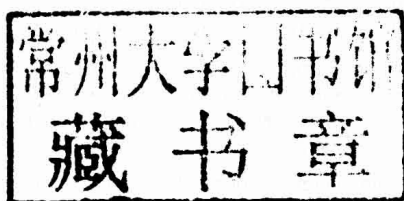




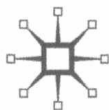
# Realist Criminology

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# Preface

This is a book of two parts. The first is largely expository and provides a basis for engaging in a revised form of critical realism. It is mainly about what was previously known as 'left realism', which is essentially a political and social mode of analysis providing a critique and a counter to the dominant liberal-conservative consensus within criminology. It has become increasingly necessary, however, to broaden the theoretical and methodological focus of this approach if it is to be established as a critical alternative to existing perspectives.

This revised version of *Realist Criminology* draws heavily on the body of work developed over the last two decades by critical realists. This work, in addressing questions of epistemology and methodology, has made a considerable contribution to the development of a critical social science. Contributions by Roy Bhaskar, Andrew Sayer, Margaret Archer and others have produced a range of texts that have opened new areas of debate and provided new ideas about a number of unresolved issues which have long concerned social scientists. Their aim has been to develop an approach to social issues that is essentially critical and useful and also contains emancipatory themes.

One of the main arguments in the book's earlier chapters is that criminology, far from fragmenting, increasingly centres on varieties of liberalism on the one hand and administrative criminology on the other. With that in mind, the second part of the book provides examples of these approaches in order to demonstrate how they address the issues of crime and punishment and attempts to identify their respective weaknesses and limitations.

Thus, the book operates on two levels. The first, a mostly modest project, involves transposing many of the ideas and insights of critical realism into the criminological enterprise. The second level is more ambitious: it aims to fashion a fairly fundamental critique and rethink of the direction of criminology itself. The ultimate aim is to re-establish realist criminology and contribute to the development of a more critical and progressive approach to crime and punishment; an approach aimed at reducing suffering, abuse, exploitation and victimisation while improving the operation of the criminal justice system and thereby contributing to the goal of achieving greater social justice. These ideals may be lofty, but they are achievable, although they require a major rethink of how theory, methods and practice are linked.

# Acknowledgements

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# 1

## The Successes and Failures of Modern Criminology

### The birth of modern criminology

This history, like all histories, is highly selective. Its starting point is the 1960s and early 1970s. It was a point at which criminology emerged as a recognised subject area drawing freely on sociology, psychology, law and economics, resulting in the establishment of a multifaceted field of study which began to attract students in large numbers. Its exponential growth was fuelled by what Stuart Hall (1980) described as the 'drift into law and order society', with crime becoming firmly established as a major cause of public and political concern. Over the last thirty years criminology has become one of the fastest-growing subject areas in the social sciences.

David Garland (1997) has identified the foundations of contemporary criminology in Britain as being laid in the 1950s and 1960s by publications emanating from the University of Cambridge Institute of Criminology – particularly the work of Sir Leon Radzinowicz, on one hand, combined with a growing body of work from the Home Office, on the other. These two formative strands, Garland argues, generated a mix of pragmatic and administrative criminology. Paul Rock (1988), in contrast, attributes considerable influence to the work of Herbert Mannheim. However, in the formation of the 'new criminology', which took place in Britain in the 1970s, Radzinowicz and Mannheim were not central reference points in the main criminological textbooks.

Modern criminology, in fact, was the product of four intersecting lines of force: positivistic and administrative criminologies no doubt represented two of these strands; in the UK it was also the influence of a growing body of deviancy theory – much of it imported from America – that served to create a new paradigm through the work of writers like

Howard Becker, Ed Lemert, Alvin Gouldner, Erving Goffman, David Matza and Robert Merton; this in turn was underpinned by a fourth strand incorporating the more general classic texts by Marx, Durkheim, and Foucault that provided the impetus for the development this new subject area (Taylor, Walton and Young 1975). The 'new' criminology was profoundly sociological, critical and political. It was more than an inflection in the historical curve of criminology. Rather, it represented a qualitative shift. As Michel Foucault (1984) has pointed out, it is not so much that certain 'founding fathers' created the subject area of 'criminology' but rather that the establishment of a particular discourse and the formation of a significant audience, along with the development of a set of institutional practices and networks, retrospectively gave various authors their notoriety.

