Discovery of Hidden Crime

Self-Report Delinquency Surveys in Criminal Policy Context

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Clarendon Studies in Criminology

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General Editor's Introduction

Clarendon Studies in Criminology aims to provide a forum for outstanding empirical and theoretical work in all aspects of criminology and criminal justice, broadly understood. The Editors welcome submissions from established scholars, as well as excellent PhD work. The *Series* was inaugurated in 1994, with Roger Hood as its first General Editor, following discussions between Oxford University Press and three criminology centres. It is edited under the auspices of these three centres: the Cambridge Institute of Criminology, the Mannheim Centre for Criminology at the London School of Economics, and the Centre for Criminology at the University of Oxford. Each supplies members of the Editorial Board and, in turn, the Series Editor.

Today the crime survey is accepted as an essential empirical instrument in the criminological toolkit—so much so that we rarely consider its origins or evolution. In *Discovery of Hidden Crime* Janne Kivivuori makes good this deficit by charting an absorbing history of the crime survey, its moral and scientific origins, and its development as a means of transcending the limits of official statistics to reveal the field of hidden crime.

A central theme, developed throughout the book, is that the historical promoters of the crime survey were motivated to reveal the relative normality of crime by providing evidence that in some real sense 'we are all criminals'. In their inception the self-report survey was, therefore, no mere data-gathering instrument but a normative tool. It provided the means by which to challenge the dominant metaphor of crime as disease or pathology and, by establishing the normality of crime, to transform the moral matrix in which criminal policy was determined. As Kivivuori observes 'the Nordic pioneers of the hidden crime research were driven by strong moral motives and ideals. Their urge to redescribe (some types of) crime as normal was linked to the goal of humanizing the treatment and sanctioning of offenders and deviants.' By demonstrating the prevalence of petty and occasional offending, the crime survey furnished the data with which to displace the abnormality paradigm, to promote tolerance and to counter punitive tendencies. The early

hidden crime survey can thus be understood as an exercise in public criminology, aimed at influencing public understanding of a major social problem.

And yet, as Kivivuori makes clear, this moral imperative had to contend with the social reality of crime, which the survey itself revealed, not least findings of persistent offending by a minority of delinquents and strong links between social class and crime. Moreover, although the intentions of its initiators were humane, the crime survey produced data that came later to contribute to an altogether more punitive turn, fostered by the fact that the ubiquity of crime cast doubt on the possibility of treatment and reform. While depicting these twists and turns, *Discovery of Hidden Crime* charts a fascinating interdisciplinary battle between sociology, criminology, psychiatry and psychology. The hidden crime survey emerged out of interdisciplinary strife and became a major tool in the battle for disciplinary hegemony, not least in skirmishes over the key concepts of abnormality and normality. As such it played a decisive role in the larger history of sociological enquiry.

Long after its birth in the early years of the twentieth century, the hidden crime survey really took off in the middle decades, through the 1930s–1960s. This development also coincided with the detachment of the crime survey from its moral roots in the 'normalization' of crime to become a more neutral tool of empirical scientific enquiry and data gathering. Out of it grew the tools of the trade—the self-report crime survey and, later, the victim survey—which are so central to modern criminological enquiry. By tracing its scientific, intellectual, moral, policy, and political genealogy, *Discovery of Hidden Crime* reveals the modern crime survey to be an altogether more complex and less pre-determined instrument than we might otherwise imagine. Criminology is still too young a discipline to care as much about its past as it should; this book makes a major contribution to rectifying that indifference.

For all these reasons, the Editors welcome this important addition to the *Series*.

Lucia Zedner
University of Oxford
May 2011

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In contemporary scholarship, it is sometimes fashionable to critique the concept of *influence* in the explanation of scientific developments. In defiance of this, I acknowledge debt to several scholars who influenced this manuscript by offering critical and constructive comments. I am particularly grateful to Research Director Britta Kyvsgaard (Ministry of Justice, Denmark), Professor Petteri Pietikäinen (University of Oulu), Professor Joachim Savelsberg (University of Minnesota), Professor Jukka Savolainen (University of Nebraska), and three anonymous reviewers. Thanks also to Lucy Alexander, Lina Andersson, Petri Danielsson, Emma Hawes, Ilse Lehtimaja, and Julian Roberts for help in various phases and aspects of the project.

