

The Influence Of Postmodernism On Theoretical Criminology

Reza faani

Assistant Professor of Law, Azarbaijan Shahid Madani University.

Abstract

Postmodernism is a broad cultural and philosophical movement that targets modernism, the Enlightenment, and its legacy, and is based on strong arguments against the organ of modernism. Although the postmodern approach to criminology began with the theory of labeling, postmodern theory in criminology emerged in earnest in the early 1990s amid boredom with modernist thinking and the Enlightenment. Discourse, subjectivity, and the emphasis on the power element are the three characteristics of postmodernism's approach to crime and perversion. Postmodern criminology, founding criminology, and cultural criminology are influenced by postmodern philosophical theories. Postmodern or eclectic criminology is also considered by most criminologists to be one of the perspectives of critical criminology, while some believe that critical criminology itself is a manifestation of postmodern views. Constructive criminology is a postmodern theoretical approach that uses various critical social theories such as symbolic interactionism, constructivism, structural Marxism, construction theory, semiotics, chaos theory, and positive postmodernism. Another element that postmodernism emphasizes is the media, which led to the cultural criminology approach. The dominance of the media in shaping culture is a common theme in postmodernist literature. Despite some objections to the thinking of postmodern criminologists, its effects on contemporary critical criminology and modern criminal justice are undeniable. Denial of absolutism, belief in pluralism, rejection of racism, sexism and rejection of classism and any discrimination and structural violence and exploitation and colonization are important advantages of this criminology. Therefore, postmodern criminology has brought many developments in the field of theoretical criminology.

Keywords: Theoretical criminology, postmodernism, postmodern criminology, discourse, power, mentality

Introduction:

Postmodernism is a broad cultural and philosophical movement that considers modernism, enlightenment and its heritage as the target of its attacks and is based on strong arguments against the pillars of modernism (Hicks, 2012, p. 34). Under the influence of the ideas of the German philosopher Friedrich Nietzsche, postmodernism considers all schools of thought and modern knowledge to be destructive of the human spirit and resulting from the domination of certain interests and worldviews, which has led to the abolition of

human responsibility, independence and prosperity (Babaei, 2011). What is certain is that the nature of postmodernism is complex, abstract, interdisciplinary and extensive, and this has made it very difficult to understand and define.

A study of the history of criminological developments in the last hundred years shows that most of the theories and schools of criminology, including classical and modern criminology or criminology called "criminology of transition from thought to criminal action" "criminology of criminal behavior" And "managerial or risk-oriented criminologies" have

used the paradigm of positivism or rationalism to explain the justification of the criminal phenomenon. But postmodern criminology, formed in the early 1980s under the influence of French and German thinkers and philosophers and the postmodernist movement. Inspired by the teachings of the postmodernist movement and rejecting any positivism, rationalism and emphasis on mentality, discourse and power in explaining the criminal phenomenon, crime and criminal law as a social and political structure and the study of political, social structures And their cultural deals.

Given the postmodernist ideas and teachings, the following questions now arise:

1. What is the approach of postmodernism to crime and the etiology of crime?
2. What influence has theoretical criminology had on the philosophical views of postmodernism?

The present study aims to find the answers to these questions, in the first chapter, first the concepts and principles of theoretical criminology, postmodernism, in the second chapter to explain the philosophical views of postmodernism and in the third chapter the impact of theoretical criminology on philosophical views of postmodernism Study and evaluate critically and finally draw conclusions from the discussion.

Before entering the main discussion of the research, in order to better understand the subject, it is better to first explain the concepts and theoretical foundations of criminology, theoretical criminology, postmodernism.

I- Theoretical concepts and bases

I-I: Criminology

The term criminology is a literal translation of the French word LA Criminologie and the English word Criminology. The title was first coined by the French Topinar in 1879, and was used a few years later by the Italian Garofalo in his book Criminology. Gradually, the title was used around the world to a more or less similar reputation. The literal meaning of criminology should be sought in the Latin and Greek words "Crimen" meaning charge or crime and the word Logos meaning science. Therefore, the lexical

definition of this science is to study and recognize the phenomenon of delinquency.

In fact, providing a comprehensive definition of criminology that encompasses all angles and related issues has not yet been implemented. Perhaps the main motivation can be found in the youth and underdevelopment of this science. As Stephanie, a French professor of criminal law and criminology and colleagues, has said: The detailed and in-depth definition of criminology is so complex that it undoubtedly satisfies no one, because criminology today is still a relatively young science that Its definition is largely dependent on the taste and perception of experts who have done it according to their expertise (Najafi Tavana, 1390, p. 23).

Consequently, one of the most important and complex issues in criminology is the definition of this science; As far as the number of criminologists is concerned, there is a definition of criminology. Therefore, it is enough to mention a few examples of these definitions. Mr. Wayne and Mr. Leote, two prominent professors of French criminal law and criminology, call criminology a "scientific study of the criminal phenomenon." Jean Pinatel, a famous French criminologist, defines criminology as Emile Durkheim, saying that "criminology is a science that investigates crime, and it is the crime of every act that causes a certain social reaction called punishment against them." (Ki Nia, 1369, p. 6).

