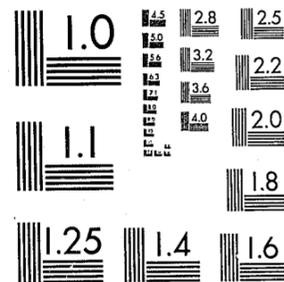


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5-27-82

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International Summaries

A Series of Selected Translations in Law Enforcement and Criminal Justice

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NCJ-78587

The Comparative Method in Criminology

The comparative method in criminology has a long history, especially in Europe. Dr. Kaiser provides an overview and critique of the types of research undertaken.

By Dr. Guenther Kaiser

Introduction

From the start, criminology has been an international field of study; thus, the term "comparative criminology" appears almost tautological. Significantly, the majority of studies published before World War I were comparative in nature. The term itself, however, did not emerge until the 1950s when, at an international criminological conference, Sheldon Glueck urged fellow criminologists "to develop the promising new field of comparative criminology" through a concerted international research effort.¹

The first Glueck-inspired cross-cultural studies were devoted exclusively to the comparative analysis of crimes and criminals, but in recent years the domain of the comparative method has expanded and altered significantly. Despite the high esteem in modern criminology for this method, its basic values and limitations still remain to be tested. Using a variety of subject areas and examples of application, we will attempt to describe the role and the results of recent comparative studies.

The Comparative Method and International Crime Statistics

Increased collaboration among different countries in the field of criminology has introduced the need for comparing results on an international level. Several international organizations—among them the United Nations and the European Council—are currently trying to establish valid international crime statistics. The work of Inter-

pol (International Police Organization) will serve as one example to illustrate the problems involved in this effort.

Interpol. Every 2 years since 1953, Interpol has been publishing comparative crime statistics for 78 countries. The data are based on all offenders and offenses recorded by the police in the categories of premeditated murder, sexual offense, larceny, fraud, forgery, and drug abuse. Yet it is highly doubtful whether the available data warrant comparison at all. First, Interpol only collects the rates as they are supplied by the nations themselves, without being able to check them. In addition, Interpol's six offense terms are far too broad, and their interpretation varies considerably throughout the participating countries. Although frequently used for comparative purposes, these international crime statistics are actually merely excerpts from various national crime statistics.

Female criminality. Another example of the use of the comparative method in statistics issues from the field of female criminality. For a long time, the low female crime rate throughout the world was considered a biological phenomenon which did not require explanation. Recent emancipation efforts and women's changed social status have raised speculation whether a corresponding change is occurring or will occur in female criminality. In fact, some experts have come to look at crime rates as indications of progressive emancipation. Cross-cultural comparisons show that in countries in which the social

¹"Die vergleichende Methode in der Kriminologie" (NCJ 61189) originally appeared in Hans-Heinrich Jeschek, Ed., *Deutsche strafrechtliche Landesreferate zum X. Internationalen Kongress fuer Rechtsvergleichung Budapest 1978*, pp. 129-164. (Walter de Gruyter & Co., 1000 Berlin 20, Postfach 110240, Genthinerstrasse 12, West Germany) Translated from the German by Sybille Jobin.

¹Glueck, S.: "Two International Criminological Congresses." In S. and E. Glueck, eds., *Ventures in Criminology: Selected Recent Papers*, p. 205, London, 1964.

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differences between men and women have decreased, a corresponding increase in female offender rates occurs, while countries which preserve the traditional sexual hierarchies also retain the difference between male and female crime rates. On the other hand, it is doubtful whether definite conclusions can be based exclusively on such countries as West Germany, Japan, or England while ignoring countries which, despite minimal sexual discrimination, do not show a rise in female crime rates. Lastly, we may hesitate to label the majority of female offenses, predominantly shoplifting by women over the age of 50, as acts of emancipation.

Despite concentrated global efforts, neither theoretical nor practical solutions have been found for the problems of international crime statistics. The figures and categories on which national statistics are based are too heterogeneous to yield truly comparable results. Attempts to issue standardized crime statistics on a worldwide level are unlikely to succeed at this point. Even if such a consensus could be reached, there would still be the touchy question of whether the figures reflect the true state of affairs in a given country or whether rates of unreported crimes send the overall rate much higher.

The Seriousness of Offenses and the Comparative Method

Efforts to remedy the deficiencies of international comparative statistics and to obtain more valid information have directed increasing interest to the measurement of delinquency (i.e., an evaluation of the seriousness of an offense). The numerous studies available, however, usually are confined to a single country. Cross-cultural studies—though highly desirable—face substantial methodological difficulties, as shown by the following example.

