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New Criminological Perspectives: The Observational Method

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Abstract

This contribution will present the observational method, whose main goal is the in-depth analysis of the criminal situation concerning both the dynamics that are triggered within the relationship – therefore interpreting them through the eyes of the individuals involved – and the dynamics faced by those who observe the relationship from the outside and then have to represent or judge it. The method is the result of the encounter between two approaches, narrative criminology and visual criminology, from which it borrows the concepts of narrative and image. Narrative, in this case, means the stories produced by individuals, who describe the events through their point of observation, and the arguments produced by criminologists and operators based on the perspective they adopted in observing the story; therefore, the narrative plays a central role. The observational method defines the relationship metaphorically as if it were a room within which the protagonists act and perceive themselves according to where they are placed and what they see subjectively. Those who observe the room from the outside will describe it as if it were a photograph. Here the concept of image borrowed from visual criminology returns. Starting with the first activities that are carried out talking about criminal acts (fact-crimes) and then the inspection activities (technical-judicial and psycho-criminological), we will highlight the role of the criminologist and the narrative approach that distinguishes his or her work.

Keywords justice, observational method, narrative criminology, visual criminology, perspectives

FORENSIC EXPERTS

In this first section, we aim to analyse and examine the role and methodology adopted by professionals who first intervene on a scene in which a fact-crime has been detected.

Starting from the definition of Forensics and forensic expert, the importance of the first activities carried out in the presence of a fact-crime will be analysed.

For Forensics, we mean:

a discipline that uses the laws of physics, mathematics, anthropometry, dactyloscopy, judicial ballistics, graphometry, forensic toxicology, biology, chemistry, and forensic medicine through an interpretative process of factual data arising from the crime and operating the synthesis of the analysis obtained with the help of the various sciences it encompasses and its methods, allows us to discover the crime, its qualification and the identification of both the author and victim of the same. (Saponaro 2004)

Forensics consists of a set of techniques aimed at identifying physical traces of a crime and its perpetrator derived from the analysis of the crime scene (Pastena 2003). At the scene of the crime, a forensic expert “looks down” in search of physical traces of the crime for the identification of the offender, and this approach will necessarily be investigative, aimed at identifying the “who” and the “how” of the crime. The forensic expert attempts to give a face to the perpetrator (identification).

The Technical–Judicial Inspection

The technical–judicial inspection represents the first intervention that law enforcement officials are called upon to carry out when they are notified of a crime. It consists, first of all, in the freezing of the state of the places, which is implemented, in the first instance, through the isolation of the scene, preventing access to unauthorized persons to avoid contamination. The surveys of things and places consist of the collection of physical traces, their preservation and their transmission, so as not to alter, tamper with or destroy them so that they can be helpful to subsequent investigations and their evidentiary value can be preserved (Donato 2006). The detection phase should take a technical–objective approach that leaves no room for subjective evaluations and interpretations. In contrast, the assessment phase, in which the clues are transformed into sources and means of evidence through analytical procedures and laboratory methods, is composed of activities of an interpretative and evaluative nature (Ceccaroli 2000).

During the initial intervention and inspection of the crime scene, the forensic expert’s questions should follow the principle of the seven golden Ws: What happened? When? Where? With what? in Which manner? Why? by Whom? to shed light on the event’s dynamics and then identify the author. The success of an investigation will depend on the accuracy with which the collected traces have been identified, detected, preserved and transmitted; therefore, the so-called establishment of the material framework, i.e. the state of the places, is of fundamental importance. Any mistake, even the smallest one, could compromise the ultimate success of the whole operation (Bozzi and Grassi 2009; Monzani 2013).

Edmond Locard’s famous principle of interchange holds that “[e]very criminal leaves a trace of him or herself at the scene of the crime, and takes away, on him or herself, a trace of the scene” (Locard 1931). Analysing the elements obtained from the inspection activity links the victim, the offender and the crime scene together. The places and things that had to do with a crime have much to reveal about the victim’s identification, that of the attacker, and their relationships.

Among the means of research of the evidence, Italian criminal law includes the medical–legal inspection of the crime scene. The medical examiner intervenes, therefore, in criminal investigations at the time of discovery of a corpse, operating on the scene, in the immediacy of the facts. At the time of the first assessment at the place where the events took place, the medical examiner, assisted by the judicial police, will have to carry out a careful analysis of:

- (a) the environment;
- (b) the content of the environment;
- (c) footprints;
- (d) traces;
- (e) the corpse.

The intervention of the medical examiner, however, is not limited to these activities, but continues in the laboratory through the autopsy of the corpse, in order to date the death, identify the causes and the means that have caused it, identify the victim and, finally, detect on the corpse any traces that may lead to the offender.

CRIMINOLOGISTS

In this second part, we will examine the continuation of the planned activities in the presence of a criminal act (fact-crime), analysing the role of the criminologist.

If the forensic expert's crime scene represents the only object of study and analysis, for the criminologist it represents the starting point from which, looking back, he or she can reconstruct the relational dynamics that involved the perpetrator and the victim before the event. This is in the belief that the crime, as a relational phenomenon, needs the development of the temporal dimension (depth) to identify the motivations that led to its commission. This approach will necessarily be narrative, aimed at identifying the “why” of the crime. Then, he or she also deals with studying the crime's context (Pisapia 1999), that is, the set of space-time variables, constraints and rules that made the action's birth and development possible. The criminologist must provide an original contribution in evaluating the traces and elements that emerged during the investigation, looking for their extrinsic value, while identifying the intrinsic value will be up to the forensic expert (Monzani 2013, 2016). The task of the criminologist is to provide the frame of reference that makes it possible to evaluate the individual elements of evidence that have emerged, both in their individuality and in their reciprocity, in order to propose an initial working hypothesis that must then be subjected to various falsification attempts (Monzani 2013; Popper 2002).