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This book is about the scientific, cultural and political origins of the self-report delinquency survey. One chapter of the book is devoted to the first generation of Nordic self-report researchers; from among their ranks, I gratefully acknowledge the kind help of Risto Jaakkola.

Influences additionally come from people who have not been involved in this study. In particular, Josine Junger-Tas (1929–2011), the founder of the *International Self-Report Delinquency Study*, and Kauko Aromaa, who 20 years ago invited me to the world of self-report surveys, influenced the way I see criminological surveys. Last but not least, I am in debt to the research community in which I have worked since then: the Criminological Unit of Finland's National Research Institute of Legal Policy. This book would not have been possible without the support of the NRILP staff and Director Tapio Lappi-Seppälä.

Janne Kivivuori
May 2011

The barriers which the criminal law has erected about that field [of criminology] must somehow be razed.

(Thorsten Sellin, 1938)

Contents

1

Introduction

In the year 811, Charlemagne, the emperor of the West, ordered a questionnaire to be prepared and sent to local magistrates and magnates. This incident is a candidate for the world's first ever structured survey (Petersen et al, 2004). Many design features of Charlemagne's survey are uncannily modern: the structured and standardized questionnaire with a written sequence of questions, the wish to collect direct information from local people, the 'national' coverage of the survey, and the interest to explore the causes of phenomena.

More astonishing still, it seems that Charlemagne's survey was actually a crime survey. The last years of his reign were affected by civil unrest and disorder (Petersen et al, 2004: 740–1). He was therefore interested to know why many people refused to do service in the border defences. The third question of his survey questionnaire stated that theft was widespread in the realm and asked what caused people to steal one another's property? These topics of inquiry are not far from the interests of modern crime surveys. Unfortunately, the results of Charlemagne's survey largely vanished during the subsequent millennium, save for one short summary that attributes theft causation to problems of authority, poverty and family structure (Petersen et al, 2004: 744). The inquiry additionally concluded that the peasants had become less obedient than they used to be.

A tool and an idea

Today, crime surveys are routinely conducted in most developed nations. Roughly divided, they come in two forms: the victimization survey and the self-report delinquency survey. In victimization surveys, people are asked whether they have been victims of crimes in a certain time period. In self-report crime surveys, people are asked whether they have committed crimes.

During recent decades, the self-report crime survey has become extremely widespread in criminological research, especially as applied to juvenile populations. Today, it may be the most frequently used method in the study of crime and delinquency. It facilitated several important theoretical developments in criminology, such as the rise of labelling theory in the 1960s. Since the 1950s, it opened a new frontier for empirical research seeking to establish individual level causes of criminal behaviour. This path has culminated in many prospective longitudinal research programmes, such as the *National Youth Survey,* the *Pittsburgh Youth Study,* the *Rochester Youth Development Study*, and the British *Cambridge Study in Delinquent Development*, which use self-report delinquency methodology in following people's criminality over time (Krohn et al, 2010).

Apart from longitudinal studies exploring individual-level causation of crime, the self-report method has been used in repeated cross-sectional survey designs. These typically aim at describing changes in the prevalence and patterns of crime over time. Often, the goal is to create a statistical alternative to official statistics of recorded crime. Thus, in the US, the first nationally representative self-report delinquency survey, the *National Survey of Youth*, was conducted in 1967 (Williams and Gold, 1972; Krohn et al, 2010). Later on, many European countries launched national indicator systems based on self-report crime surveys (Zauberman, 2009). The Nordic countries were at the forefront of developments in the 1960s, but their current national systems mostly date from the 1990s. Finland and Sweden started national crime survey systems among youths in 1995. Denmark started an important research series in 1979, Norway in 1992.[1] In the UK, the method has been used in the *Offending, Crime and Justice Survey* (Roe and Ashe, 2008). It seems to be a natural phase in the deployment of social science methods that, at some point, international projects are initiated. In self-report delinquency research, such a step was particularly logical because the method allows international comparisons that by-pass problems caused by national differences in criminal law and recording practices. The first such project was the *Nordic Draftee Research Programme* of the Scandinavian countries, launched in 1962 (see Chapter 5). It took 30 years before the

