

Key Concepts in Crime and Society
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Book review by Sally Ramage

This new law book, especially in its paperback format, is a most welcome addition to law libraries everywhere. In modern times, even legal scholars favour a small book and a quick read, due perhaps to the bombardment of our senses by the vast variety of other media. Therefore this important and welcome book, *Key Concepts in Crime and Society* is relevant; packs a punch' and forms a wonderful, reliable synopsis of crime and social control. This book is divided into three sections, namely, understanding crime and criminality; types of crime and criminality and responses to crime.

Section one includes crime and deviance, a little studied concept.

Section two includes organized crime and environmental¹ crime and the debatable victimless crime. As to environmental crime, the natural environment sustains all life on planet Earth and is our life-support system, yet inherent difficulties recur in regulating pollution which respects no jurisdictional boundaries and its effects are transboundary. Environmental justice therefore focuses on the unequal distribution of harm to people and climate change and greenhouse gas emissions remain sore and unsolved problems in our

¹ Press, D. (2015) *American Environmental policy: the failures of compliance, abatement and mitigation*, MA: Edward Elgar Publishing. US waste generation statistics; it is argued are dubious, due to poor emissions measurement. Even until 2008, coal sludge, called fly ash, was not measured until the realisation that this coal ash is hazardous, yet Congress based emission targets were not based on human or ecosystem health targets.

societies. The US has not adopted a national programme of greenhouse gas emission reduction to address climate change² or acid rain.³

Section three of *Key concepts of Crime and Society* importantly discusses crime and how the media reports crime plus the contemporary notion of ‘moral panic’, police and policing, rehabilitation⁴ and alternatives to imprisonment.⁵ Of all crime, everyone would agree, violent crime is the most important, especially homicide⁶ and robbery, the latter because it involves use of force by the offender during theft. The problem posed is how the media reports crime because the media often has commercial reasons for over-inflating criminal law reporting to frenzy because it sells newspapers.⁷

One example is the UK media coverage of *Baby Peter* in which the UK press forensically inspected every aspect of this case, creating some respect for the press from the public in press reporting of the public inquiry that followed this child’s death, depicting the mother’s boyfriend Steven Barker as abusive, violent, and directly causing the fatal injuries to Baby Peter. However, the *Daily Mail* newspaper depicted Steven Barker as a ‘a straightforward underclass thug lacking in any redeeming features. The UK’s *Daily Mail* stated that Barker was ‘*a sadistic thug who trained Baby Peter like a dog... a knife obsessed sadist, he wore combat gear, collected Nazi military memorabilia including helmets and daggers decorated with swastikas and was always seen with his beloved*

² Clark, D.S. (2012) *Comparative law and society*, Cheltenham: Edward Elgar Publishing Ltd, chapter 18, pp 403-421.

³ Ibid 1. See also United States Environmental Protection Agency (2014a) and (2014 b), ‘2012 Progress Report; Clean Air Interstate Rule, Acid Rain Program and Former Nitrous Oxide Budget Trading Program’ at http://www.epa.gov/airmarkets/progress/ARPCAIR_02.html.

⁴ In the West, rehabilitation has been at the heart of indeterminate sentencing practices, which in the UK, for example, was in practice by the Imprisonment for Public Protection (‘IPP’), only ceasing because its enthusiastic use caused overpopulation in UK prisons.

⁵ It has been observed that since the 1970s there has been an increase in more punitive approaches to law and order and an increasing reliance on imprisonment as a form of punishment.

⁶ Homicide or murder is often an offence with territorial and extraterritorial ambit in many jurisdictions. See Michael Hirst, ‘Murder as an offence under English law’, *Journal of Criminal Law*, Vathek, Volume 68, Part 4, August 2004 at pp315-328. In the UK, the offence is a common law offence, but if committed by a British person in another jurisdiction, it falls under the UK’s International Criminal Court Act 2001, s.53. For murders committed on coastal waters and the territorial sea is punishable under English law by the UK Territorial Waters Jurisdiction Act 1878, s. 2. Similar offences committed on an oil or gas rig further at sea fall within the UK Criminal Jurisdiction (Offshore Activities) Order 1987, article 3 and murder aboard a British controlled aircraft falls to English law by the UK Civil Aviation Act 1982, s.92.

