

STUDY GUIDE OVER 23 - PREPARATIVE COURSE

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Criminology



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Table of contents

I Teaching Unit - Political Science	3
A. Contemporary political systems and forms of government.....	3
1. Presidential system.....	3
2. Parliamentary system	3
3. Representative democracy versus participatory democracy.....	4
4. Dictatorship.....	5
B. Transnational issues: climate changes, refugees, migrations and human rights	6
1. Climate changes	6
2. Refugees and migrations	7
3. Human rights	8
Teaching Unit II – Psychology	10
2.1. Challenges in the Information and Knowledge Era.....	10
2.2. Today's health and well-being	12
2.2.1. The European Union's position.....	12
2.2.2. Work and health: constraints and psychosocial functions	13
Teaching Unit III - Criminology	16
1. General concepts of society, crime, diversion and delinquency	16
1.1 Man as a social being.....	16
1.2 The delinquent man.....	17
1.3 Social control devices and crime	19

Teaching Unit I - Political Science

A. Contemporary political systems and forms of government

1. Presidential system

Of all the political systems in the world, the presidential system of government is the most common and popular form of government. This system of government has its origins in the American presidential system and in the 1787 Constitution, which instituted the 'president' as head of state. The word "president" is derived from the Latin "praesidens", which means "governor". However, the first time that the title of "president" has been used to designate a head of state is in the United States Constitution of 1787, Art. II Section I, provided that "Executive power is vested in a President of States. States of America", who "will hold office for a four-year term".

Today, almost all countries that are not monarchies (parliamentary monarchies) have presidents as heads of state. This does not mean that they operate under a presidential system of government. Many countries that operate under a system of parliamentary government also have presidents, but these heads of state support a small part of the executive branch. The President of India, for example, is indirectly elected by the members of both parliamentary chambers, but he exercises almost all of his powers under the cabinet's advice. And although the President of Ireland is directly elected by the people, his role is also largely honorary (Art. 12 (2) of the Irish Constitution, 1937). The same is true for many presidents who are heads of state, but not heads of government in parliamentary systems.

The presidential system of government has spread mainly to Latin America, Africa and the countries of the former Soviet Union. As Jean Blondel observed: "In the contemporary world, the presidential republic is found particularly in Latin America, in Africa and in the countries of the former Soviet Union; it also exists, but to a more limited extent, in Asia and much more limited in Europe". The two main characteristics of the presidential system are: first, power resides in a single individual and, therefore, is one-person; and second, that person is independent of legislative and judicial powers.

2. Parliamentary system

The parliamentary system is a democratic regime of government, on which the executive branch bases its democratic legitimacy on the legislative branch. In this system of government, the executive and legislative powers are interlinked. It is a democratic form of government in which the party (or a coalition of parties) with the largest representation in parliament (in a legislature) forms the government, its leader being the

prime minister or the chancellor (e.g. Germany). Executive functions are exercised by members of parliament, appointed by the prime minister to the cabinet. Minority parties act in opposition to the parliamentary majority and have a duty to contest it regularly. Prime ministers can be removed from power whenever they lose the confidence of the majority in the ruling party or parliament. The parliamentary system originated in Great Britain (after the Glorious Revolution, 1688). In the parliamentary system, the head of state is usually a different person from the head of government, in contrast to the presidential system, where the head of state is often also the head of government and the executive branch does not derive its democratic legitimacy from the legislature. .

3. Representative democracy versus participatory democracy

The modern notion of representative democracy, also known as indirect democracy, developed throughout the 19th century and was established in the 20th century, having been linked to the ideal of popular participation (direct / participatory democracy, see below), which dates back to the Ancient Greece, but that evolved with the contributions of the French Revolution, the English Liberal Representative Government and, finally, the American Revolution, which were experiences in the sense of "the liberation of Man and the affirmation of his autonomy" within society. While in ancient Greek democracy participation in the democratic process was limited to some members of society (excluding women and slaves), in representative democracy universal suffrage managed to quantitatively guarantee the participation of the vast majority of citizens. However, qualitatively its mechanisms limit the participation of participants in the democratic game. In representative democracy it is understood to "represent" the act of a person being elected, by vote, to "represent" a people, a population, a certain group, community etc., normally this person represents a group (party, city, and neighborhood). The "representatives of the people" are grouped in institutions called Parliament, Chambers, Congress or Assembly of the Republic. The modern concept of democracy is dominated by the form of majority electoral and plebiscitary democracy in the West. Representative democracy establishes a separation between leaders and those directed. The separation between leaders (representatives of the people) and those directed (the "people"). Almost all modern western democracies are representative democracies; e.g. Portugal is a democratic republic, the United Kingdom is a unitary parliamentary constitutional monarchy, France is a unitary semi-presidential republic and the United States is a federal presidential republic.

