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MAKING SENSE OF CRIMINOLOGY

Keith Soothill, Moira Peelo & Claire Taylor



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and Claire Taylor

polity

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First published in 2002 by Polity Press in association with Blackwell Publishers Ltd

Editorial office:

Polity Press
65 Bridge Street
Cambridge CB2 1UR, UK

Marketing and production:

Blackwell Publishers Ltd
108 Cowley Road
Oxford OX4 1JF, UK

Published in the USA by

Blackwell Publishers Inc.
350 Main Street
Malden, MA 02148, USA

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A catalogue record for this book is available from the British Library.

Library of Congress Cataloging-in-Publication Data

Soothill, Keith.

Making sense of criminology / Keith Soothill, Moira Peelo, Claire Taylor.

p. cm.

Includes bibliographical references and index.

ISBN 0-7456-2874-5 — ISBN 0-7456-2875-3 (pbk.)

1. Criminology. 2. Crime. I. Peelo, Moira T. II. Taylor, Claire.

III. Title.

HV6025 .S634 2002

364—dc21

2002002150

Typeset in 10.5 on 12pt Sabon

by Graphicraft Limited, Hong Kong

Printed in Great Britain by MPG Books, Bodmin, Cornwall

This book is printed on acid-free paper.

Preface: What is Criminology About?

Many of us might expect criminology to tell us about the amount of crime committed, how much of which crimes occur, who it happens to, who does it, how it is detected, prevented and punished. In short, criminology would be expected to help us answer pressing shared, social problems which arise out of people's illegal and bad behaviours. Crime, after all, often appears to be one of the more straightforward aspects of human activity: on television, in newspapers, among people in general, there is a common expectation that crime is something we should all be able to recognize when we see it, and which we all agree is bad.

So do criminologists provide us with the information to solve these shared problems, or do they make a song and dance about matters of apparent common sense? What *are* the issues that constitute 'common sense'? Is criminology just another academic debate or does it inform us about social reality? Does studying crime contribute to maintaining social order and personal safety, or is it irrelevant to these?

At a personal level, studying criminology requires students to strike a difficult balance between individual, experiential issues and larger, structural questions about how society operates. The impact of crime on victims can be immense; personal fear of crime can adversely influence the quality of many people's lives; and, ultimately, crime can be the malign exercise of power by one person over another. At its simplest, crime is any act that transgresses criminal laws. At a societal level, however, the type of act a society perceives as wrong and proceeds against formally, such as by law, changes over time. *How* wrong we declare an act to be and how sternly we punish it also changes. Who we exclude from legal protection and who we choose to police stringently begs important questions about the

nature of society. Perhaps more than many other studies, criminology shows us the diverse and sometimes divided nature of society, rather than always reinforcing the image of a homogeneous, uniform society.

Because society is diverse and varied it can be a hard task for us as individuals to integrate information about personal hurt and grievance with larger questions about society and crime. The latter can seem abstract and irrelevant in the face of the damage harmful acts inflict on people – and harm does not have to be ‘major’ crime, such as armed robbery; it can be types of vandalism or even litter-spreading. To understand key social issues, additional sorts of information are needed, especially research data, to take us outside our own lives and to inform us about wider patterns. However, we need to be able to evaluate this evidence intelligently, to assess its worth in order to make best use of information – whether to solve particular social problems or to work out how our personal viewpoint fits into a wider social picture.

Criminology, in part, is a debate about ways of assessing and evaluating information to do with crime. As well as informing in straightforward ways about criminals and criminal acts, it provides the tools needed to explore relevant issues in depth; it is, most importantly, a debate about ways of *knowing* about crime and criminals. Hence, as a student, one route to learning to evaluate criminological information is to learn about the debates between criminologists on particular issues. Assessing the worth of information means questioning how and why criminologists construct theory, noting the questions asked and learning to evaluate the methods of data collection and analysis.

To make sense of criminology, then, means recognizing that it is much more than just a set of informed answers to social, criminological problems. Criminology should help us when we grapple, as a society, with balancing personal safety and protection, social order and peace, against notions of social justice, fairness and control in the exercise of power. But to understand criminology one needs to recognize that in the exploration of crime and criminals and in the debate about related social issues, the possible interpretations of apparent evidence represent viewpoints and philosophies which need to be examined along with the evidence gathered.