In 1972, L. Lenke² presented a report on public attitudes toward violence in five European countries. Since he based his study on already existing national statistics, he encountered the difficulty of each country's having an entirely different concept of the term "violence." While France, for instance, immediately thought of student unrest, England associated violence with the political upheavals in Northern Ireland. Lenke then attempted to determine how serious the citizens of each country considered offenses of violence and how influential these public attitudes were on the type and amount of punishment imposed. His conclusions are seriously weakened by his never having come to terms with his above-mentioned methodological problems. Other researchers have tested different methods of comparison, but their relative merits and drawbacks have not been evaluated so far.

Victim Interviews and the Comparative Method

For a long time, the field of criminology has tried to establish the relationship between a country's official crime rate and the number of criminal offenses.

²Lenke, L. "Criminal Policy and Public Opinion Towards Crimes of Violence." In *Violence in Society*, Strasbourg, Council of Europe, 1974.

Recently, large-scale population survey techniques have been developed that supplement and verify official crime figures; these modern sociological techniques have supplied a method of studying offender, victim, and informer behavior. Numerous international surveys of the victims' willingness to report their criminal victimization have consequently been conducted, and the results are fairly consistent. The victims' behavior and attitudes influence the overall crime statistics considerably since they make the first decision on whether to report a crime. The majority of all offenses are reported to the police by private individuals; in 73 to 86 percent of the reported cases, victims themselves initiate the charges. However, only about half of all studied offenses had actually been reported to the police.

Cross-cultural studies in this field are rare so far. Only two victim surveys (one conducted in Zurich, the other in Stuttgart) exist which compare victimization, denunciation, fear of crime, and crime rates in German, Swiss, and North American cities. Despite numerous methodological problems, the surveys confirm the overall accuracy of official crime data.

Group Study and the Comparative Method

The comparison between study groups and control groups is an important factor in studying an offender's personality. For purposes of identification and prediction, we cannot speak of a specific offender personality without analyzing that of the nonoffender. By the same token, we cannot evaluate the success of a treatment method if we do not compare it to the success of an untreated control group.

The goal of control group analysis is to discover a meaningful relationship between cause and effect. For a valid comparison, the groups should correspond in as many factors as possible. For instance, if we are testing the effectiveness of a treatment method, the two groups ideally would be identical in terms of age, sex, social background, previous convictions, time spent in prison, etc., and differ only in terms of the therapy received. To make such a selection, we would require a very large initial sample population. Because such a sample is rarely available, researchers usually have to content themselves with three to four matching factors. In most cases it is therefore more correct to speak of a comparative group rather than a control group.

One of the oldest forms of group comparison is twin research. Because of their similar genetic material, identical twins make ideal research subjects for the determination of the role of inherited traits and environmental factors in causes of crime. Numerous researchers studied the criminal behavior of twins, and overall results seem to indicate that identical twins show greater similarities in their behavior than fraternal twins. Researchers are unsure how to interpret this result; since identical twins not only possess identical genetic material but also often experience a similar kind

of upbringing, inheritance as well as environmental influences might be responsible for their like behavior.

Outside of the field of twin studies, the problem of finding a truly matching set of groups is still foremost; in fact, some experts doubt that such groups can be found at all. As long as the two groups to be studied match in only a few variables, the significance of results and conclusions of such a comparison remains doubtful.

Social Control, Public Attitudes, and the Comparative Method

Because of the growing criminological interest in the reactions of the police and the court to offenders and their offenses, the relationship between crime and crime control has become an object of comparative criminological analysis. According to modern criminologists, long-term preventive effects are not the result of isolated punitive measures but are influenced by the entire correctional system. Consequently, emphasis is now placed on comparing systems instead of individual aspects of systems. Since, at the same time, the readiness to commit an offense is closely connected to an individual's values and subjective evaluation of the risk punishment, the study of public attitudes is becoming more widespread.

Public attitudes toward crime, law, law enforcement, domestic security, the police, offenders, the correctional system, and capital punishment have become favorite objects of empirical research. Recent opinion polls have attempted to determine differing attitudes toward law and legal institutions in several European countries.

Again the methodological difficulties of an international comparison are numerous. For example, one study concluded that the German people were far more awed by government authority than the people of The Netherlands and Poland, and, at the same time, more convinced of the preventive effect of strict punishment than Norwegians and Poles.³ However, the questions asked in the four countries, as well as the concepts of punishment, differed widely; this kind of partial comparison, which ignores the complexities of the particular social system, is highly questionable. In order to avoid methodological errors, a coordinated, uniform set of experiments should be conducted concurrently in different countries that would take specific difference in legal norms and correctional systems into account.

