THE MYTHOLOGY OF CRIME AND CRIMINAL JUSTICE

Second Edition

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Preface

In some respects, *The Mythology of Crime and Criminal Justice* may seem an improbable book. In a humorous vein, it is somewhat unlikely that graduates from the Pennsylvania State University, State University of New York, and Sam Houston State University would collaborate on anything more than professional conferences or occasional forays for field research purposes. It is said that these institutions of higher education approach issues of crime and justice from very divergent perspectives and produce very different scholars of justice. Perhaps this too is a myth of criminal justice. Admittedly, we do have very diverse backgrounds and interests; thus, perhaps it was unusual that we would collectively produce a book that addresses "myths" in criminal justice given the broad range of possible topics. That is, however, one of the wonders of academia and one of the strengths of the social sciences. Divergent people, ideas, and approaches to understanding contribute to an environment where varying perspectives, interests, and backgrounds can blend to create unique works.

On a more serious note, the most unlikely part of this collaboration is that a publisher would agree to expend the resources and energies required to produce and market this work. It is not that each author has not published books in the past or made scholarly contributions to the literature (or so we would like to think). Rather, this book does not fit neatly into any specific academic category. The book is not pure sociology, criminology, or criminal justice. It is certainly not a work that would fall under any single recognized ideological or theoretical framework. It is neither a radical nor a traditional approach to criminology, conflict or functionalist sociology. It is also not a traditional systems or empirical approach to criminal justice.

What we have tried to create is a work that focuses on very popular issues of criminal justice — issues that have captured the

attention of the public as well as the scholarly community. Our hope is that the work challenges many popular notions of crime, criminals, and crime control. Unlike many other texts available, this book offers students of crime and justice an alternative to traditional criminal justice texts. Each chapter of this book questions our most basic assumptions of crime and justice and traces the development of a crime problem from its creation to society's integration of a myth into popular thinking and eventually social policy.

At the risk of characterizing the work as everything to everybody, we feel that it has broad application. The issues selected challenge habitual perspectives. Although the book was written for the undergraduate student, it could also stimulate discussion in the graduate classroom. It can be used as an alternative to standard introductory treatments of criminal justice or as a supplement to criminology or issues-orientated classes. Even though we feel the work has broad application, it was not intended to be the last word in myths of crime or justice. Rather, we hope that the text will serve as a very good starting point for understanding the realities of criminal justice and as an alternative to reinforcing crime myths in the classroom.

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THE SOCIAL CONSTRUCTION OF CRIME MYTHS

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P eople study social problems for a variety of reasons. The most obvious is to find solutions to society's concerns. Sometimes the solution must be sought not only in the content of the issue itself but in why a particular problem becomes more prominent than another. Many scholars in many disciplines look at the origins, diffusion, and consequences of social issues which capture the public's attention. Two very different perspectives can be used to explain the existence of a social problem. One perspective would be taken by people who have been characterized as "claims-makers," "moral entrepreneurs," "political activists," "social pathologists," and "issue energizers" (Schoenfeld, Meier and Griffin, 1979). These individuals have vested interests in the problem they bring to the public's attention. They usually advocate formal social policy to address the new problem, which they feel is real, unique in its characteristics, and grave in its consequences.

The other perspective is taken by people who study social problems and how those problems are constructed. These people often see social problems as being constructed from collective definitions rather than from individual views and perceptions. Since social problems are composite constructions based on accumulated perceptions and presentations of information, they can never truly exist in this collective, socially distorted form. People from this perspective often speak of social problems in terms of their origins and attribute the conception and definition of the problems to the mass media (Fishman, 1976), urban legend (Best and Horiuchi, 1985), group hysteria (Medalia and Larsen, 1958), ideology (Ryan, 1976), political power (Quinney, 1970), or some other often latent social force that directs public attention and shapes the nature and characteristics of emerging social problems. We will use this viewpoint to examine several myths of crime and justice.

We have chosen the term "myth" to describe some of the collective definitions society applies to certain crime problems and their solutions. The word myth seems most appropriate to the social definition of many different kinds of criminal behavior brought to the public's attention. One common meaning of myth is a traditional story of unknown authorship, with a historical basis, serving to explain some event. The events of myth are based on exaggeration or heightening of "ordinary" events in life. Other uses of the term carry the connotation of nonscientific, spoken or written fiction used as if it were a true account of some event.