About this book

This book is an introductory text for new students of criminology. As well as introducing ideas about crime and criminals, it is intended

to help new students to make sense of criminology as a *discipline*. At first, it may not be obvious that there is any difference – surely learning about crime and criminals is the same as making sense of criminology? Yet all academic studies come with their own histories and styles of debate, their own questions and structures. We present criminology as a discourse – a particular arena for discussing criminological phenomena. Hence, a new student needs to learn to deconstruct that discourse in order to evaluate the usefulness of information about crime itself.

This book is not a complete account of all you need to know in order to understand criminology. It is selective, picking out key issues, philosophies and debates which will help new students make sense of what criminology is about. It is not an account of every criminological theory, nor is it exhaustively scholastic, summarizing all that every writer – no matter how obscure – has contributed to criminology. We pick key writers and key texts to illuminate the recurring themes and tensions that give criminology its particular character and shape. Criminology is not a straightforward or easy subject, and we make no apologies for presenting sometimes contradictory or conflicting accounts while exploring difficult questions.

Chapter 1 identifies key philosophies in the development of modern criminology, which arises out of the Anglo-American tradition. We discuss its European antecedents, and the major paradigm shift within the Anglo-American tradition that laid down the framework for thinking and research in what is now known as criminology.

Chapter 2 looks at the different ways in which we know about crime – through personal experience, the media (e.g. newspapers, fiction and film), official statistics and research findings. How do criminologists assess and evaluate information?

Chapter 3 is about the criminal justice system – that collection of agencies by which society formally controls deviants. We provide information about different criminal justice agencies, such as the police and the courts, highlighting key tensions in each area.

Chapter 4 considers the concept of justice and questions whether all members of society are treated equally by the justice system. We look at ethnicity, gender and age – all factors which, at some stage, have been explored with concerns about justice in mind.

Chapter 5 outlines some key theories and questions that illustrate important moments in the history of criminological ideas. We ask if

it is possible to construct a general theory of crime or if criminologists should try to integrate theories.

Chapter 6 questions how, as an applied subject, criminology links to the public arena of social policy. This chapter illustrates ways of assessing criminology's impact both as 'administrative research' and as 'social commentary'.

Chapter 7 blurs the boundaries of what constitutes crime and criminal behaviour. The difficulty of defining crime is illustrated by exploring three important dilemmas – the policing of the powerful, the policing of protest and the policing of pleasure.

Chapter 8 calls into question what constitutes criminology and highlights the dangers of defining the discipline too narrowly. We consider some of the challenges that lie ahead for the criminology of the future, such as the wider global changes that are taking place.

This book does not give an exhaustive account of everything you need to know to become an expert in criminology. But, by the end, you should have a ground plan which will enable you to go further into the depths, details and complexity of the rich and absorbing study of criminology.

Acknowledgements

Our thanks are too numerous to list, for we need to recognize all those who have been inspirational, engaging, amusing in our quest to understand criminology as well as those who have been amazing in the boldness of their claims. The criminology community has a richness that we hope will continue. This book aims to capture that tradition and to resist attempts to narrow the discipline to a technical exercise.

We hope that we have acknowledged everyone appropriately in the text but oversights sometimes occur. We are struck by Wilson Mizner's adage: 'If you steal from one author, it's plagiarism; if you steal from many, it's research.' Our book espouses research!

One person, the late Barry Sanderson, captures the spirit of this book. Barry came to Lancaster University in the mid-1970s, seconded from the Lancashire Constabulary at a time when there was a dearth of graduates in the police force. He brilliantly weathered the comments in seminars about the supposed inequities of the police. Two vocal Marxist students explained to him that there would be no need for him when there was no class conflict and hence no crime. Barry quietly asked the group: 'Meanwhile, who wants to live in Britain without a police force?' Barry had provided a dose of realism within the academic tower. In the 1980s he completed a doctorate in the management school. After a successful police career, in the mid-1990s he joined a team in the department researching the criminal careers of sex offenders, became a college principal and a lecturer in criminology in the department of sociology. His knowledge, common sense and humour were great assets. His leather gear was a feature of Lancaster corridors. His lectures were much appreciated by students. He was always fascinated by criminology. Sadly, when the research

report was being completed, he was killed in a motorbike accident while going for a Sunday 'spin'. He is deeply missed. A close, symbiotic relationship between the academic and the real worlds was what he wanted from the discipline of criminology. We hope that this book captures something of this dream.

