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Criminology & Power

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'The aim of criminology is to speak truth to power'. Debate the extent to which criminology is able to achieve this.

Introduction

The discipline of criminology is both complex and contextual. The former is evidenced by the numerous drivers of crime and the latter by the historical and social influences that shape our understanding and application of the term criminology. Although not exhaustive such drivers may include choice, legislation and economics whilst the historical and social impact factors will undoubtedly engage with such arenas as religion, education and welfare. Arguably these headline propositions are subject to the ravages of change and collectively inhabit a continual state of fluctuation. Equally scholars of criminology, be they lawyers, sociologists, statisticians, social anthropologists or psychiatrists, will engage in debate from a number of differing viewpoints therefore adding further confusion as to the clarity and substance of criminology. Thus it is contended that to articulate a specific and narrow construction is folly, since the landscape of criminology is forever changing and any degree of stability is only a precursor to significant change. Although a noble effort to harmonise the differing strands of influence the statement, 'The aim of criminology is to speak truth to power' may be problematic. In

order to test this ideology this review will explore in greater detail the



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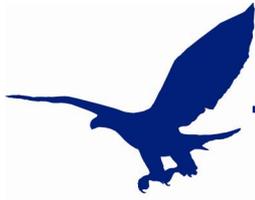
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collective influences that have shaped the discipline and in doing so seek to reach, if at all possible, a conclusive and sound hypothesis on what the aim of criminology is. Given the enormity of the subject matter the backdrop to this review will be framed essentially around the last four decades of domestic influence albeit the key historical influences will be briefly explored in order to provide a comprehensive account.

Historical context

At its foundations criminology engages with a number of distinct arenas including, for example, psychology, sociology, biology and economics. Political and historical influences are also important ingredients within the overall picture. Consequently the theoretical landscape can be varied and often conflicts ignite. Nonetheless three broad areas exist.

Correctionalism engages with the outcomes of crime reduction by seeking solutions to the problems of crime (for example, improving the overall effectiveness of the police) and is overtly linked to government policy. The Academic viewpoint, on the other hand, seeks to enhance the knowledge pool and understanding of crime whilst Radical criminology seeks to address the question of, 'Why do people commit crime?' and embraces the issues of inequalities that exist within the distribution of power within communities and the extent to which these forces may fuel the commission of crime. The social and political construction of criminological knowledge is underpinned by an historical context. Indeed it is arguable that many scholars of the criminology



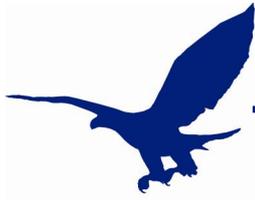
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discipline have an orderly chronology to refer to albeit the impact of change, particularly within the last four decades, has been significant. As a whistle-stop tour of the key historical headlines the age of enlightenment, during the eighteenth century, signaled the first serious attempt to define the term 'criminality'. The classical theorists of the time centred upon the notion that citizens had 'free will'. In essence an individual had a clear choice of whether to commit crime or not. Latterly, post World War II, the concept of 'positivism' or 'determinism' came to the fore in which the suggestion that criminality stemmed from a fault within the individual, in either a mental deficiency or one that had its foundations within the resident social environment. Solutions to this latter theory were therefore focussed upon the liberal ideal of wider and fairer social treatment in order to minimise any existing inequalities.

Garland (2002: 8) labels these two competing ideologies, that have ultimately provided the basis of modern criminology, as the 'Governmental Project (Free Will)', charting the patterns of crime and monitoring the practise of, for example, the police and prisons and the 'Lombrosian Project (Determinism)', that refers to a form of inquiry which aims to develop a scientific explanation, based on the ideal that criminals can be scientifically differentiated from non-criminals. The former hypothesis, based as it is on the human capacity to make rational decisions in relation to the commission of crime, is closely linked to the principles of fairness, equality, liberty, justice and proportionality. It is contended that such values are still evident in our criminal justice system

today. The latter premise connects with the process of investigating and



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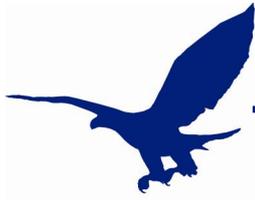
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searching for the root causes of crime. In order to qualify and compare the two doctrines Garland espouses the following, “One pole of the discipline pulls it practitioners towards an ambitious theoretical project seeking to build a science of causes. The other exerts the pragmatic force of policy-orientated, administrative project, seeking to use science in the service of management and control.” (Garland, D. 2002: 8). Both projects co-existed after the hostilities of World War II had subsided albeit cataclysmic change arrived during the 1960’s which saw the across-the-board disengagement from both theories.

A new era?

