

Criminology in Romania. A controversial discipline?

*Raluca Simion**

Riassunto

Parlare della criminologia e del suo posto che essa occupa nella nostra società contemporanea non è un esercizio semplice. Se globalizzazione è la parola più attuale, si potrebbe sostenere che questo tipo di approccio - cioè inserire la criminologia in un contesto molto limitato e presentare il caso della Romania - sia fuori moda. Tuttavia, la criminologia rumena può essere integrata in un contesto più vasto? Oppure il caso della Romania è totalmente differente dal trend generale?

Questo articolo si pone l'obiettivo di rispondere a tali domande sottolineando gli aspetti controversi della criminologia rumena in una duplice ottica: quella dell'accademia e quella delle politiche penali. Alla fine dell'articolo verrà evidenziato se i problemi che tale disciplina deve affrontare in Romania sono comuni con il resto del mondo criminologico oppure no.

Résumé

Parler de la criminologie et de sa place dans notre société contemporaine n'est pas une tâche facile. Si le mot mondialisation est à l'ordre du jour, on pourrait affirmer que cette approche – à savoir celle qui vise à insérer la criminologie dans un contexte très limité et à présenter le cas de la Roumanie - est démodée. Toutefois, est-ce que la criminologie roumaine peut être intégrée dans un contexte plus vaste ? Ou, est-ce que le cas de la Roumanie est totalement différent de la tendance générale ?

Cet article a pour objectif de répondre à ces questions en soulignant les aspects controversés de la criminologie roumaine dans une double perspective : celle de l'académie et celle des politiques criminelles. À la fin de l'article, on analysera le point de savoir si les problèmes qu'une telle disciplines doit affronter en Roumaine sont les mêmes que ceux du reste du monde criminologique ou bien non.

Abstract

It is a challenge to discuss criminology and its place in contemporary society. If globalisation is the word of the day, one might say that the approach of putting criminology in a very narrow context by presenting the case of Romania is old-fashioned. But can Romanian criminology find a place in the big picture or is the case of Romania totally different from the general trend?

This article sets out to answer these questions by pointing out the controversial aspects of Romanian criminology from a dual perspective: that of academia and that of criminal policy. We will see at the end of the article whether or not the problems faced by this discipline in Romania are shared by criminology in the rest of the world.

* Ph. D. student in Criminology, University of Bologna and Legal Counsellor of "Directorate of Criminal Law and Treaties, the Cooperation in Criminal Matters Unit", Ministry of Justice, Bucharest, Romania.

1. Criminology as Academic Discipline.

If one would like to choose a historical approach, criminology has never been in Romania a very visible discipline in the academic curricula. In the first decades of the 20th century when across Europe criminology had begun being acknowledged by the scholars and was introduced as a discipline in the universities, criminology was quite absent from the Romanian faculties, with only one exception: the Faculty of Law from Cluj¹.

After the communists came to power and they have restructured the whole educational system, criminology was prohibited in universities. This came as no surprise, other communist countries experiencing the same regime. Only in 1969 criminology became an academic discipline, the course lasting for one semester.

Unfortunately, 1989 did not bring with it the reconsideration of the role played by criminology in education. Today, most of the law faculties include criminology among their mandatory disciplines, but the duration of the course remains, in the majority of cases, of only one semester². It is also sequential touched upon in sociology faculties (we have at least one example in this respect- the Bucharest Faculty of Sociology, where sociologists passionate about criminology introduced criminological issues in their curricula, even though criminology does not function as a separate discipline).

Before passing to other issues, several aspects

have to be addressed as regards the presence of criminology in the law faculties.

First, if the one semester is sufficient for the student's preparation in criminology. Studying several criminology manuals shows that the authors have concentrated mostly on describing different orientations of the criminological thought starting with Beccaria, Lombroso Garofalo and Ferri and continuing with Freud and Gassin. There are only few examples of criminology teachers that present in their textbooks also what modern criminology means, or at least several theories that surpass the 60s. Even less are those who are actually introducing concepts related to methodology, techniques of research.

