

A SOCIOLOGY OF CRIME



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Preface

This book originated when we were invited to write a new, replacement course in criminology for Telecollege at Wilfred Laurier University. In doing so, we wanted to offer a sociological version of criminology which avoided the standard preoccupations with correctionalism and causality. We had been teaching criminology in departments of sociology for fifteen years or more, and we had come to treat as a matter of sociological 'common-sense knowledge' the view that 'crime' is socially constituted through processes of law creation, law enforcement and the administration of justice. Accordingly, we designed as an alternative a series of twelve programmes which emphasized a sociological approach to crime which not only informs the student about 'crime' but about 'doing sociology' or 'thinking sociologically' as well. After several transformations, this series then became the basis of *A Sociology of Crime*.

As an alternative to the standard correctional text, our work can be seen to belong to a 'subversive' tradition within criminology. As in the work of others before us (Becker, Box, Kitsuse and Cicourel, Matza, Phillipson, Pollner, Rock, Scull, Sim, Spitzer) its subversion consists in its calling into question the correctional, consensual and causal orthodoxy and in considering instead how crime is socially constructed. It is this subversive tradition which enables proponents of otherwise incommensurate sociological approaches to find, at least fleetingly, a common ground, namely an interest in the question of how crime is socially produced or constituted. In the chapters that follow (except for our last chapter where we include some of the insights of the otherwise now rather moribund structural consensus perspective) we have confined our attention to the structural conflict perspective, symbolic interactionism and ethnomethodology. (Since we do not regard feminist sociology or

feminist criminology (Gelsthorpe and Morris 1990; Valverde 1991) as naming a unique sociological perspective, but rather as reflecting the impact of the women's movement across all perspectives in the disciplines of sociology and criminology, we have not tacked on a 'women's chapter' or a series of feminist chapters, but have tried to incorporate relevant viewpoints and studies throughout.) Common ground notwithstanding, our focus on symbolic interactionist, ethnomethodological and structural conflict perspectives on crime does not mean that we advocate integrationist or incorporationist notions of sociological enquiry in which the partial pictures afforded by different approaches can be added up with the prospect of obtaining a 'fuller picture' of some independent reality. We prefer the 'constitutive' conception of the role of sociological perspectives. As we argue in the last chapter there is no archimedean, perspectiveless point from which to engage in criminology or any other form of enquiry. It is the use of perspectives which constitutes the topics and phenomena they address, and so perspectives are valuable for just what they can show about the world. For this reason it is pointless to ask of them what they are incapable of providing. But it is a worse error to suppose that there is some way around them. If this work can contribute to the learning of this lesson in criminology and the sociology of crime, then the effort of writing it will have been worthwhile.

Each chapter consists of an explication of some relevant portion of the theoretical perspective assigned to it, together with a number of exemplary case studies. In selecting case studies for discussion we have sought to draw as fairly as possible on research from Britain, Canada and the United States. At the same time, so as not to overburden the text with material and because our aim is to *exhibit* the perspectives rather than survey the field, we have not dealt, except in passing, with a number of areas which we recognize are clearly relevant to our topic. These include the activation of the police by the public, especially in the form of the citizen's call to the police and the involvement of the mass media in the construction of crime. Our relative inattention to these topics does not mean we consider them unimportant in their own right, only that consideration of them was not essential to our task.

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Sociology and crime

In this opening chapter we are concerned to provide the foundation for the overall position we take in the book, including the selection of the sociological perspectives with which it deals. We begin by explaining the distinction between social and sociological problems. We then describe the 'face of the enemy', namely correctional or 'cause-and-cure' criminology/sociology, based as it is in a 'social-problems' conception of crime. Against this background we introduce the three sociological perspectives which we use and which address crime as a sociological problem. We specify the types of sociological questions they raise about crime. Finally we set out the key issues, organization and overall aims of the book.

SOCIAL AND SOCIOLOGICAL PROBLEMS

We begin by making a distinction between *social* and *sociological* problems. Following Spector and Kitsuse (1987 (1977)), we conceptualize social problems as those activities through which conditions and circumstances are claimed and defined as problems by governments, the media, the private and public welfare agencies, as well as problem spokespeople amongst the general public, that is:

we define social problems as the activities of individuals or groups making assertions of grievances and claims with respect to some putative conditions. The emergence of a social problem is contingent upon the organization of activities asserting the need for eradicating, ameliorating, or otherwise changing some condition.