[1] For a detailed summary of Nordic self-report indicator systems, see Kivivuori (2007) and Chapter 5. Norway was building a national survey system in the 1960s, but that was discontinued.

crucial further step was taken in 1992, when the *International Self-Report Delinquency Survey* (ISRD) began on the initiative of Josine Junger-Tas. In the second ISRD sweep (2006), almost 30 nations participated (Enzmann et al, 2010).

There is a burgeoning literature on the methodology of the self-report crime survey. Extensive reviews of methodological research are available as well (Junger-Tas and Haen Marshall, 1999; Thornberry and Krohn, 2003: Kivivuori, 2007: 17–34; Aebi, 2009: 31–43; Krohn et al, 2010). By and large, this body of research indicates that self-report surveys are a reliable and fairly valid means of measuring the prevalence and incidence of crime especially in juvenile and young adult populations. As such, the self-report delinquency survey has become a standard technique of criminological research.

This book is a *history* of the self-report crime survey as a method of criminological inquiry. Thirty years ago, Hindelang, Hirschi and Weis (1981: 22) described the self-report method as 'dominant' in the study of the causes of crime. More recently, John Laub described the invention of the method as one of the turning points of twentieth century criminology (Laub, 2004: 9), while Krohn et al (2010) describe the rise of self-report surveys as one of the most important methodological developments over the past 100 years. To study why and how some criminologists broke through the official control barrier[2] in crime measurement is therefore warranted from the point of view of methods history and disciplinary self-reflection. However, I believe that the history of the self-report method transgresses the strict boundaries of methods history. First, the method was born in a moral framework, as a means of attacking punitive attitudes towards criminal offenders. Second, it was born of disciplinary tension between sociology and the psy-sciences, as part of sociology's bid for power in the study of crime. To examine the discovery of hidden crime as a measurable entity thus offers an interesting perspective to wider questions of how criminology developed in the tension field between facts and policy goals. Third, the rise of the self-report crime survey

[2] By official control barrier I refer to the fact that early criminologists had to rely on official statistics (police, prosecutor, and court statistics, or clinical data associated with such control institutions) in measuring and analysing crime. These statistics are a by-product of governmental control. That this was a problematic 'barrier' was sensed and discussed very early on during the nineteenth century (see Chapter 4).

is associated with large-scale and macro-cultural transformations of social regulation in developed societies. The source of normative regulation has gradually shifted from pre-defined norms to beliefs about the factual prevalence of human behaviours, that is to statistical normality.

Today, the self-report delinquency survey is a neutral *tool* in the hands of criminologists. Traditionally, the first use of that method has been attributed to Austin L. Porterfield, a Texas-based sociologist who in 1940 conducted the first criminological self-report survey to be published (Porterfield, 1943). This fact will not be refuted here, but a more nuanced and entangled picture will emerge. Another sociologist, Edwin Sutherland, was experimenting with the method before Porterfield, trying to find a way out of the impasse created by criminal statistics and local fact-finding missions that relied on officially published statistics. And there were other anticipations, most notably in the field of sex research. But the history of how the modern sample survey was harnessed to solve the riddle of unrecorded crime is additionally a story of an *idea*. This idea is the idea of hidden crime as a source from which moral lessons can and should be drawn. The most important interpretive frame was the idea that because crime was prevalent, it was also normal. It was argued that since so many 'criminals' were not detected, it was unfair to punish harshly the few who were caught. The self-report or hidden crime survey was born and developed in close interaction with this kind of argumentation.