"Criminology is a science that examines the factors and processes of criminal action and, from the beginning of recognizing these factors and processes, determines the best strategies and methods to prevent and reduce this social evil as much as possible," explains Raymond Gassen. ". (Gasen, 1991, p. 35)

Dr. Nourbaha also says "scientific study of crime and criminals to identify the causes of these two, prevention and treatment of criminal acts and the directors of these acts" (Nourbaha, 1998, p. 52). Therefore, with regard to what has been said, criminology can be defined as follows: Criminology is one of the disciplines of criminal science that the factors and processes of delinquency and victimization, as well as criminals and victims and their dangerous state in a scientific way Studies in order to be able to provide the best and most effective methods and

methods for their prevention as well as correction and treatment of criminals and victims (Rahimi Nejad, 2016, p. 17).

1-1-1: A Brief History of Criminology

Since crime and perversion is a human-social phenomenon, it can be said that from the very moment that man enters the universe and forms the smallest social unit, the family, the criminal phenomenon, which is mainly the product of complex relationships. And it is a crisis of human beings in social life, it arises. In primitive and prehistoric societies, deviance was interpreted and justified on the basis of the dissolution of evil spirits and the influence of evil forces on the body and soul of the offender. As Auguste Kent, the famous French sociologist, points out in his law of three states, the crime of pretending is a completely evil act (Kinia, 1990, p. 10).

In the second period, which is known as the age of rationality, enlightenment and criminalization of deviation, a great intellectual revolution occurs in the attitudes and social approaches to crime and the offender. And in the nineteenth century, with the development of medical science and psychiatry and the emergence of the school of research (positive), the criminal phenomenon was considered a medical and pathological phenomenon. In the first half of the nineteenth century, the research of several physicians and psychiatrists such as Gall, Pinel, and Squirrel on the relationship between physical and mental characteristics and delinquency gradually paved the way for the emergence of the school of criminal anthropology and the school of inquiry in the second half of the nineteenth century. The founders of the school, Cesar Lombroso, Rafael Garafalo, and Enriqueferi, in the second half of the nineteenth century, by declaring that crime was a biological-hereditary or psychosocial pathological and coercive phenomenon, paved the way for extensive scientific studies of the criminal phenomenon. In fact, scientific criminology was born at the same time with the emergence and emergence of the research revolution and continues its dynamic and evolutionary life along with new developments in criminological ideas (Rahimi Nejad, 2016, pp. 18-20).

2-1-1: Theoretical criminology

Criminology can be divided into theoretical criminology and applied criminology based on the subjects studied as well as the worldview and ideology of criminologists.

Criminology Theoretical is a branch of criminology whose purpose is to explain the crime or, to be more precise, to examine the causes and processes of the crime. In this field of criminology, schools and scientific theories related to criminal phenomena, which have different orientations of biology, psychology or sociology or environment and situation are studied. In this field of criminology, factors related to the personality of the perpetrator or the pre-criminal situation or both are studied. (Ibid., P. 27)

Given that postmodern or eclectic criminology, according to most criminologists, is one of the perspectives of critical criminology, so for further understanding, critical criminology is explained here. Criminologists divide criminology on the one hand into theoretical and applied criminology, and on the other hand into old or classical criminology and new criminology or social reaction criminology. The new criminology, or criminology known as social reaction, which has emerged since about 1960, first in North America and then in continental Europe, has moved in a completely different direction from traditional criminology. As far as we can say, with the advent of this type of criminology, a Copernican revolution in criminology has emerged. The central motto of criminologists of social reaction is that it is not deviation that leads to social reaction, but it is social reaction (social inspection) that leads to deviation. According to these criminologists, deviation or deviation is the result of the application of norms and guarantees of performances by others about the offender. The main subject of this type of criminology is the criminological analysis of various institutions and institutions of formal and governmental control of crime (legislation, police, prosecutor's office, courts and prisons). Thus, this type of criminology studies the functions of the police, the prosecutor's office, the courts, and the reactions of victims, bystanders, and the media in order to demonstrate how criminal justice creates crime.

This type of criminology itself has different branches, which are "interactive criminology or labeling, organizational criminology, critical criminology and victim criminology".

Critical or radical or new criminology

In 1973, three famous English criminologists, Taylor, Walton and Jung, published a book entitled *New Criminology*, in which they strongly defended the position of radical Marxist criminologists, criticizing traditional criminology. The criminologists declared that the crime was an invention of the ruling groups in the government. To bring under their control individuals and groups that they consider dangerous. The capitalist system and the penal laws and regulations in this system are considered illegitimate. Because, firstly, the majority of society does not participate in the formation of capitalist political systems, and secondly, these systems use criminal law and the criminal justice system as a means to ensure the survival of the capitalist system. This criminology rejects the idea of correction and treatment and says: Criminals should not be subjected to corrective and curative measures; Because they are not sick, but the victims of the criminal justice system (arbitrary choices of the police and the judiciary) and social and economic injustices. In general, this type of criminology is a revolutionary criminology and believes that it is necessary to rise up against illegitimate political, economic and penal systems and to strive for equality, equality and justice (Rahimi Nejad, 2016, p. 97).

2-1: Postmodernism

1-2-1: Literary meaning

Postmodernism is composed of two words "post" meaning dimension, trans and "modernism" means modernism and modernity and literally means transcendentalism and postmodernism (Mohajeri, 2009, p. 253).

2-2-1: idiomatic meaning

Postmodernism is a broad cultural and philosophical movement that considers modernism, enlightenment and its heritage as the target of its attacks and is based on strong arguments against the organ of modernism (Hicks, 2012, p. 34).

