

THE POLITICS OF CRIME CONTROL

EDITED BY
KEVIN STENSON & DAVID COWELL



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Kevin Stenson and David Cowell



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Preface

As teachers of criminology on a variety of courses, we have often felt frustrated by the difficulty of providing students with brief and digestible accounts of the main alternative perspectives on the nature of crime and related approaches to crime prevention and control. We particularly wanted students to read arguments presented, with some passion, by committed proponents of the various approaches, rather than dry and sometimes doubtful *Reader's Digest*-style textbook summaries. Good teaching materials are often scattered in inaccessible journals. In addition, important arguments can be buried in inaccessible prose, heavy with jargon – fatal given the brevity of our attention spans in this TV-zapped age. Furthermore, we felt that many otherwise excellent edited collections and textbooks are marred by concentrating on narrow spans of the criminological spectrum. State-sponsored criminologists of orthodox views, financed by large research grants, can be very snooty about radical voices on the sidelines. In consequence, the 'mavericks', as we have dubbed them, rarely rate a mention by the great and the good in our discipline. In fact sometimes their books and journals are not even ordered for prestigious university libraries, let alone get much recognition on reading lists.

However, the mavericks can be just as narrow minded. Radical texts and edited collections tend to get revenge on the snooty by citing theory and research mainly within the radical academic networks; mutual citation being the surest sign of academic affection. For the new student the resulting differentiation between schools, inaccessibility of key pieces of the jigsaw puzzle and the disturbing lack of genuine debate across the major boundaries between schools can be very confusing and disappointing.

Thus, as naive idealists we conceived of a text which would provide signposts for the student but allow the proponents of alternative approaches to present their own arguments. In practice, as with most edited collections, it produced its share of headaches, including persuading authors who would not normally do so to share the same platform. We hope that the reader will share our view that the results are worth the effort, particularly given the international flavour of these contributions from two continents. Although we should not underestimate the importance of different historical legacies in

criminology and systems of crime control, at the same time we live in a shrinking world. Local conditions can vary, but the cross-fertilization of ideas between societies has been considerable and will undoubtedly grow.

The bonds of sentiment and common language have been of particular significance for British and US criminology. But in recent years, the moves towards European integration, with the usual convivial conference junketings in a variety of exotic locations from Islington to Florence, have created new friendships. These are helping to break down Anglo-Saxon insularity and open up the barbarism of British criminal justice and corrections to European innovations in theory and practice. We hope that this book may play some small part, too, in breaking down the insularity of US criminology. Although US criminology is well financed and at the cutting edge in many areas, not least in the application of criminological research to sentencing policy and decision making, there are many European ideas and practical innovations which deserve more attention in North America. We have not covered all criminological flavours in this book, but hope to whet the reader's appetite for more. To have attempted full coverage in the book would have increased its size and price, putting it beyond the pocket of the diverse students of criminology and criminal justice who we hope will buy it.

Thanks must go to James Q. Wilson and Elliott Currie, respectively, the leading figures on the new conservative Right and the liberal democrat Left of US criminology, for allowing us to reprint the debate between them. This first appeared (well spotted, Jock!) in *Dissent*, the New York journal, in 1985 and 1986. Thanks also to the editors of *Dissent* for permission to reprint and for acting as go-betweens. Without this, the book probably would not have got off the ground. Thanks also to the editors of the *Howard Journal* and to Basil Blackwell for permission to reprint, in updated and modified form, Michael King's chapter, which originally appeared there in 1989. Thanks to the Dutch Ministry of Justice for reinforcing their reputation for kindness to criminologists.

In addition, of the people who have helped in the production of the book, the following, particularly, deserve a mention: Gillian Stern at Sage for kind encouragement and staying with it, Frances Heidensohn, Todd Clear, Jean Murtagh, Keith Doughty, Mike Musheno, Nigel South, Nigel Brearley, Anne Beech, Joanna Lane for invaluable help in the final stages and Janina Paszkowska for the bear.

Kevin Stenson
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Elliott Currie teaches criminology at the University of California, Berkeley. He is a critic of conservative approaches to criminal justice and a leading voice on the liberal democrat Left of US criminology. His many publications include the seminal *Confronting Crime: an American Challenge* (1985).