Popper argued that a system to be defined as empirical or scientific should be capable of being tested by experience; therefore, he suggested falsifiability as a criterion of demarcation:

My proposal is based upon an *asymmetry* between verifiability and falsifiability, an asymmetry which results from the logical form of universal statements. These are never derivable from singular statements but can be contradicted by

singular statements. Consequently, it is possible using purely deductive inferences (with the help of the *modus tollens* of classical logic) to argue from the truth of singular statements to the falsity of universal statements. Such an argument to the falsity of universal statements is the only strictly deductive inference that proceeds, as it were, in the “inductive direction”; that is, from singular to universal statements. (Popper 2002)

Therefore, the aim of the criminologist in an investigation is to provide the so-called synthesis, i.e. the theoretical frame of reference that is able to:

- (a) Link together all the evidence that has come to light.
- (b) Provide it with an extrinsic meaning and a related specific weight, also dependent on the weight of the other individual elements.
- (c) Provide an initial theoretical hypothesis that can support and enable the continuation of the investigation.

The Psycho-Criminological Survey

The term “psycho-criminological survey” refers to all those inspection activities carried out no longer by the forensic expert but by the criminologist (Monzani 2013). It is clear that this inspection, unlike the technical–judicial inspection described above, has different aims and objectives that complete the activities of searching for traces and reconstructing the dynamics of the crime. While the technical–judicial inspection is aimed, as mentioned, at identifying the “who” and “how” of the crime, the psycho-criminological inspection is aimed at reconstructing the “why” of the crime. The approach of the former is investigative, while the latter’s approach is narrative. While one of the main tools and activities of the technical–judicial survey is, as we have seen, the medical examiner’s autopsy on the victim, the primary tool of the psycho-criminological survey is the so-called psychological autopsy, which aims at reconstructing the history of the victim through the examination of frequented places (including the scene of the crime), objects present (books, diaries, other writings and what is needed to reconstruct habits, lifestyle and more) and relationships entertained by the same (Monzani 2013). The term “psychological autopsy” was coined by suicidologist Edwin Shneidman at the Los Angeles Suicide Prevention Center to refer to a retrospective investigation tool that, through information obtained from interviews with relatives, friends and acquaintances of the victim, as well as notes and letters left by the deceased, intended to shed light on cases where the cause of death is equivocal. In 1970 the author, along with his colleagues Farberow and Litman, defined a psychological autopsy more precisely as:

a retrospective reconstruction of a person’s life, capable of identifying aspects that reveal his or her intentions concerning his or her death, providing clues as to the type of death, the level (if any) of participation in the dynamics of the death, and explaining why the death occurred at that particular time. (Shneidman, Farberow, and Litman 1970)

According to its creators, this tool should have been applied only in cases where the causes of death were equivocal and uncertain (Gulotta 2010). In reality, however, it

is also used when it is not necessary to discern the cause of death (e.g. proven homicide or suicide).

The difference in terms of objectives and objects of study between the two types of surveys is quite evident: the technical–judicial survey focuses on the analysis of physical traces found at the scene in order to reconstruct the dynamics of the crime; the psycho-criminological survey, however, aims at reconstructing the relational histories of the victim, in order to identify elements that can establish the reasons (the why) and the specificity of the particular relational history at the basis of the victim’s death. If, for the medical examiner, the identity of the victim is irrelevant (as it is considered only as a source of evidence), for the criminologist, his or her identity is the fundamental element for the reconstruction of the relational dynamics that have involved the victim and could be the basis of a possible crime. In other words, while the technical–judicial survey aims to reconstruct the dynamics of the offence, the psycho-criminological survey aims to reconstruct the relational dynamics that preceded the event (Monzani 2013). All this contributes, in the framework of the criminal procedure, to the attribution of the appropriate responsibilities and, consequently, of the related punishments.

Reconstruction of facts from a material point of view, which is the responsibility of Forensics, aims to track down an unknown perpetrator by searching for physical traces attributable to the perpetrator and found at the crime scene. Forensics will attribute an absolute (intrinsic) value to the elements noticed, and the criminologist will then evaluate them in relative (extrinsic) terms. To give just one example: a DNA sample found at the scene of a crime will have an intrinsic reliability value, noted by Forensics, of 99.9 percent; however, the same DNA, assessed by the criminologist regarding its usefulness in the investigation, could have a reliability value of 0 if, for example, the “owner” of the DNA used to frequent the place where the crime occurred.

The testimony of any eyewitnesses, then, may help identify the perpetrator, with all due caution, knowing the fallacy of the memory system and how much memory, and thus, its re-enactment, could be altered and tainted by leading questions. This is concerning the so-called material responsibility.

Regarding, on the other hand, the so-called “psychological reproachability” (Monzani 2013, 2016), it becomes essential to assess first of all if the accused was sane (that is, if he or she was conscious of his or her actions) when he or she committed the crime (in order to determine “whether” to punish), an assessment that could be delegated to an expert through an application for psychiatric expertise, but only in the case in which the judge presumes a mental pathology present in the subject at the time of the fact. The “whether to punish” might also require an assessment of the presence of some of the exculpatory evidence of the crime provided by the Italian legal system, such as, for example, self-defence.

In addition to this, then, the assessment regarding “how much to punish”, i.e. the sentence quantification, will depend, among other things, on the motive of the offender, as well as the psychological element of the crime itself, like express malice (with intent), guilt (without intent) or *praeter intentionem* (beyond intent). Concerning “how much to punish”, other variables expressly provided for by the Italian system, called “aggravating circumstances” (e.g. premeditation) and “attenuating circumstances” (e.g. having acted after victim provocation), will influence. In

the Italian penal system, Article 133 of the Penal Code indicates all the variables that the judge must consider to quantify the sentence, concerning both the seriousness of the crime and the offender's capacity to commit crimes.

THE ORIGIN OF THE OBSERVATIONAL METHOD

In this third section, we intend to illustrate the historical and theoretical path that gave life to the theorization of the method that will subsequently be presented, examining the technique of participatory observation, the importance of narrative through narrative criminology, and, finally, the contribution of images thanks to the work of visual criminology.