This school is the general reaction against modern rationalism, the fundamentalism of modern Western civilization, and the reaction against modernism, which is usually characterized by a return to traditional materials and principles. In other words, postmodernism is a current that comes from the heart of modernity and is an attempt to solve the problems of modernity and break the deadlock of modernism. The term postmodernism was first coined in 1939 by Arnold Twain B. The term was later coined by artists in New York in the 1960s, then by European theorists who used the term in the 1970s. In recent decades, the term postmodern, in its broadest sense, refers to the end of the heyday of modernism and the decline of this era after the rise of modernity in the twentieth century. The term also refers to the contemporary Enlightenment movement; Nevertheless, in contemporary Western culture, the term evokes a kind of conceptual skepticism and confusion in most philosophical writings and interpretations, and on the other hand, simplistic ideas. Thus, trying to provide a clear definition of the above term may seem ineffective and fruitless. So far, there has been widespread controversy among commentators over the exact definition and definition of postmodernism. Foster, one of the analysts of postmodernism, in his conceptual study of this term, pointed out two expressions of postmodernism; The first form is related to the definition and expression that recognizes postmodernism as the basis of modernism and derived from it, and the second form is related to the definition and expression that considers postmodernism as opposed to modernism and denies it. Lyotard is in favor of the second opinion and Jameson is in favor of the first opinion. Another conception of postmodernism suggests a more moderate way of thinking. According to this definition, postmodernism has neither the aspect of destructiveness and rejection nor the aspect of evolution and stabilization. In this case, postmodernism should be considered as a kind of reviver of modernism. Sigmund Freud can be considered as a representative of this definition (Shiroodi, 2005, p. 28). Schwartz and Friedrich find it difficult to summarize postmodernism; Because there seems to be a more or less unlimited number of postmodern perspectives. After all, Schwartz

points to the difficult writing style of many postmodernists and says that even after reading it a few times, I do not really know what postmodernists are talking about. Both problems are related to postmodernism itself. Because the basis of postmodernism, linear thought processes, cause-and-effect propositions, deductive reasoning, objective analysis, and other criteria of scientific thinking have no more credibility than other forms of thought. Hence, the attempt to summarize postmodern thought in a logical, unified, and systematic format is in contradiction with postmodern thought itself. Nevertheless, at least a number of postmodern theorists have attempted to provide such summaries; However, the nature of the violation itself accepts this (Bernard et al., 1398, p. 359)

3-2-1: Theoretical foundations

Postmodernism as one of the most important and greatest events in the field of thought and philosophy on the one hand and on the other hand as a situation, in the form of a ghost of human life living at the end of the twentieth century and early twenty-first century, its presence Announces (Dehghan Banadaki, 1392, p. 1)

The most famous and influential philosophical tendencies of postmodernism can be found in the views of the new French philosophers of the 1960s, such as Michel Foucault, Jean Baudrillard, Jacques Derrida, François Lyotard, and to a large extent the sociological approach of the Frankfurt School members. French politics formed an important school of thought in Europe that gradually influenced American thought and transformed the realms of morality, sociology, and criminology. Modernism was frustrated by two world wars, environmental problems, and the inability to meet contemporary human aspirations to achieve truth through science, technology, and economic growth, and this inability to discover the ultimate truth. Announces the creation of a new postmodern era. What is certain is that the nature of postmodernism is complex, abstract, interdisciplinary and extensive, and this has made its understanding and definition difficult to a large extent (Rahimi Nejad, Sadeghi, 1396, p. 61).

Under the influence of the ideas of the German philosopher Friedrich Nietzsche, postmodernism considers all schools of thought and modern

knowledge to be destructive of the human spirit and resulting from the domination of certain interests and worldviews, which has led to the abolition of human responsibility, independence and prosperity (Babaei, 2011 P.308).

2- Philosophical views of postmodernism

From the 1950s onwards, positivist and modern theories of criminology were severely criticized for their one-sided, naturalistic views, culminating in the 1970s with the advent of critical criminology. New theories from this decade onwards emphasized the three elements of subjectivity, power, and discourse. Approaches to labeling, contradiction, postmodern and feminist, and cultural criminology are among the most important new critical approaches to explaining crime that have these three characteristics at their core. Of course, postmodern criminology is critical but goes beyond other critical criminologies because other approaches do not critique the process of modernity and modern criminology, but postmodern criminology rejects all modernity and its controlling view of the world. Although criminology has traditionally been known as the scientific study of the causes of crime, it is clear that the paradigm of critical criminology is in a different direction. This type of criminology is based more on political economy and nation-state formation. Is. In critical approaches, crime is not something that can be easily described by reference to what is or is not, crime is not a simple defect of law, but a matter constructed through the processes of interaction, social reaction, and power. Therefore, the perpetrator of the crime is ignored, in this view, the concept of crime is not accepted as a confirmation (Sadeghi and Parvin, 1389, p. 219).