The Participatory Democracy is a model of democracy in which citizens have the power to decide directly on policy and politicians are responsible for implementing those policy decisions. It's a regime where it is intended that there are effective mechanisms

for controlling civil society under public administration, not only reducing the democratic role to voting, but also extending democracy to the social sphere. Participatory democracy or deliberative democracy is considered as a model or ideal for justifying the exercise of political power marked by public debate among free citizens and under equal conditions of participation. It advocates that the legitimacy of political decisions comes from processes of discussion guided by the principles of inclusion, pluralism, and participatory equality.

4. Dictatorship

Dictatorship, a form of government in which a person or a small group has absolute power without effective constitutional limitations. The term dictatorship comes from the Latin term "dictator", which in the Roman Republic designated a temporary magistrate who was given extraordinary powers to deal with state crises. Modern dictators, however, look more like ancient tyrants than ancient dictators. With the decline and disappearance, in the 19th and 20th centuries, of hereditary monarchies, the dictatorship became one of the two main forms of government by nations around the world, the other being representative constitutional democracy. The dictators' government took many different forms. In Latin America, in the 19th century, several dictators emerged after the collapse of effective central authority in the new nations recently freed from Spanish colonial rule. The communist (USSR) and fascist (Italy) dictatorships that emerged in several technologically advanced countries in the first half of the twentieth century were distinctly different from the authoritarian regimes in Latin America or from the post-colonial dictatorships in Africa and Asia. Nazi Germany, under Adolf Hitler, and the Soviet Union, under Joseph Stalin, were the prime examples of such modern totalitarian dictatorships. The crucial elements of both were the identification of the state with the single mass party regime and the party with the charismatic leader, the use of an official ideology to legitimize and maintain the regime, the use of terror and propaganda to suppress dissent and stifle opposition and use of modern science and technology to control the economy and individual behavior (instituting totalitarian regimes). Soviet-type communist dictatorships emerged in Central and Eastern Europe, China and other countries after World War II, although most of them (as well as the Soviet Union itself) collapsed in the last decade of the 20th century.

Bibliography: Blondel, J. (1997). *Comparative Government: An Introduction*, 2nd ed., London: Routledge; Riggs, F.W. (1997). "Presidentialism vs Parliamentarism: Implications for Representativeness and Legitimacy". *International Political Science Review*, 18 (3), 253-265.

B. Transnational issues: climate changes, refugees, migrations and human rights

1. Climate changes

Climate change is one of our greatest environmental, social and economic threats. Several specialized international organizations claim that the warming of the climate system is unequivocal. The observations confirm the global rise in air and ocean temperatures, the systematic loss of glaciers and melting ice, as well as rising sea levels. Probably, global warming can largely be attributed to the greenhouse gas emissions produced by human activities.

The studies say that in the last 150 years, the world average temperature has risen by almost 0.8°C and around 1°C in Europe. Eleven of the last twelve years (1995-2006) are among the 12 warmest years in the instrumental record of global surface temperature (since 1850). If action is not taken worldwide to limit emissions, the World Meteorological Organization's Intergovernmental Panel on Climate Change predicts that the average global surface temperature could rise from 1.8°C to 4°C by 2100. This means that the increase in temperature since pre-industrial times would be above 2°C. Beyond this limit, irreversible and catastrophic changes can occur. The impacts of climate change have already been observed and are expected to become more evident. It is also predicted that the occurrence of extreme weather conditions, including heat waves, droughts and floods, will be more frequent and intense. In Europe, the biggest increases in temperature are seen in southern Europe and the Arctic region. Precipitation decreases in southern Europe and increases in north and northwest. These factors lead to impacts on natural ecosystems, human health and water resources. Economic sectors such as forestry, agriculture, tourism and construction will suffer most of the negative consequences. The northern European agricultural sector can benefit from a limited temperature rise

To combat climate change, global greenhouse gas emissions must be significantly reduced and policies must be implemented to that end.

Human activities are the main sources of greenhouse gas emissions, namely:

- the burning of fossil fuels for the production of electricity, transport, industry and housing;
- agriculture and land use, for example, deforestation;
- landfills; and
- the industrial use of fluorinated gases.

Even if policies and efforts to reduce emissions are effective, some climate change will be inevitable. For this reason, we must also develop strategies and actions to adapt

to the impacts of climate change in Europe and, especially, outside its borders, given that the least developed countries are among the most vulnerable, having less technical and financial capacity to carry out this. adaptation.

Source: European Environment Agency.

2. Refugees and migrations

With the growing migratory wave of global reach, affecting mainly the countries of the Middle East - but also all the other regions -, the UN Refugee Agency (UNHCR) prepared this text with questions and answers on the subject, of fundamental importance for the contemporary setting. Currently, most refugees live in the Middle East and North Africa, territories known by the acronym MENA. In addition to civil strife, the region is facing an economic crisis, with average growth stagnating at 2% a year since the 1990s. It is the lowest rate of evolution in economic activity worldwide. Unemployment reaches 15%, also the highest on the planet.