The origins of participant observation can be traced back to Bronisław Malinowski (1973), founder of modern anthropology, who argued that to study a culture or a group properly, it is essential to live with it directly. It allows the observed subject and the observer to coexist and interact for a prolonged time. The latter must also actively participate in group activities. This ethnographic technique spread on a large scale and sees its application by numerous scholars. Whyte (1943) studied the process of gang formation and organization in a Boston Italian district, living there for three and a half years. Thrasher (1929), with the help of participant observation, was able to analyse some Chicago gangs to examine whether and how much urban geography influenced determining and shaping them. Liebow (1967) devoted himself to observing and studying Black street-corner men in Washington, DC for a year to interpret their lives and then to the lives of homeless women in America.

Starting from this theoretical construct and the importance it attaches to observation, it was decided to borrow some of its cornerstones to start talking about “participatory image”, which will see its maximum expression in applying some fundamentals of visual criminology adopted in the observational method. Participatory image is based on observation, photo-elicitation and interpretation. Specifically, it aims to bring the person to awareness and recognition of what was suffered/experienced through observing the phenomenon captured in an image and the narrative produced by the person looking at it. Emphasizing how difficult it is, often, to have a correct perception of what one is experiencing when one is totally immersed in the situation, “leaving the scene” and seeing one's world graphically represented allows one to observe from a new perspective and reach greater awareness.

Narrative Criminology

Among the main criminological theories, we consider it important to include narrative and visual criminology because, with the observational method that will be presented, we intend to identify the criminologist as a storyteller related to the individual case analysed. While the other schools focused their attention on issues related to the analysis of the sole offence, that is the fact for the classical school and the offender for the positive schools, narrative and visual criminology focus on issues of individual and relational character that involve both the perpetrator and victim in the criminal dynamic. Precisely for this reason, they appear to have

a more significant functional role in reading a criminal phenomenon according to the observational method.

In recent years, narrative criminology has become part of the scientific landscape, identifying itself as a theoretical paradigm focused on the individual life stories of the protagonists of the criminal event, attributing a fundamental role to the latter as a key aspect in the unravelling of criminogenic dynamics and in studies on the aetiology of crime (Maruna 2001). Dealing with narrative criminology means understanding the “whys” of crime through the complex intertwining of the multiple narratives of perpetrators, victims, the world of justice and society, attempting to identify and analyse the factors that influence and provoke the violent act (Ciappi and Schioppetto 2018a,b). In identifying and understanding the factors that contribute to the enactment of criminal behaviour, the expert considers crime as a relational phenomenon (Monzani 2013, 2016) in which the perpetrator and the victim are an integral part of a story in which each plays the role of a particular character who has a very specific function in the evolution of the events and in the modification of the individual life plot (Presser and Sandberg 2019) that, in this case, can lead to the commission of a crime. Therefore, the criminologist takes on the role of a storyteller (Monzani 2016), i.e. an expert able to grasp the different ways through which the individual life story unfolds, trying to penetrate it in depth and becoming, in some way, him- or herself an integral part of the story. Already the very first authors who considered narrative as a crucial aspect of the life of the human being (Bruner 1987) emphasized not only the continuity between narrative and personal identity but also the importance and value of the individual life story within the psychological domain. The history of personal life comprises a series of “chapters” and important segments in which existential events take on new meanings. These “nuclear episodes” (McAdams 1988), or those particularly significant episodes of life that we consider ours uniquely and through which the individual dynamically builds and reconstructs his or her own story, give a particular meaning to our existence primarily in the narrative context of the moment, and at the same time allow us to reinterpret the past with an imaginative directionality towards the future. Through constructing their individual life story, subjects can make attributions of meaning to others, the world around them and themselves. Therefore, the life story is a dynamic process, intrinsically present in human beings, which integrates the different narratives within a specific historical and socio-cultural context. Narratives are understandable and readable by virtue of their frame of reference. They, at the same time, differ from one another because of the uniqueness that characterizes each individual in terms of his or her individual life story (Monzani and Bugini 2021). Some authors (Canter 1995; Maruna 2001) have stated that there is a strong correlation between the narrative device and the criminological discipline; the narrative constitutes the macro-category within which criminology operates when it aims at identifying and analysing factors and motivations that lead an individual to commit a crime. Through the individual narrative, of which the subject is somehow aware, it will be possible to know and analyse the various aspects and factors regarding the history of the offender that are directly involved in the commission of the crime. Through re-conceptualizing criminology into true narrative criminology, Presser and Sandberg (2019) assert that individual life stories stand as a factor immediately before the crime, allowing all the processes elicited

by the stories themselves to emerge as they are told. From here, the connection to the theories of Lonnie Athens (1994) is almost mandatory. A frame of reference constituted by the individual narrative is, therefore, able to clarify and explain in more detail the “here and now” of the criminal act, including the dynamic factors that intervene at the moment in which violent behaviour is enacted, contributing, therefore, to a deeper analysis and understanding of the internal states that underlie the commission of the crime. Crime is thus considered both an aspect and a product of the unique life history of that particular subject. For this reason, criminology cannot ignore the narrative device. This device not only connects the individual to his or her actions, but is the only discipline that can unravel the plot of the narratives of evil and interpret the “criminal shadows” (Canter 1995), in order to understand how the life story is reflected in the criminal action and to study more in depth the different criminogenic dynamics. What is needed is a perspective that studies crime in its various forms, independently of a strictly aetiological view; this would be a multidimensional perspective that studies both common crime and the so-called institutional crime. It is necessary to reflect with a different approach from the one used until now: an approach that intends to observe and look from different perspectives. According to this new approach, the author and victim must always be at the centre, i.e. occupy a privileged vantage point from which to observe (and narrate) the situation that concerns them (Monzani and Bugini 2022). However, it is not enough to look; it is also necessary to observe, to see consciously. Since only that leads to real awareness. What is important, therefore, and provides the perspective of the situation is the point of observation, i.e. what one sees/looks at from the position one occupies within the relationship, which will affect the awareness of the observed phenomenon and the experienced situation. That awareness will be, at least in part, different from the awareness of someone looking from another position, therefore from another perspective. Awareness will affect, in turn, the narrative context of the different protagonists. The privileged vantage point occupied by the subjects involved in a criminal situation has not been well exploited by previous criminological theories and approaches.