I-2: Postmodern criminological approach

Postmodern or eclectic criminology, according to most criminologists, is one of the perspectives of critical criminology. It was born in the 1930s with Lacan's writings. The compound term "constitutive criminology", which postmodern criminologists have in some cases applied to their research, has various translations, such as founding criminology, fundamental criminology, basic criminology, and creative criminology, and constructivist criminology; However, given the

study framework of theorists in this field of thought and their open embrace in accepting different and sometimes contradictory approaches that have led to the presence of a wide range of thought forms, the title "eclectic criminology" seemed more appropriate and far-reaching. This is a quote from Johann Wolfgang von Goethe: "Everything that deserves to be thought of has already been thought of; We just have to try to rethink those ideas, and that's it, "may be the most appropriate sentence for understanding eclectic criminology, but because eclectic theorists themselves have given their work a postmodern title, such as an article by Arrigo entitled "Postmodern Judicial Justice and Critical Criminology" or the book "Postmodernist and Poststructuralist Theories of Crime" by Arigo and Milvanovich and because of the more common title of postmodern in criminological dictionaries such as Sage Dictionary and also The reason for being more comprehensive is the term postmodern criminology (Aberandabadi and Golduzian, 1396, p. 13).

Although the postmodern approach to criminology began with the theory of labeling, postmodern theory in criminology emerged in earnest in the early 1990s amid boredom with modernist thinking and the Enlightenment. Discourse, subjectivity, and the emphasis on the power element are the three characteristics of postmodernism's approach to crime and perversion.

I-1-2: Power

In postmodern criminology, crime is the product of the use of power by the ruling classes to limit the behavior of those who have been ousted from power; That is, they have no role in the formation of political systems, but try to address social inequalities and behave in a way that limits the power structure. In other words, the power of sovereignty of individuals does not go hand in hand with different and opposing individuals and groups, and only serves certain groups. Postmodernists, like anarchist criminologists, consider officials to be hegemonic agents who serve one or more specific groups at the cost of neglecting others (Williams, 2004, p. 190). Based on this analysis, it can be said that this approach does not believe in essentialism and

reductionism. In other words, postmodernism believes in holism and considers society to consist of a general system that encompasses and affects all human beings. Therefore, every decision in an organization and government affects all aspects of human society. In other words, they have condemned traditional criminology for refusing to study society as a whole and, in fact, for isolating people from society, ignoring the power structure, and disregarding the sociology of law (Abdolfattah). , 1998, p. 88).

In fact, this criminology believes that formal and classical criminological research is mainly focused on criminals and their personal environments and more on street crimes and blue collar, and examines the impact of power, legislation, the institution of criminal justice and The political, economic and cultural system of the society has been neglected (Najafi Aberandabadi and Hashem Beigi, 2014, p. 18). Therefore, etiology by examining the details and personality and psychological characteristics of each individual and the educational, family and geographical conditions that were discussed in traditional and classical criminology, is not relevant in postmodern and the study of crime factors is not separate from society as a whole.

Postmodern criminology looks at the concepts of the modern age and the Enlightenment and the coercive nature of delinquent behavior. In this approach, and in critical approaches in general, crime is not something that can be easily described by reference to what is or is not, crime is not a simple law-breaking behavior, but a matter through interaction processes. Therefore, this criminology, by reviewing the traditional and common definitions and concepts of crime, law and punishment and challenging them, believes in economic and social inequality and the problem. Crime has a causal relationship with each other.

From the point of view of postmodern criminologists, the criminal law is the crystallization of the dominant language of the ruling class. The enactment of this set of rules is in fact the institutionalization of habits and prohibitions that allow the ruling class to maintain its dominance. Around these rules is a device that helps maintain the foundations of power. That is, the institution of the criminal

court, which, by presenting the trials through which society reconstructs its basic values, essentially relies on a dominant language (Bast, 1993, p. 104).

These criminologists object to the definition of criminology and classical criminal law, arguing that the definition of a crime to the actual act or omission for which punishment is prescribed by law is merely a technical-legal definition and does not imply a concept. The definition should be meaningful enough that both individuals and legal entities can be potentially accountable. In this criminology, all kinds of immunities, such as the immunity of the president, are criticized. They believe that the government can also be punished and this should be included in the definition of a crime (Najafi Aberandabadi, 2004, p. 105).

Henry and Milovanovich, the founders of postmodern criminology, define crime in any context as the power to inflict suffering. Thus, the law does not define crime alone, but is itself a criminal. Because it conceals harm to individuals in the light of power relations and reveals criminal rights through the exercise of its power over others. No casualties. They place great emphasis on the element of power and consider crime as the power to deny the ability of others to make a difference (Dexardi, 1392, p. 91). According to them, unequal power relations, which are based on different structures, produce crime and crime is an injury resulting from the offender's excessive activity in gaining power and harming others. According to them, the cause of the crime is nothing but disrespect to the people. People are disrespected in many ways, and the government prevents them from becoming socially active groups, which creates crime.

From the postmodern criminologists' point of view, the legal definition of a crime is that the legal definition of a crime does not explain why certain types of behavior are considered a crime and should be punished, while other similar forms of behavior are considered non-criminal. These criminologists say that defining certain behavior as a crime is always the exercise of power by communities and groups Who have the authority and tools to use the law to protect their own interests and impose their own values and ideas on society (Abdolfattah, 2002, p. 147). Wherever there is law, there is crime; Because the simplest

definition of a crime is any behavior that violates the law (Giddens, 2004, p. 152). There is nothing solid or serious behind this criminal description (criminalization of an act) but it is merely a material act among other human acts. Thus, each culture has its own penal system (Gassan, 1379, p. 5). Therefore, in organic societies where a multitude of cultures and morals prevail, no one or group should impose their moral beliefs and norms on others, and there can be no single law and rule for different groups and cultures.