The establishment of the National Deviancy Conference in 1968 provided an important vehicle for giving impetus to the development and promotion of this new criminology. Similarly, the formation of the European Society for the Study of Deviance and Social Control, which was established in 1973, provided a similar vehicle for a new generation of young European scholars (Cohen 1998; Ferrell, Hayward and Young 2008, ch. 2). A number of books concerned with crime and deviance began to appear that set in motion new ways of thinking about these established themes. A major contribution to the development of this emerging subject area was the publication in April 1973 of *The New Criminology* (Taylor, Walton and Young). As Alvin Gouldner pointed out in his foreword to the book, this was 'the first truly comprehensive critique that we have ever had of the totality of the past and contemporary, of European and American, studies of "crime" and "deviance"'. The book became required reading in every newly established criminology course around the country. The aim of the book was to critically review the major theories of crime and deviance and in particular to develop a critique of positivist criminology locating the problem of crime within a larger socio-economic and political framework. In pursuing this objective the Young Turks, as they were known, injected much-needed critical energy into the subject area while questioning the dominant conceptions of the normal and pathological. These Young Turks, together with the growing body of apprentice criminologists, were not based in the established centres of learning, such as the Institute of Cambridge or the London School of Economics, but were located in the new universities, many of which had been built or modernised during the 1960s.

In America the development of what we might call the 'new criminology' took a distinctly different form. John Laub (2004) and Francis

Cullen (2011), in their respective presidential addresses to the American Society of Criminology, argued that a new criminological paradigm emerged in the 1960s influenced by the work of Edwin Sutherland and Donald Cressey's *Principles of Criminology* (1960) and Travis Hirschi's *Causes of Delinquency* (1969). Both publications are seen as pioneering texts that contributed to the establishment of a new paradigm that was critical of earlier individualistic and biological accounts of the causes of crime. However, as in the UK, these publications were supplemented by the growing body of deviancy theorists. In addition, the legacy of the Chicago School, which included the work of writers like Albert Cohen (1955) on working-class subcultures, displaced some of the existing work on the social psychology of offenders with a more thoroughgoing sociological account. Cloward and Ohlin (1960) tried to refine Cohen's work and combine it with Merton's (1938) notion of 'illicit means', producing what became known as strain theory (Cressey 1979). These contributions resulted in the production of an approach to crime and control that was more sociological and theoretical and which was to be tested through the development of new empirical techniques. However, instead of being generally influenced by writers like Marx, Durkheim and Foucault the 'new criminology' in America was more likely to be influenced by writers like Spenser, Comte and Parsons (Mills 1959). There were also important cultural and political differences between Britain and America that served to shape this new sub-discipline. Developments in the UK were deeply influenced by the class struggles that occurred in Europe in the 1960s, while American sociology and criminology was, to a significant extent, shaped by civil rights movements and the legacy of the McCarthy era.

Thus, there was not a single landmark text in America along the lines of *The New Criminology*. Instead, there was a growing *critical mass* of texts alongside the rapid expansion of the American Society of Criminology, whose membership increased from 300 in 1970 to just under 2,000 in 1977 (Scarpitti 1985). In addition, the publication in 1970 of the first issue of the flagship journal of the American Society of Criminology – *Criminology: An Interdisciplinary Journal* – signalled the growing professionalisation of academic criminology in America.

Thus, on both sides of the Atlantic the new criminology grew as a hybrid subject with four main and competing strands existing in an uneasy tension. The deviancy and sociological approaches were critical of positivistic and administrative approaches, while positivists, in turn, were sceptical about what they saw as the metaphysical and 'unscientific' tendencies of new deviancy theory. As a result, the new criminology has

always been in danger of imploding. On the other hand, the multifaceted nature of the sub-discipline allows it to remain fairly agnostic about disciplinary boundaries and to draw widely on a range of social science literature, making it a potentially rich and diverse subject area.

