

Lecture Outline: Marxist Criminology

- The Work of Marx and Engels
- Capitalism as 'Criminogenic'
- Crime as an ideological Construct
- Historical Materialism and the Emergence of the Capitalist Mode of Production
- Capitalism and the Development of Social Classes
- Politicization of Social Control
- Crime as Rebellion and the Criminal as Rational Actor

Marxist Criminology

Important Implications of a Marxian Paradigm of Crime and Criminal Law

First, in relation to criminal law

1. Acts are defined as criminal because it is in the interests of the ruling class to so define them and/or when acts threaten social relations of production.
2. Members of the ruling class will be able to violate the laws with impunity while members of subject classes will be punished – custodial versus non-custodial forms of punishment.
3. As capitalist societies industrialise and the gap between the bourgeoisie and the proletariat widens, penal law will expand in an effort to coerce the proletariat into submission. Criminalisation corresponds to increasing proletarianization.

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Second, the consequences of crime for society:

1. Crime reduces surplus labour by creating employment not only for the criminals but for law enforcers, locksmiths, welfare workers, professors of criminology etc.

Function of crime? (affinity with Durkheim?)

2. Crime diverts the lower class's attention from the exploitation they experience, and directs it toward other members of their own class rather than toward the capitalist class or the economic system.

3. Crime is a reality which exists only as it is created by those in the society whose interests are served by its presence.

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Third, the origin of criminal behaviour:

1. Criminal and non-criminal behaviour stem from people acting rationally in ways that are compatible with their class position. Crime is a reaction and rational response to the structural conditions i.e. exploitation (affinity with subcultural theories?)
2. Crime varies from society to society depending on the political and economic structures of society.
3. Socialist societies should have much lower rates of crime because the less intense class struggle should reduce the forces leading to crime and the function of crime.
Problematic?

Marxist Criminology

The message is two-pronged:

(1) By focusing on individual criminals, the criminal justice system diverts attention away from the irrationalities and injustices of our social and economic institutions.

(2) By focusing on poor criminals, the criminal justice system diverts attention away from the rich and powerful who most profit from our social and economic institutions (Reiman 1979: 167-8).

the rich get richer, the poor get prisoned

Marxist Criminology

- The clearest indication of the unbound contempt of the workers for the existing social order is the wholesale manner in which they break its laws. If the demoralization of the worker passes beyond a certain point it is just as natural that he will turn into a criminal – as inevitable as water turns into steam at boiling point...Acts of violence committed by the working classes against the bourgeoisie and their henchmen are merely frank and undisguised retaliation for the thefts and treacheries perpetrated by the middle classes against the workers – Friedrich Engels

Marxist Criminology

“The executive of the modern State is but a committee for managing the common affairs of the whole bourgeoisie.”

Friedrich Engels, The Communist Manifesto

the only capacity left for dehumanised workers
is to rebel

Administrative Criminology

- Birthplace was the Home Office Research Unit of the UK
- The objective of AC is to modify and manipulate the social and physical environment in order to prevent crime and deter would-be criminals
- Conscious shift from looking at the root causes of crime; emphasis is on situational and tertiary crime prevention

Administrative Criminology

- Developments to look out for:
 - Over-medicalization of crime: heightens the problem of evidence
 - Expansion of social control: net-widening and net-strengthening backed by 'science'
 - Racialization of crime (already a problem in the US)
 - Longer-term penal regimes spell re-entry issues: effects of institutionalization
 - Reduction in welfarism



Committee of Supply debate: Ministry of Home Affairs

Securing Singapore

With the terror threat facing Singapore at its highest level in recent times, the Home Affairs Ministry yesterday highlighted the three areas which will be significantly enhanced to tackle the problem:



Boost protection of infrastructure, buildings and events, and beef up the use of CCTV cameras

- More CCTV cameras to be installed, including at town and neighbourhood centres, pedestrian walkways linking Housing Board blocks, bus interchanges and MRT stations.
- For sensitive and critical infrastructure, such as Changi Airport, laws will be reviewed to include security measures at the design and construction stages.



Enhance security response capabilities for quicker and more effective response to a terror attack

- Make better use of available data, including use of traffic cameras and information from Electronic Road Pricing systems, to track suspicious travel patterns.



Strengthen community response through the SG Secure national movement, to be launched later this year

- It will start with programmes in schools and neighbourhoods.

