

CZECH CRIMINOLOGY: HISTORY AND THE PRESENT DAY

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ABSTRACT

This review paper outlines the development of Czech criminology that began, thanks to the initiative of some lawyers such as Josef Prušák, judge and professor at Charles University, during the end of the 19th century. The book-length study *Suicide as a Social Mass Phenomenon of Modern Civilization*, written by Tomáš Garrigue Masaryk in 1878, represented the emerging interest of sociology on this topic. The concept of criminology was quite common even in the first half of the 20th century. However, after 1948 the development of criminology was suppressed. Only one research institute established in 1960 continued to advance in criminological research. After 1989 criminology no longer seemed restricted by artificial factors such as ideological barriers of vulgarized marxisme. High quality criminological evidence was deemed necessary, especially considering the drastic increase in the number of crime rates. Due to this factor, crime became a primary concern. Ideological barriers broke down at long last, and Czech criminology began quickly absorbing international evidence and establishing contacts abroad.

Key words: Criminology, Czech Republic, origins, development

Although the institutional foundation of Czech criminology was only built in the 1960s, the roots of the discipline go back much further, namely to the turn of the 19th and 20th centuries. As in other European countries, early Czech criminological thought grew out of two sources: legal science and sociology of social problems. While this was not exceptional vis-à-vis other countries, it largely determined future debates, some of which continue to this day. For example, one conversial topic involves whether criminology's position in the system of scientific disciplines is closer to penal law or sociology. Anyone engaging in this rather academic debate should be well-informed about the founding fathers of Czech criminology, whose approach was shaped primarily by the subject matter rather than by formal considerations or preconceptions. By studying criminality from the specific perspectives of their original disciplines while intricately crossing the boundaries between them, the founding fathers laid the foundation of criminology as an independent and chiefly interdisciplinary field.

In 1890 Josef Prušák, a lawyer, judge and penal law professor at Charles University, used the term "criminal science" to refer to studies of crime as a social phenomenon caused by individual, social and natural factors. He distinguished between "criminal anthropology", which investigates the perpetrator's personality and "criminal sociology", which asks about the social roots of crime. He also disseminated the findings of contemporary European criminology masters, including Cesare Lombroso and Raffaele Garofalo.

By the 1920s the term “criminology” was used regularly to refer to studies of crime with continued distinction between two perspectives on criminality: the study of perpetrator personality and the study of the social context of crime. Given its roots in legal science, one might expect criminology to favor the former perspective, namely the study of perpetrators and correction, but the Czech legal scientists who stood at the cradle of Czech criminology were inclined to take a broader perspective on crime as a social phenomenon.

Prušák published studies entitled *Introduction to Criminal Aetiology* in 1890 and *Criminal Noetics* in 1904. Vladimír Solnař, another outstanding Czech legal scholar who greatly contributed to the inception of Czech criminology, published a study on *Criminality in the Czech Lands 1914–1922* from the perspectives of criminal aetiology and penal law reform. At the same time, legal scholar František Procházka pursued perpetrator personality studies. He published *Discourses on Criminals: Introduction to Criminal Psychology and Sociology* in 1925. Other significant figures of Czech legal science made a difference in the field of criminology as well. For example, Augustin Mířička saw criminology as part of a broadly defined science of penal law as did Jaroslav Kallab and others.

Criminology’s view of criminality as a social phenomenon and a social problem was further emphasized by the works of some leading sociologists who studied social pathologies. Tomáš Garrigue Masaryk’s classic *Suicide as a Social Mass Phenomenon of Modern Civilization* from 1878 and *The Social Question* from 1898 are two of these works. (Masaryk’s book on suicide was recently cited by a study of Turkish criminologists at Uludag University entitled *Suicide behaviors: Turkish case study with a regional suicide map from 2008 to 2009* and presented at the 16th World Congress of Criminology in Kobe, Japan during 2011.) A number of Masaryk’s students focused on social pathologies. Sociologist Emanuel Chalupný even organized an extensive research study of capital punishment and published the results in 1923.

In other words, the young Czech field of criminology during the first half of the 20th century was not represented by “genuine” criminologists; instead, criminological studies of crime issues were developed by both legal scholars and sociologists. The focus was primarily on the theorizing of criminology while empirical approaches relied mainly on existing statistical data. The works of European criminology masters such as Cesare Beccaria, Cesare Lombroso, Raffaele Garofalo, Franz von Liszt, Willem A. Bongers and others were known in the Czech expert community, especially among legal scholars pursuing criminology studies. This positive development was further enhanced by the growth of related disciplines, in particular by forensic psychology and forensic sciences in general (*Kriminalistik*). Studies by Czech forensic scientists published during the 1930s (e.g. by Josef Šejnoha) featured criminological perspectives on the subject matter.