Since 1990, for 20% of the region's population, the average income has remained below the poverty line. The proportion is higher in countries like Yemen and Sudan. Many nations are undergoing political transformations or internal armed clashes - which have grown exponentially since the Arab Spring (a revolutionary wave that has manifested against repressive regimes).

We must not confuse the terms “refugee” and “migrant” because they refer to different situations:

“Refugees” are specifically defined and protected under international law. Refugees are people who are outside their countries of origin because of well-founded fears of persecution, conflict, violence or other circumstances that seriously disturb public order and that, as a result, need “international protection”. “Refugees” have access to assistance from countries, UNHCR and other relevant organizations.

“Migration” is commonly understood to imply a voluntary process; for example, someone who crosses a border in search of better economic opportunities. This is not the case for refugees, who are unable to return home safely and, consequently, are entitled to specific protection under international law.

To understand the refugee crisis, it is necessary to understand who the refugees are. It is a specific group of immigrants who receive this name because of a convention made in 1951 that brought regulations to different types of immigrants. A refugee is a person who leaves his country because of “well-founded fears of persecution for reasons of race, religion, nationality, social group or political opinions”, in situations in which “he cannot or does not want to return”.

The UN considers this the worst humanitarian crisis of the century, and it is also the largest influx of refugees since World War II. In 2016, the group of people who moved from their countries fleeing political persecution and war reached 65.6 million - not in transit at the moment, but who have been through this situation. Most refugees are from African or Middle Eastern countries. They flee because of internal conflicts, wars, political persecution, actions by terrorist groups and violence against human rights. Half of the annual flow of refugees are Syrians, who leave their origins due to the civil war that has raged in the country since 2011.

The countries that most serve as a gateway for refugees to Europe are Greece and Italy, both receiving these people through the Aegean and Mediterranean Sea, respectively. To make this crossing, the refugees put themselves at high risk, so desperate to leave their countries. Some refugees sell all their goods and use all the money to pay for the trip on inflatable boats. According to the International Organization for Migration (IOM), 3,771 people died or disappeared in these crossings in 2015. In the first week of 2016 alone, 409 people died in this same situation.

Although the refugee crisis hit Europe hard, most of the people who fled the war in Syria went mainly to five countries in the Middle East: Turkey, Lebanon, Jordan, Iraq and Egypt. These have received at least 4.3 million people since the crisis began. These nations concentrate 95% of Syrian refugees and demand much more assistance from public services than in European countries - although, on this continent, the discussion on whether or not to receive refugees causes much more controversy and hostility than in the Middle East.

Source: The humanitarian refugee crisis: far beyond Syria, POLITIZE! Available at: <https://www.politize.com/crise-dos-refugiados/>

3. Human rights

The protection of refugees and populations displaced by wars, conflicts and persecution is the main mission of UNHCR, the UN Refugee Agency, which seeks appropriate and lasting solutions for these people. UNHCR started its activities in January 1951, with an initial three-year mandate, to resettle European refugees who were homeless after World War II. After successive humanitarian crises in the following decades, the need to expand the organization's mandate and expand its scope of action was realized, so that it was no longer limited to Europe and the people affected by the Second World War. Today, about 63.9 million people are under his mandate, including asylum seekers, refugees, stateless persons, internally displaced persons and returnees. The principle of non-discrimination is at the heart of the Universal Declaration of Human Rights, which proclaims that "all human beings are born free and equal in dignity and rights", and is also crucial to UNHCR's protection mandate. Discrimination and

xenophobia are among the greatest protection challenges for those who apply for the right of refuge, especially in urban areas. Initial obstacles are generally related to learning the language of the country of shelter and cultural issues. Working for an environment in which all people can exercise their rights and lead a dignified, fear-free life is one of UNHCR's main objectives. UNHCR works to ensure that anyone, in case of need, can exercise the right to seek and receive refuge in another country and, if they wish, return to their country of origin.

Source: UNHCR. United Nations High Commissioner for Refugees. UN.