OTHER STEPS



Manpower

- Home Team recruitment will be stepped up to fill manpower needs, including emergency response teams.
- Police will be the first to roll out a unified rank structure, to allow diploma holders more advancement opportunities. This will be extended later to the rest of the Home Team.
- There will be expert tracks to allow officers to build deep specialities in investigation, intelligence and special operations.
- Continue to tap former and retired officers. In the past five years, about 60 per cent of retired uniformed officers have been re-employed.
- There will be expanded roles for NSmen and NSF. They will be deployed to front-line positions, leadership roles and specialist positions.
- Leverage on technology to reduce manpower needs. There will be automated motorcyclist lanes at land checkpoints and immigration lanes with biometric checks at Changi Airport Terminal 4.



Cybercrime

- The Computer Misuse and Cybersecurity Act will be amended to tackle the transnational nature of cybercrime.
- Work with community partners to enhance preventive efforts, and engage online shopping platforms to remove fraudulent advertisers.



Prisons

- The Home Ministry will study how families can play a more effective role in rehabilitating ex-offenders.
- The employability of inmates will be enhanced through workforce skills qualification training, and numeracy and literacy programmes.

Budget debate

ERP, traffic data to be used to counter terror threat

Shanmugam stresses that S'pore must use all available resources, as MPs raise concerns of possible data abuse

Danson Cheong

Electronic Road Pricing (ERP) data and public transport cameras will be added to the Home Team's arsenal in the fight against terrorism and serious crime – as the Government toughens its stance on the use of such information in the face of mounting threats.

This announcement by Home Affairs Minister K. Shanmugam during his ministry's Budget debate yesterday saw MPs raise worries about possible abuse of such data. But he stressed that with the threat of a terror attack on Singapore at its highest level in recent times, "we have to use all available resources", and these include the ERP system and public transport cameras to track travel patterns of suspicious individuals.

This will be part of a multi-pronged approach, which will include increased intelligence sharing with foreign agencies, strengthening protection of hard and soft targets, and beefing up Singapore's community response with SG Secure.

Mr Shanmugam described SG Secure, which will be rolled out later this year, as not just another public awareness campaign but a "call to action". It will help the community "stay alert, stay united and stay strong" against terror threats, added Parliamentary Secretary for Home Affairs Amrin Amin.

Singaporeans will be trained to be vigilant, how to respond in the face

of an attack, and to be more resilient and bounce back quickly after any incident. There will also be a focus on maintaining social cohesion.

The community initiative will start with programmes in neighbourhoods and schools, Mr Amrin said. Emergency preparedness will be taught and uniformed groups will be mobilised to champion the importance of vigilance, cohesion and resilience.

Technology will also have to be used effectively to help the Home Team cope with the manpower squeeze, and this includes making a major investment to put more police cameras in public places – an initiative Mr Shanmugam described as a "key plank" in the country's counter-terrorism strategy.

But the use of traffic cameras and ERP data caused some concern in the House. Workers' Party MP Pritam Singh (Aljunied GRC) and Nominated MP Kok Heng Leun asked, how the Government would ensure the data would not be misused.

In February, privacy concerns were raised when the Government announced it would be rolling out the next-generation ERP system, which can track the precise whereabouts of vehicles round the clock.

"If we don't rely on the existing data, then we have to spend taxpayers' money to redo the entire infrastructure to look at how people move, because that's one of the ways in which you now analyse patterns, apart from other data,"



A "gunman" carrying out a simulated attack at Esplanade Park in an anti-terror exercise last year. Mr Shanmugam has described the new SG Secure initiative as not just another public awareness campaign but a "call to action". ST FILE PHOTO

said Mr Shanmugam yesterday.

He said the Ministry of Home Affairs (MHA) will establish a framework on how the data can be used, and individuals caught using it inappropriately will be subject to the criminal justice system. The possibility of abuse should not automatically mean "we don't collect the data or use it in the first place", as this would leave law enforcement without tools to prevent or respond to an attack.

He highlighted that in the wake of the Paris attacks last November, the authorities were able to see where the terrorists had been by tracking them through cameras.

Several MPs asked if manpower constraints would hamper counter-terrorism efforts. Mr Louis Ng (Nee Soon GRC) said there has been "a slower pace of recruitment" in the Home Team for the past decade.

Mr Patrick Tay (West Coast GRC) added that there would be a need for more resources and manpower as the police "enhance and stretch their capabilities to make Singapore safe and secure".

Mr Shanmugam said a new operating model was needed for the Home Team. It would leverage technology and use data analytics to focus its resources on high-priority hot spots.

At the same time, MHA is working on enhancing the size of its emergency response teams – special teams that will be able to respond to simultaneous attacks in multiple locations.

"Numbers will have to be increased. There is really no choice. If we don't, then in my view, we take unacceptable risks," said Mr Shanmugam.

