnel and by the pedagogical imperatives that they follow. In the words of Edgar Morin and Stéphane Hessel, these considerations are typical "of a love of the knowledge delivered and the people that it is delivered to".¹⁰

There are three easily identifiable levels of criminological intervention. The first is prevention programs for all forms of vulnerability, corresponding to various professions, which aim to reduce the risk factors affecting vulnerable children and adolescents. These programs aim to strengthen protection measures and assist harmonious (re)integration. The second, when prevention fails, is intervention throughout the penal process by professionals with critical knowledge based on experience and exposure to research. Their knowledge areas range from the effects of violent acts to those of past violence, as

⁷ "Science ou justice. Les savants, l'ordre et la loi" *Autrement* 145 (1994), Série Mutations/sciences en société.

⁸ The price of these clandestine practices is high: the partisans of existing disciplines ensure that many criminology teaching jobs go to pre-selected or inside candidates, and many teachers expressing an interest in criminology are passed over for promotion.

⁹ L. Villerbu, *Rapport Villerbu*, 39-62.

¹⁰ E. Morin and S. Hessel. *Le chemin de l'espérance* (Paris: Fayard, 2011), 20-21.

seen in secondary victimization.¹¹ The third consists of ways of dealing with crime and its perpetrators, which result, as far as possible, in re-cognition. Strengthening of skills among those who deal with condemned criminals would encourage criminals to “desist”¹² (stop reoffending). These skills go beyond the social, economic, or psychological factors of reinsertion that are traditionally seen as factors in ending delinquency. Developments of this kind have led to remarkable creations of “therapeutic jurisprudence”¹³ in the United States, or of jurisdictions that resolve the problem at hand.

However, this kind of intervention will remain a pious wish unless independent, scientific, regular, and sustained solutions are applied.

There have been numerous criticisms of this new division of criminology. Although “contestation is a necessary condition for renewal of a science”,¹⁴ objections are all too often based on unfounded common opinion and illegitimate reductionism. Security-based ideology,¹⁵ personal criticisms¹⁶ and worries about the instrumentalization of universities¹⁷ discredit the objections, unless it is to be considered that scientific disciplines, autonomous or otherwise, necessarily belong to current political thought, even if their applications are universal.

We should expect criminology to address the suffering of victims in a practical, humane, restorative, and therapeutic manner, as well as a scientifically enlightened and well-founded one. Those adhering to certain currents of thought are generally uncomfortable with victims,¹⁸ since they focus—as we all must also do—on the

¹¹ Secondary victimization is when a person re-lives their trauma upon the occurrence of a new event that may or may not be linked to the initial trauma.

¹² See for example F. McNeill, P. Raynor, and C. Trotter *Offender Supervision: New Directions in Theory, Research and Practice* (Willan Publishing, 2010).

¹³ M. Herzog-Evans, “Révolutionner la pratique judiciaire. S’inspirer de l’inventivité américaine,” *Recueil Dalloz* (2011): 3016-3022.

¹⁴ G. Kellens, “Interactionnisme versus personnalité criminelle,” *Les grandes tendances de la criminologie contemporaine* (Proceedings of the 7th International Criminology Congress of Belgrade, 1973). Institut des recherches criminologiques et sociales, Vol. 1, 1980, 118-128.

¹⁵ V.N. Brafman and I. Rey-Lefebvre. “La criminologie érigée en discipline autonome,” *Le Monde*, March 14, 2012; H. Damien, “La criminologie: nouvelle discipline universitaire en France,” *France Soir*, March 17, 2012; Motion carried on March 21, 2012 by the permanent Commission of the National Council of Universities (CPCNU); H. Tassel, “La criminologie à l’université? Fuite en avant, imposture scientifique et désinvolture...,” March 23, 2012. <http://humanite.fr>; Collective (L. Mucchielli, O. Nay, X. Pin, and D. Zagury), “La ‘criminologie’ entre succès médiatique et rejet universitaire,” *Le Monde*, March 29, 2012; “Création d’une Section du CNU ‘criminologie’: non à la Section ‘Guéant’,” April 4, 2012. <http://ferc-sup.cgt.fr>.

¹⁶ See L. Mucchielli “Une ‘nouvelle criminologie française’. Pour qui et pour quoi?” *Revue de Science criminelle et de droit pénal comparé*, 2008–2004, 795-803; L. Mucchielli “Vers une criminologie d’État en France? Institutions, acteurs et doctrines d’une nouvelle science policière,” *Politix* 2010-23-89, 195-214; “La ‘criminology’ en France et ses arrière-plans idéologiques,” March 20, 2011. <http://laurent.mucchielli.org>; Ruling creating a criminology section published in the *Journal Officiel*, March 15, 2012. <http://vousnousils.fr>.

¹⁷ See “Non à la 75^e section”. <http://petition24.net>; “Déclaration des présidents du Conseil scientifique et du Conseil des formations du CNAM,” April 24, 2012; V. Gautron, L. Leturmy, C. Mouhanna, and L. Mucchielli. “Criminologie en France (suite): pour un moratoire total sur les projets actuels,” <http://laurent.mucchielli.org>.

¹⁸ Relevant here is the experience described in D. Lemarchal, “La victime et son autre,” *Ajpénal* (2008): 349-351.

criminals. Victims are therefore seen as an obstacle to dealing with delinquents.¹⁹ Does this mean that these researchers are incapable of feeling equal empathy for the delinquents and the victims, or is it because consideration of victims casts doubt on the current penal process? It should be noted that even the first criminologists, albeit incidentally, drew attention in their work to the inevitable consideration of the victim within the penal response to the criminal act. Thus, founders of criminology such as Enrico Ferri and Raffaele Garofalo thought that remedying the harm to victims of criminal acts was a necessary objective of punishment.

These considerations led France's National Criminology Conference to state that *"criminology is 'the scientific study of the criminal phenomenon and the responses that are applied or could be applied by society', taking into account penal flaws, deviations and contraventions. It has a triple objective: Prevention, control and treatment. Current public policy is used to provide a context and perspective for study. Each of the three objectives gives rise to its own research path and content: Prevention may be primary, secondary or tertiary; control involves identifying, characterizing and stopping the criminal and the consequences of crime (the procedures, the forensic, psychiatric and psychological examinations, the alternatives to prosecution); treatment poses questions regarding the rights of parties, help for victims, reintegration or rehabilitation, restorative responses, compensation or mediation. These research paths require experienced and "certified" specialists.*

One hundred and twenty-eight years after Durkheim, 57 years after the Paris Congress, with criminology now also taught in France (officially at the National Conservatory Arts and Crafts only), it is becoming an emerging discipline. It no longer needs scientific justification or concrete acknowledgement. What it needs now is to rally society.

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¹⁹ R. Cario. "Qui a peur des victimes," *Ajpénal* (2004): 434-437.