James Q. Wilson is a Professor of Government at Harvard and also at the University of California, Los Angeles. He has been an adviser on crime and justice issues to the US government and to state legislatures, and has been a leading conservative figure in international criminology. His many publications include the very influential *Thinking about Crime* (1975) and, with Richard Herrnstein, *Crime and Human Nature* (1985).

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Organization of the Book

The introductory chapter, by Kevin Stenson, will first examine the scope of crime: how far there have been changes in behaviour and the rising rhetoric of law and order. It will examine the problems involved in defining the key terms of crime, crime prevention and control and politics, and will present a perspective on the nature of scientific truth as applied to criminology, which derives from the work of Foucault. Using this perspective, it will account for the role of the maverick radical voices on the sidelines of the discipline, before going on to examine their links with the major debates between liberals/social democrats and conservatives. The chapter concludes by examining the problems facing the liberals/social democrats in seizing the high ground of criminology from the conservatives and in redefining the agenda of criminology.

Part One of the book examines the formation and implementation of official crime prevention and control policy and major debates surrounding them.

The second chapter reproduces a rare debate, which first appeared in the US journal *Dissent*, between Elliot Currie, the leading voice of the liberal democrat Left and James Q. Wilson, the leading voice of the new Conservative Right in US criminology and a former adviser to the Reagan administration and state legislatures. Focusing on Wilson, Currie attacks the dominance of conservative thinking and policy making since the late 1970s, and the allegedly disastrous consequences, by international standards, for US crime and incarceration rates. Wilson replies by distancing his own from punitive, value-based conservative approaches. He emphasizes the failure of earlier liberal democratic policies to deal effectively with crime problems and underlines the difficulties in explaining national differences in the crime rate. This is followed by a rejoinder by Currie.

John Bright, a leading crime prevention practitioner and adviser, then provides a detailed account of recent shifts in crime prevention programmes and activities in Britain, within the orbit of local and national government and by the police and the voluntary, 'not for profit', sector. With his critique of UK policy, Bright, echoing Currie's work, argues that there is a shift in paradigm towards a concern with social crime prevention and away from the narrow concentration on

crime control issues. Whereas the transatlantic influences in the 1980s were mainly conservative, now they may be moving in a more social democratic, interventionist direction once more.

The fourth chapter, by Michael King, argues that crime is a socially constructed problem, constructed and sustained on behalf of a range of interest groups, stretching from party politicians to the mass media to professionals in the crime prevention and control industry. This thesis is developed via a comparison of the ideological underpinnings and mechanics of the French, social democratic approach to crime prevention strategies with young people and the British New Right strategies which developed during the 1980s.

In the fifth chapter, Neil Boyd and John Lowman examine the varieties of control strategies in contemporary Western societies for dealing with what they describe as 'tainted hedonisms'. Focusing on drugs and prostitution, they argue that the criminal law and law enforcement strategies are underpinned by a range of moral scripts, interacting with public health concerns. Distinguishing between the legal models of prohibition, decriminalization and legalization of drugs, they draw particular contrast between the drug control policies of the United States and the Netherlands. Similarly, they use international contrasts in distinguishing between strategies of criminalization, regulationism and legalization in the control of prostitution. They also point to the need to understand these issues within the framework of the wider political economic relations within and between societies.

Part Two deals with the maverick, radical alternative approaches - on both the Left and Right - to the definition of crime, and proposals for crime prevention and control.

Chris Tame offers an insider's account of the varieties of approaches to crime and crime control, which can broadly be termed Right. Distancing the Right from the extremes of racism, fascism, religious fundamentalism and biological reductionism, Tame distinguishes between: natural rights liberalism or libertarianism; the application of liberal, free market economics of the University of Chicago school; traditionalist conservatism and the 'New Realist', pragmatic and scientifically based conservative critics of liberal approaches to crime control. This category includes James Q. Wilson.

It is debatable whether the seventh chapter, by Jock Young, on the Left Realist approach, belongs in Part One or in Part Two. With its roots in the maverick radical criminology of the 1970s, European Left Realism, in an echo of Currie's liberalism, is moving towards the mainstream of debate with the conservatives. In this account, Left Realism tries to absorb the lessons of the conservative New Realist approaches, with their scientific monitoring of crime control strategies

and their stress on the importance of community controls. Furthermore, within the framework of a social democratic social policy programme to deal with poverty, unemployment and so on, Young tries to steer a path between the narrowness of conservative concerns with crime control and the exaggerated emphasis on the oppressiveness of the systems of control, by the neo-Marxist left.

