CRJ 345 S21 **Comparative Criminal Justice** Prof. M. Sánchez
LP 02/03 Wk. 3-4 **Systems and Analytical Tools**
Motivation: Discipline – Tony Robbins/ Les Brown 4:49 min. / https://www.youtube.com/watch?v=BbJlbQIcpGs

Devotion: 33 Teach me, Lord, the way of your decrees, that I may follow it to the end.
34 Give me understanding, so that I may keep your law and obey it with all my heart.
35 Direct me in the path of your commands, for there I find delight.
36 Turn my heart toward your statutes and not toward selfish gain.
37 Turn my eyes away from worthless things; preserve my life according to your word.
38 Fulfill your promise to your servant, so that you may be feared.
39 Take away the disgrace I dread, for your laws are good.
40 How I long for your precepts! In your righteousness preserve my life. **Psalm 119**

Homework: Read *World Criminal Justice Systems* (WCJS), p. 1-17
HW2 Pick a second type of crime in your chosen country, find an article, and discuss how one of the Five Approaches to Study explained in the reading can help your research. Specifically,
(a) Explain how the approach you chose fits your understanding of the cause of the crime
(b) Explain how you think it is best to address it (150 words). – Due 2/01
Respond to another post (50 words) – Due 2/02

Introduction: The understanding and use of tools and approaches is a critical part of all sciences. In the social sciences, including the study of Criminal Justice, approaches, frames of reference, and system philosophies such as centralization vs. decentralization allow us to explore and explain practices, patterns, and expectations for police/courts/corrections as these components of the CJ system address social problems. These tools and approaches when identified as characteristic of CJ systems in other countries, allow us to ask questions, expect and look for patterns, and apply questions and new ideas.

Lesson Goal: What are "frames of reference?" – The parameters for your observation/set of facts

Frame of reference: When conducting a comparison, the researcher has to decide, what are *the parameters* that guide the comparison? For example, in music we might compare "musical groups" by comparing: the range of instruments used, size of the group, years of performing, vocal or not, use of technology, etc. By doing so, we structure measurable and meaningful parameters, variables, considerations that are related to performance (which makes sense when talking about musical groups).

Comparative Criminal Justice – Frames of Reference (make sure to read p. 5-15)
A. Nation State – how would you define a nation?

1. A *generational organization* principally committed to political activities meant to preserve its existence
2. Occupies and controls a defined territory (geopolitical), and/or has a specific identity recognized by others.
3. Has *sovereign* control or total authority over its present state and future
4. Has a *distinctive population* which identifies its past, present and future bonds under the authority.
5. Has established a *form of "government"* by which its political and social processes are sanctioned.

***Types of nation states** – government forms*

1. Monarchy – rule by established family lineage: England, Japan, North Korea
2. Oligarchy – rule by minority group: China, Cuba, North Korea, Russia
3. Theocracy – rule by religious law/clergy: Islamic Republic of Iran, Saudi Arabia
4. Dictatorship – rule by single person controlling government: Libya, Myanmar, North Korea
5. Democracy – rule by popular election: United States, Mexico, England

Democracy

1. Democratic – refers to the public's active role required for political guidance and change.
2. Blended democracy – refers to limited public role or shared authority (for example, Japan, Cuba).
3. Non-democratic – refers to the public's exclusion in the process of political guidance and change.

Ponder: Can Islamic rule work in a democratic or blended democracy? Yes/ No/ Maybe/ Why?

B. Legal System

Common law - based on interpretation by a panel of judges (tribunal) per case (similar to appeal courts in U.S.).
Romano-Germanic law – based on the *development* of laws *by experts* which are *strictly* applied
Socialist law – aimed at "regulating human behavior and retaining social order" (*WCJS*, p. 9)
Islamic law – based on the Quran, the Holy Text as revealed to Mohammad and the will of Allah for Muslims. The combination of nation and religion is the key concept to understand in this legal category
Case law – The United States utilizes the law and its interpretation as "precedent setting," that means both the law and the interpretation carry similar weight and reflects two ways in which the legal system evolves.

The United States abides by the **"rule of law"** as the foundation of its *government* and *criminal justice system*.

- *Rule of law* means approved code have supreme authority over all legal outcomes in the United States.
- It also means that no person or entity is exempt (outside of the obligations) of the *legal code*

What below is correct regarding the *rule of law*?

a) The law is the supreme authority
b) The government officials are the supreme authority
c) The ruler is the supreme authority
d) Answers a) and b) are correct
e) Answers b) and c) are correct

VIDEO: Rule of Law – Australia /how is "rule of law" related to human rights? – 4:08 min.
https://www.youtube.com/watch?v=0Hubr8mZlIc - As you watch, consider the following:

1. The key principle of *rule of law* is the *protection from abuse of power* by persons in authority
2. How does the principle support the idea of fairness and justice for a nation's citizens?
3. How does this principle support the argument for human rights?
4. Do you understand the principle of human rights?

Lesson: Centralized versus decentralized approaches:
Decentralized – authority is spread out *horizontally* (across) giving equal and separate decision-making power
Centralized – authority is spread *vertically* (high to low within organization) to control decision making power

How does the decision to centralized or decentralized impact social goals, institutions, social expectations?

Centralized Authority Structure	**Decentralized Authority Structure**
1. Single mission statement	1. Multiple Mission and Priorities
2. Leadership is consistent	2. Hierarchy is based on context
3. Planning is consistent	3. Planning is context/ resource based
4. Resources are fairly distributed	4. Resources are based on context wealth
5. Transition across divisions is	5. Transition across divisions varies by context

VIDEO: Decentralization in societies – watch first 7 min.
https://www.youtube.com/watch?v=gaszpQaNwAU

CTQ: What do you think are practical /real life advantages to centralization/decentralization?
For example, how would centralization or decentralization impact:

- **Policing**
- **Courts**
- **Prisons**
- **Community reentry**

Study Questions for this LP:

What is a "frame of reference?" ( )

What are the five components of a Nation state? ( )

What are the five types of Nation states? ( )

What are included in the five types of legal systems? ( )

What is characteristic of the common law legal system? ( )

What is characteristic of the Islamic law legal system? ( )

What is characteristic of the Romano-Germanic law legal system? ( )

What is characteristic of the Socialist law legal system? ( )

What is characteristic of the case law system? ( )

How do case decisions impact the application of case law?

What are the forms of democracies? ( )

What are included in the 5 characteristics of centralized authority? ( )

What are the 5 characteristics of decentralized authority? ( )

What are the points that characterize rule of law? ( )

What are the 4 characteristics of the crime control model? ( )

Who is most likely the popular support for the crime control model? ( )

How is the centralized authority related to the ideas of systems theory?

What are the 4 characteristics of due process as a philosophy? ( )

Who is the most likely the popular support for the due process model? ( )