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Terror fight 'not aimed at any race'

The battle against terrorism is waged against extremism and violence, and not aimed at any race, ethnicity or religion, Home Affairs Minister K. Shanmugam said in Parliament yesterday.

He was responding to Ms Rahayu Mahzam (Jurong GRC), who said Islamophobia was an unfortunate by-product of terror attacks. "The concern is if we let these sentiments fester, it may grow into resentment and distrust and some extreme few may take their feelings too far," she said.

Mr Shanmugam stressed that the Government would exercise sensitivity when calibrating its anti-terror messaging, adding that Singaporeans need to stay united to "protect the multiracial and multi-religious soul of Singapore".

He also highlighted how Singapore would not allow hate speech in the name of civil liberties.

Other countries such as Belgium have allowed this, and coupled with the presence of ghettos, significant under-employment and unemployment, it has contributed to the foment of extremist groups, he said.

He was responding to Mr Pritam Singh (Aljunied GRC), who asked how Singapore could be inoculated against the threat of terror groups.

He highlighted how in February, Singapore deported four Indonesians who had planned to travel to Syria to join the Islamic State in Iraq and Syria group, but the Indonesian authorities have since released them. "In Singapore, they would have been subjected to the Internal Security Act, no questions," he said.

"If other countries wish to treat would-be terrorists in a different way, they do so taking the consequences of their decisions."

Danson Cheong

The use of more body-worn cameras by law enforcement officers allows for more surveillance

of citizens – but also keeps an eye on the surveillance state as it carries out its duties.



BY SIMON CHESTERMAN FOR THE STRAITS TIMES

EARLIER this year, it was announced that officers from Singapore's Bukit Merah West Neighbourhood Police Centre (NCC) would begin trials of body-worn cameras. The aim is to have cameras in use at half a dozen NCCs by next month and islandwide by June 2016.

The cameras are worn visibly and have an indicator that shows when they are recording. Data cannot be downloaded without proper authorisation and, in the absence of an ongoing investigation, will be deleted after 31 days. During the budget debate this year, Second Minister for Home Affairs S. Iswaran memorably described the cameras as "light, compact and not too sinister-looking".

How do we evaluate the decision to use such devices? For the past four years, I have been an external advisor to a European Union project that examines the ethical, legal and practical issues involved in the use of surveillance technologies for the prevention, investigation and prosecution of terrorist activities and serious crime. We will be presenting its key findings tomorrow at the European University Institute's State of the Union event in Florence, Italy.

Embodied "surveillance" – this is not some attempt by a radical organisation to derail the surveillance state. On the contrary, the project takes surveillance seriously and is intended to help analyse it, like any other government policy.

Nor is it an ivory-tower enterprise by academics, one of the co-ordination partners is Merseyside Police Federation and there has been extensive outreach to other police and intelligence service personnel. There are two basic aims: to map the surveillance technology that is currently being deployed in Europe and elsewhere, and to assess the costs and benefits of using that technology. In essence, we wanted to get a picture of what is happening and why.

Neither is simple, but it turns out that the "what" is easier to answer than the "why". Surveillance is now a multi-billion-dollar industry. Publicly available figures show tens of billions of dollars being spent annually on video surveillance and interception of e-mail, telephone calls, and other messages. Forbes magazine has predicted a tenfold growth in the IT security industry over the next 10 years.

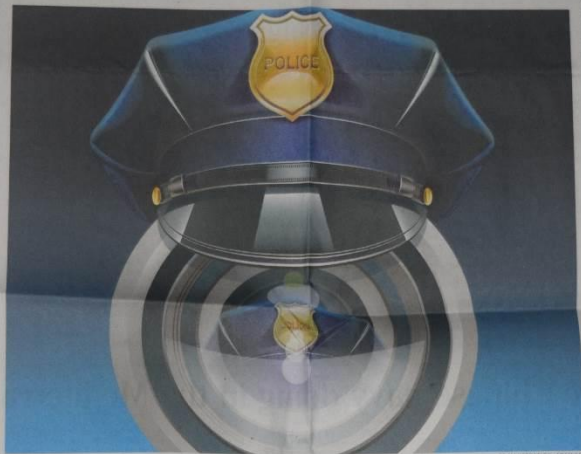
Such investments represent a cost – in terms of dollars as well as in terms of lost privacy – but how do we assess the asserted benefits?

Security vs liberty?

UNFORTUNATELY, this is not an area in which decisions are always rational.

The debate is often framed as the need to balance a supposed

TO monitor citizens and the surveillance state



STILLSTAND-ON, ASAM 117

balance between security and liberty. The problem is that, when framed like this, liberty – privacy in particular – always loses.