Keith Soothill, Moira Peelo, Claire Taylor

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Daily Telegraph for box 8.1 (The criminal gene), by Professor Steve Jones, published 27 April 1996, © Telegraph Group Ltd 1996.

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The London Review of Books for box 1.1 (Changing the world), an edited extract from an article by Peter Lipton in *London Review of Books*, 19 July 2001.

Oxford University Press for figure 6.1, 'Tributaries to legislation, 1987-1991' © Lord Windlesham 1993, reprinted from *Responses to Crime, Volume 2: Penal Policy in the Making* by Lord Windlesham (1993).

Sociology Review for box 1.2 (Howard S. Becker, from *Social Studies Review*).

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1

Introduction to Criminology

This chapter identifies key philosophies and debates in the development of criminology. Two key schools of thinking – the classical and the positive – arose in Europe and influenced later thinking; but modern criminology arises out of the Anglo-American tradition. A major paradigm shift within the Anglo-American tradition laid down the framework for thinking and research in criminology from the 1960s onwards.

What we are concerned with plotting in this chapter on criminology is what David Garland has called ‘a specific genre of discourse and inquiry about crime’ (Garland, 1997: 11). We will examine the notion of criminology as a specific kind of discourse by describing some of the key philosophical issues which, at various points in criminology’s development, have typified what criminology is or has been.

Current criminology is a study that emerged from a major paradigm shift in the 1960s – and that shift occurred in the Anglo-American tradition. But before the Anglo-American tradition developed and took centre stage in criminology, philosophical thinking in Europe laid down some foundations for that later debate. Strands emerging from the early European debate run throughout criminology, including the Anglo-American tradition. So it is to the contested philosophical roots of criminology that we first turn.

Two scriptural beginnings to the history of criminology

In his entry to *The Social Science Encyclopaedia* Cohen starts off by saying that 'there are two scriptural beginnings to the history of criminology, each marking out a somewhat different fate for the study of crime and its control' (1985: 173). If one can understand the basic differences between these two traditions, then one can understand many of the arguments and debates not only in criminology but also in law, psychiatry and penology. These two traditions are the classical school of the Enlightenment and the positivist revolution of the nineteenth century.

Cohen argues that the beginning dates from the mid-eighteenth century and is the outcome of the work of Enlightenment thinkers like Beccaria (1738–94) and Bentham (1748–1832) in breaking with what can be identified as a previously 'archaic', 'barbaric', 'repressive' or 'arbitrary' system of criminal law. This was the *classical school*. For these reformers, the crime question was predominantly the punishment question. Their programme was to prevent punishment from being, in Beccaria's words, 'an act of violence of one or many against a private citizen'; instead, it should be essentially 'public, prompt, necessary, the least possible in given circumstances, proportionate to the crime, dictated by laws'. Classicism presented a model of rationality, with a limited liberal state imposing the fair and just punishment that must result if social harm has been perpetrated.

Almost a century after classicism, criminology was to claim for itself another beginning and another set of influences. This was the positivist revolution and popularly dates from the publication in 1876 of Lombroso's (1836–1909) *L'Uomo delinquente*. The new positivist programme was to focus not on the *crime*, but on the *criminal*; it did not assume rationality, free will and choice (typical concepts within the classical debate); instead, determinism – with biological, psychological or social constraints – challenged the notion of individual choice. This new tradition began to identify the criminal as a special person or a member of a special class. The underlying aim of this new criminological agenda was to produce a general causal theory by which to explain criminality. This quest gave the subject its distinctive and collective self-definition – 'the scientific study of the causes of crime'.

These two philosophical positions – often known as the classical and positivist standpoints – are usually set out as two totally separate traditions. The classical tradition was superseded by the positivistic

approach by the end of the nineteenth century and then made a dramatic comeback in a slightly revised form from the early 1970s onwards. While it may be easier to read history in these stark terms, it does not match reality. Judges, for example, have always had to juggle with the claims of lawyers – usually working within a more classicist tradition and insisting on free will and responsibility. Psychiatrists, on the other hand, tend to work within a positivist tradition, insisting on a more deterministic stance with internal and external factors compromising notions of free will. It has always been so.