(Spector and Kitsuse 1987: 75–76)

Social problems, then, reflect what persons are currently concerned about, what they claim something should be done about, what people find undesirable and in need of eradication. Such problems, depending on the concerns of the time and place, are subject to change. They range from wife battering to illiteracy, racial discrimination to environmental pollution, drugs to abortion, alcohol to sexual assault, gender inequality to juvenile delinquency. For example, as Pfohl (1977) has shown, it was only in the early 1960s that 'child abuse' became recognized as a 'problem' about which something should be done. Previously, although children were beaten and otherwise 'abused', this never became a matter of sustained public attention. Only when certain groups, in this case medical specialists such as radiologists, acted in such a way as to result in this being brought to widespread public attention was this condition defined as a major public problem. Various kinds of 'crime' have also been defined at various times as social problems. For example, robbery, that is theft with violence, has long been recognized as a crime but it was only in the early 1970s that a particular form of it became labelled as 'mugging' and became elevated to the status of a serious social problem. This occurred as a result of the activities of claims-makers such as politicians, police officers and journalists. It depended, too, on the nature of the routine operation of news gathering and production (Fishman 1980) and on the 'structural context' of political and economic relations at the time (Hall *et al.* 1978).

Sociological problems are those which are derived from the concerns which motivate sociological inquiry. These concerns reflect the different theoretical perspectives which are used by sociologists. Perhaps the most fundamental of these concerns is the problem of social order: how is society possible? Other pre-occupations of sociologists include: understanding social action, locating social practices and cultures within changing structural environments, describing social processes, including the formation of social identities and identifying organizational structures of social interaction; they also include methodological debates about the problems of theory and practice, structure and agency and objectivity and meaning.

It is our view, sociologically speaking, that 'crime' is interesting only in so far as it provides a pretext for asking sociological questions rather than those motivated by a concern to 'do something about it'. This means that our interest in 'crime' is sociological rather than

correctional or ameliorative. Much inquiry into crime appears to presuppose that the fundamental questions are 'what causes crime?' and 'what can be done to cure it?' For us, however, these questions reflect a view which is itself in need of sociological investigation.

Some of the concerns of those who claim that crime is a *social* problem include: crime is not only increasing but becoming increasingly violent; that these increases are occurring despite increased public expenditure; that harsher penalties, a return to traditional values and an expansion of law enforcement personnel are needed to deal with the failure of the criminal justice system to deal effectively with the problem of crime. These are views that, while widespread in society, tend to be articulated by particular interest or value groups such as associations of chiefs of police or correctional officers or government departments or grass-roots organizations such as Victims of Violence (see Amernic 1984). The propagation of such views is a classical example of the construction of a social problem through claims-making.

CORRECTIONAL CRIMINOLOGY AND SOCIOLOGY

Some sociologists have been coopted into viewing crime as a social problem. The story of Irvin Waller's involvement in the propagation of 'Victims of Crime' as a social problem through his work for the Ministry of the Solicitor General of Canada is elegantly told by Paul Rock (1986) in *A View from the Shadows*. Both in such applied work, and more fundamentally in their theoretical formulations, such sociologists have become part of the process through which crime is constructed as a problem. This has arisen in part through the historical connection of sociology with the practical discipline of criminology, a discipline which has defined itself in 'cause-and-cure' terms. For example:

Criminology, in its narrow sense, is concerned with the study of the phenomenon of crime and of the factors or circumstances . . . which may have an influence on or be associated with criminal behaviour and the state of crime in general. But this does not and should not exhaust the whole subject matter of criminology. There remains the vitally important problem of combating crime . . . To rob it of this practical function, is to divorce criminology from reality and render it sterile.

(Radzinowicz 1962: 168)

The scholarly objective of criminology is the development of a body of knowledge regarding this process of law, crime, and reaction to crime . . . The practical objective of criminology, supplementing the scientific or theoretical objective, is to reduce the amount of pain and suffering in the world.