This is partly because the side of liberty is often reduced to platitudes. Soon after the Sept 11-2001 attacks in the United States, for example, senators were debating the USA Patriot Act's surveillance powers.

One of them invoked a founding father: "As Ben Franklin once noted: 'If we surrender our liberty in the name of security, we shall have neither.'"

But he misquoted Franklin, who was more nuanced. What Franklin actually said was: "Those who would give up essential Liberty to purchase a little temporary Safety deserve neither Liberty nor Safety."

If there is one benefit of the Singapore project, it is that from now on, debates within Europe and elsewhere about surveillance technology should be a little bit more rational.

Costs and benefits of surveillance

THOSE debates, it is hoped, will be informed by a matrix that likens the effectiveness, ethics and legality of surveillance technology.

In terms of effectiveness, the matrix scores a given technology based on its ability to achieve its stated goal, cost, design features that limit intrusions of privacy, and overall evidence as demonstrated in the field.

Ethical considerations go beyond the strict letter of the law and include the nature of the harm to be prevented, the reliability of evidence, and the imminence of the threat.

The criterion of legality includes the justification for surveillance, the necessity of using intrusive methods if less intrusive methods are available, and the proportionality of the action relative to the harm to be prevented.

These factors are intended to

help policymakers engage in a genuine cost-benefit analysis that does not rely on vague concepts of liberty and security.

The approach also recognises that liberty and security are not mutually exclusive. Some things that might seem to increase security in the short term – such as profiling certain classes of individuals – can actually create the problem they intend to address, as when profiled groups become more marginalised as a result of being targeted.

However, two types of problem still linger.

The first is that agents of the state, like everyone else, often suffer from cognitive biases. It is not hard to imagine how a bureaucratic, when faced with a proposal to use an intrusive new technology against a severe but remote threat, might prefer to allow it. Would you prefer to be criticised for some vague intrusion on privacy rights, or for letting the next shoe-bomber on a plane? For

this reason, many such decisions are referred to judges in the hope that they will be more detached in their assessment.

Secondly, even when the violation of rights is considered as a factor, the limitation of that violation to a certain class of persons means that the decision-maker often the majority of the public – do not worry that it will affect them directly. This could be seen, for example, in the American public's blasé attitude towards surveillance of potential terrorists – until Edward Snowden revealed that the American government had expanded that set to include almost everyone.

More surveillance, more accountability?

MOVING forward, it seems unlikely that the surveillance technologies that have already been deployed will be removed. But if the power of the state to watch over us cannot be reduced, there is an

alternative approach to raising it to increase that power further. In the United States, for example, a series of police killings of unarmed black men over the past year have led to calls for greater oversight. After Michael Brown was killed in Ferguson, Missouri, last August, there were disputed accounts as to the circumstances of his death. In December, President Barack Obama sought funds to pay for more than 50,000 body-worn cameras to be used across the US. A US\$20 million (S\$27 million) pilot programme was announced by the new attorney-general last week.

The funding came three weeks after another man, 50-year-old Walter Scott, was filmed being shot in the back as he ran away from officer Michael Slager – who had pulled over Mr Scott for a broken taillight. That video was taken by a passer-by on a hand-phone, but it led to widespread outrage and showed the potential benefit of more cameras. In the face of such evidence, the officer was sacked and charged with murder.

It is possible, then, that such technology can do more than serve the interests of the state in helping to keep the public safe. It can also play a role in ensuring that the power of the state is exercised properly and with greater transparency. But this will happen only if there are safeguards to prevent selective use of that technology.

In Singapore, for example, greater use of cameras by police might have offered more clarity on controversial incidents such as the riots in Little India in December 2015, or the death of Usman Haniff, while in custody in September 2010.

If the body-worn cameras are successful, it might also lead to a reconsideration of video-recording statements to police. As MPs Irfi Kumar and Sylvia Lim have both argued in Parliament, this could reduce the need for the courts to spend time evaluating whether statements by the accused and witnesses were accurately recorded – a particular concern, given several high-profile cases in which defendants alleged that they were coerced by the police (in the absence of such recording, as my colleague, Professor Ho Hick Lai, has written in the most recent issue of the Singapore Journal Of Legal Studies, it is all the more important to strengthen the right of an accused to have access to a lawyer.)

'Not too sinister'

AFTER opening the new Police Operations Command Centre last month, Prime Minister Lee Hsien Loong posted a photo of himself on Facebook holding one of the new body-worn cameras. "No more 'I say/you say' disputes over what happened," he wrote, adding a smiley-face emoji.

The Prime Minister is right, of course. But as we prepare for the deployment of yet more surveillance technology, it will be important to ensure that those cameras keep an eye on the state as well as on us.

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