



LEVEL 3 MARKING SCHEME

SUMMER 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

SUMMER 2022 MARK SCHEME

Scenario: Daria, aged 14, has two convictions for theft. When Daria was 4 years old, her mother was sent to prison after being found guilty of leading an identity fraud gang. Daria's father resented having to look after her on his own and placed her in care. Daria has met many other young offenders while in care. She states that she enjoys stealing from shops as she likes the thrill of not being seen by the shopkeeper.

1. (a) (i) Identify **one** learning theory of criminality. [1]

0 marks	The response does not meet any of the criteria specified below.
Up to 1 mark	Award 1 mark for a correct point.

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

- Edwin Sutherland's differential theory
- BF Skinner's theory of operant conditioning
- Ronald Akers's theory of association derived from reinforcement
- Albert Bandura's social learning theory

(ii) Describe the learning theory identified in 1(a)(i).

[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.

Bandura's social learning theory

- This is based on the assumption that offending is a set of behaviours that are learned in the same way as other behaviours, through observational and vicarious reinforcement
- Studies emphasise the family and peer group as a potential source of criminal behaviour, for example Osborne and West (1982)
- Includes observational learning, for example the imitation of role models, and experiments such as the Bobo doll
- Explicit links must be made to criminal behaviour rather than behaviour in general

Skinner's theory of operant conditioning

- This is based on the idea that behaviour is determined by its consequences. Such consequences can be either positive reinforcement or punishment
- Learning becomes a process of conditioning in an environment of stimulus and reaction
- Something in the individual's environment prompts them to behave in a criminal way
- Includes experiments involving animals such as rats and pigeons
- Explicit links must be made to criminal behaviour rather than behaviour in general

- (iii) Analyse how **one** learning theory can be applied to Daria'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.

Bandura's social learning theory

- Observational learning throughout Daria's life may have resulted in criminality
- Links may be made to the criminality of Daria's mother (her role model), and the possibility of Daria learning criminal behaviour from her
- Both theft and fraud identity offences are dishonesty- and property-related offences
- Daria could also have learnt about criminality from the other young offenders in care

Skinner's operant conditioning theory

- Daria's criminality may be the result of her having learned from her environment
- Links may be made to the thrill of committing a crime and not being seen by the shopkeeper (positive reinforcement)
- Stealing from the shops may have resulted in acquisition of goods which may be considered as positive reinforcement
- The stimulus of her environment may have resulted in the criminality. She may have learnt criminal behaviour from her mother or the young offenders in care

- (b) Evaluate the effectiveness of **one** individualistic theory in explaining the causes 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.

Social Learning Theory (for example Bandura)

- The Bobo doll experiment provides evidence in support of this theory. The experiment was also repeated with slight variations and produced similar results
- The Bobo doll experiment has a lack of ecological validity
- The Bobo doll experiment could be considered unethical and produced only a snapshot, with no long-term effects discovered
- The theory is deterministic and ignores cognitive control over behaviour
- The theory fails to consider other causes of criminality

Personality theory (for example Eysenck)

- Research relies heavily on self-report measures of personality and may not be reliable and/or valid
- While the theory used offenders, who were then in prison, they may not be typical of all offenders
- It is questionable whether personality can be seen as a set of stable traits that cause people to behave consistently
- If tendencies that eventually manifest themselves as criminal behaviour are detectable in childhood, then it may be possible to modify the socialisation experiences of high-risk individuals so that they do not develop into offenders

Psychodynamic theories (for example Freud)

- Freud's theory is no longer widely accepted
- The theory relies heavily on concepts such as the unconscious mind, the existence of which is difficult if not impossible to prove
- It explains behaviour but only after it has happened
- Psychodynamic therapies that have attempted to treat offending have not been successful
- The theory shows the importance of childhood experiences in explaining criminality
- The psychodynamic tradition can be credited with directing further research

- (c) Explain **one** crime control policy that has been informed by individualistic theories. [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.

Psychoanalysis

- This treatment allows the patient to verbalise their thoughts through a variety of methods, aiming to access unconscious, repressed thoughts that are believed to have led to criminal activity
- The therapist is essential to the treatment as they aim to help the offender turn to law-abiding thoughts; however, there have been criticisms that the therapist may unduly influence the patient

Behaviour modification

- In prisons, this policy aims to extinguish undesirable behaviours and promote desirable ones. The underpinning principle is that behaviours that are reinforced are strengthened whereas behaviours that are punished are weakened
- A token economy system is an example of this, where a token is given for a desired action that is later exchanged for a “treat”. In the short term, this is often successful while the offender remains in prison

Scenario: The Awareness of Bigamy (AOB) group leads a campaign to bring bigamy to the attention of the public. Bigamy is the act of entering into marriage while still being legally married to someone else. In some cultures it is a criminal offence that can be punishable with a prison sentence; however, some people in other cultures believe that it is acceptable for men to have several wives.

2. (a) Using examples, briefly explain how **two** laws, other than those relating to bigamy, differ from culture to culture. [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.