According to Michel Foucault, another philosopher and founder of postmodern criminology, legal divisive practices are about distinguishing between individuals and distinguishing them based on differences such as normal and abnormal, wise and insane, permissible and forbidden. Turns the object (subject and purpose). As a result of applying these divisive practices, people are divided into categories such as insane, prisoners, and the mentally ill. This division creates an identity for them that they perceive themselves in the mirror and others perceive them in the same way (Stangrum and Garvey, 1389, p. 153).

As can be seen, Foucault's theory is consistent with the theory of social reaction criminologists, especially interactive criminology and labeling. He even considers the purpose of criminology to be the use of power and a means to normalize people who are considered abnormal in terms of the ruling power. Emphasizing the element of power, Foucault considers the purpose of legislation to be the exercise of power, saying that this power is only in the hands of a limited group that is imposed on a large group of society from above and wants to have its say on the chair.

The postmodern epistemological paradigm in the relativity of different value systems in the universe is certain. They believe that the values of different societies are made by power and the type of ideology that governs it. Postmodernists believe that everything is relative. There is no absolute view of the world. It is possible to assume a social value and an acceptable norm today and to present it as an anti-value tomorrow. Every perspective analyzes only a part of the world, and today, instead of generality and universality, we should speak of cracking and localization and the localization of legal views. Postmodernists oppose the directional and biased

power in depicting the concept of crime and criminal law, and believe that powers create mindsets and depict the criminal and the modern. The demarcation of value and anti-sport behaviors under the protection of power has become biased. The reason why some behaviors are legitimized and some behaviors are criminalized is due to power. Therefore, the basis of criminalization should change from the ruling power to the local and indigenous power. It is not necessary for a single power from the center to pass a single law for the diverse geography of the country and its territory. Those in power are the main actors in mental production and mental valuation, and the masses are its consumers. Crime is committed by those in power and fills prisons with people from the lower classes of society and marginalized and quieter groups in human society (Shamloo et al., 2015, p. 57).

The mission of postmodernism is to destroy a single mindset and unite citizens. Postmodernists believe that criminal law in criminalization acts as a spider web that only has the power to hunt the weak and the small and has never been able to trap the big and the strong. Human rights must lose their role of compass; Because the globalization of rights revolves around the axes, the most powerful in the world want to globalize, and this is a danger to the masses and citizens of societies and respect for their beliefs (Razavi et al., 2016, p. 225).

2-1-2: Mentality

One of the paradigms of the 1950s is postmodern criminology; Its peak appears in 1970. In fact, this intellectual movement began in the second half of the twentieth century after the end of World War II, with characteristics such as skepticism, subjectivism, general skepticism about rationality. They believe that what we face as a crime in today's societies is mainly based on the structure of the ruling cultural and political system, especially under the influence of the dominant discourses in society; Therefore, crime does not exist as an external and objective reality, but it should be viewed as a mental phenomenon that has arisen in the context of society and is supported by power (Nasiri, 2012, p. 2). They are anxiously mixed with anxiety about the basics and factors that separate behaviors, whether there are really two types of criminal behavior and consistent? Is there really a crime beyond the

descriptions of criminal law texts? In answer to these questions, postmodernists believe that crime does not exist in the real world, but rather by individuals and those in power and influence. Crime is created in the interaction and processes of social reaction and power, and the stakeholders make it more marginal and weaker against individuals (Najafi Aberandabadi, 1991, p. 60). Therefore, the more authoritarian or ideological societies are, the more criminal and governmental coverage they put in order to defend the interests and power of life of the citizens. And the more democratic a society is, the less government-controlled space there is and the more citizens' freedom.

Postmodernists do not believe in a single order and formulation of law from a single source, but believe that basically everything is abandoned; Piecemeal; It is pluralistic and far from commonplace, and a social phenomenon may be considered a value today and an anti-value tomorrow. Therefore, laws and criminalizations must go beyond the supposed and devotional state and take an indigenous, local and regional approach. Deviations and deviations should not be covered by the government response in a criminal atmosphere; Rather, local and customary behaviors demand customary and local responses. Thus, they believe that guilt is an inherent characteristic of a relational behavior but also a means of social control in the hands of the powerful and beneficial classes of society, and the law as a weapon to protect their own interests to impose their values and beliefs on society as a whole. (Shamloo et al., 2015, p. 46). Any violation of the values accepted by the government is met with harsh government criminal reactions. Such an interpretation of the atmosphere of criminality and criminality, and that there is no preference for having one point of view over other, confirms the claim that criminal concepts are not absolutely criminal, but can be criminal or non-criminal over other legal claims and existing ideologies and legislative diversity. . (Nietzsche, 2006, p. 55).

3-1-2: Discourse and language

One of the basic elements that the postmodern approach to the problem of crime emphasizes is the element of language. Modernist thinking assumes that language is neutral and merely a means of using it to express one's desires, but in

the postmodern perspective discourses are orderly language systems, and language is always filled with sounds and never a neutral medium. No. Postmodern arguing that all thinking and cognition is through language. These theorists believe that there is no natural style of language. According to Wittgenstein, there are only different language games based on which there are different sets of activities for using words or attributing meanings to phenomena. This means that there is no such thing as a natural crime (Sadeghi and Parvin, 1389, p. 219). Attributing something called a crime is a cultural act. Postmodernism accepts language games as a reality of social life and sees language as problematic, as a reliable means of achieving reality. This approach considers the main source of domination in today's world to be the control of language systems. Language constructs thinking, that is, the words and phrases that people use to convey meaning. Efforts are not neutral but support the prevailing worldview, whether the people who use the language are aware of it or not (Valad et al., 2001, p. 369).