(Sutherland and Cressey 1978: 3, 24)

Research in criminology is conducted for the purpose of understanding criminal behaviour. If we can understand the behaviour, we will have a better chance of predicting when it will occur and then be able to take policy steps to control, eliminate, or prevent the behaviour.

(Reid 1985: 66)

Let us state quite categorically that the major task of radical criminology is to seek a solution to the problem of crime and that of a socialist policy is to substantially reduce the crime rate.

(Young 1986: 28; quoted in Sim *et al.* 1987: 42, and Smart 1990: 72)

Following Matza (1969), such sociology can be regarded as correctional. The central components of correctional criminology and sociology are as follows: (1) the equivalence of social and sociological problems; (2) the derivation of sociological questions from social concerns; (3) the objective of sociological inquiry as the amelioration of social problems; (4) an 'overwhelming' preoccupation with questions of etiology or causation in relation to criminal *behaviour*; (5) a commitment to the methodological principles of positivistic social science.

In order to exemplify this process of cooptation we review briefly some of the major positivistic theories of criminal behaviour (see, for example, Wilson and Herrnstein 1986). We begin with the non-sociological theories the focus of which has been on the biological and psychological causes of criminal behaviour. For an exhaustive review of current work of this type see Eysenck and Gudjonsson (1989) *The Causes and Cures of Criminality*.

Biological and psychological theories of criminal behaviour

From the biological criminology of Lombroso in the nineteenth century to the psychological criminology of Eysenck in the twentieth, as Box (1981) points out, the concern has been with

isolating the criminal *individual* by identifying those characteristics which differentiated him or her from the 'normal' person. For the biological criminologist, these differentia were to be found in the human body; that is, it was assumed that there were physiological differences between criminals and normals. Early work in this field, for example, that stemming from an 1876 pamphlet of Lombroso (1972 (1911); Sutherland and Cressey 1978: 58–59), argued that criminals were distinguished by their 'head shapes, peculiarities in their eyes, receding foreheads, weak chins, compressed faces, flared nostrils, long ape-like arms and agile and muscular bodies' (Box 1981: 2). Since then it has been claimed and continues to be claimed (by the likes of Dr Sarnoff Mednick (Sim *et al.* 1987: 10)) that criminality is caused by or at least correlated with such factors as biological inferiority (Hooton 1939), body shape (Glueck and Glueck 1950, 1956; Sheldon 1949; Kretschmer 1925), nutritional deficiency (Hippchen 1977), chromosome abnormality (West 1969) and, when averaged out for 'racial' groups, the size of the genitals, buttocks and brain (Rushton 1989). Rushton's work, which has achieved some notoriety in Canada, is a straight revival or continuation of nineteenth-century 'race science', down to the 'anthroporn' of one of its principal sources (French Army-Surgeon 1972 (1898)).

For the psychological criminologist, the determinants of individual criminality, in contrast, are to be found in various aspects of the human personality. These include extreme intraversion and extraversion (Eysenck 1964, 1977), a weak super-ego and riotous id (Alexander and Ross 1952), insanity (Menninger 1969; Prins 1980) and 'a commitment to bureaucratic detail coupled with an opportunistic belief in a Messianic identity' (Kuttner 1985: 35). This last pair of features is said to characterize 'the genocidal mentality' as exhibited by Phillip the Second of Spain, Sultan Abdul Hamid the Second of Turkey and Adolf Hitler, although the author acknowledges that '[s]orting criteria that can identify and separate invisible mental lesions of individuals prone to mass violence remain unknown' (ibid: 42). During the Gulf Massacre (January–March 1991) Saddam Hussein was credited with exhibiting the pathological condition called by its inventors 'malignant narcissism'. Comment should be superfluous.