Rejecting the one-sidedness of most theories, Young aims for a comprehensive explanation of crime and victimization and control, with the goal of providing a better service for the neglected poor. In this there is much reliance on the role of local surveys as a democratic instrument for charting the scope of crime and the citizens' priorities for crime control. At the core of this approach is the view that, despite flaws and distortions, legal conceptions of crime are not just labels imposed on the flux of events, but denote the prevailing codes of public morality in interaction with the objective reality of human suffering. The second part of the chapter explores the implications of this approach for the development of multi-agency programmes of intervention.

In the eighth chapter, Phil Scraton and Kathy Chadwick claim a continuity between earlier approaches within radical criminology, linking their emphases on the role of the criminal justice system in regulating class conflict and reproducing exploitative relations of production, with newer versions of conflict theory. These newer approaches also recognize a range of other structures of oppression, including the reproduction of unequal gender and sexual relations and also the 'neo-colonialist' structures of racial domination. Scraton and Chadwick stress the interrelationship between these structures in the various strategies of control. Here the emphasis is not so much on the explanation of crime in its usual legal senses. Rather, these conceptions are subjected to a critical deconstruction and the focus is on the processes involved in the 'criminalization' or stigmatization of subordinate groups and the need for effective resistance against oppression. This version of radical criminology emphasizes its distance from the centre left reformism of the Left Realists.

Like Scraton and Chadwick, in chapter nine, Jill Radford and Elizabeth Stanko reject and deconstruct the conventional legal definitions of crime. These are said to reflect the patriarchal and racist assumptions incorporated in the male-dominated and white-dominated institutions of the police, criminal justice and penal systems. They emphasize the need for women to name their own troubles in dealing with the effects of male violence, in the complex social contexts in which they occur. Furthermore, they question the benefits accruing to women in the new interest being shown, internationally, by police forces and professional social services agencies, in regulating the domestic sphere. By contrast, they stress the need for women to develop their own strategies

of self-protection and resistance, in effect, self-organized strategies of 'crime' control.

Willem de Haan, in Chapter 10, like other mavericks, rejects and deconstructs the concept of crime. This deconstruction operates within the framework of the left libertarian, abolitionist movement, which developed internationally through the prison reform movement. The ultimate goal is the abolition of prison and the diminution of the criminal justice system. In direct opposition to Left Realism, the category of crime is seen as a historical myth which serves to uphold dominant power relations and to justify the expansion of intrusive networks of control. This deflects attention from great social problems. For the more serious social and economic problems, social and economic policies are usually more appropriate interventions than the divisive and stigmatizing processes of criminal justice. With respect to interpersonal and intergroup relations, it is seen as usually counter-productive for the criminal justice system to intrude on the inevitable conflicts of everyday life. Rather, the goal should be to develop alternative means of social redress, including mediation schemes and so on, within a climate conducive to the maintenance of rational dialogue between citizens.

Contents

Preface	vii
Notes on Contributors	ix
Organization of the Book	xi
1 Making Sense of Crime Control <i>Kevin Stenson</i>	1
PART ONE CONTROL AND PREVENTION IN PRACTICE	
2 The Politics of Crime: The American Experience <i>A debate between Elliott Currie and James Q. Wilson</i>	33
3 Crime Prevention: the British Experience <i>John Bright</i>	62
4 The Political Construction of Crime Prevention: a Contrast between the French and British Experience <i>Michael King</i>	87
5 The Politics of Prostitution and Drug Control <i>Neil Boyd and John Lowman</i>	109
PART TWO ALTERNATIVE APPROACHES TO PREVENTION AND CONTROL	
6 Freedom, Responsibility and Justice: the Criminology of the 'New Right' <i>Chris R. Tame</i>	127
7 Left Realism and the Priorities of Crime Control <i>Jock Young</i>	146
8 The Theoretical and Political Priorities of Critical Criminology <i>Phil Scraton and Kathryn Chadwick</i>	161

vi	<i>The politics of crime control</i>	
9	Violence against Women and Children: the Contradictions of Crime Control under Patriarchy <i>Jill Radford and Elizabeth A. Stanko</i>	188
10	Abolitionism and Crime Control: a Contradiction in Terms <i>Willem de Haan</i>	203
	Index	218