In the early nineteenth century, there was an explosion of published numbers (statistics). This historical moment has been described variously as a 'statistical movement' (Beirne, 1993: 72), an 'avalanche of numbers' (Hacking, 2002: 2), or a 'torrent of statistics' (Yeo, 2004: 86). Since the 1820s, this torrent was joined by so-called moral statistics, which dealt with morality related matters such as divorce, suicide and crime (von Mayr, 1917). Subsequently, moral statisticians became worried, if not obsessed, with the murky depths that remained outside the statistics. For a long time the main consolation was the 'constant ratio doctrine' stipulating that the ratio of unrecorded incidents to recorded incidents was a constant (Schneider, 1987: 183). But the worry lingered on and never disappeared. In the early twentieth century, pioneering researchers started to explore the survey as a means of asking people directly about crime. The moral and political context of this project went beyond purely scientific interest, and became closely intertwined

with the rise of peculiarly modern identity politics and moral crusades against normative regulation.

Confessing society

In self-report delinquency surveys, people are asked about the crimes they have committed. Such surveys have become a regular operation in many Western nations. They represent the modern apogee of the hidden crime research tradition whose rise is charted in this book. To give an example from my own country, Finland: in 2008, 65,000 comprehensive school students, 28,633 high school students, and 19,436 vocational school students responded anonymously to questions about crime they had committed. In a country with a total population of five million, these figures are high, representing roughly 40 per cent of the targeted age cohorts. Much of this avalanche of questioning was related to school health surveys and some to specific delinquency surveys probing deeply into patterns of unrecorded offending. But the figures speak for themselves. You can speak of standardized mass confessions on an industrial scale.

In his history of sexuality, Foucault linked the nineteenth century rise of the *scientia sexualis* to a deep historical background in the Western religious practice of confession. In the high middle ages, confession became a central technique of establishing truth.

> We have since become a singularly confessing society. The confession has spread its effects far and wide. It plays a part in justice, medicine, education, family relationships, and love relations, in the most ordinary affairs of everyday life, and in the most solemn rites; one confesses one's crimes, one's sins, one's thoughts and desires, one's illnesses and troubles; one goes about telling with the greatest precision, whatever is most difficult to tell. [. . .] Western man has become a confessing animal. (Foucault, 1990 [1976]: 59.)

The huge prevalence of anonymous crime confessions solicited in the self-report surveys is consistent with Foucault's epochal theory. There is reason to search for religious traces and sediments in the history of hidden crime research agenda. One of the earliest pioneers of the method, the German sexologist Magnus Hirschfeld, was inspired by the sacrament of confession, which indicated that people were ready to confess their sins under conditions of anonymity. Initially, Hirschfeld decided to structure his clinical case interviews by using a questionnaire. Some years later he deployed

an anonymous self-report crime survey in a non-clinical community sample. In the first years of the twentieth century, this decision resulted in prosecution for libel.

Foucault wrote his history of sexuality in the 1970s, which was the last decade of Freudian cultural hegemony in the West. When speaking about confession, he seems to be constantly and mostly implicitly thinking about the kind of intimate and personal intercourse that characterizes psychoanalytic treatment. The practice of secular confession takes place between the patient and the clinical listener whose presence is overwhelming; 'the one who listened was. . . the master of truth' (Foucault, 1990 [1976]: 66–7). The promise is to heal the confessing individual, and the practice is to specify the unique case history of the person (pp. 42–3). All this is in contrast with the self-report surveys where people are anonymously revealing facts about their sexuality and their crimes to a researcher whom they will never meet and whose name will probably remain unknown to them. Sometimes data are gathered by face-to-face interviews, but the interviewer is probably an assistant, not the researcher and interpreter. The rise of the medicalized confession during the nineteenth century was about creating a detailed case history for the specific individual. The modern anonymous self-report survey is different. As a historical formation, it may nevertheless be associated with the grand shift from repressive-juridical power formation to productive bio-power concerned with how people deviate from the norm of mean.

Myopic Panopticon

Foucault further argued that towards the end of the eighteenth century and at the beginning of the nineteenth century the way power worked shifted from juridical-repressive mode, symbolized by death, to productive mode, symbolized by life. The old juridical system was centred primarily on 'deduction and death', and it was 'utterly incongruous with the new methods of power whose operation is not ensured by right but by technique, not by law but by normalization, not by punishment but by control, methods [. . .] that go beyond the state and its apparatus'. (Foucault, 1990 [1976]: 89.) The rise of the prison during the nineteenth century symptomized this shift. The symbol of the new type of knowledge/power nexus was the 'Panopticon', Bentham's model prison where the

guards could see everything. The function of the new carceral power was not to curtail crime but instead to produce a more controlled, differentiated and known type of delinquency (Foucault, 2009 [1976]: 18–23).

