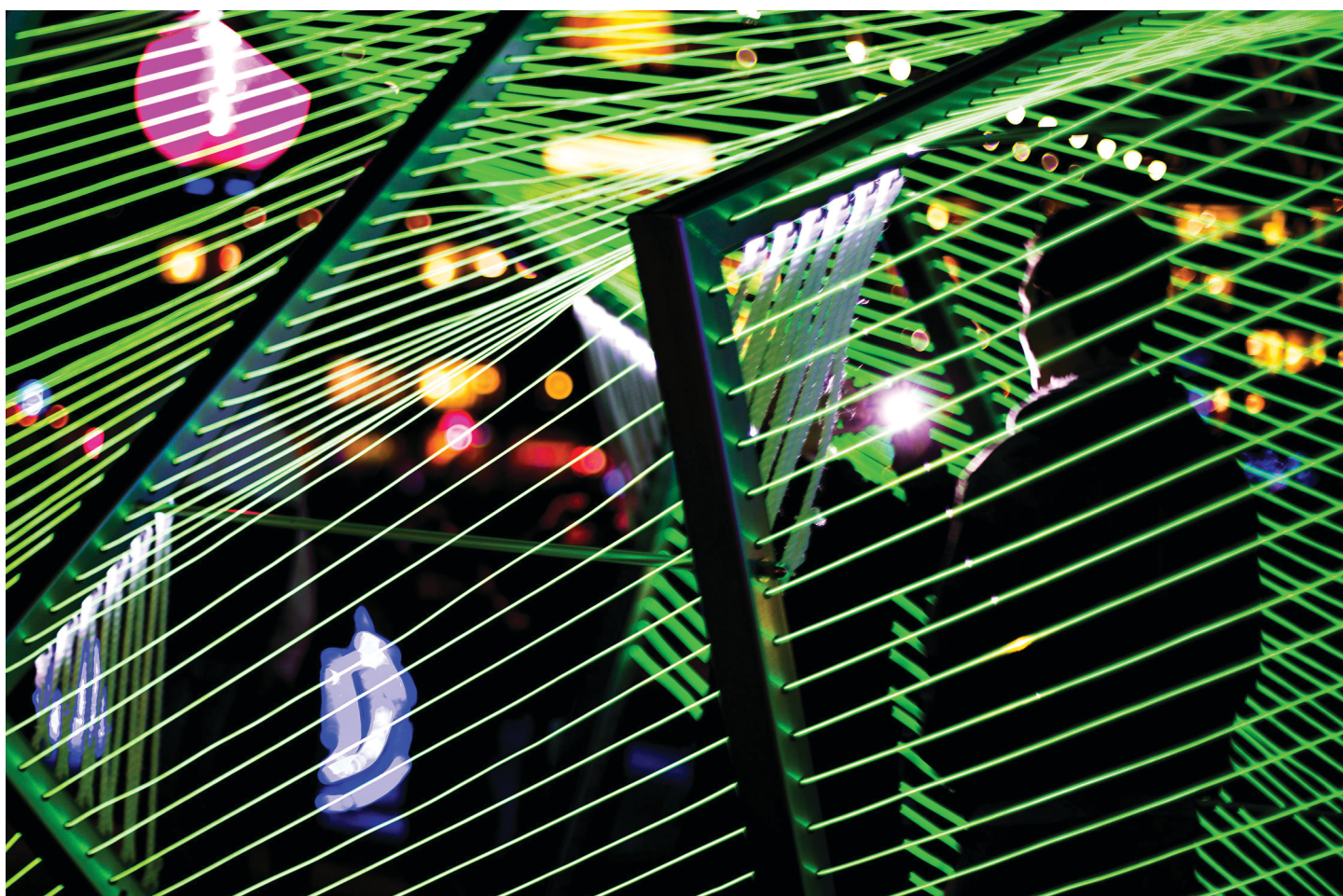# OpenLearn

Crimes of the powerful

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Introduction

This free course examines crimes of the powerful, examining the complexities and barriers associated with setting new criminological research agendas by considering the difficulties associated with conducting research on crimes of the powerful. It asks you to think critically about how knowledge is constructed and contested, how we define what is 'researchable', and how we know what we know about the world. The project of knowledge-making is, in part, reliant on questioning and critiquing the status quo (Said, 1994, cited in Russell, 1997). New knowledges and ways of thinking can be significantly advanced when accepted or conventional understandings of the world or a particular phenomenon are challenged or differently conceived. Focusing on crimes of the powerful highlights the role that power plays in the setting of research agendas, knowledge making and in establishing the status quo.