The idea that most of the students get after studying this discipline is that of a purely theoretical subject with no practical applicability. Of course, engaging students in empirical research could help a lot in changing their views about criminology. Regrettably enough, the law faculties do not have criminology research centres as in other countries, nor are the students encouraged to choose for their final graduate thesis subjects other than of historical, 100% theoretical nature.

The common opinion is that for a general preparation in law, this perspective could be sufficient and if any one should like to specialise, could decide to subscribe to a master degree. The assertion is in our opinion true to some extent as the 4 years of law faculty are designed to assure a general preparation in law, getting some inputs to the students as for what basic notions should they carry with them in order to possess a solid juridical culture.

mandatory discipline.

¹ Stanoiu R. M. , *Criminologie*, Oscar Print, Bucuresti, 1998, p. 121.

² In a study undertaken by the National Institute of Criminology in 2006 (Invatamantul superior juridic in Romania), there were studied the curricula of 20 law faculties of the 38 existing at that moment at national level and in 12 of 20 cases criminology was a

But on the other hand, this argumentation remains valid as long as for those who wish to specialise in criminal law and criminology there are sufficient options for specialisation through master degrees and doctoral programmes after the first four years. And here comes the second issue we were talking about. Overall, the master degrees and PhD course are orientated almost exclusively to criminal law. As I tried to identify the role played by criminology in the big picture, I found for example that at two of the greatest law faculty in the country there was no master degree dedicated to criminology.. The one-year post graduate programs were referring to criminal justice in general. Criminology was part of the curricula but no additional information was being brought comparing to what has been taught during the faculty, raising a very legitimate question such as where exactly is the specialisation. The Bucharest Faculty of Law is one of the two universities I used as examples. Until recently it had a post-graduate course on criminal sciences, criminology being one of the subjects tackled. Due to the adoption of the Bologna system this type of one-year post graduate studies disappeared and once with it, the thematic related to criminology, so for the moment even the criminal law is approached only in one master course-Juridical Career.

Of course, there are some isolated initiatives belonging to private faculties that are trying to launch master degrees in criminology with extended curricula, and try to involve the students in undertaking surveys, but if these actions are actually going to make the difference, is too early to tell.

Another exception would be the Ph.D. programme undertaken in the framework of the Romanian

Academy, the Institute of Legal Research, which is, to my knowledge, the only place in Romania when someone could actually benefit from a doctoral programme in criminology.

We could conclude that overall, from the three desirable results of the learning process “learning what”, “learning how” and “learning why”, only the first one can be encountered as regards the Romanian criminology, which brings us to the third issue we felt the need to speak about-the practical role played by criminology in the students' future career. I suppose no one has doubts that criminology is extremely important for law enforcement agents such as policemen, probation officers, people working in penitentiaries or with the victims of crime, judges or prosecutors. And after our short excursus through the Romanian law faculties it is quite clear that what is taught during the faculty cannot be retained as sufficient or extremely relevant for the future professional.

That leaves only one option open for him - to study on the spot the phenomenon and to try to learn using his own resources, if available. Of course, one needs a strong will and sufficient time in order to do that, essential conditions which are not always to be found in the age of speed and superficiality.

We retained therefore that the role played by criminology in the students' training is rather unsatisfactory, so we pass on the second problem on our agenda which is the relationship between criminology and criminal policies.

2. Criminology and Criminal Policies.

Although the importance of gaining theoretical knowledge cannot be left aside, as the today

students are the future law enforcement agents, one cannot disregard the relationship between criminology and criminal policy or should we rather say the role played by criminology in designing the criminal policies. What does this mean? Undertaking various surveys, participating to working groups and training programs, effectively influencing the legislative process and the prevention policies. In our view this relationship is vital as it confers a practical value to the discipline, getting it out the ivory tower and situating it into a very pragmatic context.

