

Global-Local Nexus and the Emerging Field of Criminology and Criminal Justice in South Asia: Bangladesh Case

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Abstract: *This paper examines the socio-historical context of the rise and significance of criminology and criminal justice in the societies of South Asia. The growth of a scientific specialty in a society is closely linked to its socio-historical evolutions. Applying the concept of C. Wright Mills' "sociological imagination," the paper argues that the historical process of globalization has created two competing demands in the realm of governance in the nations of South Asia. The first is the demand for the growth of the values of democracy, justice, and human rights. This has raised the need for redefining the traditional meaning and boundaries of crime, punishment, and justice. The second is the spread of new global crimes. A new set of trans-boarder and transnational crimes such as illegal human trafficking, illegal drug trades, illegal trading and trafficking of human organs, illegal trading of conventional weapons and nuclear materials, and cyber crimes are rapidly spreading in South Asia. The rise of new global organized criminal groups and new groups of global terrorists are major threats to governance and national security. These two competing demands—the need for redefining the traditional institutions of crime and justice and the need to contain and control the global crimes—are contributing to the rise of criminology and criminal justice in South Asia.*

Introduction

Globalization has changed the institutional settings of each society of the world and some have described this process as a 'world in motion' (Inda and Rosaldo, 2002). The changes in the economic and political institutions have been noticed mostly and have become topic of discussions for economists and political scientists. The corresponding changes in law and order situation are also noticeable and gradually becoming a part of the political discourse of many South Asian countries. The fact of the matter is that the process of globalization has changed the nature of crime and criminality. The criminals have also turned global in terms of their operations that are mostly known as 'transnational' acts or activities. Illicit drug trafficking along with human trafficking became such dominant 'transnational' activities that concerted efforts are needed to address them. Thus, we have several UN agencies to deal with these kinds of illegal transnational activities. However, for many these issues have Western biases, "and the proclamations of global solidarity in the Western media tend to be primarily reserved for affluent global capitals and tourist resorts rather than third world cities and countries" (Aas, 2007, 283). Though migration and movement of people across the boundaries of nation-states have been

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with us for a long time, the issues related to transnational organized crime, human smuggling and trafficking, money laundering and transshipment of weapons for the purpose of terrorism need a global approach to be dealt with. C. Wright Mills' sociological imagination (1982) allows us to explore the causes of these deviant behaviors but for the overall comprehension, we need to move beyond the societal approach and develop a criminological and criminal justice approach. These problems demanded stricter regulation and control; however, we also need to study the breeding factors of crime and criminality for the development of effective intervention and prevention programs.

At this critical juncture of globalization and transnational transformation of deviant behaviors across the South Asian societies, sociology has, we believe, a great role to play and this is the theme of the present paper. Sociology has a long and enduring tradition of studying crime, deviance, law, morality, justice, and punishment. Durkheim, Weber, Marx, and Simmel among others in classical sociology left a great tradition of studying crime and deviance in particular and the understanding of the complexities of governance in modern societies in general. South Asian sociology can be of great value in policy-making if the needs and strategies for reforming criminal justice in South Asian societies are researched and understood in the context of both their specific history and cultural peculiarities and the global trends in law, justice, and human rights. In this backdrop, we are making a case for the introduction of a new emerging science of behavior known as Criminology and Criminal Justice in Bangladesh.

The Origins and Evaluation of Criminology

Crime is as old as human society and attention to crime can be traced back to ancient Babylon and the Code of Hammurabi. The Ten Commandments, the Christian perspective, the Hindu Laws and the Muslim Laws have all had their own way of dealing with their respective law and order situation emerging due to violations. Punishing the criminals was one of the ways to maintain social order. However, with the Enlightenment the social and intellectual reforms focused criminality differently than the religious perspectives. The Enlightenment period introduced a new way of thinking that provided an alternative to the logic of spiritual explanations. One of the major developments that came in the wake of modernization in the West, particularly from the middle of the twentieth century, has been the emergence of the notion of criminal justice as a separate but highly interconnected system within the structure of governance. A separate system of criminal justice emerged to redefine the boundaries of crime, develop new strategies of crime control and prevention, reform the traditional institutions of police, prison, and the court, and protect human rights, freedom, democracy, privacy, and justice (Maquire et. al., 2007). These institutional transformations came in the context of ideals of modernization, renewed