Radical arguments opposing the hitherto indoctrinated ‘mainstream culture’ typified contemporary debate towards the latter part of the twentieth century. Such contrary submissions, when viewed collectively, have become known as ‘counter-culture’. Although arguably a slow burn state of affairs following the conclusion of World War II the sixties nonetheless represented a catastrophic explosion in the notion of ‘counter-culture’. Examples included black civil rights, anti-imperialism protests (especially against the Vietnam War), gay liberation, the burgeoning drug culture, sexual freedoms and the acceleration of the ideal of free enterprise.

The free thinking of the sixties was epitomised by the formation in 1968 (in York, England) of the ‘National Deviancy Conference (NDC)’. A discrete group



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of social scientists and criminologists convened the inaugural meeting which grew in significance in a short space of time and arguably shaped the theory of criminology into late modernity. "It is this phase which gave rise to the 'new' or 'critical' criminology. This presented itself as a series of 'ironies' which served to turn establishment criminology on its head.

SELF-FULFILMENT - That illusions and stereotypes of crime can be real in their consequences and self-fulfilling in reality. **SERIOUSNESS** - That crime occurred throughout the social structure and that the crimes of the powerful were more serious in their consequences than the crimes of the poor.

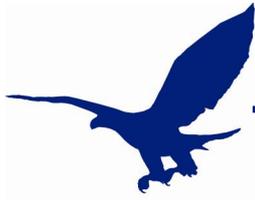
ONTOLOGY - That crime has no ontological reality and that the 'same' behaviour can be constructed totally differently. Thus, for example, a serial killer could be either a psychopathic monster or a hero if dropping bombs daily in the Afghan War. **DECENTRING** - That the criminal justice system is not the front line defence against crime but a minor part of the system of social control, itself crucially dependent on informal norms of civil society.

SELECTIVITY - That criminal law, although phrased in a language of formal equality, is targeted in a way that is selective and substantially unequal.

COUNTER-PRODUCTIVITY - That the prison and the criminal justice system produces criminals rather than defusing criminality. **SOCIALISATION** - That

the core values of competitiveness, acquisitiveness, individualism and hedonism are close to the motivations for crime, so that the well socialised person is more likely to offend than the under socialised. **CONTRADICTION** -

That the ideals which legitimate and hold the system together are the very

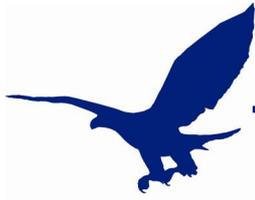


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ones which society thwarts and the frustrations generated seem to break the system apart. FUNCTION - That 'the criminal', 'the outsider', 'the other', far from destroying the fabric of society, produce stereotypes which hold the fabric together. SECONDARY HARM - That the primary harm of a social problem is frequently of a lesser order than the secondary harm accruing from the intervention to control it. The prime example of this being the regulation of drug use." (Carrington, K. & Hogg, R. (2002), Pg 254 -255).

The principle context of the NDC was framed around the questioning of hierarchical thinking and anti-fundamentalist values. The energetic and radical platform focused upon key concepts such as gender, sexual activity, drugs, crime and mental conditions and in doing so rebuked existing theories. "The NDC was hectic, irreverent, transgressive and, above all, fun. It took no notice of disciplinary boundaries, it was as important an arena for the emerging field of cultural studies (Stuart Hall, Mike Featherstone, Paul Willis, Dick Hebdidge, all gave papers), anti-psychiatry (Peter Sedgwick, Jeff Coulter) critical legal theory (Boaventura de Sousa Santos and Sol Picciotto), the sociology of sexualities (Ken Plummer, Mary McIntosh), as it was for the sociology of deviance (see the account in Cohen, 1988; Young, 1998). Perhaps, however, it was the pluralism and social constructionism of deviancy theory that gave it such a pivotal role. There was a frenetic quality to the NDC, there were fourteen conferences held between the end of 1968 and the end of 1973 and papers, articles and books seemed to emerge in an endless stream – exciting and excitable." (Young, J. 2002).



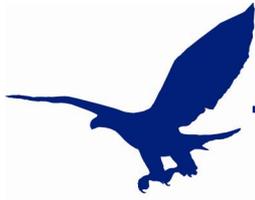
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"In retrospect, the decade of the 1970s appears as a watershed, in which the intellectual, institutional and political assumptions of modern criminology were challenged, often in the name of a more radical social politics. It was during this decade that there arose a more critical and reflexive style of criminology, and a more explicit questioning of criminology's relation to the state, to criminal justice, and to the disciplinary processes of welfare capitalism. Criminology became, at least for a while, concerned to link its ideas and analyses to the broader themes of social thought and less concerned to be an applied discipline. It became more enamoured of sociological theory and more critical of criminal justice practice. In these years, criminology's centre of gravity shifted a little, becoming more reflexive, more critical, and more theoretical. As it happens, this was a short-lived moment [which] did not last long. Before long, new post-correctional forms of crime control emerged and criminology became immersed in applied questions once again." (Garland and Sparks, 2000, pp.13-14).