The criminologist’s narrative differs from the work done by other parties to the trial because it is focused primarily on reconstructing the relational dynamic that concerned perpetrator and victim before the crime. This virtually gives the dimension of depth (temporal dimension) to the crime scene.

The narrative made by the other subjects of the trial (which is not an actual narrative but an attempt at reconstruction), on the other hand, is mainly focused on the dynamics of the fact-crime to attribute the so-called material responsibility.

Moreover, the peculiarity of the criminologist’s contribution will also depend on the position he or she occupies in the trial. He or she may be appointed by all the trial subjects (prosecution, defence, civil defendant). Depending on the position occupied in the trial itself, his or her narration will concern elements related to the reconstruction of the dynamics of the fact rather than the reconstruction of the relationships that predated the fact itself, rather than other dynamics of interest to the party.

The criminologist’s contribution, for this reason, appears entirely original and cannot be compared to the reconstruction activities of the dynamics of the fact of relevance to Forensics.

Visual Criminology and Visual Victimology

Images have always significantly contributed to multiple disciplines, so there is no unanimous view about their use and “reading”. They could be considered as the interpretation of an aspect of visual culture traceable in photographs, films and Internet design or as a mode adopted for social research, such as photo-elicitation, virtual ethnography, spatial mapping and more. Documentary photography and investigative journalism have also made a significant contribution; famous is the work done by the photographer Arthur “Weegee” Fellig (Weegee 2002), who represented New York City in the first half of the twentieth century through photographs depicting crime scenes.

“Spectacles of suffering can transform the way we live with, and understand, one another” (Carrabine 2012). Specifically, in this part, we intend to focus on the use of images by photo-elicitation (Carrabine 2011).

Suppose the goal is to describe the situation and the context (Pisapia 1999). In this case, we need a vision as close as possible to reality, in order to prepare practical tools for contrast and, above all, prevention, at least as a secondary factor (Monzani 2016). Therefore, we need different interpretations, given by different points of observation, which enable the interpretation of the concept of emergency no longer with the meaning of “urgency”, but with the meaning of “emergence”, understood as the emergence of a new awareness able to produce new narratives. Visual criminology (Carrabine 2012, 2015) constitutes a new approach to the study of criminal dynamics, proposing interviews with the protagonists of the case from photographic images related to the situation experienced. The meaning of the image is in the viewer’s gaze. This technique becomes helpful in making images eloquent through the protagonists’ descriptions, narratives and voices. This approach envisages the subjects’ active and reflective role in elaborating their own experiences. The goal is to facilitate the ability to critically observe reality to try to understand the meaningful worlds of others and to identify new forms of responsibility.

The best vantage point is also the one that should hold more accountable those in a privileged position within the relationship. In a relational view of crime, visual criminology also pays attention to the observation point of the victim. However, who are the victims of crime, given that until not so long ago, criminological sciences did not count them among their objects of study? Indeed, all those who, as a result of a crime, suffer direct or indirect damage (physical, psychological or economic) can be considered victims (Balloni and Viano 1989). From the victimological point of view, it is necessary to place the victim at the centre, in a position of privilege concerning the awareness of what he or she is suffering because it is the result of direct experiences. However, the victims’ awareness of being such should come through situational awareness (Monzani 2021).

Moreover, a “too close” position does not always allow the victim to focus on the situation experienced. Sometimes one needs to “step back”, “distance oneself” and “look from afar” to get a correct and complete view of the situation being experienced. The objective of visual victimology, a branch of visual criminology, is precisely to focus on the point of observation and the perspective of the victim and to allow the same to have a more accurate view of what has been suffered, therefore, a narrative as close as possible to his or her experiences. Social and cultural

perspectives on determining what constitutes victimization are decisive in accessing the perception of that harm from within, i.e. from the symbolic and cultural perspectives expressed by the social actors involved. Suppose it is possible, as will be said later, to distinguish an internal point of observation (involved subjects) and an external point of observation (criminologist). In this case, visual criminology represents a hybrid situation in which the point of observation of the subjects directly involved is (artificially) external to the condition they are experiencing. This allows them to develop a global vision of the reality in question through a new perspective, which promotes awareness. Through a visual approach, it is as if the criminologist invites subjects to analyse the situation from his or her point of observation, believing that an outside view facilitates awareness of what is happening. This awareness should have a preventive character (at least secondary prevention) as far as the victim is concerned and a re-educational character aimed at reducing recidivism for the perpetrator. All this is played out from the perspective of new points of observation that should involve the story's protagonists through a new reading of reality. What narratives make the victims realize or deny the existence of the suffered crime? It is evident that visual criminology, by researching and relying on the narratives of the subjects involved, has as its theoretical reference precisely that narrative criminology which focuses on the stories, the narratives of the subjects. Therefore, visual criminology can be seen as an applied approach to narrative criminology. This approach translates and can develop, in turn, into a real method, which will be defined as "observational" (see below).

FROM THE POINT OF VIEW TO THE POINT OF OBSERVATION

For a greater understanding of the method that will be shortly proposed, this part aims to clarify the distinction between the concept of point of view and point of observation, which is the basic assumption of the observational method (Monzani and Bugini 2022).