understanding of the science of human behavior, and the philosophy of enlightenment. Criminology now has a strong base to provide theoretical explanations of why do people commit crimes. "For example, some scientific theories in criminology make statements about the relationship between the certainty and severity of criminal punishments and the volume of criminal behaviors in society. Other scientific theories make statements about the relationship between biological, psychological, or social characteristics of individuals and the likelihood that those individuals will engage in criminal behavior" (Vold et.al., 1998, 2). During the 1970s and 1980s, almost all advanced countries of the West, particularly the United States, Canada, England, France, and Germany reformed their criminal justice systems as an integral part of reforming their institutions and culture of governance.

Growth of Criminal Justice Professionals

With the advance of reforms in criminal justice, there also began the growth and expansion of the field of criminology, and a new group of criminal justice professionals. These professionals came from a variety of fields such as sociology, public administration, political science, psychology, law, and even biology and chemistry. Sociology has made the dominant impact on the rise and theoretical legitimacy of the field of criminology. Today, criminology and criminal justice together is one of the most rapidly advancing areas of social and behavioral sciences (Miller et. al., 2008). Major world-class universities such as Oxford, Cambridge, Harvard, Yale, Stanford, and Berkeley have established centers and programs for criminology and criminal justice. Oxford's Center for Criminology, for example, has been training a new generation of criminal justice professionals for many developing countries including those of South Asia. In the United States, about thirty major universities offer doctoral programs in criminology and criminal justice. Two hundred universities offer Masters in criminology and criminal justice. There exist also thousands of undergraduate programs for training a new generation of criminal justice professionals. The growth of criminology and criminal justice in the advanced countries has helped the growth of effective governance and effective policy-making in crime and justice areas. Similarly the contemporary global situation of national security, the crisis related to the human trafficking, cyber crime phenomenon, sophisticated money laundering schemes and the constant threat of terrorism require highly specialized trained group of professionals who will have skill, knowledge, and training to protect the people. Thus across the USA we see the expansion of criminal justice education and training. These developments have made them able to face the challenges of crime and justice in more effective and efficient manners.

Impact of Globalization

Criminology and the institutions of modern criminal justice are spreading all over the world as a result of globalization. Similarly criminal justice problem of one society hardly remains as a problem of that particular unit. "In the emerging global (dis)order, the notion of 'society' is transformed beyond recognition by the growing trans-border flows, and can no longer preserve the illusion of being a discrete and separate entity. Consequently, one can no longer study, for example, Italy simply by looking at what happens inside its territory, but rather one needs to acknowledge the effects that distant conflicts and developments have on national crime and security concerns, and vice versa" (Aas, 2007, 286). Drug trafficking, human trafficking and corruption became global in nature and their containment must be approached globally. Is this process requiring wholesale removal of national and international borders or is it creating an environment for collaborations and cooperation? In a global economy nation states enjoy less autonomy in regulating capital and labor movements. In economy, the slogan is 'let's break the barriers,' whereas, in the field of criminal justice, the trend is towards more control and restrictions. "Economic globalization suggests the unfettered freedom of the market; legal globalization suggests universal regulation through the instruments of human rights" (Vold, 1998, 57). The United Nations Drug Control Programme (UNDCP) and about half-dozen other world organizations are currently operating to contain corruption and punish perpetrators (see Table 1). At micro level, the national-political demarcations are becoming less effective for the movement of capital, labor and technology but on the other hand, criminal justice procedures and laws are turning into hegemonic. There are other reasons for that; the nature of the criminal activities as such requires transnational approach. How are we to address appropriately phenomena such as cyber crime, smuggling, money laundering and trafficking, which by their nature call for a global, rather than simply a comparative inter-national standpoint (Aas, 2007)?