In a review of the developments in criminology, David Downes (1988) has suggested that from the early 1970s to the late 1980s three fundamental changes took place in the nature of criminological inquiry. These were first, a requirement to address the motives and meanings of crime and deviant behaviour. Second, a greater focus on social reaction and the process of social control, including the role of the media. Third, a broadening of the focus of inquiry to include occupational crime, domestic issues and the operation of the 'hidden economy'. In addition, we might add that criminological endeavours became more politically attuned in this period, with an increasing recognition that crime and justice are politically contested issues and an appreciation of the ways that politics and power serve to shape the behaviour not only of those under study but also of those undertaking research.

Over the past decade or so, however, the energy and the stimulus which the new criminologies brought to the subject area have been dampened and redirected. Conventional forms of positivistic criminology, which had been under continued attack during the 1970s and 1980s, have re-emerged in new forms. At the same time, criminology appears to have lost its focus and direction (Ericson and Carriere 1994). The demise of the National Deviancy Conference in 1973 and the incorporation of the Critical Criminology group within the American Society of Criminology during the 1980s signalled the resurgence and increasing domination of the conservative-liberal consensus in criminology. Thus, although the last thirty or forty years have seen an unprecedented expansion of academic criminology, the nature and quality of its output have been inconsistent, and the promise of the new criminology developed in the 1960s and 1970s is beginning to fade.

In this chapter the aim is to examine the development of criminology over the past forty years in order to understand something about its present state of health and, in particular, the contribution that critical realism might play in ameliorating some of the growing concerns – particularly in relation to the recent claims that criminology is becoming increasingly socially and politically irrelevant (Austin 2003). Indeed, a growing body of criminology has been described as 'so what?' criminology, which includes those publications that are theoretically thin, methodologically weak or have little or no policy relevance (Currie 2007; Matthews 2009, 2010a). In addition, Francis Cullen (2011) has

identified the limitations of what he refers to as 'adolescence-limited criminology', which he argues is increasingly plagued by a sense of pessimism while offering limited explanatory power. Much criminological work is presented in a language that is opaque and impenetrable, while the subject has become very inward looking, and the debates that take place in many criminology journals are of interest to very few people outside academia (Davis 2004).

## **Radical and critical criminology**

What became known as radical or critical criminology played a major role in the development of the new criminology on both sides of the Atlantic, although there were differences in terms of theoretical orientation and the range of issues addressed. Critical criminology turned conventional wisdoms upside down, and much that had previously been presented as truth was increasingly presented as ideology (Sykes 1974). Mental illness was identified as a 'myth'; those diagnosed as 'paranoid', it transpired, did in fact have people talking about them; sexuality was anything but natural; becoming a marijuana smoker was seen as an uncertain process which involved developing a conception of 'getting high' as pleasurable and desirable; while crime itself, it was argued, has no ontological reality (Hulsman 1986; Becker 1953; Lemert 1962; McIntosh 1968; Szasz 1970). In challenging the conventional definitions of normality, it connected with the feminist movement, gay rights campaigns and anti-racist struggles that challenged the established consensus and called for change. It also was more in tune with the changing social relations of the period, with their growing emphasis on diversity, fluidity and moral ambiguity (Bauman 1991).

Critical criminologists took delight in rejecting the main tenets of positivism, and expressed a deep scepticism towards the use of criminal statistics and widely embraced a social constructionism that claimed social reality was built up intersubjectively (Berger and Luckmann 1967). There remained, however, a deep and unresolved debate about objectivity, value freedom and the standpoint of the researcher. These issues were played out in the debate between Alvin Gouldner and Howard Becker. Becker (1966) had raised the provocative question "Whose side are we on?" arguing that there is no value-free or neutral position in social science and that researchers have to decide where their sympathies lie and from which vantage point they are going to conduct their analysis. Gouldner had written an essay in 1962 entitled 'Anti-Minotaur: The Myth of Value Free Sociology', in which he had taken issue