The nowadays politicians have adjusted their discourses so that they could refer to issues related to criminal justice. How many of us haven't heard the usual speech about the increasing criminality and the overpopulation of our prisons? How many times this kind of assertions did not correspond with the actual scientific data? Criminal policies should be designed bearing in mind the realities of one country, but also the regional and global context and scientific research should contribute more to creating a true to life picture of these realities.

The tasks of the Romanian National Institute of Criminology set up at the end of 2002 were very much orientated to this active direction: studying the crime phenomenon, undertaking surveys and contributing to the designing of strategies and prevention policies, working with other governmental bodies such as the Ministry Public and the Ministry of Interior, as well as with the NGOs. The objectives of the Institute were rather ambitious and seemed to have announced that finally, Romanian criminology was gaining the lost ground.

But after only 4 years of effective functioning, the

Institute ceased to exist, due to a governmental restructuring process and criminology was back in the shadow. Initially the institute concentrated its efforts on three major themes: violence, corruption and juvenile delinquency. In time, it expanded the object of its preoccupation to other fields such as crime prevention, victimology, restorative justice.

The idea of the institute was to get together specialists from various fields, keeping pace with the interdisciplinary approach of criminology. As a consequence, the personnel was made up of law graduates, sociologists, psychologists. Each of them was specialised on a certain theme. As for the law graduates, because they had no previous contact with criminology an initial training had to take place. In the course of the four years activity the Institute managed not only to finalise several important studies, which will be reminded further on, but also to organise different national and international events, extremely important in the context of the continuous training of the judges and prosecutors and other criminal law professionals.

In this context, the 67th International Course of Criminology-Criminology and Security Policies: Crime Prevention and Control under the Rule of Law, organised by the National Institute of Criminology the Romanian Society of Criminology, Forensic Sciences and Penology and the International Society of Criminology was an excellent occasion for us to learn about European criminology in general. In addition to that, between 2004 and 2006 there were several fruitful co operations with the Council of Europe such as a seminar on cybercrime, two seminars on corruption and one on economic crime under the

Octopus Programme.

The most influential on the Romanian criminal policy in the field was undoubtedly the one on cybercrime, as long as in a short period of time after the seminar, Romania has ratified the Council of Europe Cybercrime Convention which is at the moment the only binding instrument of this kind in the world. The seminar was also important due to its training characteristics, people among the judiciary and other law enforcement agencies being invited to get familiarised with this type of criminality very much present not only in the media and also in the public discourse of the politicians, but more and more in the caseload of the Romanian courts. The staff of the Institute also took advantage of the Council of Europe expertise as cybercrime was one of the themes that should have been approached by the Institute, as we shall see further on..

Because I wanted to bring to your attention the link that was thought between the Institute and the criminal policies in the field I would continue with the example of cybercrime. Law 161/2003 Title III contains specific provisions related to cybercrime. It is referring mainly to substantial law, procedural and mutual legal assistance issues, just like the Cybercrime Convention does. There is one special chapter (the second one) though entitled *Cybercrime prevention*. Among the institutions involved in the criminal policies related to computer crime it was mentioned also the National Institute of Criminology which had as an aim to undertake periodical surveys in order to identify the causes and conditions favouring this type of criminality. Despite that, in our four years of activity there was little done in this

respect.

The Institute had an attempt to analyse the legal criminality as regards cybercrime in the beginning of 2004 but it was only several months after the entrance into force of the above-mentioned law and the jurisprudence was very scarce. Then it was believed that the researchers needed a certain specialisation and some of them participated to several training programs, several under the AGIS Programs, organised by the Interpol in the United Kingdom and Ireland..

There was one study though which touched to a certain extent the problem of cybercrime, that is a study referring to Electronic Evidence which was developed under an AGIS Programme with a Spanish firm called CYBEX.