Teaching Unit II – Psychology

2.1. Challenges in the Information and Knowledge Era

“The passing of the millennium is characterized by the high intensity of changes of relevant importance and economic, political and social impacts. In times of such radical and far-reaching transformations, characterized by the transition from an industrial Era to a knowledge-based one, the degree of uncertainty is greatly increased. Therefore, it is necessary to make a redoubled effort to, in the first place, identify and understand these new challenges - which requires the development of a new conceptual and analytical framework that allows to capture, measure and evaluate the elements that are determinants of such changes. And, secondly, an effort is needed to distinguish, among the emerging characteristics and trends, those that are more lasting from those that are transitory [...]. The evidence of increasing informatization and dematerialization of economies, on the other hand, also indicates a substantial change in the form and content of work, which assumes an increasingly “informational” character, with significant implications for the employment profile. However, and contrary to the theses that indicate that work, or living work, is no longer a fundamental productive resource, it is argued here that, in fact, it invests itself with an ascending centrality in the economic, productive and innovative. The work is increasingly intensive in knowledge and information. In this context, there is a tendency towards increasing automation of less specialized work, with significant implications for the employment profile and, consequently, for training and qualification needs. To keep up with the rapid changes taking place, it is extremely important to acquire new skills and knowledge, which means enhancing the ability to learn and interact. In addition to guaranteeing access to employment and enabling new forms of consumption, continuous learning becomes a fundamental condition in the era of knowledge for the insertion of individuals not only as workers and consumers, but as citizens. [...] [Excerpt available in Lastres, Albagli, Lemos e Legey (2020). *Desafios e oportunidades da era do conhecimento*, São Paulo em Perspectiva 16(3): 60-66, p.60-62].

Demographic changes and the transition from an industrial society to a knowledge-based society and economy are being accompanied by a change in the disease landscape.

“The relative increase in chronic illnesses includes an increasing incidence of work-related mental illnesses. In most European countries, absenteeism and early retirement due to mental illness have been increasing in recent years. The investigations carried out confirm that psychosocial risk factors can be the source of health and stress

problems, including physical and mental illnesses. Promoting mental health in the workplace has become a vital response to these challenges, making it imperative that administrations and governments recognize the workplace as a priority factor in the development of physical and mental problems and as a platform for the introduction and development of effective preventive measures. Effective workplace practices include the identification and mitigation of psychosocial risk factors and the promotion of a healthy work environment and lifestyle, as well as the provision of health care services for affected workers. Health promotion in the workplace combines statutory regulations on safety and health at work with voluntary measures by employers and, as an interface, opens direct opportunities for cooperation between policies in the two fields (health and work). Occupational health and safety laws cannot by themselves overcome the challenges encountered here: it is essential that the health policy sector takes an active role in addressing these challenges. Without the active involvement of the health political sector, it will not be possible to model, effectively and efficiently, the interfaces between early detection and primary, secondary and tertiary prevention, as well as treatment and rehabilitation, including reintegration in the workplace. To implement appropriate actions, many public and private workplaces, especially small and medium-sized businesses, require outside assistance. Policies, health, labour and social policies, in cooperation with social partners and relevant institutions (health and safety and health at work) can facilitate improvements in individual organizations by supporting the development of support infrastructures. Cooperation, sharing of contacts and mutual coordination between these external actors are essential for the dissemination of good practices. The main recommendation, based on the results of assessments of good practice in eleven EU Member States, is that collaboration between all actors involved in both political sectors (health and work) should be intensified. The main objective should be to develop strategic lines of action, which will require continuous cooperation and coordination between responsible stakeholders and institutions in the fields of social security, supported by the social partners. Such measures will protect, strengthen and accelerate the recovery of workers' work capacities and employability, thereby creating the basis for overcoming the impact of demographic changes on Europe's labour markets." [Excerto disponível em COMISSÃO EUROPEIA. (2016). "Linhas de Ação Estratégica para a Saúde Mental e Bem-estar da União Europeia.", p. 8]

Victor Frankl, Austrian psychiatrist and psychotherapist, in his book "Man's search for meaning" in 1946, describes his experience in a concentration camp in Auschwitz. Here he points to the fact that the individual's search for meaning, for his life, it is a fundamental motivation and this meaning, being specific and exclusive to that person, can only be realized by that person. Frankl found that the concentration camp survivors were the ones who found a future meaning for their existence, they were the ones who created goals that linked them to life. What is happening today? At the beginning of the third millennium, in technological societies, some people seem lost and do not know how to proceed so that this effective and fruitful connection to their lives happens. We search for happiness trying to eliminate the causes of suffering, in the utopia that it will lead to a happier world for most of us. In the rhythm that we are living today it seems that we are navigating an endless list of tasks that never end, without being consciously involved in them. Our voids are filled with the rush of days and consumption. Humanity, empathy, are lacking in groups, in hospitals, in companies, in universities. Technological advances have made our lives easier, more pleasant, safer and more comfortable. We live in a paradigm that divides life into thematic blocks experienced by several generations under the baton of social norms, investing in our career, working to pay our loans for the house, the car and the credit card. Many live alone, behind a computer screen, a cell phone, and the various groups of WhatsApp and Messenger. We are the most dependent mammals when we are young and then we move away from the other, from the group, to a battle of individual competition, to which some try to return later to kill loneliness.

2.2. Today's health and well-being

2.2.1. The European Union's position

“Over the past few decades, Europe has demonstrated a growing recognition of the need to include mental health on the top priorities of the public health agenda.