At the international level, many regulatory laws are passed to enhance the power of law enforcement authorities across the board (Summer, 2007). The world bodies will create more regulatory agencies as time goes on. The United Nations Convention on the Rights of the Child, have now made it possible to talk of global juvenile/youth justice (Muncie, 2005). In recent years, emphasis on global terrorism has not only framed the state's agenda, but it stands as a gateway to exert significant influence over the range of possible outputs. The hegemony of the Western interests within the political arena becomes a normative mechanism to be used by them to achieve its objectives. Globalization has provided an opportunity to many powerful nations to expand the jurisdictions of their own courts over other countries. In the United States, there emerged some Federal White-Collar Crimes Acts with international scope, for example, Foreign Corrupt Practices Act (FCPA), International Anti-Bribery and Fair Competition Act, International

Anticorruption and Good Governance Act of 2000, and last but not the least, the Organized Crime – Travelers Act. These acts allow US agencies to go beyond its political jurisdiction to combat corruption and illegal activities.

Other international organizations are also developing over-arching agencies with jurisdictions over more than one country. The International Criminal Court (ICC) was established in 2002 as a permanent tribunal to prosecute individuals for genocide, crimes against humanity, war crimes, and the crime of aggression, although it cannot currently exercise jurisdiction over the crime of aggression. The Court came into being on July 1, 2002 — the date of founding the treaty, the Rome Statute of the International Criminal Court, entered into force — and it can only prosecute crimes committed on or after that date. As of February 2008, 105 states are members of the Court. A further 41 countries have signed but not ratified the Rome Statute. However, a number of states, including China, India and the United States, are critical of the Court and have not joined. A number of other courts developed with wider jurisdictions; the International Court of Justice (ICJ), the Hague (Netherlands), International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). After 9/11 the perspective of global trend has changed significantly and the change is towards the growth of a single dominant ideology, which intends to control crime and criminal behavior by reaching over political boundaries of other suspected countries. In this kind of environment, it is important that the small and poor nations should be vigilant and be aware of the process of globalization of criminal justice agencies and issues so that the process of globalization should secure their national interests and reduce true threats of international terrorism. Big and small, all countries are truly interested in curbing terrorism and violence. The nature of today's terrorism is as such that it needs international cooperation to develop effective measures to contain them. As a result of this we see the growth of transnational efforts and agencies. The global expansion of criminal justice agencies made it more than important for small countries to develop their own methods and perspectives to comprehend and understand the criminal justices issues for the protection of their won interests. The science of Criminology and Criminal Justice will provide the knowledge, ability and skills that will not only help us to protect our interests it will also help us to play our required roles in shaping the future direction of forthcoming regulatory laws at the international level.

Criminology and Criminal Justice In South Asian Countries

In South Asia, criminology and criminal justice, however, is still in their infancy. Although in one sense, criminal justice in South Asia is as old as South Asia. In a more modernizing or in a sociological sense of institutional differentiation and integration, criminal justice in South Asia is still very archaic in nature. In most countries of South Asia, the criminal codes and the penal

institutions developed by the British colonial governments have not changed in any significant way. The institutions of police, court, and prison are still very ancient in nature and most of them are incompatible with the modern notions of human rights, freedom, justice, equality, privacy, and democracy.

