



LEVEL 3 MARKING SCHEME

WINTER 2022

**LEVEL 3
CRIMINOLOGY – UNIT 2
4543UB0-1**

INTRODUCTION

This marking scheme was used by WJEC for the 2022 examination. It was finalised after detailed discussion at examiners' conferences by all the examiners involved in the assessment. The conference was held shortly after the paper was taken so that reference could be made to the full range of candidates' responses, with photocopied scripts forming the basis of discussion. The aim of the conference was to ensure that the marking scheme was interpreted and applied in the same way by all examiners.

It is hoped that this information will be of assistance to centres but it is recognised at the same time that, without the benefit of participation in the examiners' conference, teachers may have different views on certain matters of detail or interpretation.

WJEC regrets that it cannot enter into any discussion or correspondence about this marking scheme.

LEVEL 3 CRIMINOLOGY – UNIT 2

WINTER 2022 MARK SCHEME

1. (a) Briefly describe why Albert and Barbara's circumstances could be seen as criminal **and** deviant. [4]

0 marks	The response does not meet any of the criteria specified below.
1-2 marks	There is a limited focus on the question, with vague or no accurate support and little or no use of specialist vocabulary.
3-4 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

- They are described by neighbours as being dysfunctional and weirdos. This would suggest they are deviant.
- Barbara has turned to stealing in order to obtain expensive items, and this is criminal and deviant behaviour.
- If Albert has ended his mother's life this is criminal behaviour and could be assisted suicide or murder, which would also be considered deviant.

- (b) (i) Describe **one** sociological theory of criminality.

[6]

0 marks	The response does not meet any of the criteria specified below.
1-2 marks	There is a limited focus on the question, with vague or no accurate support and little or no use of specialist vocabulary.
3-4 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary. The demands of the question may be only partially addressed.
5-6 marks	There is a clear and detailed focus on the question with mainly accurate support and an effective use of specialist vocabulary. The demands of the question are fully addressed.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

Marxism

- Society may influence a person to become criminal.
- Marxism sees crime as something that the ruling class use as a means of social control.
- The criminal justice system, including the police and prisons, encourages conformity.
- It assumes that the disadvantaged social class is a primary cause of crime and that criminal behaviour begins in youth.
- The nature of capitalism encourages a two-tier system in society. One group has no power or money and therefore are forced to turn to crime.
- It suggests that crime is largely a result of unfavourable conditions in a community, for example poverty, high dropout rate, unemployment and single-parent families.

Strain theory of criminality

- Candidates may refer to the work of Robert K Merton.
- Society encourages people to subscribe to the goals of material success. They strive for the *American Dream*.
- However, society is unable to provide the legitimate means for all to achieve success.
- Some people find their opportunities are blocked and consequently they experience feelings of anomie.
- There are various responses to the strain, such as conformity and innovation. Some of the responses can result in criminality occurring.

Interactionism

- This theory focuses on the way people in society interact with one another. According to Howard Becker, the Labelling theory can explain criminality.
- Crime is a social construction and, as such, behaviour is punished accordingly.
- Once a person is labelled, they then tend to adopt the label and behave as expected. Their master status then becomes that of the label and hence a self-fulfilling prophecy. This label can result in criminality.

- (ii) Analyse how the theory described in 1(b)(i) can be applied to Barbara's criminality. [6]

0 marks	The response does not meet any of the criteria specified below.
1-2 marks	There is a limited focus on the question, with vague or no accurate support and little or no use of specialist vocabulary.
3-4 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary. The demands of the question may be only partially addressed.
5-6 marks	There is a clear and detailed focus on the question with mainly accurate support and an effective use of specialist vocabulary. The demands of the question are fully addressed.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

Marxism

- Barbara would be classed as a member of the working class or proletariat.
- Society may have forced Barbara into crime. She has been unable to obtain employment and earn a salary to fund her purchases as she has had to look after her mother. Society has not provided the care for her mother that has been provided by Barbara.
- As a result of a capitalist society producing unequal opportunities, Barbara has been forced to commit crimes to achieve what she wants.
- Barbara may feel she has no choice but to commit crimes by stealing jewellery, as other members of society, such as the bourgeoisie, have all the opportunities to earn a salary and buy such items.

Strain theory of criminality

- Society has set goals for people to achieve and this includes Barbara. Such aims could include buying jewellery and other luxury items.
- However, Barbara has not been able to secure a job and earn money to buy luxury items as she has provided care for her mother. It could be argued that Barbara is more likely than others to be denied material benefits in life.
- Her opportunities are blocked and so she cannot reach the goals through legitimate means.
- Consequently, she has experienced feelings of strain and anomie as she strives for material success.
- Barbara appears to be an innovator by adopting non-conventional or criminal ways to reach her goals and have a life of luxury and achieve material success.