Sociological theories of criminal behaviour

Sociological theories of criminal behaviour locate the difference between the criminal and the normal person in the character of the social environment to which the person is exposed. Early work by the Chicago School of Sociology, for example, correlated criminality with urban 'social disorganization' or 'social pathology' in terms similar to Durkheim's concept of anomie, that is, a lack of moral regulation brought about by rapid social change. Merton (1938) also employed the concept of anomie, though rather differently (see now Hilbert 1989), linking deviant behaviour with the disjunction between institutionalized aspirations and the availability of access to legitimate opportunity structures. The prime candidates for criminal behaviour such as property theft, for example, were those whose class position prevented them from realizing material success through school, work and other legitimate means. For Sutherland (1939) in his theory of differential association the link between society and criminal behaviour was related to exposure to 'definitions favourable to the violation of law'. In particular, Sutherland proposed that 'a person becomes delinquent because of an excess of definitions favourable to violation of law over definitions unfavourable to violation of law' (quoted in Box 1981: 110). Later, in the work of subcultural theorists such as Cohen (1955), Cloward and Ohlin (1960) and Young (1971a), attempts were made to combine the Mertonian emphasis on structural disjunctures and the Sutherlandesque focus on cultural transmission. The major, though not exclusive, focus of these studies was on lower-class delinquency. Finally, control theory has examined the connection between criminal behaviour and the weakness or absence of certain social bonds such as commitment to conformity, attachment to conventional others, involvement in conventional activities and belief in the legitimacy of particular rules.

Whether explicitly derived from his work or not the sociological theories considered above may be said to stand in the tradition of theorizing established by Durkheim in such works as *Suicide* (1951 (1897)), and *The Rules of Sociological Method* (1982 (1895)). The behaviour in question, here criminality, is to be explained in terms of the principles of social-structural differentiation and determinism. Moreover:

Although we set out primarily to study reality, it does not follow that we do not wish to improve it; we should judge our researches to have no worth at all if they were to have only a

speculative interest. If we separate carefully the theoretical from the practical problems, it is not to the neglect of the latter; but, on the contrary, to be in a better position to solve them.

(Durkheim 1964 (1893): 33)

A critique of correctional criminology and sociology

We see the failures of this correctional, social-problems-oriented approach to the study of crime as residing in three errors. Firstly, the attitude towards the study of crime is shaped from the outset and throughout the inquiry by an overriding concern to 'do something about crime'. This concern is founded in an anxiety about the state of civil society which arose in the wake of the industrial revolution. 'Positivistic' social science in general and criminology in particular was conceived against the background of this anxiety about the perceived 'evil consequences' of industrialization. For example, what came to be known as 'juvenile delinquency' was problematic because it was taken as portending the greater evil of adult crime and that, in turn, was seen to threaten the very fabric of civil society with the prospect of anarchy (Houston 1978). The development of scientific inquiry into these phenomena was explicitly conceived as directed towards their amelioration (and thus to the relief of this anxiety). In the words of Comte, '*savoir pour prévoir, prévoir pour prévenir*'. Lukes has this to say about Comte's most famous follower:

Durkheim's notions of 'egoism' and 'anomie' were rooted in a broad and all-pervasive tradition of discussion concerning the causes of imminent social disintegration and the practical measures needed to avoid it – tradition ranging from the far right to the far left. His own approach was distinctive . . . The remedy lay neither in outdated traditionalist beliefs and institutions, nor in speculative and utopian social schemes; the only way to solve 'the difficulties of these crucial times' . . . was the scientific way.

(Lukes 1975: 198–199)

The anxiety expressed in positivistic social science persists in the correctional criminological studies reviewed above as well as in sociology more generally. Correctional criminology and sociology thus equate social and sociological problems, deriving the latter from the former and making sociological objectives serve broader

social ends. At its most extreme such sociology becomes merely the servant of the state, the current atheoretical version of which Young (1986) calls 'administrative criminology', though the term was applied earlier by Vold (1958) to the eighteenth-century 'classical' school of criminology (Bottomley 1979: 2). For us the presumed equivalence of sociological and social problems in this tradition indicates an endorsement by the sociologist of the norms, values and beliefs which give rise to the 'problems' in the first place. We question this endorsement! For us such grounds are to be treated as topics of inquiry rather than as resources for generating 'sociological problems'. We are interested in the use of values, norms and beliefs by members of society as means for constructing social order, and so we see no justification for subscribing to that which we want to treat as problematic.