However, what we see today is that a new discourse for modern criminology and criminal justice has now been spreading in all South Asian societies including among their policy-makers, leaders of civil societies, women groups, NGOs, and local international assistance communities. The educational institutions of India compared to Pakistan and Bangladesh is ahead in imparting criminal justice and criminology education. In 1957, the UNESCO Report on teaching of Criminology provided required impetus to introduce this subject worldwide. This Report advocated the need of Criminology in reducing crime and develops theoretical understanding about crime not merely as judicial abstraction but as human act, a natural and social fact. In response to the report, the University of Saugar became the first University in India to have established the very first full-fledged Department of Criminology and Forensic Science in the year 1959. Gradually other universities followed and introduced the education of criminology and criminal justice. Some major Universities offering courses on criminology are (Table 2); Lok Nayak Jayaprakash Narayan National Institute of Criminology and Forensic Science, Aligarh Muslim University, Nagpur University, Punjab University, Tata Institute of Social Science, the University of Madras, and the Utkal University. These universities offer degree programs in criminology and some of them offer graduate programs at master and doctoral levels. There are other universities that offer master program in criminology only for those who have completed Bachelor of Law degree and they are; the University of Jammu, the University of Lucknow and the University of Pune Ganeshkind. The University of Madhya Pradesh offers MA in Criminology, Diploma in Criminology & Forensic Science for Police Department and Ph.D in Forensic Science & Criminology. The following are the universities that offer masters degree in the subject: the University of Chennai offers M.A. degree in Criminology; Harisingh Gour Vishwavidyalaya offers M.A. degree in Criminology & Forensic Science and M.Sc. in Criminology; and Karnatak University offers M.A. degree in Criminology & Forensic Sciences. The Punjabi University offers M.Sc in Forensic Science.

The following are some of the universities offering M.Sc./MA in Forensic Science / Criminology: Dr. B.R. Ambedkar University, M.Sc. in Forensic Science; the University of Mysore, M.A. in Criminology & Forensic Science; the Osmania University, M.Sc. in Forensic Science in collaboration with Andhra Pradesh State Forensic Science Laboratory; the Bundelkhand University, M.Sc. in Forensic Science & Criminology; the National Institute of Criminology, M.A. in Criminology; the Banaras Hindu University, M.A. in Criminology; the Manonmaniam Sundaranar

University, M.Sc. in Criminology & Criminal Justice Science. Many other universities offer pure Forensic Science degree for science graduates. In no measure, this list is complete and comprehensive.

There are five levels of teaching of criminology in India:

- 1) Independent departments of criminology;
- 2) Joint departments of criminology and Forensic Science;
- 3) Diploma Courses;
- 4) Distance education courses; and
- 5) Criminology in training institutions.

Indian Society of Criminology, as a professional organization has been operating since 1971 and its membership has reached about 1500 and it routinely meets annually for sharing ideas and research findings. Last February it had its 30th National Conference in Calcutta and its theme was Crime and Justice in the Changing World. The Indian Journal of Criminology is published from Delhi quarterly. This journal has developed a tradition in publishing established and emerging scholars' research works in the field of criminology and criminal justice.

In Pakistan, the sciences of Criminology are growing with the time and as needs are changing. The Department of Criminology is one of the prestigious departments of Karachi University, and was established in 1995. Karachi University introduced Master Program in Criminological Sciences for the first time in Pakistan. Criminology has emerged as a branch of Sociology. Recently, the Sihala Police Training College an affiliate of the Punjab University of Lahore introduced a BSc program in criminal studies for the probationer assistant inspectors (ASIs) selected by the Punjab Public Service Commission are given admission to the program. The University of Sindh, Hyderabad campus also has a Criminology Department. The Islamic University of Bahawalpur offers criminology course at Master level. The Bahauddin Zakaria University of Multan also offers criminology course. Many colleges and universities of Pakistan may not have separate departments of Criminology and/or Criminal Justice but many of them offer courses covering areas of criminology and criminal justice. The National Higher Education Commission encourages research work in the areas of Criminology and provides annual award for best criminal justice research paper.