This short example is quite relevant as regards the context which was created by legislative process, context that was practically allowing the National Institute of Criminology to directly contribute to the shaping of the criminal policies in various fields. In my view this great advantage has not been fully acknowledged and taken advantage of in our short period of existence.

This example of active involvement of criminology in the criminal field is not an isolated one. The members of the Institute were very much involved in designing different strategies in fields such as corruption, trafficking in human beings and juvenile delinquency. Their implication did not mean only submitting written reports but also participating as experts in various working groups involved in creating guidelines for the application of our criminal law. The legislative framework was conceived in such a manner in order to allow such contributions(it should not be understood that the name of the Institute was expressively

mentioned in each of the normative acts, but instead the Ministry of Justice, which the Institute was affiliated to).

3. Several Studies and Directions in the Romanian Criminology.

There is not the time and place for an exhaustive presentation of the studies undertaken by the Romanian criminologists. And it is not my intention to present bits of some surveys I consider important, but rather to enumerate orientations of Romanian criminology. So I decided to stick to several fields and to concentrate mostly on the research that was carried out by the specialists of the National Institute of Criminology during its four years of activity.

This does not mean that except the National Institute of Criminology nothing else was moving in the field during the period. Romania has other organisations involved in the criminological research: the Romanian Society for Criminology, Forensic Sciences and Penology which is affiliated to the International Society of Criminology. Under its auspices there are organised conferences, seminars and its members are actively participating to international and national scientific manifestation.

There were other academic bodies such as the Institute of Legal Research and the Institute of Sociology or the Institute for Research and Crime Prevention within the Ministry of Interior and Administrative Reform. There is also a small unit that concentrates on criminological studies also in the framework of the Prosecutor's Office by the High Court of Cassation and Justice. They are releasing periodically the Romanian Review of

Criminology, Forensic Sciences and Penology which is the only specialized review in the country.

It is important to say a few more words about the activity of the Institute for Research and Crime Prevention as at the birth of the National Institute of Criminology there were some voices that considered that the last one would do nothing else but to double its work. Real facts showed that was nothing of that kind. The body subordinated to the Ministry of Interior and Administrative Reform was founded in 1998 and starting with 2007 the institute has become a member of the European Crime Prevention Network.

It is currently involved in several prevention projects related to street crime, traffic offences, criminality encountered in tourist areas. It elaborates also studies but to a lesser degree, being much more concentrated on effective prevention campaigns on themes specific to police activities. Theoretical or empirical studies which could be mentioned in this respect, studies that have a criminological element were released in the period 2002-2004. The subjects they approached were related to corruption, trafficking in human beings and robbery. These studies concentrated mostly on etiologic aspects and forms of manifestation.

We notice therefore that even the theoretical research they undertook did not correspond with the approach the National Institute of Criminology had. It was rather a very pragmatic approach, related strictly to criminal policies in a very narrow sector that is tackled by the police while the National Institute of Criminology tried to offer a global view of the Romanian criminality and went even beyond that, using the comparative

approach in the course of the international projects where we participated.

Which brings us back to the our previous intention, that of presenting the main studies we undertook during our four years of existence. We start with our internal projects. As mentioned earlier, initially there were three main directions for research.

One of the main research fields was corruption. The decision to follow such a direction was totally justified and was one of the vital subjects before Romania's accession to the European Union. Therefore the research in the field was felt as a necessary step in identifying corruption causality. In 2003 and 2004 there were released two studies that were based on figures related to legal criminality, namely the corruption offences for which a final solution has been rendered by a judge.

In 2004 and 2006 two additional studies using a different approach-the perception of the corruption-were launched. The samples used for the last two studies were representative at national level. The surveys were the result of the collaboration of the Institute with the Institute of Sociology of the Romanian Academy in 2004 and of the General Directorate Anticorruption within the Ministry of Interior and Administrative Reform in 2006. Unfortunately, in the last case, the results were not made public anymore due to the fact that exactly when the study has been finished, the Institute ended up its activity.