with Max Weber's claim that social investigation ought to be value free. Gouldner had argued that the commitment to value freedom provided sociologists with a moral escape clause and led to an abandonment of public responsibility for social ills (O'Brien and Penna 2007). However, Gouldner argued in a later article, entitled 'The Sociologist as Partisan' (1968), that Becker was in danger of replacing the myth of value-free sociology with the equally untenable myth that it is impossible for social scientists to do research uncontaminated by personal and political sympathies. Gouldner maintained that it was possible for researchers to have sympathy for the underdog without privileging the 'truth' from their perspective or losing a commitment to objectivity. Although he willingly conceded that studying the world from an underdog's standpoint could bring into public view certain neglected aspects of social reality, he was critical of what he saw as the desire to take ownership of the subjects under study and become 'zookeepers of deviance', whereby social scientists want to protect or display their collection of 'exotic specimens' rather than criticise or change them.

By focusing on the underdog, criminologists attempt, he suggests, to claim the moral high ground while pointing to the apparent failure of the state. However, Gouldner argues that if there is a justification for focusing on the underdog it is not so much because we see them as victims of mismanagement but rather because of an appreciation of their suffering. In this way Gouldner helped to set the agenda for a realist criminology by countering liberal and idealist tendencies while pointing out that in the process of depathologising deviants there was a danger of romanticising them instead. Also, in line with a realist approach, he argued that a critical social science is driven by the possibility of social transformation. This objective, he suggests, is structured by two considerations. First, a critical social science is normative and involves identifying certain issues, such as those linked to oppression, suffering and discrimination. Second and relatedly, it requires the identification of ways in which these issues might be resolved. This, in turn, involves the formulation of viable alternatives rather than opting for the non-committal notion of 'the unfinished' (Mathieson 1974).

In a pivotal article published in 1975, entitled 'Working Class Criminology', Jock Young developed some of the themes outlined by Gouldner and applied them to criminology (Young 1986, 1992, 1997). This was to be the first in a series of articles that criticised the idealist tendencies amongst critical criminologists, which had also been evident to some extent in *The New Criminology*. In this article, Young argued that rather than transcending conventional positivist criminology many

critical criminologists produced a mirror image. Whereas conventional criminology focused on the act, critical criminology focused on the social reaction. Whereas conventional criminologists talked in terms of consensus, critical criminologists talked in terms of conflict and division. Whereas conventional criminology depicted offenders as pathological, critical criminology presented them as normal. As Gouldner had argued, there was a tendency to replace conservative thinking with laissez-faire liberalism and full-blown romanticism. These tendencies, Young argues, were evident in the Society for the Study of Social Problems in America in the early 1960s and were developed by the National Deviancy Conference in Britain. In contrast to this brand of critical criminology, which became known as 'left idealism' but is probably better characterised as 'liberal idealism', Young calls for a greater sense of social responsibility amongst criminologists and a recognition of the personal and social consequences of different social problems. In response to the authors of *Policing the Crisis* (Hall, S. et al. 1978), who presented mugging largely as a media 'moral panic' involving a process of miscategorisation, Young argues:

It is unrealistic to suggest that problems of crimes like mugging is merely the problem of miscategorization and concomitant moral panics. If we choose to embrace this liberal position, we leave the political arena open to conservative campaigns for law and order – for, however exaggerated and distorted the arguments the conservatives may marshal, the reality of crime in the streets *can* be the reality of human suffering and personal disaster. We have to argue, therefore, strategically, for the exercise of social control. (Young 1975: 89)

This statement marked the significant recognition that the key players in the drama of 'law and order' were the working class, who were seen as the prime constituency of the left. Therefore, as Ian Taylor was to argue some years later in *Law and Order: Arguments for Socialism* (1982), crime and punishment are issues that those on the left of the political spectrum should take seriously and that should no longer be seen as issues that can be left to the conservatives. As a result, over the next decade or so a group of critical criminologists' identifying themselves as 'left realists', began to flesh out a political and theoretical stance in opposition to the dominant liberal and conservative consensus on one hand, and the growing body of left idealists on the other (Lea and Young 1984; Kinsey, Lea and Young 1986; Jones et al. 1986; Matthews 1987).