Making Sense of Crime Control

Kevin Stenson

THE SCOPE OF CRIME AND PROBLEMS OF DEFINITION

The Scope of Crime

A volume on the politics of crime control would seem never to be of greater relevance, given the mounting alarm registered in media reports and the speeches of politicians on the issue of law and order. This is nowhere more apparent than in the United States, where the most sensitive indicators are officially recorded rates of homicide and other crimes of violence. In July 1990, the *New York Times* reported that after the false dawn of falling homicide rates in the mid-1980s, by the close of the decade most cities were reporting dramatic rises. A new record of more than 23,000 murders were reported in 1990. The 'murder capital', Washington DC, with 703 homicides, experienced the third consecutive year in which records had been broken. Sensational trials like the 'jogging trial' in New York in 1990, in which a group of African-American youths were accused of the violent multiple rape of a wealthy white woman focused worldwide media attention. In addition, reports of growing fiscal crises, homelessness and other major social problems, help to create the impression that American cities are out of control, perhaps in terminal decline (*New Statesman and Society*, 25/1/91, 1/2/91).

Problems of violent crime do seem to be relatively worse in the United States than elsewhere (see Chapter 2). For the year 1989-90, in the USA, males between 15 and 24 were 73 times more likely to die a violent death than their counterparts in Austria, 44 times more likely than in Japan, 24 times more likely than in Britain (Currie, 1990). These problems bear most acutely on poor African-American males in the cities, among whom homicide is now the most common cause of death. Moreover, nearly one-quarter of African-American males between the ages of 20 and 29 are in prison or in some way enmeshed in the criminal justice system (Currie, 1990). Yet while these figures make European criminologists gasp, the trends elsewhere seem also to be

upward, and foreign interest in the US crime figures stems from an awareness that, in a world which increasingly resembles a homogenized global village, New York and Washington DC may be seen as metaphors for the future of the great cities in other advanced industrial societies, East and West. For example, the city riots of 1981 and 1985 have dented Britain's image as a peaceful, law-abiding society. And this is reinforced by the news that, despite the recruitment of 15 per cent more police officers and consistent real increases in the law and order budget, there was a 79 percent increase in officially reported crime between Mrs Thatcher's accession to power in 1979 and 1990 (*Guardian*, 28/3/91).

Complaints about the growth in violent crime, the spread of corruption and a decline in respect for the law, especially among the young, are sometimes accompanied by visions of a descent into anarchic chaos, with honest citizens afraid to walk the streets and united only in mutual hostility and suspicion. The spectre traverses both the public and private domains, with people seen as living under siege conditions behind bars, protected by savage dogs and, for those who can afford it, by expensive security systems. The feminist variant of this vision presents women and children locked away in this spuriously protected space, and cut off from female networks, thus being made ever more vulnerable to oppression by their violent menfolk (Hanmer and Saunders, 1984).

However, for generations, politicians and moral arbiters have complained about a decline in public morality related to the growth in crime. Whatever the base point, the usual complaint has been that crime has been getting worse over the previous 20 years (Pearson, 1983). Perhaps the role of the criminologist should be to offer a sober alternative to political exaggeration and emphasize underlying continuities rather than superficial changes? There is not the space here to provide more than a cautious answer to this question, but we can note some of the complex issues involved. The problem with presenting snapshot or headline statistics in the way we have just done, and the way that they are usually presented in the media, is that they become part of routine rhetoric about a society. That is, they, along with *Miami Vice* and other action-packed TV shows and movies, can paint a rather misleading picture of a whole society. The United States, in this case, is represented by its cities – as exciting but crime ridden.

However, official statistics on crime are notoriously difficult to interpret, both as indices of changes over time and as bases for comparing societies (see the debate between Currie and Wilson in Chapter 2). Methods of recording crime vary widely and change over time. In the USA, for example, the Uniform Crime rates, which the Department of Justice has published since 1930, unlike the British

figures, are based on voluntarily supplied sample, rather than comprehensive, statistics from local law enforcement agencies (Heidensohn, 1989). In addition, public tolerance of crime can change, affecting readiness to report crime, or even to recognize it in the first place. This is particularly true of male crimes against women and children, or more generally, parental crime against children (see Radford and Stanko, Chapter 9). A central point here is that crime statistics are *moral statistics*, they record both human conduct and the shifting professional and public perceptions of that conduct (see Chapter 7). It is, for example, feasible that the extent of criminal behaviour has increased, that public tolerance of it has diminished, as has the capacity of informal and formal controls to check it – if true, this would be a potent brew.