- This recognition is based on the growing confirmation of the magnitude of mental health problems in European countries: mental illness is highly prevalent in Europe and represents a significant burden on individuals, society and the economy. [...]
- Mental health problems are a major reason for the loss of productive human capital. European Union studies and surveys on mental health have revealed that there are significant costs associated with mental disorders in the workplace, such as high absenteeism and presenteeism, or considerably lower incomes than those suffering from mental illness, which are currently the main cause for obtaining disability pensions. [...]

- Positive mental health and well-being also lead to a wide range of impacts in different sectors and result in improved social cohesion, economic progress and sustainable development in the EU. Mental health is a human right, and mental capital in the EU, constituted by the cognitive, intellectual and emotional potential of its population, is a key resource for its success as a knowledge-based society, for its ability to achieve strategic goals of social and economic policy, and to promote and protect the well-being of its population in periods marked by major economic and social challenges. A resilient Europe needs resilient citizens.” [Excerpt available in COMISSÃO EUROPEIA. (2016). “Linhas de Ação Estratégica para a Saúde Mental e Bem-estar da União Europeia.” – Introdução, p. 4]

2.2.2. Work and health: constraints and psychosocial functions

Imagine that you won the EuroMillions and an amount of many millions of euros. What would change in your life? Would you continue to work? Think about those questions for 3 to 5 minutes. Your answer is likely to be “I would continue to work, although in a different way”. Others, too, in addition to the “ordinary citizen”, maintain this intention. You know musicians, actors, managers, among others, with considerable financial resources, which would allow them not to have the need to work, even though they sometimes threaten to abandon their professional activity or orient themselves towards philanthropic activities (e.g., Bill Gates), prolong, over time, their professional activity. Why does this happen, if work often causes us disinterest, demotivation, stress, anguish, and even makes us sick? Let’s look at some examples.

- Work can kill, literally. At France Telecom, in a universe of 100.000 workers, between January 2008 and the end of 2009, there were 32 suicides, many of them in the workplace and it seems that this occurrence continued in 2010 and 2011. The phenomenon, which the country did not know, was analysed by Ivan du Roy in the book "Orange Stressé" (in reference to the company's mobile operator, Orange).

- Work can generate anxiety, distress and burnout. *Visão*, Portuguese magazine, on November 10, 2011, published an article entitled - Stresse, the hidden killer -, where it presents the testimony of several victims of stress in the work context, namely that of António Horta Osório (CEO of Lloyds). Horta Osório has chaired the Lloyds Bank since March 2011. Due to burnout, aggravated from July of the same year, he was forced to leave the bank to recover. Some consider that burnout is a type of stress, others that it is a kind of “xxl” stress. In any of these approaches, this scenario has negative consequences for the worker and, consequently, for the organization that was at the origin of this disease. Stress is like the tension on a violin string, that is, enough tension is needed to create music (eustresse), but not too much, otherwise the string will burst

and instead of music noise (distress) is heard. Many of these situations are also lived in silence and even with shame. The professional and personal demands we face make us think or want to look like super-women and super-men and we also think that we must live up to these expectations before others.

- Post-traumatic stress disorder. 33 Chilean miners saw daylight again, after having spent about two months at 700 meters deep [the accident occurred on August 5, 2010 and were rescued between October 13 and 14 of that year]. Of the group, only four returned to the mines. Post-traumatic stress has completely changed the lives of these men. Many of them were on sick leave, others survive with the support of the State. Still others invested in a change in life and work. Cases like this happen, sometimes, with fishermen who are exposed to risk situations potentially generating stress.

- Mobbing (“bullying in the workplace”). In the 1980s, the psychologist, Heinz Leymann, considered the “father of mobbing”, highlighted this concept. Leyman in his article entitled *Mobbing and Psychological Terror at Workplaces*, presents the following definition of mobbing: Psychological terror or mobbing in the workplace means a hostile and unethical communication that is systematically directed by one or more people, especially to an individual. There are also cases where mobbing is mutual until one of the participants becomes the oppressed. These actions occur frequently (almost every day) and over a long period (at least for 6 months) and because of this frequency and duration, they result in considerable psychiatric, psychosomatic and social damage. Leymann developed and validated a mobbing measurement instrument called Leyman Inventory of Psychological Terrorization (LIPT) that identifies a set of behaviors that help to circumscribe the phenomenon and that are structured in 4 groups: manipulation of the victim's communication (e.g., hostile communication explicit, with public criticism and threats); manipulation of the victim's reputation (e.g., criticism of the victim's professionalism); manipulation of the victim's work (e.g., non-assignment of tasks); and manipulation of labour compensation (e.g., wage discrimination).

In addition to the examples presented that show us adverse results that can occur in the context of work, the word ‘Work’ derives from the Latin word ‘Tripalium / Tripalus’ (from the Latin “tri” (three) and “palus” (stick)) - literally, “three sticks”) that was an object/instrument/device used to screw large animals and a Roman instrument of torture. Hence the verb, from the popular (vulgar) Latin, ‘Tripaliare’ (or ‘Trepaliare’), which initially meant torturing someone in the ‘tripalium’.