The phrase "crime myth" does not stray too far from these accepted definitions. Crime myths are usually created in nonscientific forums through the telling of crime-related fictions or sensational stories. These crime fictions often take on new meanings as they are told and retold—and at some point evolve into truth for many people.

The fiction in crime myth comes not only from fabrication of events but from the transformation and distortion of events into social and political problems. Many of our contemporary issues of crime and justice are the product of some real event or social concern. Whether or not these events are based on "truth" is largely irrelevant because they "gain their persuasiveness and motivating power from their larger-than-life quality" (Bromley et al., 1979:44). As crime-related issues are debated and redebated, shaped and reshaped in public forums, they become distorted. Once transformed and repeatedly played out in public arenas, the mythical social problems are incorporated into the public consciousness.

This book focuses on the processes by which criminal events and issues of criminal justice become distorted and are given unprecedented social consideration. Single authors of short, crime-related fictions are given scant attention. Instead, we attempt to illustrate the range of social processes by which popular thought concerning a crime issue transforms the original concern into a crime problem taking on the characteristics of myth. This distortion of the reality of crime and criminal justice issues into myths emerges from a "collective," sometimes "unconscious," enterprise (Mannheim, 1936). Our inquiry concentrates on current issues in crime and justice that have reached or are near their mythic potential plus the costs of myth production to society.

The Function of Crime Myths

The study of myths in crime is not a novel or merely academic undertaking. Crime myths are real in the minds of their believers and have definite social consequences. Crime myths have numerous effects on our perceptions; we may not even be conscious that they are at work. Myths tend to organize our views of crime, criminals, and the proper operation of the criminal justice system. They provide us with a conceptual framework from which to identify certain social issues as crime-related, to develop our personal opinions on issues of justice, and to apply ready-made solutions to social problems. The organization of views through crime myths contributes to the cataloging of social actors into artificial distinctions between law-abiding citizens, criminals, crime fighters, and victims. Casting certain segments of society into the category of "criminal" offers others a reassuring self-conception. "For many people, it is comforting to conceive of themselves as law abiding citizens. . . . No doubt there are a few paragons of virtue, but not many. Most people manifest common human frailties. For example, evidence suggests that over 90 percent of all Americans have committed some crime for which they could be incarcerated" [citations omitted] (Bohm, 1986:200–1).

Myths also support and maintain prevailing views of crime, criminals, and the criminal justice system, strengthening the tendency to rely on established conceptions of crime and justice. Myths reinforce the current designation of conduct as criminal, support existing practices of crime control, and provide the background assumptions for future designation of conduct as

criminal. Once a crime myth has been generated and accepted by the public, it provides the necessary pre-understandings to generate other myths of crime and justice. In a sense, society becomes intellectually blinded by the mythology of crime and justice. The established conceptual framework may not enable us to define issues accurately, to explore new solutions, or to find alternatives to existing socially constructed labels and crime control practices.

Myths tend to provide the necessary information for the construction of a "social reality of crime" (Quinney, 1970). Crime myths become a convenient mortar to fill gaps in knowledge and to provide answers to questions social science either cannot answer or has failed to address. Where science, empirical evidence, and education have failed to provide answers to the public's crime concerns, mythology has stepped in to fill the knowledge void. "One of the major contradictions that confronts American society is that one of the wealthiest and most technologically advanced countries in the world contains widespread poverty, unemployment and crime. Historically, a myth that has been perpetrated to resolve this contradiction is that crime is an individual problem. . . . Conceived this way there is no social or structural solution to the problem of crime" (Bohm, 1986:203). This crime myth not only explains a social contradiction but it tells us where in society the crime problem resides; where we should look to find solutions; and what solutions are acceptable. Because of the manner in which the myth is framed, acceptable solutions are usually those that do not disrupt existing social arrangements regardless of the extent to which they contribute to understanding or control. Collectively, myths create our social reality of crime and justice.

Finally, crime myths provide an outlet for emotionalism and channel emotion into action. Myth "imperatively guides action and establishes patterns of behavior" (Fitzpatrick, 1992:20). Myths not only allow for interpretation of general social emotions and sentiment but direct those emotions to designated targets. Crime myths condone social action based on emotionalism while providing justification for established views of behavior, social practice, and institutional responses to crime.

Criminal Mythmakers

The social construction of myths of crime and criminal justice seems to follow a series of recurrent patterns. These patterns allow