The Comparative Method and Capital Punishment

The persistent controversy about the death penalty is closely linked to the problem of deterrence and crime prevention. For several decades, researchers have tried to pinpoint the preventive effect of capital punishment by studying the legal provisions, criminal sanctions, geographic distribution of crime, and crime statistics of various countries. On the whole, these studies do not succeed in eliminating the methodological problems of

³Kaupen, W.: "Das Verhaeltnis der Bevoelkerung zur Rechtspflege." In M. Rehbinder and H. Schelsky, Eds., *Zur Effektivitaet des Rechts*, pp. 30, 41, Duesseldorf, 1972.

comparative analysis. The usual design of these studies is to compare a country's crime rate for periods when it permitted capital punishment to periods when it had abolished capital punishment. The data are then tested against statistics of various other countries both with and without capital punishment. The main drawback is that these studies tend to assume that public attitudes, as well as the risks, the application, and the execution of the death sentence, are the same for every country. Nonetheless, comparative analysis has successfully shown that there are no indications for an overall preventive effect of the death penalty in any country.

Systems Analysis

As mentioned before, all partial comparisons must ultimately lead to a comparison of systems. In recent years, comparative studies of the influence of prisonization, of different systems of social control, and of the police, abound. Apparently, these studies do not go beyond a comparative listing of their findings (which are frequently distorted by the particular attitudes of the researcher). Yet, even the mere collection of data may be considered of scientific value since it furnishes information which did not exist before and which may serve as a steppingstone for later, more accurate studies.

A recent example of systems comparison is a study on European alternatives to criminal trials.⁴ Using legal literature, questionnaires, and interviews of 12 European countries, the authors discussed the role of the police, prosecution, administrative agencies, and civil courts as alternatives to criminal trials. Subsequently, they examined the applicability of such alternatives to the United States. In the course of this endeavor, the authors became keenly aware of the difference between systems of the United States and those of the European countries. In Norway, for instance, the prosecution at times pronounced an offender guilty without involving the courts. Such a model would not be transferable to the United States where the prosecutor always appears as the offender's adversary in court. The study concludes that sudden innovations would disrupt the system and argues for cautious and controlled experiments to test possible alternatives within the American social system.

Summary and Conclusion—The Yield of the Comparative Method in Criminology

1. The comparative method offers a valuable tool to criminological studies. It leads researchers to look beyond their national boundaries to the methods, experiments, and results of other countries.
2. It makes criminologists aware of their limited perspective and opens other possible fields of study. The concept of white-collar crime, for instance, was unknown in European criminal studies until it was introduced from the United States. The United States, on the other hand, only recently adopted

⁴Felstiner, W. and Drew, A.: *European Alternatives to Criminal Trials and Their Applicability in the United States*, 1976.

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traffic violations as a topic for criminological studies.

3. Comparative analysis has demonstrated that individual phenomena (like fraud or robbery) cannot be evaluated in isolation but must be seen in the context of their particular social system. As a result, the entire sociocultural background finds greater consideration in the comparative method.
4. Comparative analysis furnishes international data and results where national statistics are not available. For example, with regard to the question of capital punishment, international criminologists usually refer to U.S. research. In the field of offender treatment, Scandinavian and Dutch studies are readily available.
5. The comparative method raises controversial questions of criminal policy by forcing legislators to consider and evaluate alternative solutions used in other countries. Thus, an international comparison of the number of prisoners in different countries may raise doubts concerning the necessity and legitimacy of a high rate of imprisonment.
6. A final task of the comparative method is to examine whether a particular theory or model used in one cultural frame of reference can be transferred to that of another country.

These theoretical advantages are balanced by considerable difficulties in the practical application of the comparative method.

1. If we consider the expense, capacity, and diversity of international criminological studies, the actual gain in information appears very limited. Due to problems of communication and rivalries between different terminologies and languages, we have not yet succeeded in establishing a uniform and coherent body of relevant theory.
2. Disappointment also arises in the acknowledgment that through decades of research valid international crime statistics have still not been established. Also, recent attempts to find a significant correlation between emancipation and crime statistics have been inconclusive.
3. Control group comparison in personality research still suffers from the difficulty of finding truly matching sample groups.
4. It is still extremely difficult to compare different sociocultural and political systems from a criminological point of view. Successful results observed within the framework of one system are not readily transferable to that of another system.

At this point, the comparative method is a challenge to criminologists rather than a clearly defined research procedure. With the help of persistent work and a cautious attitude, we will gradually gain more reliable and valid results.

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