Interactionism

- Barbara suffers abuse from her neighbours and is called a “weirdo”. She has a restricted life by being unable to work and earn a salary.
- She may have accepted the name calling and adopted the label from her neighbours. She is now stealing jewellery and other items.
- This is an example of a self-fulfilling prophecy and she has adopted her master status as a “weirdo” and thief.

- (c) Evaluate the effectiveness of sociological theories in explaining causes of criminality. [9]

0 marks	The response does not meet any of the criteria specified below.
1-3 marks	There is a limited focus on the question, with vague or no accurate support and little or no use of specialist vocabulary.
4-6 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary. The demands of the question may be only partially addressed
7-9 marks	There is a clear and detailed focus on the question with mainly accurate support and an effective use of specialist vocabulary. The demands of the question are fully addressed.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

Marxism

- This ignores individual motivation or the connection between crime and other inequalities such as gender.
- Marxism disregards other issues. For example, Barbara could have perhaps worked part time and instead chose to look after her mother.
- Not all people who have a low income commit crime. However capitalism encourages competitiveness and Barbara, for example, yearns for a life of luxury.
- Crime can result from the inequalities in the social structure. It may be argued that laws are created to protect the ruling classes.

Strain Theory

- It explains how crime occurs as a result of social strain and the consequences of individuals adapting to the strain.
- It also explains why working-class crime rates may be higher.
- It allows for individuality, as people react differently to social strain. However, such an approach can avoid group crime.
- It fails to explain crime that does not have a monetary gain.
- It is deterministic, as not all working-class individuals resort to crime.

Interactionism

- It does not explain why deviant behaviour occurs in the first place.
- It can be deterministic and stereotypical. Barbara doesn't have to steal; she is choosing to do it.
- It can focus on the negative effects of labelling and can ignore the victims of crime focusing on the offender.
- Alternatively, it highlights the differences in deviance between people and shows that rules can be applied in a discriminatory way.
- It shows weaknesses in official statistics, suggesting they are more a record of activities of the control agents rather than of criminals.

2. (a) Briefly explain why **one** area of law, **not** linked to cigarette smoking, has changed over time. [4]

0 marks	The response does not meet any of the criteria specified below.
1-2 marks	There is a limited focus on the question, with vague or no accurate support and little or no use of specialist vocabulary.
3-4 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

Prostitution

- Once stigmatised and linked to immorality.
- Now more of an issue of how to protect vulnerable people involved in prostitution.
- There are calls for it to be decriminalised with appropriate regulation.

Vagrancy

- This is still illegal under the Vagrancy Act (1824).
- Originally passed to clear the streets of beggars, rogues and vagabonds and prevent further crime from being committed.
- The Act fell into disuse as society accepted there were legitimate reasons for homelessness.
- However, over the last few years there has been an increase in the number of prosecutions.

Homosexuality

- Once a criminal offence in England & Wales, this changed as a result of the Sexual Offences Act (1967).
- The age of consent has also been lowered from 21 to 16 years.
- Changes have included the right to have a civil partnership and same sex marriage under the Marriage (Same Sex Couples) Act (2013).

- (b) Explain, with examples, what is meant by the term criminal behaviour. [6]

0 marks	The response does not meet any of the criteria specified below.
1-2 marks	There is a limited focus on the question, with vague or no accurate support and little or no use of specialist vocabulary.
3-4 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary. The demands of the question may be only partially addressed.
5-6 marks	There is a clear and detailed focus on the question with mainly accurate support and an effective use of specialist vocabulary. The demands of the question are fully addressed.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

- Criminal behaviour is against the rules that a society decide should be the criminal law.
- A criminal offence usually requires an *actus reus* and *mens rea*. However this is not the case with crimes of strict liability.
- Blackburn (1993) defines crimes as “acts attracting legal punishment... offences against the community.” Crimes have consequences that are injurious in some way to the community at large, or to one or more people within it.
- Some criminal behaviour could also be described as deviant, but it does not have to be. Speeding for example, which could be argued to be more of the norm in society.
- Smoking can be criminal behaviour if carried out in enclosed public areas or in cars with children under 18 years of age.
- Sanctions against criminal behaviour include prison and community punishments.