In ordinary language, a point of view can be defined as an opinion of a subject regarding a given situation. Therefore, it configures itself as a subjective and individualized interpretation of objective reality; this is an interpretation that is affected by individual variables (cultural level, political ideas, religious beliefs, age, gender, ethnicity, life experiences), social variables (stereotypes, prejudices, false beliefs) and more. In this regard, Elizabeth Loftus's experiments and many other witness psychology authors are rather interesting. Specifically, she highlighted how the above variables could significantly affect the testimony of an eyewitness questioned in court. Very famous is the experiment during which a representative sample of the American population is shown a film that clearly shows, inside a crowded bus, a subject of Caucasian ethnicity hitting with a knife a subject of South African ethnicity; when asked to report what they observed, a significant percentage of subjects said that the aggressor was the South African subject. Thus, individual and social variables (particularly stereotypes and bias) can significantly alter an outside observer's perception of a phenomenon. All this highlights how, in reality, there is no absolute truth, but rather many truths dependent on different individual points of view.

The points of view also vary depending on whether the observer is internal or external to the observed context, both in terms of objective perception, linked to the spatial element (cognitive factors) and of subjective perception, linked to emotional factors that might intervene in the interpretation. To give just one example, we can think of the different situations of the eyewitness and the victim-witness (Gulotta 2008; Mazzoni 2003). The former will be in the best subjective conditions but in the worst objective conditions to correctly reconstruct the observed dynamics, while the latter will be in the worst subjective conditions (emotional state, fear, terror) but in the “best” objective conditions for the reconstruction of the dynamics and, possibly, for the identification of the offender. Therefore, the concept of truth can only be interpreted subjectively, as historical truth, objective and not subject to interpretation, remains a mere philosophical figure that does not belong to the “real” world, much less the world of trials and legal proceedings. This is true also because all the subjects called upon to analyse and evaluate a fact-crime (judges, magistrates, lawyers, consultants) have not personally witnessed the event. However, is this really that relevant? Even if they had directly witnessed the event, each of them would have “created” their subjective truth, derived from their point of view, a truth that would not coincide with the truth of the other subjects; therefore, the direct observation of a phenomenon is not always a guarantee of a faithful reconstruction of the event. Another way to define the concept of point of view is that it represents, in a broad sense, the mental position from which events are viewed. A point of view is a distinctive way of seeing things, a personal view. The expression literally describes what you see in front of you based on where you are when you observe a phenomenon. The association between the concept of point of view and the concept of perspective (where perspective means a specific point from which a fact is considered or a situation is examined) gives rise to the so-called point of observation. This consists of a view of the subjective reality by an individual, which changes as the position of the subject and others concerning him or her changes. Thus, the following situations could occur:

- (a) Subject A’s position changes, while the positions of the others remain unchanged. The change of perspective allows the subject to gain a new point of observation of the reality in question and, with it, a new awareness; at the same time, although the position of others remains unchanged, their point of observation is modified due to the movement of subject A.
- (b) The positions of Subject A and all (or some) subjects involved in the dynamic change. The new perspectives will result from the changing positions of all parties. In this situation, the analysis of the modification of the point of observation of a subject is particularly complicated since it will also depend on the changed position of the other subject (or subjects) as if we were dealing with two independent variables; this makes the attribution of the individual responsibilities within a criminal dynamic particularly difficult, in particular the execution of the criminal act (fact-crime).
- (c) The position of Subject A and the other subjects in the relationship changes with the entry of a third external element that modifies all individuals’ subjective point of observation and the mutual point of observation in their relational dynamics.

To summarize, the point of observation is composed of two elements: the perspective and the point of view, which contemplates the individual and social variables that, as such, prevent a neutral and objective view of historical reality, thus altering the point of observation itself. In a narrative, storytelling is done based on the point of view and a narrative voice. The narrative voice, i.e. the person from whom the narrative starts, is internal when the story is told by one of the characters involved in the narrative.

OBSERVATIONAL METHOD

In this last section, we come to the complete exposition of the observational method as a way of studying and analysing criminal situations (Monzani and Bugini 2022).

The concept of point of observation outlined above constitutes the basic assumption of the so-called observational method, which consists of a reading of the criminal phenomenon through the analysis of the narrative of the subjects involved (internal observational method) and of subjects external to the criminal relationship but, in any case, involved in the analysis of the action for criminological and procedural reasons and professional role (external observational method). As already mentioned, the crime is configured as a typically relational phenomenon since it involves at least one perpetrator and at least one victim, and since the dynamics and motivations that led to the crime can be identified through the analysis of the perpetrator–victim relationship that preceded the execution of the fact. Therefore, a correct and complete analysis of the criminal dynamic must inevitably include the points of observation of all the subjects involved: perpetrator, victim, and their relationship. As for the perpetrator’s position, it will necessarily influence his or her point of observation: it is as if inside a room, what can be seen will also depend on the physical position occupied within the room itself. In metaphorical terms, the room represents the context and, at the same time, the relationship between the two subjects. Coming out of the metaphor, what the perpetrator will be able to observe concerning the victim and their relationship will depend on the subjective position occupied within that relationship; it will also depend on the position that the “predestined” victim is occupying at that moment. The point of observation of the perpetrator is also influenced by what his or her ghost community and inner parliament (Athens 1994; Rhodes 2001) are communicating to him or her about the crime about to occur; not only that, but the point of observation will also depend on individual (temperament, character, life experiences) and social (prejudices, stereotypes) factors. The same considerations can also be applied to the victim who, depending on the position in which he or she is within the room/context/relationship, will assume a particular point of observation. Although Athens’s (1994) theory of violence refers only to the figure of the perpetrator, it is believed that the concepts of ghost community and inner parliament can also apply to the psychological dynamics concerning the victim. In other words, the subjects present at the scene and “brought” by the victim will communicate particular messages to the latter concerning the crime he or she is about to suffer. What differentiates the victim’s position from that of the perpetrator is the environmental/cultural variable, which could lead to a change of position within the relationship, thus allowing

the victim to observe his or her position, and that of the perpetrator, from a different perspective. The change of perspective may represent, in some situations, a particularly “risky” moment from the point of view of the continuation of the relational dynamic. For example, think of the change in the point of observation of a woman victim of intra-familial violence when she comes into contact with the operators of an anti-violence centre. The path of awareness that the woman will undertake will change the point of observation concerning the relationship experienced until that moment and to more general issues related to social, cultural and other aspects. The greater awareness acquired by the victim modifies her point of observation within the relationship, allowing her to review her position and that of the perpetrator. In general, it can be said that a static situation, related to the different positions taken within the relationship, can represent a “guarantee” for what the victim can expect in future suffered behaviours. When the situation becomes dynamic due to the victim’s change in perspective, the risks and unknowns for one’s future increase. This is why many individuals who are victims of violent relationships decide not to seek help to avoid a future of unpredictability, preferring a certainty, albeit one with violent components. Considering the relationship as a third party present at the scene, several variables can be hypothesized:

- (a) The situation in which a change in one party’s position (or both) causes the relationship to change.
- (b) The situation in which the relationship modification involves the change of position, therefore of the point of observation, of the subjects. It should be noted that the change of position, even if only one of the two subjects, has as an inevitable consequence the modification of the point of observation of both. To resume the example given above, a woman who decides to leave an abusive relationship by changing her position within it will change her point of observation and, at the same time, the point of observation of the partner who has remained immobile; the latter, expecting to see the same initial situation, will realize that what he will see will be a different and unexpected reality, despite his unchanged position, due to the change of position of his partner.

In a relational–narrative frame of reference, within which new criminology can evaluate the different dynamics of the crime through the analysis of the personal life history of the protagonists, we wonder how the observational method can provide an original contribution to the reading of the story. To date, the Italian legal system envisages the figure of the criminologist only during the execution of the sentence, with a view to the re-education of the offender together with the observation and treatment team. However, in the current Italian criminal justice system, some rules have come into force in favour of the role of the criminologist in other moments of the criminal case. In particular, Law No. 397/2000 (so-called due process law) introduced the principle of procedural equality between prosecution and defence through defensive investigations, giving, in fact, a central role to the criminologist, as a consultant, also during other phases of the criminal proceedings other than the execution of the sentence. In this context, the criminologist can operate during the preliminary investigation phase, as mentioned, but also during the trial phase (phase

in which the actual evidence is formed) through the preparation of expert opinions or advice on certain procedural aspects such as the imputability of the alleged offender, the assessment of his or her social dangerousness or ability to stand trial (Art. 220 to Art. 233). The criminologist can also operate in the evidentiary hearing (Art. 392) or as the external consultant who actively collaborates with the police to analyse the evidence sources (Art. 220 to Art. 233). Then, about the figure of the victim, the criminologist could be called, in the trial, to assess the damage (psychological or otherwise) suffered because of the crime or could be called to assess his or her suitability as a witness, as well as to assess the suitability to testify of any other witness of the facts.

A few examples: the criminologist might be called, at the investigation stage, to receive testimonial evidence that could confirm, as much as refute, a prosecution hypothesis. Alternatively, he or she might take part in the pool of consultants called to perform psychiatric expertise on the alleged offender; in this case, the criminologist will have to deal with the criminological part of the expertise, that is, the assessment of the sanity of the accused (the consciousness about his or her actions) when he or she committed the crime, that will follow the psychiatrist/psychologist assessment related to the ascertainment of the presence of any mental pathology in the offender at the time of the crime (Monzani and Lazzaretto 2019). Again, the trial parties may appoint the criminologist to attempt to reconstruct the relational dynamics (the entanglements) that involved the alleged perpetrator and the victim before the fact. Alternatively, the criminologist might be called to develop a psychological autopsy in cases of death whose cause is dubious; assess a child's ability to testify in alleged child sexual abuse cases; or provide a fact-crime interpretation that considers cultural variables that might have affected the decision to commit a crime or the modality of its commission – this, in particular, when it comes to analysing facts committed by individuals from cultures different from the culture of the place where the fact occurred, thus the place where it is to be judged (so-called ethnic criminology). Furthermore, the examples could go on and on. Therefore, the criminologist could be called to report in court all these activities, and his or her appointment will depend on his or her professional development (medical, psychological, legal, sociological, anthropological), chosen on investigation objectives (Monzani and Bugini 2022).

It is clear, therefore, that the role of a consultant criminologist who uses a relational–narrative approach is fundamental, making it essential to train experts able to support the private parties in the process (defence and civil parties), as well as public prosecution. Therefore, the task of criminology is to be a technical–operational science capable of effectively and concretely contributing to the functioning of the criminal justice system, bringing its specialized knowledge to different judicial contexts and different procedural moments.

The Narrative Criminologist During the Investigation Phase

During the investigation phase, the narrative criminologist has the task of assessing whether, how much, and in which way the elements that emerge are of use for the investigation. He or she should not only provide a different and original contribution in the evaluation of the physical or mnemonic traces that emerged throughout the

investigation but also attribute an extrinsic value to the elements of evidence, linking them together and giving each a particular meaning, a relative weight derived from the overall assessment of the absolute weight of each element (Monzani 2013, 2016). All collected traces must be inserted within a particular frame of reference, a specific context (Pisapia 1999), made up of relationships, stories and narratives, which the investigator cannot disregard. The objective is to identify a particular reading perspective that provides the possibility of linking together and then evaluating the individual elements of evidence to propose a hypothesis concerning the reconstruction of the criminal dynamics that will need several refutation attempts (Popper 2002). The attempt is to connect the different sources of evidence by inserting them within a single story that acquires consistency (internal and external) in terms of the temporal dimension of the crime (Monzani 2013). The contribution of the narrative criminologist during the investigative phase is also to supervise operations, act as a liaison between the various professionals involved, and analyse the various emotional and behavioural dynamics that can be created, more or less manifest. In the phase of collection and first evaluation of witnesses' mnemonic traces, the narrative criminologist has the task of making the officials of the judicial police force and the investigators aware of their value as the first important element of reconstruction of the crime narrative, that, for this reason, must be preserved and protected from the risk of external contamination.