In recent days, the Care-Taker Government (CTG) of Bangladesh has made 'fighting corruption' as its prime goal and it is steadily moving to nail down the perpetrators. There is no dispute to say that the pre January 11, 2007 situation was the lowest point of our social decadence and now it seems that people are willing to save the society from total disorganization. Criminal acts should

not go unpunished, however, mere punishment will not guarantee future crimes unless we succeed in identifying, through scientific research, the social, political and economic factors that led us to our current situation and make adjustable measures to bring the necessary changes to the system. In another word we need a paradigm shift, let us not only look at the individuals as the main cause of criminal behavior, rather find out what are the societal factors—the social contextual environment—that lead to criminal actions to take place. “Corruption is an outcome—a reflection of a country’s legal, economic, cultural and political institution” (Svensson, 2005, 20). The knowledge gained through criminal justice and criminology will provide proper methodology and perspective to comprehend the causes of corruption and other white-collar crimes. In Bangladesh, there are no special anti-corruption courts. At the zila level (sub-district), judges who deal with corruption cases are called special judges. However, they are part of the whole judicial system. Of late, Transparency International Bangladesh has prepared a working paper on the proposed structure of an Independent Anti-corruption Commission, where one of the suggestions was to establish a special court for trying corruption cases. The sociology departments at the University of Dhaka, University of Chittagong and Shahjalal University of Science and Technology and North-South University offer courses in Criminology and there are a few faculty who are teaching at different universities of Bangladesh mentioned Criminology as their research interest area and will be interested to teach the course in future.

Conclusion

It is now being increasingly recognized that an effective and modern system of criminal justice is an integral part of economic growth, democracy, and effective and transparent governance. Sociology in South Asia has long tradition and I believe that it has a great role to play in this discourse to improve criminal justice and governance.

Two competing forces are shaping this emerging discourse about the need and significance of modern criminal justice in the societies of South Asia. The first is the event of the rapid integration of South Asia within the global culture, politics, and economy. This rapid integration is creating new demands not just for improved economic equality and opportunities. It is also creating new demands for human rights, reform of penal institutions, modernization of law, and the growth of equal and effective systems of justice. These demands, in turn, are pushing an agenda for redefining and restructuring the whole system of criminal justice in South Asian societies.

The second factor that is shaping the discourse for modern criminal justice in South Asia is the emergence of new types of global and transnational crimes such as illegal human trafficking, trafficking of illegal drugs, illegal trading and trafficking of human organs, illegal trading of

conventional and nuclear materials, and global terrorism. The old crimes of gangs, sex, and violence did not go away. They are growing with new intensity because of new weapons, new technology, and newly organized transnational criminal groups. These global-local nexus have created enormous problems for governance in South Asian societies. In some societies, as in Bangladesh, crime and corruptions have almost completely eroded the legitimacy of the government. This in turn contributed to the rise of the discourse for modern criminology and criminal justice. In Bangladesh and other South Asian societies, UNDP, ADB, EU and many other international assistance organizations as well as civil society groups are now pushing an agenda for improving criminal justice as an integral part of improving transparent governance, economic growth, and social justice.

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Appendix

Table 1. Global Crime and Justice Regime

- UN Inter-regional Crime and Justice Research Institute (UNICRI)
- UN Office on Drugs and Crime (UNDOC)
- Transparency International (TI)
- UN Commission on Crime Prevention and Criminal Justice
- UN Crime and Justice Information Network

UN Commission on the Status of Women
UN Commission on Human Rights
European Crime and Safety Survey Commission
International Crime Victims Survey
European Commission on Cyber Crime
World Congress of Criminology
US National Institute of Justice-International Center
Crime and Justice Programs of EU, ASEAN, SAARC

Table 2. Institutions Offering Post Graduate Programs in Criminology: India

Aligrah Muslim University, Aligarh
Andhra University, Waltair, Visakhapatnam
Dr. Harisingh Gour Vishwa Vidyalaya, Gour Nagar, Sagar, Madhya Pradesh
Gujarat University, Navrangpura, Admedabad
Karnatka University, Pavate Nagar
Maharashtra Gandhi Kashi Vidyapith, Varanasi
Nagpur University, Nagpur, Maharashtra
Punjab University, Chandigarh
Tata Institute of Social Science, Mumbai
University of Madras, Chepauk, Chennai
Utkal University, Vanivihar, Bhubaneswar
Institutions offering courses in Criminology for those who have completed LLB degree.
University of Jammu, Jammu Tawi
University of Lucknow, Lucknow