It seems, therefore, that work is associated with (bad) fame that comes from afar. Perhaps to avoid escalating this negativity, we also sometimes hear the expression “Work is work, cognac is cognac”. For this reason, the meaning of something painful and

difficult has always been associated with work that until the Middle Age was an activity performed by slaves or people of low social status. We see this scenario in Greece and Rome, where work and non-work stemmed from political rights: free citizens could decide what to do, each day, for slaves, for example, work was destined.

Work performs several psychosocial functions in our life. Let's look at some examples. Work can give meaning to our life, if it is satisfactory, and it is a vehicle for our personal fulfilment and for our self-esteem. Naturally, that we can fulfil ourselves as individuals through other things, such as forming a family or traveling. However, we spend a lot of time working and preparing ourselves for work.

Work structures our day, week, month and year. It is, most of the time, depending on when we work that we determine when we have time to take care of personal matters, go to the gym, define our leisure activities, go to the doctor, go on vacation or even have children.

Work is a source of opportunities for interaction and social contacts. We can meet people, in the work context, that otherwise would not be possible or would be more difficult; meet people who may be relevant in other contexts of our life, namely in the professional and personal ones.

Work allows us to develop skills, it is an excellent territory to learn or improve skills and to allow the learning of knowledge that is not directly related to the work we do. It may also happen that the work context provides a fertile ground for the skills that individuals already must come to the surface and consequently be transferred to the organization (for example, creativity).

It allows to transmit social norms, beliefs and expectations, and provides social status and prestige.

Teaching Unit III - Criminology

1. General concepts of society, crime, diversion and delinquency

1.1 Man as a social being

Man as a social being, according to an old concept by Aristotle, lives permanently in interaction with his fellow man. Now this need for the other means that it has to exist as a social contract so that collective coexistence is possible and harmonious, thus avoiding, whenever possible, situations of unpredictability and conflicts, generated by the most diverse reasons. Now, social cohesion, as the structural basis for the functioning of a society, has always been a concern of philosophers and of those who dealt with politics and governance, especially since the Renaissance. Thus Hobbes, Locke or Rousseau, sought to answer the big political and social questions through the so-called contractual approaches, where their perceptions of society and man were mirrored (see the conception of the man, as the wolf of the other man in Thomas Hobbes' *Leviathan*, or John Locke's notion of natural law and his notion of civil disobedience towards the tyrant, in the *Two Treaties of Civil Government*, for example). It is in this historical framework, that with the French Revolution and the Industrial Revolution, that will change the face of the civilized and western world, that the so-called social sciences theorized by Comte and his positivist view of science will emerge, as an explanation of the universe and man (the two great questions that already came from the Greeks, namely the pre-Socratic cosmologies and the anthropology of Socrates, Plato and Aristotle), which will end, together with medieval and reform theology, as being the basic nucleus of the interrogation rationalist and empiricist of the modern humanity of lights, in the face of sensitive and transcendent realities: God, the world and man.

Comtean sociology, based on positivism, that is, the idea that only the scientific and experimental method can give a concrete and true answer to the essential questions of human beings, (see the science pyramid in Comte from the moment of its separation from its philosophical matrix:

Mathematics, with Euclides; Astronomy with Copernicus; Physics with Galileo; Chemistry with Antoine-Laurent Lavoisier; Biology with Claude Bernard; Sociology with himself, Comte), will pave the way for the sciences of society, achieving his manumission letter by pretending (Comte) that these new sciences are based on the methods of the natural sciences. All the human sciences emerging in the 19th century, from Comte's sociology to Wundt's psychology, to Morgan's anthropology or to Marx's economy, will be crossed by this fundamental positivism that will change our view of society and man.

Durkheim, as a good disciple of Comte, will try to see society as if governed by laws that seek to harmonize it and make it consensual. Thus, through Socialization (made with the family and social institutions), the standards, customs and values, will pass from generation to generation, as well as small non-industrialized rural communities, both in large companies division of labor and social work and revolution, giving these groups cohesion and harmony, is fundamental to their functionality and existential sense.

Now it is precisely social norms, shared by all elements of a community or society that will make the coexistence and cohesion of a social group or groups possible. A normative or normalized society where individual actions occur massively, is a society governed by social consensus. The functionalist school, which comes from Durkheim, will see healthy or pathological societies in the norms and in their absence. The crime will be a time of violation and disorder of the social balance. An abnormal situation resulting from social illness or triggering it (wars, pandemics, revolutions, natural disasters, crime, etc). This situation of non-compliance with the rules, Durkheim will call a state of social anomie. Crime is an example of this. Hence the various schools that theorized about crime, tried to see it as a result and manifestation of social anomie. These schools will therefore be called consensus theories that will oppose conflict theories (Marx, Durkheim and others).