In my view the studies related to corruption were not sufficiently made available to the press and public opinion in general and I have my doubts as concerns any practical measure that has been taken on the basis of a careful examination of

these surveys. They are used though by Ph.D. students that have chosen for their thesis as a theme the phenomenon of corruption in Romania (two students studying in France and the United States of America have contacted the Institute in this respect) and were also inserted in several international reports (for example in the first GRECO evaluation round report, the studies undertaken by the National Institute of Criminology are also reminded).

The research that was developed by the Institute during this period was mainly empirical. There were nevertheless several studies of theoretical nature as for example a survey referring to Restorative Justice . As the mediation law was at that particular moment under parliamentary debate, the study aimed at offering for the future mediators a comparative approach of the legal provisions and practical aspects related to restorative justice.

Another theoretical study had as a subject crime prevention. The study ended to become a manual for students but useful also for law enforcement agents interested in this argument. A third example would be a study entitled *The Psychosociological approach of the suicide*.

Another direction which was followed by our researches was referring to violence. We started with some statistical analysis of violent crime in the study entitled *The analysis of violence in the Romanian society-1990/2002 (Aetiology and Dynamics)*. We also contributed to a study made in collaboration with the National Administration of the Penitentiaries and the Institute of Sociology of the Romanian Academy, entitled *Criminal policies and the dynamics of homicide during the last 20 years*. The researchers of the Institute

concentrated also on domestic violence and especially on crimes committed by women, namely homicides committed by women.

One of our first studies in the field of violence was referring to legal criminality-*Criminological analysis of the offences that had as a result the death of the victims*. The documentary research took into consideration all the criminal sentences pronounced by the District Court of Bucharest between 1998 and 2002 in homicide cases or cases where the victim's death occurred. We also concentrated on the perception of crime on certain areas in our capital (Sector 2 to be more precise).

We mentioned above that initially the Institute had three main direction one of them being juvenile delinquency. The most important contribution brought by the Institute in this respect was to a UNICEF study in 2004 entitled *Practices and norms regarding the juvenile justice system in Romania*.

Finally, I wanted to mention the international projects in which the Institute participated. In my view these were the most important achievements of the Institute from a double point of view. First of all, these studies were financed by the European Union and were subscribing to the EU areas of interest in the field of criminal policies, which consequently means that they might play a direct role in the designing of the European criminal policies.

Secondly, these international projects which used mostly the comparative method allowed us to get to know other criminal systems and to understand them in their social context. Apart from that, we benefited from various training programs in criminology and criminal law³.

1. *Trafficking of human beings for labour and sexual exploitation from Romania to Germany* - the research was initiated by UNICRI in collaboration with the Ministry of Justice, the National Institute of Criminology and the International Organization for Migration and other local NGO's. The study has a part referring to the legal framework in Romania as regards the trafficking in human beings a another one tackling the criminal policies as regards the trafficking in human beings and a part referring to the empirical research

2. *The Admissibility of Electronic Evidence in Court. Fighting against High-Tech Crime(2006)*. The project was coordinated by CYBEX a Spanish firm specialised in computer forensics and offered a comparative approach as regards the electronic evidence in 15 EU countries and Romania which was not in the European Union when the research was under development.

3. *Gender in the Juvenile Justice System(2006)* had as an aim to offer an overview of the extent of gender deviance within the penal systems of Italy, Germany, France, Spain and Romania by showing their characteristics, main offences , methods and efficiency of existing educational treatments for female offenders

4. *How much? A pilot-study on four key EU member and candidate countries on the demand for trafficked prostitution* Again using the comparative approach, this survey tried to analyse the trafficking of women with the purpose of sexual exploitation from a different perspective in Italy Sweden, Netherlands and Romania.

3 In this context, the author benefited from a 5 month

training in criminology within Bologna University.