The Narrative Criminologist During the Trial Phase

As we have seen, during the trial phase, the role of the criminologist is fundamental because, during the psychiatric expertise stage, he or she may be called upon to express an opinion on various aspects of the criminal proceedings concerning the offender, such as imputability, social dangerousness, ability to stand trial, as well as the ability of a witness to testify. Once appointed as a consultant, the narrative criminologist, in order to draft the consultative paper, will need to collect not only the different pieces of information regarding the crime but also, and above all, the different factors that make up the life history of the offender and that have, in some way, contributed to a specific criminal behaviour (Schioppetto, Monzani, and Ciappi 2019). First of all, the narrative criminologist must identify the object of his or her research, the subject suspected of committing the crime or the victim, depending on the role played in the trial, and especially the individual, unique and unrepeatable model of interpretation derived from the narrative of the alleged perpetrator's life story. Once the narrative mode has been identified, it will be possible to appreciate and evaluate its contents, always taking into account, however, the point of observation occupied by the narrator, which will affect, as mentioned, his or her narrative content (subjective truth). Only through a narrative-relational approach, with an observational methodology, will it be possible to consider the alleged offender (or the victim) and, consequently, the violent act and the crime he or she is accused of (or suffered) according to different angles and positions. It is, therefore, about listening to a story, interpreting the uniqueness of the narration profoundly, and at the same time grasping all the details resulting from the particular point of observation. Through a dialogue with the crime's suspect (or victim), the narrative criminologist turns out to be the only figure able to identify and

assess a subjective truth that will then be the basis of the answer to the expert question (Ciappi and Schioppetto 2018b). The offender acts by enacting certain behaviours and, by acting in this way, enacts a particular narrative made of plots that the narrative criminologist has the task of reconstructing (Monzani 2013). The use of a narrative–relational approach is tasked with connecting individuals who are perpetrators (or victims) of a crime to their actions through an activity that includes summarizing, interpreting and attributing meaning to those stories, with the next goal of rewriting them and attempting to reconstruct their storylines (Ciappi 2013). Criminology cannot disregard the narrative device, not only in the identification of the accused (or victim) of the crime but especially in the analysis and evaluation of all those personal and unique aspects, part of the personal narrative which led to a criminal outcome of a given individual behaviour. A crime can be considered the product of an existential plot, a dynamic project to which the author or the victim tries to attribute a particular meaning. The final product, however, is not yet definitive; interweaving the subject's narrative with the criminologist's narrative, the result of his or her external point of observation is missing.

The Narrative Criminologist During the Execution Phase of the Sentence

According to the Italian criminal justice system, the professional figure of the criminologist finds regulatory recognition only in the execution phase of the sentence. Article 27 of the Italian Constitution envisages a re-educational aspect of the punishment, which necessarily involves professionals able to implement that re-educational purpose through activities and projects to be developed during the execution phase of the sentence. In this context, the reconstruction of the relational dynamics by the convicted person within the context of a process of awareness of the crime committed appears to be very important. This perspective highlights the need to retrospectively analyse the relational dynamics related to the phase preceding the crime and its execution phase. It is evident how, in all this, the type of crime in question has a significant impact. However, the relationship between the perpetrator and the victim in the phase that preceded the criminal dynamic has an even more significant impact.

Furthermore, the type of relationship will influence the subject's narrative regarding the committed act. While it has recently been considered that at least three "subjects" were present at the crime scene, i.e. the author, the victim and their relationship (Gulotta 1976), Athens argues that the crime scene is crowded with an innumerable series of people that the author and the victim "bring with them" in the execution phase of the crime (Athens 1994). The role of the narrative criminologist in this phase is to reconstruct the dialogues between the offender and his or her inner parliament or phantom community in the *post factum*; that is to say, if Athens has considered exploring these dialogues related to the moment that preceded the offence (in order to identify its motives), the narrative criminologist will analyse them in the phase following the offence. This activity aims to enable a path of awareness for the author about what has been committed. This path will necessarily start with recognizing the victim and his or her suffering due to the crime. It follows that a narrative approach to reconstructing the dynamics relating to the subsequent phases of the crime analysed during the execution of the sentence is of great

importance. The story produced will result from the new point of observation occupied by the offender due to the path of awareness carried out (when possible) during the re-education phase. This point of observation will necessarily be different from the point of observation occupied before the commission of the crime. It will be, in turn, different from the point of observation taken at the time of execution of the fact. The narrative of the offender will then be affected by the point of observation of the narrative criminologist, who, in reading the situation, “inserts” interpretations and readings that will derive from his or her professional experience, life, and more. The outcome will result from an interaction between the offender’s dialogue and the criminologist’s phantom community.

The Narrative Criminologist and the Other Subjects of the Trial

The situation changes perspective when the narrative criminologist finds him- or herself collecting the narrative content of the victim, the result of the victim’s point of view, which will inevitably modify that of the criminologist, who will provide an interpretation using a different interpretation (that of the victim and no longer of the perpetrator) that will also be affected by the role of the ghost communities of both. Taking a step back, it emerges how the different points of observation influence each other since the narrative of the subject in question (author or victim) will also be affected by how the criminological discourse is set up, dependent on the point of observation of the criminologist. The external point of observation of the criminologist will have an influence both in the phase of collection of the narrative brought by the subject and in the phase of interpretation and reproduction of the same narrative within a consultative elaboration. This elaboration will then be used by the person who gave the mandate to the criminologist, like a judge or a lawyer, who, in turn, will analyse and interpret it through his or her point of observation. Each time another person analyses the consultation report in the proceedings, it will produce a further document that results from the interpretation derived from that person’s point of observation.

SUMMARY

In summary, in the dynamics described above, it becomes evident that all the subjects involved in the trial, through their point of observation, propose a subjective truth and do not describe a historical truth that is objective and impervious to interpretation. The result will be different trial truths, depending on the point of observation of the different subjects involved. They will not only propose their truths but also modify those that others produce.