On the other side of the Atlantic, writers like Elliott Currie were exploring similar themes (Currie 1985, 1989). Moving away from a critique of the liberal and conservative consensus in America, he addressed some of the more challenging questions related to interpersonal violence while proposing strategies for dealing with a range of individual and family problems. He also raised the issue of individual responsibility, often overlooked by liberals and left idealists, and questioned their call for the acceptance of diversity and the decriminalisation of crime. In addition, he argued that what he calls 'plain left realism' should not shrink from the responsibility of exploring how the criminal justice system could be made more effective and just. Among the major attributes of plain left realism are

Its commitment to taking crime seriously; its insistence that crime *comes* from somewhere, and is driven by some kinds of organization more than others; its willingness to take on the difficult job of looking for workable solutions to crime that flow from its causal analysis, and its insistence that doing so is part of the duty of the criminologist – all of these will necessarily be part of the tool kit of scholars who want to seriously explore the most destructive of crimes, and who see their reduction as a social and moral imperative. (Currie 2010: 121)

The task of engaging with crime, Currie argues, requires a deepening and broadening of our analysis, identifying its roots and how it can be combated, while simultaneously embracing social democratic principles in the pursuit of social justice.

These observations raise the question of what is 'critical' about critical criminology. The vast majority of criminological approaches, whether tagged 'liberal', 'conservative' or 'radical', routinely engage in critiques of other positions and of state policies on crime and punishment. So-called critical criminology is no different in this respect. Nor does self-styled critical criminology have any monopoly of engaging in ideology critique in an attempt to identify illusions and misconceptions. Nor is it alone in proposing alternative policies and practices. What distinguishes critical criminology from other 'mainstream' criminologies is the problematisation of the concept of crime and the attempt to identify and understand the broader social, political, historical and economic processes that 'create' and shape different forms of crime. Most importantly, the distinctiveness of critical criminology lies in its normative orientation involving a concern with the alleviation of suffering, abuse, exploitation, discrimination, forms



of oppression and the pursuit of social justice. It is these values that provide its unique vantage point and allow it to engage in 'progressive' reform. It is the commitment to these and related objectives that provides the *raison d'être* of critical realism (Sayer 1997). The difference between progressive versions of critical criminology and critical realism is how these objectives are to be realised. Many of these concerns also featured in the second wave of feminism (1970s), which provided the initial impetus for the establishment of feminist criminology.

### The impact of feminist criminology

Although there is some uncertainty about exactly what is meant by 'feminist criminology', there can be little doubt that the impact of feminism on criminology has provided one of the most productive and progressive inputs on the subject over the last two or three decades. A steady stream of criminological literature emerged in the 1970s underpinned by the second wave of feminism and which challenged mainstream criminology at every level (Adler 1975; Chesney-Lind 1973; Brownmiller 1975; Smart 1976). Overall, there are five main contributions which feminists have made to the study of crime and punishment: a thoroughgoing critique of conventional criminological theory; an appreciation of the nature and impact of victimisation; a reconsideration of methodologies; a deeper understanding of the nature of power and gender relations; and a commitment to engaging in social reform and policy development (Gelsthorpe 1997).

The most significant feminist contribution to criminological theory remains Eileen Leonard's often overlooked classic *Women, Crime and Society* (1983), which provides a thoroughgoing critique of the major theoretical approaches to crime and punishment. Theoretical criminology, Leonard argues, was produced predominantly by men for men until the 1970s. This male-centred criminology, she maintained, was simply not up to the analytic task of explaining female patterns of crime. She pointed out that within criminology the major theories did not provide explanations of human behaviour, as they claimed, but rather a particular account of *male* behaviour. These one-sided, often sexist, accounts systematically fail to explain both the generally low crime rate amongst women and how women are treated by the criminal justice system. A critical examination of criminological theory, whether differential association, subcultural theory, strain theory or even Marxist theories, reveals that these approaches at best provide