1.2 The delinquent man

Since the French Revolution and the philosophy of enlightenment, this question of delinquency has started to be formulated in a constant way, such as madness, and other ways considered deviant and non-normative to live in society (see the seminal studies of Canguilhem and Foucault already in the 20th century, on the concept of normality versus abnormality, based on medical, biological, psychological and social: leprosy, plague, tuberculosis, madness, crime). Several were approaches undertaken in the late eighteenth century and principles of the 19th century with Beccaria and Bentham for example, through Pinel and its first approaches of psychopathy (mania without delirium), until the formulations Lombrosian about the condition innate in the criminal, due to a biological atavism, the result of a determined anthropological configuration.

However, it was necessary to wait for Freud, in order to try to find psychological variables that would explain the fundamental characteristic of the criminal, that is, the easiness of passage to the act, thus transgressing the social norms of conventional society. Pinatel, following this epistemological opening, advanced with the central node theory, in which he tried to show that the delinquent personality was the result of some biopsychological characteristics (absence of empathy, exacerbated egocentrism, affective lability, and aggressiveness) traits that would sustain the passage to

the act that spoke of Greef. There would still be called variants linked to temperament, ace physical skills, professionals and intellectuals. Both Greef and Pinatel saw the criminal as an individual who would only be distinguished from others because of these components presented.

However, other lines of thought are already in the field, seeking to find psychosocial and sociological explanations in the etiology of deviant behavior. This was the case of the Chicago School, very influenced by Simmel and Durkheim, for the symbolic interactionism of Mead and Cooley and for the urban studies of the great American cities, where culturally marginal groups and with a precarious social identity were gathered. The vision of the city as a jungle where small human ecosystems would explain crime (ethnic and migrant neighborhoods, uncultured and non-normative), would pave the way for pioneering studies of gangs (see Trascher), organized crime and delinquency (see If Shaw & McKey advocates of the Theory of Social disorganization and anomie resulting from it). Similarly, Merton, tried to see the Ankie durkheimiana, the reason of this crime in American society, analyzing the so-called American Way of Life, i.e. the values of a society built by pioneering bold and migrants Therefore winners in terms materials and social, in a clear allusion to Weber and his Protestant Ethics as a religious and philosophical base of triumphant western capitalism. The criminal would be the one who, through illicit means, would seek to achieve the social objectives of the ruling classes, due to a clear lack of academic and social and even psychological and cultural preparation that would throw him irrevocably at the group of losers and outcasts.

This idea will originate in the 1950s the theory of subcultures, which would already be in the thought of Shaw and Mckey, subcultures that would function as a group behavior reactive to the lack of psychosocial and cultural means and conditions to win in life.

With Sutherland and the so-called theory of the Association Differential, will try to explain the crime as something learned through social interactions and in certain groups with perceptions and interpretations of standards and facilitating law of trespass and crime. This classic approach to criminology, would henceforth decisive for the bypass explanation, while situation not of anomie and social disorganization, but the election of other values and norms result of misinterpretations properly learned in that crime would concern i.e. another form of Social Organization. In this way, they learn in a group, technical attitudes and delinquent values, as conventional young people learn mathematics, philosophy, and values consistent with their (middle) class, and their life goals, facilitated from birth.

With Hirschi, the notions of social control and transgression would contribute with other ideas from both psychoanalysis and ethology, as an explanation of why delinquents are only an anomic minority and a transgressor of the dominant norms, when compared to most citizens. Conventional and normative in the sense that Durkheim has always given them. The author's main thesis is not the existence of delinquency, but normality. He wonders about our obedience to the established rules and not the other way around. In fact, he argues that we are all born to transgress social norms, since we obey the Freudian Pleasure Principle. Society, in this case the family, when conventional and structured, imposes social rules on us through socializing education. That is, the Pleasure Principle is repressed in the name of the Reality Principle. Hence, social normality and civilization, for Freud, see the Future of an Illusion), the result of an initial and fundamental frustration, which extends throughout life. Hence the neurosis of the Western Judeo-Christian world. Now Hirschi, sees in social control and in the observance of social norms, this essential repression that diverts us from transgressive crime. Being the ideological state apparatus (according to Althusser), which transmit to us, beyond the family, the norms and the dominant customs in a given society (school, work, religion, etc.). The author, through the influence of Bowlby's ethology, sees in the mechanisms of affective attachment to parents and significant others, the process that, together with socializing prohibitions, deviate us from crime. Also social commitments, will, along with the involvement in activities regulations, other processes that replace the inability to perform through pleasure.

Roughly speaking, these are the main approaches to crime, based on consensus and the absence or presence of norms. And also the most important in the field of sociological criminology.