Laws relating to honour crimes

- In some cultures, honour crimes are illegal and deviant, for example in the UK. However, in other cultures, they are illegal, but are not considered to be deviant and the laws remain unenforced, despite government attempts to enforce the legislation, for example in Pakistan in 2016

Laws relating to homosexuality

- Since 2014 same-sex marriage has been legal in England and Wales (Marriage (Same Sex Couples) Act 2013), and Scotland (Marriage and Civil Partnership (Scotland) Act 2014). However, due to cultural differences between Great Britain and Northern Ireland, this was only recently introduced (in late 2019)

(b) Explain why laws differ across cultures.

[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.

Religion

- The laws of many countries are based on the religious culture of the country
- Interpretations of religious texts have suggested that certain acts are sinful and incongruous with religious teachings
- However, as religion plays a lesser role in society, so too might the influence of religion over such topics

Status of women

- In some cultures, men have a different status to women. Women are perceived to be subservient to men and, as a result, legal and societal rights may vary
- In cultures where bigamy is not a crime, the ability to have more than one spouse usually applies only to men
- Female genital mutilation is seen in some cultures as a prerequisite for marriage

Varying views on justice

- What is considered to be justice and an appropriate legal system can vary among different cultures
- Some countries allow financial payments to victims of crimes to discontinue legal cases; however, in other countries it would be seen as perverting the course of justice
- The death penalty is still used in some countries, but has been abolished in others, including the UK

- (c) Explain how laws are applied differently according to the circumstances in which actions occur. [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.

- The age of criminal responsibility is a factor: in England and Wales this is 10 years of age. Children below this age cannot face prosecution. However those aged 10 or above can face criminal charges
- Partial defences to murder such as diminished responsibility or loss of control will not result in a murder conviction but one of manslaughter. Where a partial defence is not available the conviction will be murder
- If a defendant has the *actus reus* and the *mens rea* of a crime they will be guilty. However, in circumstances where a person has a defence such as self-defence, consent or automatism they will not be liable. In such circumstances the verdict will be not guilty
- The circumstances of a person's past criminal convictions may mean that they face a criminal charge. Whereas those without any previous conviction may be able to receive a caution rather than be charged
- A person's past offending is taken into account with regard to sentencing. Someone with many convictions may be given a harsher sentence than a first-time offender
- If a person is subject to a conditional discharge or a suspended sentence their sentence may be harsher than an offender who is not subject to those orders

- (d) Discuss, using examples, how campaigns by pressure groups may affect policy making. [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.

- Pressure groups can campaign and eventually influence a change in the law
- They may use a variety of campaign methods such as television advertising, events, petitions and merchandise
- Examples include the British Lung Foundation, which campaigned to positively change lung health and contributed to the change introduced by the Children and Families Act 2014, which banned smoking in cars with children
- CALM (the Campaign Against Living Miserably), brought about the introduction of a government Minister for mental health, inequalities and suicide prevention
- Groups such as Stonewall and the Kaleidoscope Trust that helped introduce several anti-LGBT discrimination laws such as the Marriage (Same Sex Couples) Act 2013

Scenario: Toby and George are best friends. Toby holds very strong views on how society has changed during the last 30 years and often expresses them very aggressively to George. Toby goes to the gym for several hours nearly every day. He uses weights and takes protein supplements to maintain his muscular body shape. George has a pronounced jaw, high cheekbones and large ears. He is also considering adding more tattoos to his long arms and short legs. Both men have criminal convictions.

3. (a) (i) Briefly describe **one** physiological theory of criminality. [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 (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 **one** physiological theory of criminality can be applied to Toby. [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.

Sheldon

- Toby enjoys going to the gym and looking after his body
- We are told he has a muscular body shape and is likely to be mesomorphic
- He also takes protein supplements so is keen to maintain his body shape
- He has an aggressive personality when discussing how society has changed, which fits in with his mesomorphic personality

- (iii) Analyse how **one** physiological theory of criminality can be applied to George. **[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

- George has some of the atavistic features described by Lombroso as belonging to the born criminal
- Such features include a pronounced jaw and large ears
- George also has tattoos on his long arms and short legs which was a feature of a criminal according to Lombroso
- It would appear that George has long arms in comparison to his legs which has been identified as an evolutionary throwback

- (b) Explain, using examples, how **two** social changes have affected 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.

- While smoking was previously regarded as socially acceptable, as medical knowledge has advanced, popular attitudes towards smoking have changed. Laws regarding smoking now reflect many of these changed attitudes, for example, the Health Act 2006 restricted smoking in public places and the Children and Families Act 2015 prohibited smoking in vehicles when children are present
- Attitudes to sexuality have evolved over a long period of time, and have resulted in legal changes that have allowed, for example, civil partnerships (Civil Partnership Act 2004), same-sex marriage (Marriage (Same Sex Couples) Act 2013) and since 31 December 2019, civil partnerships for mixed sex couples (Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019)
- Values regarding the status of women have changed and there have been developments in the law relating to women's rights and status, including property rights, domestic abuse, and legislation dealing with controlling and coercive behaviour. The Serious Crime Act 2015 allows for psychological abuse to be considered as domestic abuse