According to modernism, language and vocabulary must be interpreted to achieve true meaning. But in the postmodernist approach, interpretation does not end with reality. Because we cannot reach outside the language and we should not interpret it as we wish and give it meaning. Language is a system of self-reference and internal and cannot be accessed from the outside (Hicks, 2012, p. 210). Therefore, the rules should not be interpreted. This means that there is no objectivity and that what exists is nothing but different ways of talking about social life and its description and interpretation. In other words, moral concepts have no external existence and reality, and good or bad cannot be objectively represented and known in the real world. Therefore, the meanings and interpretations that we apply to behaviors and criminalize them are just our mental constructions that are not real in the outside world and are abstract and can never express the truth (Rahimi Nejad and Sadeghi, 2017). P. 68).

Another important point from the perspective of postmodern criminology in explaining crime is the influence and dominance of discourse and language on crime. In this approach, language is considered as an important factor in committing

a crime. In some militant situations, when language does not or cannot intervene as a mediator between people, there is a tendency to use practical behavior. Because when the tongue is left open, people move. Where speech is forbidden, cut off, or alienated, movement begins. Murder, as a gesture that suddenly throws a person into a deportation camp, occurs when verbal communication is no longer possible or is no longer possible. The murder announces the final defeat of the speech. This behavior can be a sign and symptom of the alienation of some people as well as the alienation of a social group. This action is a breaking point in the intense domination exercised by the social organism over an entire group and manifested as violence (ibid., P. 68).

In fact, the postmodern view considers the cause of crime as a phenomenon hidden in linguistic domination itself, the system of domination and domination of the dominant discourse, the prohibition and interruption of other and foreign discourses, and non-dominant and alien discourses. According to them, domination and dominant discourses in various forms criminalize speech, thought and behavior that stands against the current discourse and considers it illegitimate or opposes it.

Thus, this view considers its duty in the following two things: first, to reveal the different ways of lexicography and construction of words and linguistic elements in the realm of criminal justice, and then to provide an opportunity for expression for the views of people who have so far The rule of law has silenced them (White and Hines, 2013, p. 410).

In general, the postmodern approach includes the following features:

- To study the crime and the offender and to understand the guilt, he tries to use them as something that is a product

It is power that examines, the power that tries to control the behavior of those who are out of power

Restrict.

Post-modern criminology, unlike Marxists, turns its attention to economic repression and

Society is concerned with the production of language and believes that criminal law itself is a kind of language

Which creates relations of domination and the discourse of criminal law is dominant, monopolistic and repulsive to

So that it defines a limiting rule for setting aside.

- This view seeks to understand the meanings and mysteries found in public discourses about crime. Reveal there. According to this view, crime is not what the criminal law says

Rather, it is a crime of ability or power that imposes the will of some people on others in any social context, so the crime is to deny the power of others.

3- The influence of theoretical criminology on the philosophical views of postmodernism

1-3: The Impact of Critical Criminology on the Philosophical Views of Postmodernism

Postmodern or eclectic criminology is also considered by most criminologists to be one of the perspectives of critical criminology, while some believe that critical criminology itself is a manifestation of postmodern views. The view of the first group is more due to the radical and extreme critical approach of postmodern criminology than to realized criminology and its historical order, but the opposite view is that postmodern criminology, although as it is expressed today, is criminology. Criticism has less history, but its theories are watered down by postmodernism. Born in the 1930s with Lacan's writings, critical criminology has also acted postmodernly in rejecting the achievements of investigative criminology (Najafi Aberandabadi and Golduzian, 2017, p. 13).

Critical criminologists (in general) and postmodern criminologists (in particular) believe that delinquency prevails in many societies due to the anti-human rights policies of the male government. Therefore, the real responsibility for this government lies with the men who commit repressive crimes against the citizens. In their view, real crime prevention will be achieved when governments recognize the four generations of human rights (including civil and political rights, economic, social, cultural rights, environmental rights and security) in the International Charter of Human Rights and Other international documents are provided to guarantee.

Thus, proponents of this criminology believe that criminals should not undergo treatment and corrective measures. Because they are not sick and deviant and incompatible, but the victims of screening and selection of the police and the judiciary and the perpetrators of crime control in general. Therefore, a comprehensive decriminalization policy and non-intervention of the penal system in all fields are considered necessary (Rahimi Nejad and Sadeghi, 1396, p. 77).

Critical criminologists (in general) believe that crime is mainly either fabricated by the legislative, judicial, and police systems, or is rooted in the way the ruling system governs and distributes social resources. Therefore, the penal system, punishment and criminal justice should be reviewed and this review should start from the legislative stage, including in the criminal field, not from crime or crime prevention (Najafi Aberandabadi, 2013, p. 7).

2-3: The Influence of Founding Criminology on the Philosophical Views of Postmodernism

Henry and Milvanovich claim to have presented postmodern criminology in their book *Founding Criminology Towards Postmodernism* (1996). Constructive criminology is a postmodern theoretical approach that uses various critical social theories such as symbolic interactionism, constructivism, structural Marxism, construction theory, semiotics, chaos theory, and positive postmodernism. The basis of this approach is that crime and its control can not be separated from the totality of cultural and structural processes in which it is produced. Constitutive criminology rejects the traditional modernist argument that crime and the offender can be analyzed and modified from the processes of social production separately from the whole. In this theory, human beings, through language and symbolic representation, recognize differences and make classifications and operate based on social constructs of reality (Sadeghi Fasaei and Parvin, 2010, p. 230).