This OpenLearn course provides a sample of postgraduate study in Criminology.

Learning Outcomes

After studying this course, you should be able to:

- outline the importance of the concept of power in understanding criminological research agendas
- define various categories of 'crimes of the powerful'
- describe how researching the powerful can reshape the boundaries and goals of critical criminology
- provide examples of the barriers that make it difficult to research crimes of the powerful.

Critical criminology and crimes of the powerful

Critical criminologists have been instrumental in creating new research agendas. Their general commitment to seeking out alternative voices and perspectives, along with their tendency to question dominant ideologies and taken-for-granted structures and assumptions has opened up new areas of criminological enquiry. Critical criminologists have long pursued research agendas that challenged the status quo. One of the crucial ways in which this has been done is through examinations of the crimes and harms committed by those in society who wield social, political or economic power. Such research has endeavoured to call into question why it is that some harmful actions are viewed as 'criminal' while others are not. At the same time, research agendas that have sought to examine the actions of the powerful have simultaneously called into question claims about 'neutrality', 'objectivity', and 'value-free' research methods. That is, such pursuits have shed light on the dominant forces, ideologies and structures of society that seemingly 'neutrally' shape social life.

Defining crimes of the powerful

Critical criminologists have endeavoured to broaden the narrow frame within which crime is often defined and considered, which has focused heavily on street, property, or 'stranger' crimes. Strands of critical criminology have sought to examine crimes and harms perpetrated not by the most disadvantaged in society but by those who hold significant social, economic or political power. These 'crimes of the powerful' encompass a range of criminal or harmful activities. They may be perpetrated by whole corporations and corporate elites or state bodies and state representatives. Within the broad category of crimes of the powerful some critical criminologists would also include 'family violence', which may be founded on, for example, patriarchal ideological assumptions, and 'hate crimes', which may be founded on, for example, racist or homophobic ideological assumptions.

Crimes of the powerful

White-collar crime

Any criminal offence committed by a person of relatively high status or who holds relatively high levels of trust where the offence is made possible by their legitimate employment. Examples include: fraud, embezzlement, tax violations, workplace theft.

Corporate crime

Illegal acts or omissions that are the result of deliberate decision making or culpable negligence within a legitimate formal organisation. Examples include: financial crimes, crimes against consumers, crimes associated with employment relationships (including those related to employee safety), crimes against the environment.

State crime

Forms of criminality that are committed by states and governments in order to further a variety of domestic and foreign policies. State crime can be seen as falling into four main categories (McLaughlin, 2001, p. 290)

- political criminality, including: corruption, intimidation, censorship
- criminality associated with security and police forces, including: warmaking, genocide, ethnic cleansing, torture, terrorism
- criminality associated with economic activities, including: monopolisation practices, health and safety violations, illegal collaboration with multinational corporations
- criminality at cultural and societal levels, including: material immiseration of sections of the community, institutional racism, cultural vandalism.

Family violence

Forms of physical or mental violence in the life cycle of family members: it can include physical abuse and neglect of children, partner domestic violence, or elder abuse. Although family violence is in some ways a different order of violence than other crimes of the powerful, it is included here because its examination requires consideration of the way social structure and convention can hide or legitimate serious harms against human and social lives.

Hate crimes

A criminal act that is motivated by hatred, bias or prejudice against a person or property based on the actual or perceived race, ethnicity, gender, religion or sexual orientation of the victim.

Key theorists

Key theorists who have conducted research or written about crimes of the powerful include: Stanley Cohen; Hazel Croall; Frank Pearce; Edwin Sutherland; Steve Tombs; Dave Whyte (Source: adapted from Mclaughlin, E. and Muncie, J. (eds), 2001)

Dominant ideologies

One of the central starting points for those who research crimes of the powerful is the importance of first examining and then questioning dominant ideologies. 'Dominant ideologies' can be defined as 'shared ideas or beliefs which serve to justify the interests of dominant groups' (Giddens, 1997, p. 583). Some examples of 'types' of ideologies might include socialist, patriarchal, liberal, racist, or capitalist ideologies. The related concept of 'ideological hegemony', first put forward by Antonio Gramsci (1971), is of central importance too. 'Ideological hegemony 'conveys the notion that a particular ideology (that is, a system of values, attitudes, beliefs and morality) can be reflected throughout a society, permeating institutions, cultural ideas and social relationships so that it is more difficult, though never impossible, for alternative ideologies to achieve similar levels of influence.