There are few ‘pure’ classicists and few ‘pure’ positivists. Most of us, in fact, embrace notions from both traditions. However, some criminologists lean more in one direction than the other. These two traditions manifest themselves in three approaches that appear and reappear throughout the study of criminology:

- *A legal approach* emphasizes the classical tradition and notions of free will.
- *A biological approach* emphasizes the positivist tradition and links with psychological approaches.
- *A social approach* originally the positivist tradition – but with a major paradigm shift in the 1960s. There are considerable theoretical variations within this approach.

These three distinct strands currently co-exist and have run through the history of criminology. Sometimes they interweave, sometimes they conflict, and the spotlight shines brightly on one or more at given times. These philosophical underpinnings and their tensions need to be remembered as we now turn to consider some of the key moments and debates in the development of criminology.

The development of criminology

This book does not provide a traditional history of criminology, but criminologists from Britain and the United States of America tend to get very possessive when they talk about the development of criminology. As we consider the emerging battlefield for criminology we need to remember that the early skirmishes were fought on the continent of Europe – certainly not in the United States of America, where criminology had not yet secured a place, not in Britain, which took a rather detached view from things happening on the mainland of Europe.

Anyone averse to history can skip the next section without too much harm. However, it sometimes helps to know a bit of background when the current development of criminology suggests that history may be repeated. Overall, what we recognize as modern criminology arises out of the Anglo-American tradition (hence we give it most space); yet its roots lay in Europe. What follows are key moments that define and highlight important developments in criminology, grouped under three main headings:

- remember Europe;
- Anglo-American tradition;
- so where are we now?

Remember Europe

Few now recognize the importance of early European thinking for the new study of criminology. While it is still debated whether or not such thinking constitutes criminology as we now know it, these ideas provide an early introduction to systematic thinking about criminal justice and punishment. Certainly, theorizing about crime and punishment loomed larger in France (and on the Continent generally) in the nineteenth century. This points to an interesting distinction between mainland Europe and the Anglo-Saxon countries. The latter – and here we are talking about Britain and the United States of America – tend to attack their problems by pragmatic experimentation. Indeed, Gordon Wright has suggested that ‘the history of crime-control efforts in Britain or the United States can probably be written without much reference to theoretical disputes (though not without reference to mores and values)’ (1983: 110). In contrast, in France theorizing about crime is taken seriously and has evolved over time.

The classicists argued that excessive and brutal punishments were unworthy of civilized nations. They stressed that the essential purpose of punishment was utilitarian rather than vengeful: each penalty should be precisely calculated so that the pain imposed would just outweigh the pleasure of successful wrongdoing. A pure form of utilitarianism would have little use for the notion of retribution – often spoken of as the Old Testament’s ‘eye for an eye and tooth for a tooth’ justice. However, while the utilitarian views of Jeremy Bentham were particularly influential in Britain, Beccaria and his French followers mixed their utilitarianism with a continuing element of retributionism, and

this mixture of the two elements emerged in the thinking of the 1789 revolutionaries and in Napoleon's penal codes.

Hence, in France it was a particular blend of utilitarianism and retributionism that eventually came to be known as 'classical' theory (Wright, 1983). The sharp edges of classical theory soon began to be softened somewhat in France: the revision of the penal code in 1832 reflected this by authorizing judges and juries to reduce charges and penalties on the basis of extenuating circumstances. The advocates of change later came to be called the neoclassical school, combining utility and retribution in thinking about suitable punishments. Throughout the rest of the nineteenth century, the neoclassical school was to dominate criminological theory in France, and it retains a strong influence among jurists and penal authorities down to the present day. The challenge to the neoclassical doctrine began to emerge in the mid-nineteenth century and then, more concretely, in the form of the so-called positive school of criminology.

Important medical influences also had a relevance to the eventual growth of criminology. For example, Dr Philippe Pinel advanced the theory of 'moral insanity' as an explanation of some criminal behaviour and suggested that some criminals should be treated, not punished.

More importantly, the work of Dr Benedict Morel had great impact in the mid-nineteenth century when he put forward the concept of degeneracy (Pick, 1989). Both crime and madness, wrote Morel, were growing in epidemic fashion. In his terms they were traceable to a process of moral and physical decay, brought on among the working classes by disease, unwholesome living quarters, alcohol, drugs and adulterated foods; the consequent degeneracy was transmitted to the children and grew progressively worse (Morel, 1857). However, he recognized that criminals were different from insane persons; as they still had a choice, they should not be treated for a form of illness. Degeneracy theory had an immediate and lasting impact. It was widely accepted by the public, and by writers on crime, until well into the twentieth century.