- (c) Explain, with examples, how campaigns for change have affected policy making. [6]

0 marks	The response does not meet any of the criteria specified below.
1-2 marks	There is a limited focus on the question, with vague or no accurate support and little or no use of specialist vocabulary.
3-4 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary. The demands of the question may be only partially addressed.
5-6 marks	There is a clear and detailed focus on the question with mainly accurate support and an effective use of specialist vocabulary. The demands of the question are fully addressed.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

Candidates must refer to two or more campaigns, and these may include:

- Sarah's Law. Headed by Sarah Payne's mother, the campaign sought the right for parents and carers to access information about child sex offenders living in the area. It introduced the Child Sex Offender Disclosure Scheme.
- Clare's Law. Headed by Clare Wood's father, following his daughter's death at the hands of a violent partner. The change in policy allows disclosure of domestic violence convictions. This was introduced by the Domestic Abuse Disclosure Scheme.
- Ann Ming's campaign to abolish the law on double jeopardy for murder charges. It started following the death of her daughter, Julie Hogg. The Criminal Justice Act (2003) brought about the desired change and resulted in the successful prosecution of Billy Dunlop for Julie's murder.
- Bobby Turnbull's campaign for changes to the gun laws was established as a result of three of his relatives being killed. Changes were introduced by amendments to the Firearms Act (1968).
- The campaign headed by Matthew Smith following the suicide of his brother. This was by the Campaign Against Living Miserably (CALM), and it sought to raise awareness of the number of male suicides. Successful, it led to the government introducing a Minister for suicide prevention in 2018.

- (d) With reference to the scenario and other examples, explain how social changes affect policy development. [9]

0 marks	The response does not meet any of the criteria specified below.
1-3 marks	There is a limited focus on the question, with vague or no accurate support and little or no use of specialist vocabulary.
4-6 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary. The demands of the question may be only partially addressed.
7-9 marks	There is a clear and detailed focus on the question with mainly accurate support and an effective use of specialist vocabulary. The demands of the question are fully addressed.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

- Society has changed its views and policies regarding the smoking of cigarettes. From being perceived as a glamorous activity in the mid-20th century, smoking is now illegal in enclosed public places following the Health Act (2006).
- Homosexuality was once illegal and a serious societal taboo. However, as society has changed its view over time, laws and policies in this area evolved. For example, same sex marriages were made possible in 2014 by the Marriage (Same Sex Couples) Act 2013. It is now illegal to discriminate against people based on their sexual orientation.
- The status of women has changed as society's view on women has evolved. For instance at the beginning of the 20th century, women had very few legal or political rights. This has changed over time and there are now many laws preventing sex discrimination, for example, the Sex Discrimination Act (1975).
- Suicide was originally a crime and a mortal sin, which meant the denial of a Christian burial. Change in social policy came about when it was decriminalised by the Suicide Act (1961). Assisted suicide is still a criminal offence punishable by up to 14 years' imprisonment. However, policy changes came about with the DPP's guidelines to indicate when a prosecution is likely and unlikely. Candidates may refer to the Debbie Purdy case and they may note that proposals to legalise assisted suicide have failed. The most recent example of this is Lord Falconer's Assisted Dying Bill.

3. (a) (i) Describe **one** physiological theory of criminality. [6]

0 marks	The response does not meet any of the criteria specified below.
1-2 marks	There is a limited focus on the question, with vague or no accurate support and little or no use of specialist vocabulary.
3-4 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary. The demands of the question may be only partially addressed.
5-6 marks	There is a clear and detailed focus on the question with mainly accurate support and an effective use of specialist vocabulary. The demands of the question are fully addressed.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

Lombroso (1876)

- Cesare Lombroso was an Italian psychiatrist and military medical doctor who developed theories about criminals. He pioneered the use of scientific methods in criminology.
- Lombroso argued that the criminal is a separate species, a species that is between modern and primitive humans.
- The theory links physical characteristics to criminal behaviour. He argued the physical shape of the head and face determined the "born criminal". He claimed that criminality was heritable.
- Criminals had "atavistic" (primitive) features that were throwbacks or biological characteristics from an earlier stage of human development that manifested as a tendency to commit crimes.
- Such features included low sloping foreheads, large jaws or forward projection of the jaw, receding chins, twisted nose, long arms relative to lower limbs, excessive cheekbones, large chin and lips, large monkey-like ears, and excessive wrinkles on the skin.

Sheldon (1949)

- William Sheldon, a US psychologist, advanced a theory that shares Lombroso's ideas that criminal behaviour is linked to a person's physical form. It introduced the idea of different somatotypes or body shapes.
- As a result of a meticulous examination of photographs showing the front, side and back view of 4,000 scantily clothed men, Sheldon put forward that there were three fundamental body types or somatotypes.
- Endomorph (fat and soft) tend to be sociable and relaxed. Ectomorph (thin and fragile) are introverted and restrained. Mesomorph (muscular and hard) tend to be aggressive and adventurous.
- Sheldon found that many criminals prone to committing violent and aggressive acts were mesomorphic, and they were least likely to be ectomorphic.
- He used a sample of photographs of college students and delinquents rated on a scale of 1(low) to 7 (high) on their resemblance to mesomorphy. The results showed that the delinquents had a higher average mesomorphy rating than the college students (4.6–3.8).

