

U3A Crime and Justice Study Group

Introductory Session 1: Crime, Law and Politics

Study group – aims to:

- Provide a critical treatment of crime and justice;
- Encourage informed debate; and
- Proceed by means of weekly briefings and informal discussion.

The study group: content

- Crime: nature, extent and causes (weeks 1-3)
- Criminal justice and crime prevention (weeks 4-6)

The study group: what I will do

- Provide some basic inputs at the beginning of each session.
- Chair the discussions in all sessions.
- Place the notes from each study group on the SLU3A website and send out emails to group members about the next session.

Menu for this week

- Crime, law and politics.
- The political economy of ‘incivility’ or ‘anti-social behaviour’?

The nature of crime: basics

- Behaviour that it is ‘agreed’ is ‘harmful’ ‘enough’ to justify collective or ‘state intervention’ aimed at prohibiting criminal behaviour by:
 - the development of ‘criminal’ law;
 - prosecution’ in a ‘criminal court’; and;
 - the ‘punishment’ of ‘offenders.’

Crime, the law and politics

- The behaviours that are constituted as criminal vary widely within one society at different times and between different societies at any one time.
- Unlike civil law which depends on the private individual to pursue matters for her/himself, the responsibility for the prosecution of offenders has been the virtual monopoly of the state since the 19th century.

Crime, the law and politics

- The criminal law is a complex product of the operation of social, political, economic and cultural considerations.
- How it is applied (if applied at all) is a yet further complex process.
- Civil and criminal law overlap.

The nature of crime: main types of offence

- 'Property' (including intellectual property) crimes (theft; burglary; fraud; deception; criminal damage; robbery).
- Crimes against the person (assault, rape, murder, manslaughter).
- Other offences: crimes against the state (treason), the monarch (regicide; until quite recently attempted suicide); and existing patterns of morality or religion (blasphemy; the use of some drugs; abortion; buggery).

Types of crime: other useful terms

- Summary offences: 'less serious'; dealt with by Magistrates' Courts (MC)
- Indictable offences: 'serious' offences dealt with by Crown Courts (CC)
- Either/or offences: offences dealt with at MC or CC decided by the choice of the defendant and with the consent of the lower court.
- Notifiable offences: a classification category used to create those exemplar offences monitored by official statistics.

Defining incivility or anti-social behaviour

- Herefordshire Police 2011:
‘The term anti-social behaviour covers a wide range of selfish and unacceptable activity that can blight the quality of community life on both an individual and community level. Terms such as ‘nuisance’, ‘disorder’ and ‘harassment’ are also used to describe some of this behaviour.’
- Crime and Disorder Act 1998.
ASB means ‘acting in an anti-social manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator.’

The political economy of ASB

- Socio-economic: the growth of the ‘underclass’.
- New Labour: political credibility and the need to look tough on law ‘n’ order.
- Popular conceptions of the underclass: ‘Shameless’?

Issues: the nature of crime

- Agreed by whom? How? On what basis?
- Made by whom? For what purpose? To what effect?
- How ‘effective’ is the criminal law?
- Who gets prosecuted, who pleads guilty/gets found guilty with what effects?
- How ‘effective’ is punishment?

Issues: ASB

- Problems of definition.
- What is included or excluded – speeding?
- Relationship to crime.

Conclusion

- I hope that the session has been informative and enjoyable.
- Hopefully we will meet again in two weeks time.
- Watch out for my notes on the SLU3A website.
- Next week we will look at the extent of crime and ASB.

Useful books for sessions 1-3

- E McLaughlin and J Muncie (2006) *The Sage Dictionary of Criminology*, London: Sage. (general reference work)
- M Newburn, Rod Morgan and Robert Reiner (2007) *The Oxford Handbook of Criminology*, Oxford: OUP (Session 1- on law, politics and crime Chapters 8 and 9; Session 2 -the extent of crime Chapter 10; Session 3 - theories of crime Chapters 1-3)
- Newburn T (2007) *Criminology*, Cullompton:
- Willan. (Introductory textbook dealing with crime and crime control)
- Williams, K (2008) *Textbook of Criminology*, Oxford: OUP. (Introductory textbook dealing with crime and crime control)
- **Useful websites for sessions 1-3**
- Home Office (criminal statistics; British Crime Survey materials; police related materials) (www.homeoffice.gov.uk)