The vast reality of hidden crime contradicts the idea that power's ability to see constitutes delinquency. The high prevalence and incidence of offences that are not detected and processed by the police or other authorities of the state would seem to suggest *how blind, or at least seriously myopic, the Panopticon of the modern state is*. Hidden crimes are hidden from the view of the state. The massive prevalence of hidden crime, revealed by the first self-report surveys, must have been a serious embarrassment for the Panopticon. On the other hand, the effort to see hidden crime fits the Foucauldian paradigm. Hidden crime measurement is an attempt by the Panopticon to see better and more accurately. As noted by Yeo, vision is integral to the 'survey', a link revealed by the early synonym of survey, 'surview' (Yeo, 2004: 84). The hidden crime research programme can thus be seen as means of improving the state's capability to see citizen behaviour. Confession was harnessed to serve as the peephole through which power could see what the police, the statistician, and the physician could not see. The self-report method realized the elusive dream of the nineteenth century moral statisticians: To see beyond the official control barrier constituted by the activity of the criminal justice system.

The rise of hidden crime research, especially the self-report method, is undoubtedly connected to the development of state institutions. The early social survey movement, initiated by Charles Booth, relied on the testimony of school board visitors who visited the poorest neighbourhoods of London. They went there because the state had enacted a law on compulsory education. Early sex researchers used student self-report surveys to estimate the prevalence of sexually transmitted diseases. Similarly, the rise of self-report delinquency survey was connected with educational institutions, first universities and then increasingly schools. The gaze of the hidden crime research tradition could penetrate deeply into the social body because state institutions had already shaped and arranged social reality so as to make such capillary penetration possible. The Panopticon had created the institutional archipelago that made systematic hidden crime research possible.

Satire in science

An essential aspect of Foucault's work was a deep mistrust of supposedly emancipatory and humane reforms. For him, any relaxation of repressive-juridical power typically reflected a stratagem of power working productively, not repressively (Foucault, 2009 [1976]). In his power analysis, there seems to be little room for the notion that the efficacy of control is, as such, a variable, or that individual scholars or movements could successfully reduce the grip of power on people. While there is great merit to the power analytical approach, this study takes a different angle. Local battles for decriminalization and normalization of deviance are examined as genuine attempts to loosen the hold of power and as action by individuals in social and historical context. Using a concept borrowed from Skinner (2002), the main actors in these local battles are here described as innovating ideologists who sought to redescribe previously condemned behaviours as, first, highly prevalent, and second, therefore normal. They applied the tool of crime survey to reframe large chunks of the crime problem as statistically normal. This was a means of fighting against repressive legal and social norms. The key innovators were inspired and ignited by moral emotions and guided by rational tactics.

The idea of hidden crime as a measurable entity was born as a part of such local battles. The early discoverers wanted to show that (occasional) crime was extremely widespread and prevalent, and therefore normal. I will call this argument the *normal-because-prevalent argument*. The purpose of the argument was to influence criminal policy: to decriminalize specific offence types and/or to make punishments less severe. This is why the discovery of the hidden crime survey took place in an emotionally charged atmosphere. It was wrong to be harsh on the detected offender because many people committed the same offences but went scot-free. One of the most eloquent expressions of this was the famous 1910 Prison Vote speech of Winston Churchill:

> [Unnecessary imprisonment] is an evil which falls only on the sons of the working classes. The sons of other classes may commit many of the same kind of offences and in boisterous and exuberant moments, whether at Oxford or anywhere else, may do things for which the working classes are committed to prison, although injury may not be inflicted on anyone. (Churchill, 1910: 1347.)

Sentiments like this inspired the quest to measure the full extent of hidden crime. Not only the content, but the style in which Churchill