The socialist *intermezzo*

This promising development was brutally interrupted under the Nazi occupation. Until then, criminological thought and criminological approaches had been primarily pursued in academia; this was no longer possible after the shutdown of Czech universities.

Unfortunately, shortly after the end of World War II came the communist coup d'état of 1948, which started another sad chapter. Czech humanities were generally oppressed by vulgar Marxism, and some disciplines were completely rejected as "bourgeois pseudo-science". Criminology, too, went through dark times, regarded as unnecessary by the official ideology because crime was explained either as a temporary relic of the previous class society, which would vanish naturally with the evolution of a classless society and new social conditions, or as a manifestation of intensified class conflict and resistance by the toppled exploiting class, designating it as a basically political issue. Criminology ceased to develop, access to statistical data on crime was restricted, and some data were even made confidential for some time.

Relatively soon, it became obvious that an ideological approach could not resolve problems concerning crime. Of course, crime had not disappeared from the brand new so-called socialist society, and it could no longer be ignored, downplayed or outright denied. Mottoes were not the solution, and practical evidence-based recipes were necessary. This necessity helped renew interest in the study of crime. Paradoxically, it might seem that criminology was resurrected by the totalitarian regime, which ideologically deformed or completely negated most of the humanities. Nevertheless, the establishment of a small institution, the Research Institute for Forensic Sciences (*Vědeckovýzkumný ústav kriminalistiky*) was the result of a reality check rather than the regime's benevolence. The institution was soon renamed The Research Institute for Criminology (*Výzkumný ústav kriminologický*) and started focusing on multidisciplinary empirical criminological studies.

Besides the Research Institute for Criminology, there was a Criminology Unit at the Department of Penal Law, a joint establishment of the Faculty of Law at Charles University in Prague, and the Institute of State and Law at the Czechoslovak Academy of Sciences.

The Research Institute for Criminology was originally established jointly by the Ministry of Justice, the Ministry of Interior and the Attorney General. In 1966 it was placed under the exclusive competence of the Attorney General. In spite of ideological restrictions, under the leadership of its founding director, Ladislav Schubert, and especially under Oto Novotný, the Institute was active in both the dissemination of theoretical evidence from countries that had enjoyed uninterrupted existence of the discipline, and the pursuit of original empirical research focusing on youth crime, criminal recidivism, crime trends, prison aftercare, etc. Its strong orientation on empirical research somewhat helped overcome ideological obstacles with regard to theorizing. The results of these studies were published in a special series by the Institute, including a remarkable work on youth crime by Otakar Osmančík and Zdeněk Švancar.

In another series entitled *Studies, Information, Commentaries*, translations of selected international criminology texts were published, mainly under the leadership of Alfréd Kudlík.

It was and perhaps continues to be the fate of Czech criminology that its journey could not avoid straits and hardships. The so-called Prague Spring of 1968 and its abrupt ending resulted in the "normalization" era of the 1970s, when ideological and political control was once again tightened. The evolution of criminology was interrupted; ideological pressures increased repeatedly; and the Research Institute for Criminology was criticized for non-Marxist deviations. Some of its researchers were even forced to give up scientific work and quit.

Criminology survived under these conditions, even if its actors had to more-or-less submit to ideological control. In 1971, the Criminology Unit at the Department of Penal Law published the book, *Czechoslovak Criminology*, edited by Alfréd Kudlík, Jiří Nezkusil and Gustav Přenosil, which dealt with both the general foundations of criminology and some special problems of crime. In 1978 the first Czech criminology textbook was published by a collective of authors led by the Research Institute for Criminology director Jiří Nezkusil. Nevertheless, its message was distorted by contemporary ideology. The Institute continued its empirical tradition and achieved interesting findings, for example with regard to perpetrator personality, youth delinquency or group criminality (see e.g. Oldřich Suchý, *Recidiva [Recidivism]*, Volumes I and II; Zdeněk Karabec et al., *Střednědobá prognóza vývoje kriminality [Mid-term forecast of the development of criminality]*; collective of authors, *Osobnost pachatele [Perpetrator personality]*, Volumes I and II). Criminology instruction at faculties of law was resumed.

Between 1966 and 1980, the Department of Corrections also ran a Penology Research Institute led by Jiří Čepelák. Penal theory and practice were studied there. Unfortunately, the Department of Corrections shut it down as “redundant” in 1980 and replaced it with a small Penology Unit, which could not fully compensate its functions. In other words, while the institutional foundation of criminology survived the 1970s and 1980s in reduced form, quality in the field was maintained primarily thanks to the efforts of individual professionals.