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TRANSLATED ABSTRACTS

Abstracto

Esta contribución presenta el Método Observacional, cuyo principal objetivo es el análisis en profundidad de la situación delictiva tanto en las dinámicas que se desencadenan dentro de la relación -interpretándolas por tanto a través de los ojos de las personas involucradas- como en las dinámicas que enfrentan quienes observan la relación desde afuera y luego tienen que representarla o juzgarla. El método es el resultado del encuentro entre dos enfoques, la Criminología Narrativa y la Criminología Visual, de los que toma prestados los conceptos de narrativa e imagen. Narrativa, en este caso, significa los relatos producidos por individuos, que describen los hechos a través de su punto de observación, y los argumentos elaborados por criminólogos y operadores a partir de la perspectiva que adoptaron al observar el relato; por lo tanto, la narrativa juega un papel central. El Método de la Observación define la relación metafóricamente, como si fuera una habitación dentro del acto del protagonista y se percibe a sí mismo según el lugar donde se sitúa y lo que ve subjetivamente. Quien observe la habitación desde el exterior la describirá como si fuera una fotografía. Aquí vuelve el concepto de imagen tomado de la Criminología Visual. Comenzando por las primeras actividades que se realizan hablando de hechos-delitos, y luego las actividades de inspección (técnico-judicial y psico-criminológica), destacaremos el papel del criminólogo y el enfoque narrativo que distingue su trabajo.

Palabras clave justicia, método observacional, criminología narrativa, criminología visual, perspectivas

Abstrait

Cette contribution présente la Méthode d'observation, dont l'objectif principal est l'analyse approfondie de la situation criminelle concernant à la fois les dynamiques qui se déclenchent au sein de la relation - donc les interpréter à travers les yeux des individus impliqués - et les dynamiques auxquels sont confrontés ceux qui observent la relation de l'extérieur et doivent ensuite la représenter ou la juger. La méthode est le résultat de la rencontre entre deux approches, la criminologie narrative et la criminologie visuelle, à laquelle elle emprunte les concepts de récit et d'image. Le récit, dans ce cas, signifie les histoires produites par des individus, qui décrivent les événements à travers leur point d'observation, et les arguments produits par les criminologues et les opérateurs en fonction de la perspective qu'ils ont adoptée en observant l'histoire; par conséquent, le récit joue un rôle central. La méthode d'observation définit la relation de manière métaphorique, comme s'il s'agissait d'une pièce dans l'acte du protagoniste et se perçoit en fonction de l'endroit où il est placé et de ce qu'il voit subjectivement. Ceux qui observent la pièce de l'extérieur la décriront comme s'il s'agissait d'une photographie. Ici revient le concept d'image emprunté à la criminologie visuelle. En commençant par les premières activités qui sont menées en parlant de faits-crimes, puis les activités d'inspection (technico-judiciaire et psycho-criminologique), nous mettrons en évidence le rôle du criminologue et l'approche narrative qui distingue son travail.

Mots-clés justice, méthode d'observation, criminologie narrative, criminologie visuelle, perspectives

抽象的

这项贡献将首次提出观察方法，其主要目标是深入分析犯罪情况，涉及关系中触发的动态 - 因此通过相关个人的眼睛来解释它们 - 以及动态面对那些从外部观察关系然后不得不代表或判断它的人。该方法是叙事犯罪学和视觉犯罪学两种方法相遇的结果，从中借用了叙事和图像的概念。在这种情况下，叙事是指个人制作的故事，他们通过他们的观察点描述事件，以及犯罪学家和操作员根据他们在观察故事时所采用的角度产生的论点；因此，叙事起着核心作用。观察法隐喻地定义了这种关系，就好像它是主角行为中的一个房间，并根据他们所处的位置和他们主观看到的东西来感知自己。那些从外面观察房间的人会把它们描述成一张照片。在这里，从视觉犯罪学中借来的图像概念又回来了。从第一个讨论事实犯罪的活动开始，然后是检查活动（技术司法和心理犯罪学），我们将强调犯罪学家的作用以及区分他或她的工作的叙述方法。

关键词： 正义，观察法，叙事犯罪学，视觉犯罪学，视角

المخلص

ستقدم هذه المساهمة طريقتي المراقبة، التي يتمثل هدفها الرئيسي في التحليل المتعمق للموقف الجنائي في ما يتعلق بكل من الديناميكيات التي يتم تشخيصها داخل العلاقة - وبالتالي تفسيرها من خلال أعين الأفراد المعنويين - والديناميات التي يواجهها أولئك الذين مراقبتهم العلاقة من الخارج ثم تمثيها أو الحكم عليها. هذه الطريقتي هي نتيجة لقاء بين نهجين، علم الجريمة السردي وعلم الجريمة البصري، تستعير منهما مفاهيم السرد والصورة. السرد، في هذه الحالة، يعنى القصص التي ينتجها الأفراد، الذين يصفون الأحداث من خلال وجهة نظرهم، والحوادث التي ينتجها علماء الجريمة والعاملون بناء على المنظور الذي اعتمده في مراقبة القصة؛ لذلك، يلعب السرد دوراً مركزياً. تحدد طريقتي المراقبة العلاقة مجازياً كما لو كانت غرفة يتصرف فيها أبطال الرواية ويدركون أنفسهم وفقاً للمكان الذي يتم وضعهم فيه وما يرونه ذاتياً. أولئك الذين يراقبون الغرفة من الخارج سيصفونها كما لو كانت صورة فوتوغرافية. هنا يعود مفهوم الصورة المبهتة من علم الجريمة البصري. بدءاً من الأنشطة الأولى التي يتم تنفيذها بالحدوث عن الأفعال الإجرامية (الوقائع - الجرائم) ثم أنشطة التفكيك (الفن - القضاء والنفس - الإجرام)، سنسلط الضوء على دور عالم الجريمة والنهج السردي الذي يميزه. الشغل.

الكلمات المفتاحية: العدالة، طريقتي الملاحظة، علم الجريمة السردي، علم الجريمة البصري، المنظور

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