Contemporary Criminology

Critical criminology has now, it is submitted, become 'mainstream' with its outputs occupying sizable self-space in local libraries and the theoretical values forming the foundation of many academic institutions criminology programmes. "Leaving aside the existence of ... interesting disputes and divisions, it is clear that the new perspective overall has now become established and institutionalised. In the same way initially outrageous art movements (such as Dada and surrealism) eventually became respectable,



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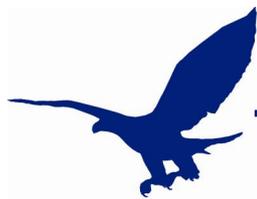
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so too has the new deviance and criminology become part of the accepted order of things. Its practitioners are ensconced in orthodox academic departments, journals, examining boards and publishing companies. No booklist would be complete without one." (Cohen, 1981, p.241).

The future of Criminology?

One certainty, as evidenced by the previous commentary, is undoubtedly the uncertainty of how criminology will be subsequently defined in the future. Those scholars of the eighteenth century would have dismissed the future advocates of positivism as soft liberalists whilst this group would have recoiled at the radical theorists of the late twentieth century viewing them as heretics. It is probable that criminology will continue to align itself with its associated disciplines, especially that of sociology. Equally governmental polices will continue to hold sway nurturing other less conspicuous philosophies to flourish. "...polices and politics have conspired to make certain kinds of applied reasoning, such as restorative justice and rational choice theory¹, the criminological anti-theory, particularly attractive to criminal justice agencies. Restorative justice is new, and modest in its reach, and it seems to 'work'. Rational choice and control theories lay out a series of neat, inexpensive, small-scale, practicable, and non-controversial steps that may be taken to 'do something' about crime." (Maguire, M., Morgan, R. & Reiner, R. (2007), Pg 35).

¹ "Rational Choice Theory (RCT) by Cornish and Clarke (1986) is the theoretical foundation on which Situational Crime Prevention stands. The rational choice perspective assumes that offenders seek to benefit in some way from their offending behaviour. RCT therefore portrays offenders as active decision makers who undertake a cost-benefit analysis of presenting crime opportunities." (The Home Office (Crime Reduction), 2004).



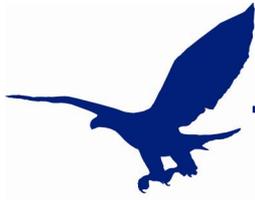
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Even more controversially will the scope of criminology expand to encompass the very globe we call home? “In early May 2000 a US Coast Guard cutter, the Sherman, chased a Russian-crewed, Korean-owned, Honduran-registered ship, the Arctic Wind, across the Alaskan seas. The Arctic Wind had been spotted fishing for salmon. A few years earlier, nobody would have taken much notice but now it was breaking the agreement of a 1991 UN General assembly resolution banning such fishing. The captain of the Sherman ordered his crew to prepare to open fire at the Arctic and in the face of this, the ship was boarded for inspection. ‘In addition to finding a ton of salmon already in the vessel’s hold, the inspectors watched as some 14 kilometres of nets were pulled up that had collectively ensnared 700 salmon, 6 shark, 50 puffins, 12 albatross and a porpoise’ (French and Mastny, 2001: 166). This is a very simple example of a ‘green crime’. The plundering of the earth’s resources has not until recently been thought of as a crime. Yet as is now well known, the earth and its resources are being wasted and overexploited. Through this, numerous crimes, violations, deviations and irregularities are perpetrated against the environment. These green crimes, then, may initially simply be defined as crimes against the environment (South, 1998a, b).” (Carrabine, E., Lee, M., Plummer, K., South, S., Iganski, P. (2004) Pg 313).

Conclusion

According to the Oxford University Press online dictionary Criminology is defined as, “the scientific study of crime and criminals” (Oxford University



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Press, 2008). Then again the American Society of Criminology defines the discipline as, "... embracing scholarly, scientific, and professional knowledge concerning the etiology, prevention, control, and treatment of crime and delinquency. This includes the measurement and detection of crime, a review of legislation and the practice of law, as well as an examination of the law enforcement, judicial, and correctional systems." (Lightfoot, R. 2007). The plethora of diverse definitions serves only to confuse and tantalise the observer. Is it a fixed or movable beast? Arguably the earlier definition is far too narrow to meet the challenges or scope of the subject matter whilst the other may only trot out a series of fanciful terms. Perhaps a more tangible reference is contained within the writings of John Lea (an eminent criminologist based at the Crime and Conflict Research Centre, Middlesex University). "Criminology is, as John Lea (1998) points out, not so much a discipline as a field, its distinctiveness is not its knowledge base but the form of its focus: theories of crime, criminal law and the relation between the two - in this it is a sub-category of the sociology of deviance. It can, and never should be, conceived of as a separate discipline, its categories and processes are social constructs, they have no separate ontological reality. It cannot, therefore, exist separately from social theory as its concerns are inevitably with the nature of social order and disorder. Not only have all of the major social theorists concerned themselves with order, disorder and regulation, but there has been across the century clear links between the great theorists of modernity and the criminological canon." (Carrington, K. & Hogg, R. (2002)).