Breaking the walls

Profound social changes after 1989 opened up new horizons for criminology studies. The Research Institute for Criminology transformed its activities, too. Some of its workers who had been forced to leave in the 1970s were able to return. One of them, Otakar Osmančík, became its director for the new era.

Criminology's growth seemed no longer to be restricted by artificial factors. High-quality criminological evidence seemed clearly necessary, especially given a drastic increase in recorded crime rates and the fact that crime became one of people's primary concerns. Ideological barriers broke down at long last, and Czech criminology began quickly to absorb international evidence and to establish contacts abroad.

Empirical research developed dynamically. It was given decisive importance in the field, given the fact that the extent of crime problems – old and new – went far beyond the existing capacities of Czech criminology. Unfortunately, the priority of empirical research in line with the practical needs of penal legislative efforts, penal policy, crime prevention, correction and other areas left little room for the growth of theoretical reflection.

At present, the main institutional foundation of Czech criminology is constituted by the former Research Institute for Criminology, which was renamed the Institute for Criminology and Social Prevention in 1990. Since 1994 the Institute has been managed by the Ministry of Justice. It studies primarily the manifestations and causes of criminality and related social pathologies; it conducts research and analysis in the fields of law and justice; it deals with penal policy and crime control from the perspectives of criminal justice as well as prevention; it gathers and archives criminological, legal and related

information; and it publishes the results of original research as well as translations of international sources in its own series of approximately 10 publications per year.

In 2000 it expanded its activities to include penological research because the specialized penology institute shutdown in 1980 was never re-established, except for a few professionals with part-time involvement in penological research at the Department of Corrections Education Institute.

The Institute for Criminology and Social Prevention also secures numerous international contacts for Czech criminology. It is a member of the International Criminology Society, the International Association of Penal Law (AIDP), the World Society of Victimology (WSV), the European Crime Prevention Network and the International Scientific and Professional Advisory Council of the United Nations (ISPAC). Furthermore, it maintains regular contacts with the European Society of Criminology (ESC) and other international expert organizations.

The Department of Criminology at the Police Academy is another criminological institution. Its primary mission involves education.

To date, criminology is not taught as a special program in the Czech Republic. Therefore, as in the past, criminologists are recruited from the ranks of legal science, sociology, psychology or other scientific disciplines. Criminology evolves as a typical interdisciplinary field. This makes the existence of a specialized criminology institution even more important, just like the involvement of professionals with different backgrounds in the implementation of criminological projects at other institutions. This framework allows for a smooth and informed process of the gradual transformation of experts from different fields into criminologists.

With the exception of the Police Academy, criminology is not taught as an independent program. Typically, it is included in teaching blocks on forensic disciplines at faculties of law, or it can be studied as an elective course. Several faculties also teach the criminology curriculum in their programs in sociology, social work, social policy and security studies, to name a few. As a positive trend, criminological approaches are reflected in the work of other, non-criminological institutions focusing on issues like drug use, public attitudes to crime, domestic violence and victimization, for example.

The interest of undergraduate and graduate students in criminology and its topics has increased. At the same time, criminology has been taught at an increasing number of colleges beyond the traditional institutions, sometimes under different names. New programs that include the criminology curriculum have been accredited.

Criminologists' efforts have resulted in the preparation and publication of some fundamental, constitutive literature of Czech origin. Besides shorter educational texts, two modern criminology textbooks have been published: one by a collective of authors around the departments of penal law in Brno and Pilsen led by Josef Kuchta and Helena Válková and another one by a collective from the Faculty of Law of Charles University in Prague, the Institute of Criminology and Social Prevention and the Police Academy led by Oto Novotný and Josef Zapletal. There has been a flow of special studies, papers and articles based on concrete research efforts. A small dictionary of criminology and several books on the methods of criminological research have been published. Criminology studies have provided evidence for lawmaking as well as systematic policy measures in areas such as alternative sentencing, crime prevention system and others.

While there is no specialized criminological journal in the Czech Republic, criminology studies and research results are regularly published in scholarly journals on forensic sciences, penal law, public prosecution or security studies (*Kriminalistika*, *Trestněprávní revue*, *Státní zastupitelství* and *Bezpečnostní teorie a praxe*, etc.).

For many years, issues of criminality and social pathologies have been addressed by the Social Pathology Section of the Masaryk Czech Sociological Association. At its annual seminars, researchers and academics meet with practitioners and outreach workers. Thus, the section provides the field with not only a broader professional background but also with practical reflection on research findings.