The basis of the nature of crime, which is socially constructed and discourse-shaped, is the unequal relationship of power. Henry and Milvanovich place great emphasis on the element of power; crime, in their view, is the power to reject the

ability of others to make a difference. Crime leads to domination, either by certain individuals (such as thieves), or by mass groups (organized criminals), or by governments (for example, mass murder). Founding criminologists emphasize the socio-cultural and psychological matrix that creates media discourse, through which human agents inflict significant damage on others (ibid., P. 231).

3-3: The Influence of Cultural Criminology on the Philosophical Views of Postmodernism

Another element that postmodernism emphasizes is the media, which led to the cultural criminology approach. The dominance of the media in shaping culture is a common theme in postmodernist literature. The media have a hegemonic power over meanings, so they can present an issue as a crime or not. Norman Denzin introduces the sociological metaphor of the theatrical community through which society becomes the stage for the media. Cultural criminology emerged under the influence of a postmodern approach to the media. This approach emphasizes the construction of crime media and endorses the interrelationships between the criminal system and the mass media. Cultural criminology is an interventionist, methodological and theoretical approach in the study of the mediation of crime, which places guilt and control in the cultural context and considers crime, institutions and organizations related to crime control as cultural products. گنرد. With an emphasis on topics such as situational meaning, youth culture, identity, space, style, and media culture, cultural criminology is attempting to develop a postmodern and modern theory. The approach of cultural criminology pays attention to explaining the interactions between the media, multiple media, the general public, lawbreakers and social control agents through which the collective meanings of crime are constructed (Sadeghi Fasaei and Parvin, 2010, p. 227).

The most important features of this approach are:

1. Explanations related to the convergence of processes and the dynamics of crime and culture in everyday life

2. Combining the topics of cultural studies, postmodernism, critical criminology,

interactionism, anarchism and discourse, textual and media analysis

3. Use anthropological methodology to reveal issues of meaning and representation

4. Examining deviant subcultures as places of criminology

5. Explain the role of emotional feelings, leisure and pleasure in crime processes

6. Consider crime control as a cultural act

7. Demonstrating the relationship (or lack of connection) between marginalization, illegitimacy, media representation, and the criminalization of popular culture (ibid., P. 227).

Conclusion:

From the above, the following points and cases can be deduced:

Careful reflection on the thoughts and teachings of postmodern criminologists shows that this criminology, by rejecting positivism in criminal etiology, considers crime to be a construct of mentality, discourse, and power, although the role of groups, classes, and discourse cannot be overstated. Ignored the dominant and prevailing processes in the process of primary and secondary legislation and criminalization; Nevertheless, committing a crime is merely mentality, discourse, and power, far removed from reality.

Postmodern criminology has many similarities to Marxist criminology, but it has shifted the focus from economic production to linguistic production. Postmodernists focus on the uses of language in creating relations of domination; A view that is of great value in general and in crime research in particular. Moreover, the expansion of "substitute discourses" that include and accept, rather than exclude and reject, can have significant benefits for criminology and indeed be one way to reduce crime. But postmodernists adopt a kind of "admirable relativism" view that gives the same advantage to all views and does not consider scientific discourse to be more valid than other languages. Perhaps from the point of view of most criminologists, who believe in the validity of the original scientific process in spite of all its scientific problems, this view goes too far. In fact, criminologists can look at postmodern criminologists from a scientific point of view. One of the fundamental claims of postmodern criminology is that violence brings violence;

Thus, the violence of current criminal justice policies only increases the violence of criminals in society. In the final analysis, this is an empirical claim that can be tested by scientific research. For example, the violence of criminal justice policies in different states or countries can be compared to the extent of their crime. If the postmodernist argument is correct, there must be a clear link between the violent policies of the criminal justice system and violent crimes.

Postmodern criminology, founding criminology and cultural criminology as well as critical criminology are influenced by postmodern philosophical theories. But it should be noted that no theory alone can offer a complete view of crime and delinquency. Theories or meta-theories related to criminology help us to know different facts about crime. These theories are like pieces of a puzzle, none of which alone can provide a complete picture of the crime, but together they can provide a meaningful picture of the criminal phenomenon. Despite some objections to the thinking of postmodern criminologists, its effects on contemporary critical criminology and modern criminal justice are undeniable. Denial of absolutism, belief in pluralism, rejection of racism, sexism and rejection of classism and any discrimination and structural violence and exploitation and colonization are important advantages of this criminology. Therefore, postmodern criminology has brought many changes in the field of theoretical criminology, including: decriminalization of some acts and behaviors, especially religious and non-victimized crimes, challenging the legal definitions of crime and presenting a new definition of it, emphasis on The importance of criminal sociology and the function of language, discourse and power in criminological research and the negation of discourses and ideas opposed to the ruling group in committing crime and