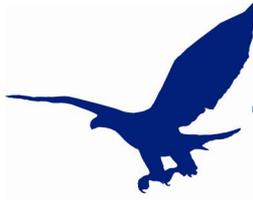


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Adding further spice to the continuing dialogue Jock Young (a leading sociologist and criminologist presently lecturing at the University of Kent) once remarked, “The essential flaw of establishment criminology is, of course, the attempt to explain crime without touching upon reality, constantly to distance explanation from basic social and economic problems of a divided society.” (Young, J. (1997)).

The assertion that ‘The aim of criminology is to speak truth to power’ fails, it is contended, on a number of levels. Firstly, the degree to which this outcome can be measured is, overwhelmingly, at the beck and call of human advancement and the manner in which society is shaped by evolving social constricts. For example, the fundamental question of ‘what is criminal?’ will undoubtedly change throughout the annals of time. For example, the truth prior to 1st December 2003 was that drivers could lawfully use their mobile telephones whilst driving, yet after this date this became an untruth by virtue of Statutory Instrument 2003 No. 2695 ,The Road Vehicles (Construction and Use) (Amendment) (No. 4) Regulations 2003. (Office of Public Sector Information 2003). Secondly, the rule of law has, at least domestically, seen the elementary principles circumvented when arguably it suited the Parliament of the time. For example, the central plank of the ‘certainty of law’ has seen clear breaches with the implementation of retrospective law such as the War Damages Act 1965, which indemnified the Government for all acts of sabotage and other war damage. This followed the destruction of oil fields



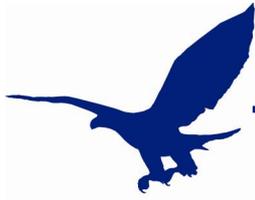
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belonging to the Burmah Oil Company during the World War II in which the House of Lords initially awarded compensation to the company concerned (Burmah Oil Company Ltd. v Lord Advocate, [1965] AC 75). Finally, it is submitted that term 'truth' is so fluid as to be almost meaningless when attempting to articulate a rational a cohesive argument. Truth often engages with perspective. As George Bernard Shaw lamented, "New opinions often appear first as jokes and fancies, then as blasphemies and treason, then as questions open to discussion, and finally as established truths." (Wisdom Quotes, 2008). As one of the limited cartoons that are perhaps brave enough to engage with the essence of criminology the following pictorial exhibit readily identifies 'perception' as an equally influential driver –



(Kron, 2003)



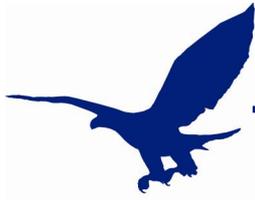
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The field of Criminology remains an important constitutional check and balance. Not only should it confront the values of society but it should seek to continually question what are the key drivers that may influence and shape deviant behaviours. As Jock Young remarked, “All good sociology is critical, as is all competent criminology. It is my belief that critical criminology is more relevant today than ever and that the critical attitude fits the experience of later modernity. If we return to the themes of the ten ironies it is striking how the problems faced in the 1970s are built larger today and how the concerns are more a harbinger of the present than a moment of the past. Every single one of the ironies, from the counterproductive nature of the prison to the role of stigmatisation and othering in law and order politics, are of immense relevance. We are privileged to work in an area which has its focus on the fundamental dislocations of justice that occur throughout our social order, a place of irony and contest, of vituperation and transgression.” (Young, J. (2002)).

As a compromise to the author of the headline notion it may be better served by prefacing the sentence ‘The aim of criminology is to speak truth to power’ with the words ‘At any given point in time’!

Word count – 3,020 (excluding permitted exceptions)



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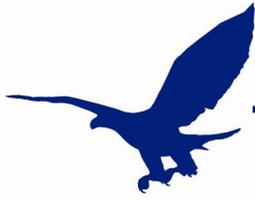
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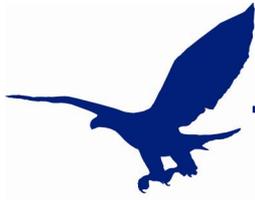
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