Increased interest in criminology at academic institutions and among students also triggered the establishment of the Czech Criminology Society in 2012, with a surprisingly high turnout. The Society's more than 150 members are recruited from academics and college students in the fields of law, sociology, psychology, social work, pedagogy and others. The second largest category of members constitutes research staff from not only the Institute of Criminology and Social Prevention but also from other research institutes in the Academy of Sciences. About one-tenth of the members are crime control practitioners from the police, courts, public prosecutor's offices and correctional facilities, while other members come from NGOs and local governments. There are also representatives of other institutions, such as the Czech Statistical Office, private businesses, mental health institutions, counselling psychology, attorneys-at-law, the Czech School Inspectorate, the Ministry of the Interior and others. Overall, experts from over 50 different institutions came together in the Czech Criminology Society during 2013. The society promotes expertise through seminars and conferences. In 2014, it will work with the Faculties of Law and Arts at Prague's Charles University to organize the 14th Annual Conference of the ESC *Criminology of Europe: Inspiration by Diversity* in the capital Czech city.

However, Czech criminology arguably does not yet have a sufficient foundation. It would be helpful to be able to respond more extensively to a range of crime-related problems, both old and new, as well as to crime tendencies and trends. This holds true for current theorizing about crime-related issues, too. It is also necessary to promote the sufficient development of applied criminology to help evaluate the effects of legislative and other measures of criminal policy in the fields of repression and prevention.

On one hand, the small domestic foundation and limited capacity of Czech criminology does not prevent it from following the majority of basic topics studied internationally, including the globalization of crime, organized and cross-border crime, drug trafficking, human trafficking, effects of social change on crime and victimization as well as social exclusion and its effects. It strives to investigate developments in extremism and its manifestations. On the other hand, it undoubtedly has to devote more attention to issues surrounding the coexistence and conflicts among cultures, multiculturalism and related ethnic and social conflicts as well as the frequent criminal manifestations there of.

Czech criminology is still falling behind in its effort to integrate with international scientific sphere and expert activities. In other words, Czech criminological institutions and criminologists need to become more involved in international expert societies, speak at international events, organize such events at home and finally liaise with the relevant international expert organizations in order to make a difference in the international expert field. The criminological conference in Prague planned for 2014 should be helpful

in this regard. It is an opportunity to strengthen the position, authority and foundation of Czech criminology in Czech and international contexts.

Although the existing capacity is insufficient for reflecting on these issues and keeping in mind that it is necessary to prioritize between topics and issues, Czech criminology should keep striving to answer the following questions of orientation, in particular:

1. How is the subject of our attention changing – crime, social pathologies and criminogenic factors in today's globalized world with its mass migration, social and ethnic differences, ideological and cultural conflicts, terrorism, global economic and organized crime, global economic processes and their social pathological effects? How are these global phenomena and effects shaping the Czech situation?
2. How can we split our attention between these global threats and their reflection in the Czech Republic, on one hand, and traditional criminology issues, on the other hand? In other words, how is this possible among the above-mentioned new social risks and the traditional forms of crime such as regular property and street crime that are undoubtedly perceived by people as the most immediate sources of threat and harm?
3. What kind of conceptual framework and theoretical background can we form to better generalize and interpret existing empirical evidence? How can we contextualize concrete findings that have been and will continue to be the primary result of Czech criminologists' work in order to draw a more accurate picture of crime and criminogenic factors in our society? To what extent can existing criminological theories explain findings about the evolution of crime in a transforming society?
4. How can we focus criminological investigations on the effectiveness of different legal and other institutes and organizational measures in practice (legislation, operation of the judiciary and correctional systems, alternative sentencing, mediation, prevention methods and measures, etc.), the measurement and evaluation of their impacts on crime, its prevention and social pathologies as well as criminogenic factors? How can we tap the limited resources of Czech criminology, which are largely occupied by these exercises, so that the findings are also utilized in practice?

Answers to these questions can be clarified by studying social demand. However, how we set our priorities also depends on criminologists' ability to define problems that deserve priority attention, justify their choices and persuade their clients-recipients of the resulting evidence. This is certainly a significant challenge facing Czech criminology.

As criminologists, we believe the formulation and effective implementation of a good criminal policy requires knowledge about the phenomenology and aetiology of crime, its manifestations and causes and its broader social context, including those social pathologies that are not punishable by law but facilitate crime or constitute a criminogenic environment. This, in turn, requires permanent persuasion, not only by employing a set of marketing techniques but also by producing and offering high-quality evidence.

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