- (ii) Analyse how the theory described in 3(a)(i) may be applied to **either** Profile 1 **or** Profile 2. [6]

0 marks	The response does not meet any of the criteria specified below.
1-2 marks	There is a limited focus on the question, with vague or no accurate support and little or no use of specialist vocabulary.
3-4 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary. The demands of the question may be only partially addressed.
5-6 marks	There is a clear and detailed focus on the question with mainly accurate support and an effective use of specialist vocabulary. The demands of the question are fully addressed.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

Profile 1 – Philip G

Lombroso

- Philip G's distinguishing features of large ears, large jaw and high cheekbones support Lombroso's theory of the born criminal. Philip appears to have many of the atavistic features involved in this theory.
- His previous convictions seem to support the fact that he has a criminal lifestyle.
- The tattoos on Philip's body also supports Lombroso's description of a criminal.
- His studies supported the contention that many prisoners had distinctive tattoos.

Sheldon

- Philip has a muscular appearance and could therefore fit with Sheldon's theory of somatypes. He may be a mesomorph and, according to Sheldon, is more likely therefore to be a criminal. His previous convictions of a violent nature may support the theory that mesomorphs have an aggressive nature.
- The hobbies of going to the gym and weightlifting further fit the mesomorphic shape, which is triangular from the shoulders down to the waist.
- Philip is 6ft tall and is therefore very unlike Sheldon's category of endomorph.

Profile 2 – Robert W

Lombroso

- Robert W appears to have none of the atavistic or primitive physiological features associated with Lombroso's theory.
- To the contrary, his very small nose and small ears are the opposite to the atavistic features of a criminal.
- Robert's lack of previous convictions also shows that he does not appear to engage in criminal activity.

Sheldon

- Robert W appears to have the somatotype of an endomorph, being overweight and 5ft 5 inches in height.
- Endomorphs are thought to be very sociable, which ties in with his hobby of socialising with friends.
- According to Sheldon's theory, endomorphs are not likely to engage in criminal activities. The lack of criminal convictions seems to support this contention.

- (iii) Briefly describe **two** weaknesses of the theory described in 3(a)(i). **[4]**

0 marks	The response does not meet any of the criteria specified below
1-2 marks	There is a limited focus on the question, with vague or no accurate support and little or no use of specialist vocabulary.
3-4 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

Lombroso

- Lombroso based his theory on the facial measurements of hundreds of criminals and the skulls of deceased criminals. He did not compare these results to a control group of non-criminals. Therefore, as he did not have a comparison control group, and the findings cannot be viewed as support for his claims.
- Goring (1913) made a study of the physical features of thousands of English prisoners, and found none of the distinctive facial characteristics noted by Lombroso.
- This theory is also extremely deterministic. It assumes that criminality is akin to eye colour; one is born a criminal, and is unable to escape one's destiny. It does not take into account social or economic factors.

Sheldon

- The theory only focused on criminals. Just because many criminals are mesomorphs, it does not mean that all mesomorphs are criminals.
- The theory could not really explain how ectomorphs and endomorphs can also be criminals.
- The theory does not take into account that people's somatotype is not fixed. People's bodies change throughout their lives, and an individual may be all three types at some point in their lives. Sheldon does not detail whether this would lead to changes in personality and criminal behaviour.

- (b) Assess the use of biological theories in informing policy development. [9]

0 marks	The response does not meet any of the criteria specified below.
1-3 marks	There is a limited focus on the question, with vague or no accurate support and little or no use of specialist vocabulary.
4-6 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary. The demands of the question may be only partially addressed.
7-9 marks	There is a clear and detailed focus on the question with mainly accurate support and an effective use of specialist vocabulary. The demands of the question are fully addressed.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

Neurochemicals

- The use of diet to positively affect aggressive behaviour, which in turn may result in less crime.
- Lower than average serotonin levels were found in violent offenders (Vikkunen *et al.*, 1987). Hence a serotonin-enriched diet with food such as tuna and salmon may reduce crime.
- Research has shown that a reduced-sugar diet reduced anti-social behaviour. (Schoenthaler, 1982).
- Research by Gesch *et al.*, 2002, involving the taking of vitamins pills by young, male prisoners, showed a reduction in disciplinary incidents.

Eugenics

- This involves the claim that inheritance can explain the presence of human behavioural characteristics including criminality.
- Examples of the use of eugenics include Nazi Germany, where sterilisation of people with undesirable traits was promoted.
- Sterilisation laws would prevent incarcerated criminals from giving birth to “criminal” offspring. Research suggest that criminal fathers are more likely to have criminal children than non-criminal fathers (Osborn and West).

Death penalty

- Perhaps the most extreme biological policy is that of capital punishment. This involves ending a life by state execution.
- Death by hanging was legal in England and Wales for the crime of murder until the temporary abolition in 1965. As the murder rate did not soar it was permanently abolished for murder in 1969.
- The policy is operative in some states of the US, for example Texas. However, statistics suggest that it is not a deterrent to the crime of murder.