1.3 Social control devices and crime

In the Old Regime, the offender offended the king. Hence the crimes of injury to majesty. Torture was established and quite often, disproportionate to the offense committed. Michel Foucault, in his work *Discipline and Punish: The Birth of the Prison*, let us practice these impressive paintings s barbaric carried out before the French Revolution. In fact , given the enormity of the suffering inflicted on lawbreakers, the moment of applying the death penalty (hanging , severing the head, or the bonfire, in the case of the Inquisition), would be the final relief for the unfortunates fallen in that situation. . In addition, torture and executions were public, to serve as an example of real punishment to the rest of the population.

In Portugal , we have in the reign of D. José and by order of the Marquis of Pombal , the example , among others , of the barbarian execution of Távora accused

of having attempted against the life of his majesty the king. The reports are chilling, since the sufferings caused to the Távoras were indiscriminate before their death in the gallows.

With the French Revolution, executions became more democratic, thanks to the invention of the guillotine, which made them quick and practically painless. Torture, as punishment, was banned, it is considered a disgusting practice before the rationalist man of Lights. Hence, also, the end of the courts of the Inquisition, to persecute and punish the heretics to the Christian faith.

Prison is born within this context, with the loss of freedom being considered sufficient and balanced punishment for certain crimes. Prison and exile, (see here the resumption of Greek ostracism) will henceforth be the most used punishments by the courts, which no longer judged crimes in the name of the king, but of the people or if we want the citizens. On the other hand, executions, when they took place, were private, with no public to attend.

Gradually, the application of penalties was softened, with Portugal being the first country in the world to abolish the death penalty in the reign of Luís I, in the middle of the 19th century. An attitude seen as revolutionary at the time, since, only in the 20th century and in the 1980s, France abolished the guillotine, just as in the 1950s England abolished the gallows. And already in the 70s, with the fall of Franco, the garrote in Spain. In the USA, there are still states in which there is a death penalty (electric chair or lethal injection), not to mention the Arab / Islamic countries where sharia prevails. Or in dictatorships, such as China or North Korea, with the application of the firing or shooting in the back of the head of a common or political offender.

In Portugal and in the rest of the western countries, prison has ceased to be a retributive punishment for a crime committed, to become a moment of re-socialization or a second opportunity, once the sentence is over. Hence the concept of social reintegration, which came to exist in the minds of crime experts and lawyers. The easing of the penalties, was another step towards humanizing the shorter detention, in case of crimes less serious (work for the community, house arrest instead of probation). The very architecture of prisons, was up humanizing since the times *Panopticum* of Jeremy Bentham. Also, in linguistic terms, there were changes in weight (there are no longer prisoners, but inmates, not jail or prison, but Eps, prisons, etc). It also concluded that , increased worth s beyond 25 years would not make sense, since , in states with the death penalty in the USA, the incidence of crime is identical to states that do not. Hence, the death penalty is not sufficiently a deterrent to crime or higher penalties with a legal cumulative term of 25 years. The same happens, according to many crime

experts, when it comes to the application of the life sentence, even for very serious crimes (we are talking about the specific case of Portugal).

Criminal law has followed the evolution of values, customs, norms and we have witnessed the decriminalization of conducts considered to be infringing (different sexual orientation , voluntary termination of pregnancy , or consumption of light drugs) and the penalty for non-existent crimes in penology (sexual abuse and bad under treatment, domestic violence, bullying and sexual harassment at work, marital rape, pedophilia on the net, and more recently , mistreatment aims at animals as beings “cientientes”, not to speak of so-called crimes of hatred that involves issues as serious and civilizational as racism).

Of course, the issue of recidivism is also on the agenda and so are the efforts to re-socialize. That is why, since the failure of these penal philosophies, since the 1970s and 1980s, there has been a great discouragement among social scientists and criminals who dedicate themselves to criminals and their rehabilitation. Hence Martinson's famous phrase about recovering from deviants: "Nothing Works! " That went viral in criminology.

Today , prevention , is on the front line , how many are dedicated to these issues of Criminology and Criminal Law , and are open all approaches to the explanation d to antinormativity:

Biological; psychological; psychosociological; sociological; anthropological; economic; policies and to urban, to no longer speak of a burning issue , the s social networks and the means of mass communication (TV and newspapers , Especially in the Western world , and the liberal and parliamentary democracies) .

With the developments of globalization and technology, new forms of crime have appeared on the horizon of Western, liberal and capitalist societies: drug trafficking; of arms; human organs, people, adults and minors, for prostitution, computer and environmental crimes, etc.). Hence the knowledge linked to crime , always being in a reactive situation against the same, taking advantage also , the development of science and technology (evidence of DNA, ballistics, detection of poisons / toxicology, anatomy criminal and pathological, forensic medicine, forensic science , scales of psychopathy and delinquent personality, sophisticated financial analyzes to detect white-collar children, decryption of hacker files, etc.).

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