4. What Future for Criminology in Romania?

As previously said, the National Institute of Criminology effectively start functioning at the beginning of 2003. and ended up its activity in the beginning of 2007. I have said earlier on that criminology was back in the shadow . This expression might seem a little bit radical, but it reflects the reality. Individual efforts that are currently taking place in the criminological field do not have the necessary power to produce a real impact on the criminal policies at national level, and even at local level the results are rather scarce. Without a concerted effort, all the individual researches no matter their scientific value are just ending up in bookshelves or in the students' textbooks and this is not enough..

Some would say is a governmental body subordinated to a ministry (in our case, the Ministry of Justice) would consequently mean that the research cannot be independent. The surveys are subject to governmental interests and to the orientations of a government in place at a particular time. On the other hand, a purely independent organism does not have the needed influence to put into practice the concrete measure foreseen by the undertaken studies, nor would probably benefited at this moment from a sufficient and continuous funding.

But this problem of funding is to a certain context conditioning also the impartiality of a so/called independent body. I argue therefore that for the time being, the solution of a governmental body in charge with criminological research is the only valid solution for Romania.

In my view, what we did have in this four year period was not necessarily a governmental criminology. The National Institute of

Criminology benefited from a sort of autonomy. And due to that, it had the liberty of choosing research themes and collaborations independent of the studies that were required to it. Almost all of the international projects the Institute participated in were consequences of these independent choices the management of the institute made. Of course, there are lessons to be taught from our very short past experience and improvements to be made, but nevertheless, it seems to be the only way for the moment, as long as universities do not rise from their inertia as regards criminology.

My point of view was probably also shared by the governmental actors. In the first half of 2008 it was released to the public the draft of a governmental decision by means of which it could be created the National Institute for Forensic Expertise and Criminological Research. As the National Institute for Forensic Expertise is already in place, this new institute would practically absorb the tasks specific to forensic sciences and include also activities related to criminology. Currently this project has been abandoned due to the fact that 2008 was an essentially an electoral year with other priorities. It remains to be seen if the problem will be rediscussed by the new government and in any case one cannot predict what the new government's agenda in the field of criminal law would be, if it will be a solution of continuity or a radical change.

5. Conclusions.

We have tried to present in just a few lines the evolution of criminology in Romania, or to put it differently, its controversies, its ups and falls. We have noticed how in the absence of a solid structure that could assume the role of main

criminological research centre, all the other organisms that are functioning are not able to play as valid actors in the field of criminal policies. Consequently, criminology is unfortunately at the moment a discipline reduced to its academic attributes and even those are being more and more limited as time passes by. Individual efforts, as remarkable as they might be cannot capture the public attention and determine changes or improvements in the criminal sciences in my country.

If we were to sum up the overall situation, that would be no recognition in law faculties, no practical application, just a bunch of passionate people trying to strive against the current. To some extent, many of the problems we encountered are common to other countries, others are being inextricably linked to the Romanian realities. But this does nothing else but to confirm the place the Romanian criminology has in the global context.

Of course this situation is subject to change and hopefully the new generation of law graduates will reconsider at a certain point the role of this discipline. But in order to do that we need awareness raising, we need contacts with countries with tradition in criminology and we need determination. I would very much like you to see beyond my presentation about Romanian criminology, I would like you too see my lines as a plea for a criminology much more orientated toward the global village, as a plea for knowing each other so that we could identify what works,

what doesn't work and what might work in the field of criminal law.

Money laundering, trafficking in human beings, drug trafficking and cybercrime are just few of the contemporary phenomena that affect us globally. So whether there is an American Criminology or an European Criminology or Asian one, they all have to address the global crime.

Criminology has the great advantage that due to its characteristics and interdisciplinary nature can bring together different experts from different countries and realities in order to find the right strategies to fight criminality. Will it ever be a global criminology? I leave the end open to you.

I guess that what we have to do now is to look beyond each national particularity and discover the common grounds of our diversity so that we could built up a global response to a global threat. This makes my end an open end and optimistic the same time...

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