⁷ Fitzgibbon, W. (2011) *Probation and social work on trial: violent offenders and child abusers*, UK: Palgrave Macmillan. In chapter 2 Wendy Fitzgibbon states that media coverage is never simply informative (Chibnall, 1977; Cohen & Young, 1981; Critcher, 2009; Greer, 2011) and the conflict that researchers experience in having to rely on the media as a source of information yet aware that media portrayal is just one component of the events being investigated.

Rottweiler dog'.⁸ The UK *Guardian* newspaper reported neutrally on Baby Peter's post mortem results as follows:

'...his back had been broken by slamming him down over a bent knee or a banister, which would have left him paralysed...'

However the *Daily Mail* and the *Mirror* printed computer generated injuries to Baby Peter based on the prosecution case and printed testimony of a 15 year old neighbour who told the court that *'Baby Peter's fingernails had been pulled out with pliers and his fingertips cut off; he was grabbed by the throat and thrown into his cot; etc.'*

The *Sun* newspaper took on an activist tone and set up a petition for its readers to sign in support of demands to sack the social workers and managers at Haringey Council who oversaw Baby Peter's welfare. In 4 days the *Sun* had collected 200,000 signatures for its Petition. The system nevertheless takes care of offenders' human rights.⁹

The above are examples of media-induced moral panic and the breakdown in relations of trust and interaction within communities and between communities and social services, and other child deaths by violence include, in the UK, the case of Victoria Climbié under Haringey council¹⁰; the death by starvation of seven-year-old Khyra Ishaq¹¹ in 2008 in

⁸ Vanessa Allen, 'Baby Peter killers unmasked: Evil mother who stood by as son was tortured... and the neo-Nazi boyfriend who abused him', *Daily Mail*, 11 August 2008.

'This is the evil mother of murdered Baby Peter. Tracey Connelly can today be identified as the woman who did nothing while her tiny son was tortured to death. For months she and the two men who abused Peter have hidden behind a series of court orders which barred newspapers from revealing their identities....'

⁹ Darren Boyle, 'Baby P Killer given taxpayer-funded new identity: Jason Owen released from prison three months early despite still being considered 'danger to public' ', *Daily Mail*, 13 July 2014.

'Jason Owen received a six-year jail term for his role in Baby P's death. The crack addict had earlier been released in 2011 but had been recalled. Owen is believed to have changed his name to avoid public abuse... At the time of Peter Connelly's death, Owen was living at the house with his brother Stephen Barker and the baby's mother Tracey Connelly... Stephen Barker was sentenced to 12 years in prison for killing Baby Peter. He later received a 10 year jail term for raping the sister of Baby Peter...'

¹⁰ Editor, 'Climbié report urges childcare reform,' *BBC News*, 9 June 2005. See also, Lucy Mangan, ' Things we won't say about race that are true— an odd and welcome sense of being talked to as an adult', *Guardian*, 20 March 2015. *'Trevor Phillips...thinks that preventing people from expressing prejudiced ideas might not have been the best way to stop them thinking them....'*

See also, Paul Harris, 'Screaming her innocence: the aunt who killed Victoria Climbié', *Daily Mail*, 20 March 2015 at <http://www.dailymail.co.uk/news/article-93791/>

'She called her 'my little daughter', the child she claimed to have loved and cared for through much of her pathetically short life. To hear her speak, you might have thought that Marie Therese Kouao might now have an ounce of remorse for Victoria Climbié, the eight year old girl who died such a terrifying death at her hands. She was not a monster, she kept telling us, and had nothing to do with Victoria's murder. Nothing to do with forcing her to eat excrement or scalding her with boiling water....'