In part, much of the critical criminological endeavour has attempted to identify the hegemonic tenets of society and to question the sets of values, attitudes and underlying moral assumptions on which they are based. Examining and reporting on the crimes of the powerful is a key way in which critical researchers can present alternative ideological positions to those that dominate. Critical criminologists Steve Tombs and Dave Whyte argue that 'those who research the crimes of the powerful have to understand accurately the networks of power that operate in a given society' (2003, p. 224). Such networks of power flow from political, economic, industrial, institutional and even familial structures and social divisions.

Researching crimes of the powerful

In 'Unmasking the crimes of the powerful' (2003), critical criminologists, Steve Tombs and Dave Whyte examine the practical difficulties associated with researching crimes of the powerful. In particular, they illustrate how the activities of researching critically and speaking with a dissenting voice can be accompanied by significant challenges. Indeed, the relative lack of significant amounts of research on corporate or state crime, argue Tombs and Whyte, is no coincidence.

Tombs and Whyte outline a number of barriers that have made it difficult to research the powerful.

1. **Funders of research often set research agendas**, which may consequently limit or prescribe the directions of research activity. This has a number of subsidiary consequences, such as the drive for evaluative or policy-led research. It may also mean that research only gets commissioned to answer questions of short-term practical utility, resulting in less research that is concerned with 'academic' questions about broader theoretical or social processes. Furthermore, as universities become more concerned with increasing their research funding revenues, academic pursuits may be channelled solely into avenues that seek to satisfy the interests of particular research funders. This may call into question the extent to which academic freedom is able to flourish.

2. In relation to the specific issue of researching corporate crime, it is **difficult to secure funding** for this research area in particular. Private corporations are not generally interested in funding research that may produce results critical of their practice.

3. Even if funding is somehow secured or a researcher is in a position to fund the research him or herself, the **difficulties of gaining access** to powerful corporations or state bodies can prevent the research from taking place.

4. If research in these areas does yield evidence of harm or impropriety on the part of the state, a corporation, or individual representatives of either, it can be **difficult for critical researchers to disseminate their research** to the public. They may face opposition from the bodies they have researched, who have little difficulty raising the resources – be they financial or in the shape of alternative 'expert evidence' – to discredit, censor or otherwise challenge the research findings.

Tombs and Whyte argue that the paucity of research on the powerful challenges the supposedly 'value-neutral' position of university and state-funded research councils. Further, they point out that 'much of the research conducted in western liberal democracies … is highly partisan in the first place' (p. 230). Tombs and Whyte illuminate the fact that 'a lack of objectivity is a feature of all forms of research, despite the fact that this is rarely acknowledged by those who conduct official research … The historical

development of the social sciences has been inseparable from partisanship, never value-neutral …' (p. 229–30). This returns us to the critical project of questioning dominant ideologies and the embedded nature of power structures in the way we think about social problems, crime and justice, as the following audio illustrates.

Research, theory and crimes of the powerful

In this audio interview, Steve Tombs discusses some of the tensions and difficulties associated with researching crimes of the powerful that he and Dave Whyte examined in 'Unmasking the crimes of the powerful'. The interview highlights the importance of power in constructions of harm and in defining what is 'criminal'. To do so, he draws on experience researching and writing about a particleboard factory in Liverpool owned by Sonae Industria.

Working with local community members and campaigning groups, Tombs and Whyte sought to raise awareness of the harm and health concerns associated with the operation of this factory, but their research was challenged and they were threatened with a libel suit by Sonae. This example provides a useful illustration of the way the powerful can sometimes use their influence and resources both to challenge and to silence, thereby preventing scrutiny of harmful practices. Sometimes it is only when major incidents occur that wider public and political attentions are drawn to such practices. As Tombs suggests, by thinking more carefully about the importance of power, the way it operates, and the considerable resources that the powerful have at their disposal, the imbalance of criminal justice and problems of social harm become more clearly observable.

You should now listen to the audio below, 'Research, theory and crimes of the powerful: an interview with Steve Tombs'.

Figure 1   Steve Tombs

Audio content is not available in this format.
Research, theory and crimes of the powerful: an interview with Steve Tombs

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Conclusion

By thinking more carefully about the importance of power, the way it operates, and the considerable resources that the powerful have at their disposal, the imbalance of criminal justice and problems of 'crime' and social harm become more clearly observable.

Review Questions

- What are the difficulties of conducting critical criminological research?
- How does researching the powerful reshape the boundaries and goals of the field of criminology?
- What are some of the current dominant discourses in criminology, criminal justice, and society more generally, and how might they be challenged?

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Further reading

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