The intense discussion in France in the third quarter of the nineteenth century was interrupted by the publication in Italy of Lombroso's startling book *L'Uomo delinquente* (1876), which forced them to grapple with his unorthodox theory. Lombroso (1835–1909) was a young army doctor who based his initial work on a study of army recruits. He claimed to have identified a category of 'born criminals', who were characterized by certain physical characteristics.

These included: an under- or over-sized brain, a receding forehead, high cheekbones, squinting eyes, bushy eyebrows, a twisted nose and big ears. (As late as the 1930s, judges were ordering Lombrosian analyses of defendants' physiques.) Lombroso's work, based on what seemed to be scientific observation, was a forthright manifesto of the new positivistic spirit.

Few books in the history of criminological theory have caused such a stir. Importantly, his work seemed to harmonize with the new scientific spirit of the age and appeared to open up a clearly marked path to the control of crime. The prevention of crime became a reasonable goal, for if potential criminals could be so accurately identified, then their crimes might be averted by surveillance or internment. It suddenly made the idea of punishment seem outmoded. If offenders were predestined to a life of crime, it would be meaningless to talk of punishment; the new alternatives would either be curative treatment or elimination of the criminal for the good of society.

In fact, the work of Morel and some other French doctors had already anticipated Lombroso's position in their theories of moral insanity, degeneracy and the inheritance of pathological tendencies. While those of the classical tradition were appalled at what they regarded as the new heresy, Wright explains how the French scene became more complex. In brief, the counter-attack was led not so much by those in the classical and neoclassical tradition, but rather by a group of French positivists who mobilized in opposition to the Italian positivists and, in turn, developed a rival French school of positivism that shifted the central emphasis from biological to social factors and so edged out the 'pure' Lombrosians from the centre of the stage.

While few would have known it at the time, this ideological battle between the Italian and French positivists became equivalent to a criminological Olympic Games, with the French and Italians pitted against each other for world supremacy. The initial encounter in this contest came in 1885, when the Italians convened the first international Congress of Criminal Anthropology in Rome. The new congress produced controversy and not a harmonious new orthodoxy. Dr Alexandre Lacassagne, a professor of legal medicine from Lyon, challenged the basic assumptions of the Lombroso school and charged that its practical consequences would be devastating; it would leave societies, he said, with no choice but to keep all deviants locked up in prisons or asylums. Lacassagne then put forward the basic premise of what was to emerge as the rival French school of criminal sociology,

namely that crime was mainly the product of social causes. At the end of his address he said that 'societies have the criminals they deserve'.

In these early controversies in Rome we can see the three important approaches to studying crime and criminals that we have already mentioned: a legal approach; a biological approach; a social approach.

Such controversy did not destroy the development of criminology but it influenced its subsequent profile by laying down its 'fault lines' – the fissures along which dispute erupts. In fact, current criminology is a study that emerged from a major paradigm shift in the 1960s – and that shift occurred in the Anglo-American tradition. So, to make sense of that shift we need now to examine the development of criminology in Britain and in the United States of America.

Anglo-American tradition

Britain and early criminology

David Garland's broad historical argument is that the social and intellectual rationale for modern criminology grew out of the convergence of two quite separate enterprises: what he calls 'the governmental project' and 'the Lombrosian project'. Garland's use of the term 'project' is important to grasp: he uses it 'to characterize an emergent tradition of inquiry which, despite a degree of variation, shares a cluster of aims and objectives' (1997: 12). The 'governmental' project refers to those inquiries that direct attention to the problems of *governing* crime and criminals. Studies within this tradition need not necessarily be official, state-sponsored studies but, certainly from the nineteenth century onwards, the state has come to dominate work of this kind. The 'Lombrosian' project, on the other hand, refers to that tradition of inquiry, begun by Lombroso, which aims to differentiate the criminal individual from the non-criminal.

Garland's main argument is that the discipline continues to be structured by the sometimes competing, sometimes converging claims of these two programmes. So, of the two poles, there is one which pulls towards an ambitious (and according to Garland deeply flawed) theoretical project that seeks to build a science of causes. The other exerts the pull of a more pragmatic, policy-orientated, administrative project, seeking to use science in the service of management and control. It is the latter strand that was firmly established in Britain from the late 1950 onwards. However, we need to establish what