Secondly, correctional criminology deploys assumptions about human beings which display a failure to appreciate the socially meaningful character of crime both as a form of social action and as a description of human behaviour. Thus, in its preoccupation with the cause-and-effect relations between various 'factors' and criminal behaviour, correctional criminology contains a view of human beings as objects rather than as subjects, treatable for the practical purposes of 'scientific inquiry' just like the objects of natural science. Against this we take the view that humans are more appropriately viewed as subjects because their behaviour is 'subjectively meaningful' to them. As Schutz puts it:

This state of affairs is founded on the fact that there is an essential difference in the structure of the thought objects or mental objects formed by the social sciences and those formed by the natural sciences. It is up to the natural scientist and to him alone to define, in accordance with the procedural rules of his science, his observational field, and to determine the facts, data, and events within it which are relevant for his problem or scientific purpose at hand. Neither are those facts and events pre-selected, nor is the observational field pre-interpreted. The world of nature, as explored by the natural scientist, does not 'mean' anything to the molecules, atoms and electrons. But the observational field of the social scientist – social reality – has a specific meaning and a relevance structure for the human beings living, acting, and thinking within it. By a series of common-sense constructs they have pre-selected and

pre-interpreted this world which they experience as the reality of their daily lives. It is these thought objects of theirs which determine their behaviour by motivating it. The thought objects constructed by the social scientist, in order to grasp this social reality, have to be founded upon the thought objects constructed by the common-sense thinking of men [sic], living their daily life within their social world.

(Schutz 1967: 58–59)

Similarly, as Matza says:

The confusion began when primitive social scientists – many of whom are still vigorous – mistook the phenomenon under consideration – man [sic] – and conceived it as object instead of subject. That was a great mistake. Numerous theories appeared positing man as merely reactive and denying that he is the author of action, but none were convincing . . . These minimizations of man persisted as presumptions which guided research and shaped operative theory. They were maintained despite classic repudiations of the objective view by Max Weber and George Herbert Mead . . . The initial mistake continues to plague sociology, as well as the other human disciplines.

(Matza 1969: 7–8)

Thirdly, correctional criminology takes for granted the 'objectivity' of crime rather than recognizing that 'crime' is socially defined and relative. Following Becker's (1963: 9) foundational statement (see Chapter 2) it may be said that 'crime' is constructed in two senses. Firstly, it is constructed through the processes whereby certain kinds of acts come to be defined as crimes, that is, through the making of some criminal law. Secondly, it is constructed through the processes of law enforcement whereby particular instances of those acts are selected and identified by the police as falling under the categories of the criminal law. We would want to add a third sense of crime construction to take account of the work of the courts in making the fit between police selection/identification and legal definition, and in attaching the status 'criminal' to particular actors. Preoccupation with the question, 'what are the causes of crime', necessarily takes for granted these processes.

This failure to consider the constructed character of crime is evident in correctional criminology's reliance on official and other

statistics about crime. Thus, in the Durkheimian tradition crime rates are treated as if they are things and amenable to variable analysis. It is not recognized that such measures and the analyses built on them are the product of a series of interpretive and judgmental practices, as we shall see.

In short:

The whole *raison d'être* of criminology is that it addresses crime. It categorizes a vast range of activities and treats them as if they were all subject to the same laws – whether laws of human behaviour, genetic inheritance, economic rationality, development or the like . . . The thing that criminology cannot do is deconstruct crime. It cannot locate rape or child sexual abuse in the domain of sexuality or theft in the domain of economic activity or drug use in the domain of health. To do so would be to abandon criminology to sociology; but more importantly it would involve abandoning the idea of a unified problem which requires a unified response – at least, at the theoretical level.

(Smart 1990: 77)

WHAT IS CRIME? THREE SOCIOLOGICAL APPROACHES

In the light of our critique of correctional criminology, we hold the following two features to be fundamental axioms in the study of crime: (1) social action is intersubjectively meaningful, and (2) 'crime' is socially constructed. The sociological approaches used in this book take these two axioms seriously. We therefore pay no further attention to theories of crime causation except in so far as societal members' use of the theories themselves may be seen to play some part in the process through which crime is created in society. We shall be drawing on the sociological approaches of symbolic interactionism, ethnomethodology and structural conflict theory. As we make clear below, we use only that part of structural conflict theory that provides 'interpretative-historical' accounts of crime construction; we do not engage the larger structural-determinist or causal framework of this approach. We shall occasionally make reference to the structural consensus approach as this serves as a useful foil to the structural conflict approach but also because, when it was not concerned with issues of crime causation, this approach did have some things to say which have proved both interesting and instructive.