¹¹ Helen Carter, 'The tragedy of Khyra Ishaq's death', *The Guardian*, 25 February 2010. *'The tragedy that befell Khyra Ishaq is hard to take. The seven-year-old starved to death as bowls of fresh fruit, tins of sweets and shelves of groceries filled the kitchen of her family home. A lock had been fitted high up on the kitchen doors to keep Khyra and the four other children in the house away from the food...'*

Handsworth, Birmingham, UK and the death of three-year old Mikaeel Kular¹² at the hands of his mother in Edinburgh, Scotland, and many other similar deaths.

Terrorism today

In line with homicide and robbery is the contemporary crime of terrorism today, motivated by political, religious and other ideologies using the means of suicide attacks, ethnic cleansing, release of deadly nerve gases, and bombings. Common law countries such as the United Kingdom ('UK') and the United States ('US') and Australia have in place criminal justice systems, to prevent and reduce crime for the protection of the communities in these countries, based on an adversarial, rule-of-law approach where the accused is presumed innocent until proven guilty.

Doctrine of 'separation of powers'

The key principle of a rule-of-law approach is the doctrine of *separation of powers*¹³. The Enlightenment thinkers identified three main powers inherent in government: (i) the legislative power (power to make law); (ii) the executive power (power to enforce law); and (iii) judicial power (power to interpret the law). This serves as a process of 'checks and balances'. The US however still has points of conflict between the branches that provide for 'separation of power'. One source of conflict is the judicial review system,

¹² Libby Brooks, 'Rosdeep Adekoya jailed for 11 years for killing her son Mikaeel Kular', *The Guardian*, 26 August 2014. 'Rosdeep Adekoya, who sparked a huge search after reporting her three-year-old son missing from his home in Edinburgh in January, was sentenced to 11 years' imprisonment today after she admitted killing the boy and hiding his body in a suitcase. Mikaeel Kular died after being beaten by his mother over a period of three days, resulting in severe internal injuries. Adekoya then wrapped his body in a duvet, placed it in a suitcase and drove to Kirkcaldy, Fife, where she tried to bury it in nearby woodland....'

See also Sally Ramage, 'Rosdeep Adekoya Kular charged with her son's murder', *Criminal Law News*, pgs 2-42, Issue 64, February 2014. See also Sally Ramage, 'Rosdeep Kular and her young family', *Current Criminal Law*, pgs 2-64, Volume 7, Issue 1, November 2014.

¹³ The idea of *separation of powers* was developed during the period known as the European Enlightenment which began in the 17th Century until before the beginning of the American Revolution. The powers referred to are the *legislative power*- the power to make law; the *executive power*- the power to enforce law, and the *judicial power*- the power to interpret law. In the first three articles of the US Constitution are defined the three branches of government that continue to share power in the US government today.

Article I places legislative power in the US Congress, ie the House of Representatives and the Senate Representatives and the US President is able to check Congress' power by exercising the presidential veto. Article II defines the powers of the executive branch and Article III establishes a Supreme Court of the US.

The federal judiciary, headed by the US Supreme Court is able to use its power to declare laws enacted by Congress as unconstitutional. See *Myres v US* (1926) where Justice Louis Brandeis stated that '*the doctrine of the separation of powers was adopted...not to promote efficiency but to preclude the exercise of arbitrary power*'.

presently in the ‘right of privacy’; the Gun Free School Zones Act of 1990; and the ‘advice and consent’ powers that Article II gives to the President to nominate federal judges, ambassadors, members of the cabinet and other public officials and the *doctrine of absolute executive privilege* which protects the confidentiality of the President’s discussions with his advisors, overturned in *US v Nixon*¹⁴ (President Nixon’s *Watergate scandal*) which defined limits on executive privilege.¹⁵ Other countries such as in continental Europe have a civil law system; others have Islamic legal system and socialist legal system in places such as Russia.

Recommendation

This is a very compact and useful book published by SAGE. It was a joy to read and gives food for thought.

¹⁴ 418 US 683 (1974).

¹⁵ The US Senate has only ever rejected 2% of such appointments and judges so appointed have lifetime tenure in their positions.