In order to overcome the problems of relying only on official figures, criminologists have conducted victim surveys; these involve interviewing large samples of citizens about their experience of crime and assessing their priorities for crime control. Regular national crime surveys were initiated in the USA in 1972, followed by Canada, Britain, Holland and other countries (Hough and Mayhew, 1985; Mayhew et al., 1989). These have been supplemented by feminist surveys (Hall, 1985; Hanmer and Saunders 1984) and by intensive local surveys (Crawford et al., 1990; and see Chapter 7). Even here, however, differences in methodology employed can make comparison of results difficult. Yet, it has been argued that various sources of data show upward trends, implying that the changes are real and internationally based (van Dijk, 1991). It is significant that despite these differing practices in recording and in social surveys, and variations in police and criminal justice organizations between countries, the advanced democracies have experienced steady rises in overall crime rates in the past three decades. In Europe, for example, 1955 seems to be a watershed point, with steady rises in most countries from that year, while in Sweden, the upward trend began immediately after the Second World War (van Dijk, 1991: 31).

In an effort to provide the basis for more accurate international comparison over time, a series of comparative victim surveys has been launched involving 17 countries (van Dijk et al., 1990). This confirms that the USA has markedly higher than average levels of violent crime, but is closely followed by Australia, another society founded on immigration and with a heterogeneous population. Moderately high levels of violent crime were also noted in Finland, the Netherlands, the Federal Republic of Germany, Spain, Canada and Scotland. While the picture may not look as lurid as that in the American cities, in Europe by the end of the 1980s 'crimes like theft, burglary, simple assault and indecent assault place[d] a heavy burden on the inhabitants of the

larger European cities in particular' (van Dijk, 1991: 31).

However, it is becoming clear from victimization studies that global generalizations comparing nation states in relation to overall levels of crime can be misleading. Not surprisingly, general levels of reported victimization are related to the degree of urbanization in a country. While the large American cities compare badly with cities elsewhere, the lives of the many millions of Americans living in leafy suburbs and small towns and villages are no more likely to be touched by crime than their counterparts in other advanced societies. In fact,

average risks of many many crimes across the USA are not especially greater, and even lower than in other countries . . . risks of assault with force in the USA were similar to those in England and Wales and Scotland, and lower than those in the Netherlands. (van Dijk et al., 1990: 108)

But the interpretation of these various sources of data is a never-ending process and this fuels the debates, particularly between liberals and conservatives, over the appropriate diagnosis of the 'crime problem' and ways to deal with it (see Chapter 2). If we had to rely on the survey data and official figures alone, it would still be difficult to justify the claim that the crime problem is worsening. However, other historical and sociological argument and evidence does lend tentative support. One should always treat with caution stories about happier times gone by, since they can paper over evidence of deep social conflict and dissent in the past. Nevertheless, it is plausible to argue that the interaction of modes of informal community control of disruptive behaviour – at least in the public sphere – and the developing institutions of policing, criminal justice and corrections from the mid-nineteenth century to the early post-Second World War era, helped to transform the experience of city life in the advanced societies.

The degree to which control agencies achieved public acceptance and legitimacy varied widely. In Britain, for example, the gradual, if grudging, acceptance of locally organized policing by the working classes (Reiner, 1985; Brogden et al., 1988) was reinforced by the growing discipline of factory organization and the related development of the disciplines of the labour movement. This helped to create a 'respectable' artisan working class, with highly developed forms of self-organization and social control, and with a vested interest in the formal and informal repression of the 'disreputable' poor (Cohen, 1981). In the United States too, professional police forces, with a degree of public acceptance, and based initially on the British model, were an important cog in the machinery of urban administration by the end of the nineteenth century (Monkkonen, 1981). By contrast, in much of continental Europe, while the labour disciplines were also developing, the highly centralized and intrusive police institutions have never achieved the same level of public legitimation. The social