References

- 1) Stangrum, Jeremy and Garvey, James (2010), *The Great Philosophers from Socrates to Foucault*, translated by Abolfazl Tavakoli Shandiz, Tehran: Parseh Book Studies and Publishing Company
- 2) Babaei, Parviz (2011), *Dictionary of Philosophy Terms (English-Persian)*, Third Edition, Tehran, Negah Publications
- 3) Bernard, Thomas J. et al. (1398), *Valad Theoretical Criminology*, translated by Ali Shojaei, first edition, Tehran: Samat Publications
- 4) Bast, Jean Michel (1372), *Sociology of Crime*, translated by Fereydoun Vahida, first edition, Astan Quds Razavi Publishing Institute
- 5) Jafari, Mohammad Hossein (2010), *Investigating the Impact of Postmodern Perspective*, Maaref Publications System, Imam Khomeini Educational and Research Institute
- 6) Dexardi, Waltrass (2013), *Contemporary Critical Criminology*, translated by Mehrdad Rajjian Asli and Omidreza Danesh Nari, Tehran: Dadgostar Publications
- 7) Dehghan Banadaki, Mojtaba (2013), *Pioneers of Postmodernism*, Layout, Second Year, No. 2
- 8) Rahimi Nejad, Ismail (2016), *Criminology*, Tabriz, Fifth Edition, Foroozeh Publications
- 9) Rahiminejad, Ismail and Salar Sadeghi (2017), *Criminal Law in Postmodern Criminology*, Year 8, Issue 1, University of Guilan, *Journal of Criminal Law*
- 10) Razavi, Ahmad et al. (2016), *A Study of the Position of Postmodern Thought in the Major Criminal Policy Systems of the World with Emphasis on Criminal Policy*, Year 13, Issue 37, *Quarterly Journal of Political Science*
- 11) ----- (1399), *Postmodern Criminological Analysis with Comparison of Criminal Law and Islamic Ethics*, *Quarterly Journal of Medical Law*, Special Issue on Human Rights and Citizenship Law
- 12) Shiroodi, Morteza (2005), *Postmodernism*, *Journal of Education*, No. 29
- 13) Shamloo, Baqer and Mehdi Joybari (2015), *Postmodernism and Rethinking the Concept of Crime*, Fourth Year, Issue 12, *Criminal Law Research*
- 14) Sadeghi Fasaei, Soheila and Sattar Parvin (1398), *Crime: Based on Mentality, Discourse and Power*, Year 13, Issue 33, *Quarterly Journal of Legal Research*
- 15) Abdolfattah, Ezzat (2002), *What is a crime and what are the criteria for criminalization*, translated by Ismail Rahiminejad, *Legal and Judicial Journal of Justice*, No. 41

- 16) Ki Nia, Mehdi (1990), Fundamentals of Criminology, Volume One, Tehran, University of Tehran Press
- 17) Gassen, Raymond (1991), Introduction to Criminology, translated by Mehdi Kinia, Allameh Tabatabai Publications
- 18) ----- (1379), Is there a crime, translated by Ali Hossein Najafi Aberandabadi, Journal of Legal Research, Shahid Beheshti University, No. 29 and 30
- 19) Giddens, Anthony (2004), Sociology, translated by Manouchehr Sabouri, 13th edition, Tehran: Ney Publishing
- 20) Mohajeri, Abbas Ali (2009), Associate Culture of Associate Political Science, Second Edition, Tehran, Associate Publications
- 21) Najafi Aberandabadi, Ali Hossein and Golduzian, Hossein (2017), Postmodern criminology and its approach to crime and criminal etiology, Year 6, Number 23, Criminal Law Research
- 22) Najafi Aberandabadi, Ali Hossein (1991), Collection of lectures on criminology undergraduate course, prepared and edited by Gholamreza Jalali, Shiraz University
- 23) ----- (2004), Discussions in Criminal Sciences, Lectures on Criminal Sociology, Shahid Beheshti University
- 24) ----- (2013), Lectures in Criminology (from Critical Criminology to Security Criminology), PhD in Criminal Law and Criminology, Shahid University Heavenly
- 25) Najafi Tavana, Ali (2011), Criminology, Ninth Edition, Tehran, Measurement Education Publications
- 26) Nasiri, Mostafa (2012), Thesis of Postmodern Criminology Approach to White Neck Mass, Tarbiat Modares University
- 27) Noorbaha, Reza (1998), Criminology, Tehran, Ganj-e-Danesh Publications
- 28) Nietzsche, Friedrich (2006), Philosophy, Knowledge and Truth, translated by Morad Farhadpour, Tehran, Hermes Publishing
- 29) Vald, George et al. (2001), Theoretical Criminology, translated by Ali Shojaei, Samat Publications, Tehran
- 30) Walk Little, Sandra (2007), Criminology, translated by Hamid Reza Malek Mohammadi, first edition, Tehran: Mizan Publishing
- 31) White, Rob and Heniz, Fiona (2013), Crime and Criminology, Textbook of Theories of Crime and Perversion, translated by Ali Salimi, Fifth Edition, Research Institute and University
- 32) Williams et al. (2004), Theories of Criminology, translated by Hamid Reza Malek Mohammadi, first edition, Tehran: Mizan Publishing
- 33) Han Plek Rose (1397), Postmodernism and its Impact: How French Philosophers Destroyed the West, Nebsht Magazine
- 34) Hicks, Steven (2012), Explaining Postmodernism, Skepticism and Socialism from Rousseau to Foucault, Translation of Sohrabi and Farzaneh Ehsani Memoirs, First Edition, Tehran: Pajhwok Publishing