Introduction to critical criminology

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Introduction

The material presented here introduces the field of critical criminology, which emphasises the determining contexts of crime and the delivery of justice, aiming to broaden the scope of criminological analysis. The material includes a short video excerpt in which the American criminologist Jonathan Simon (University of California, Berkeley) discusses the problem of crime in the US and the way the 'War on Crime' can be viewed as a strategy of governance, rather than a straightforward, practical policy response.

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Learning Outcomes

After studying this course, you should be able to:

- define how critical criminology differs from mainstream criminology
- identify key features of critical criminological perspectives
- identify the theoretical building-blocks in critical criminology
- provide examples of the way critical criminologists think about crime 'differently'.

Mainstream or standard criminology

The field of criminology includes a diverse range of viewpoints and perspectives and is informed by a wide array of research methods and theoretical approaches. This diversity can make it difficult for those coming to criminology for the first time to locate the theoretical underpinnings or disciplinary roots of particular criminological perspectives. In order to situate the ideas that are associated with 'critical' or 'radical' criminology, we include here a very brief consideration of the history of the development of two 'standard' criminological perspectives: classical criminology and positivist criminology.

Classical school of criminology

The emergence of criminological thinking is often traced to eighteenth-century criminal law reformers, such as Cesare Beccaria, Jeremy Bentham, and John Howard who began to question the legal constructions of crime. These early scholars were concerned with the legal protections of both the rights of society and those of the individual. Such principles are now considered part of the classical school of criminology. They form the foundations on which many contemporary criminal justice policies were founded and include the following notions:

- human beings have free will and are rational actors
- human beings have certain inalienable rights
- there is a social contract between citizens and the state.

The idea of a social contract is a key feature of the classical school and includes the notion that transgressions that breach the social contract are seen by society as 'crimes' (Williams and McShane, 1999). Accordingly, the punishment of individuals is justified as a deterrent from criminal behaviour and to preserve the social contract. Within the classical school of criminology, crime is seen as a moral transgression against society.

Positivist school of criminology

In the late nineteenth century, some of the principles on which the classical school was based began to be challenged by the emergent positivist school in criminology, led primarily by three Italian thinkers: Cesare Lombroso, Enrico Ferri, and Raffaele Garofalo. It is at this point that the term 'criminology' first emerged, both in the work of Italian Raffaele Garofalo (criminologia) in 1885 and in the work of French anthropologist Paul Topinard (criminologie) around the same time.

Positivist criminology assumes that criminal behaviour has its own distinct set of characteristics. As a result, most criminological research conducted within a positivist paradigm has sought to identify key differences between 'criminals' and 'non-criminals'. Some theorists have focused on biological and psychological factors, locating the source of crime primarily within the individual and bringing to the fore questions of individual pathology. This approach is termed **individual positivism**. Other theorists – who regard crime as a consequence of social rather than individual pathology – have, by contrast,

argued that more insights can be gained by studying the social context external to individuals. This approach is termed **sociological positivism**.

Table 1 Differences between individual and sociological positivism

Individual positivism	Sociological positivism
Crime is caused by individual abnormality or pathology	Crime is caused by social pathology
Crime is viewed as a biological, psychiatric, personality or learning deficiency	Crime is viewed as a product of dysfunctions in social, economic and political conditions
Behaviour is determined by constitutional, genetic or personality factors	Behaviour is determined by social conditions and structures
Crime is a violation of the moral consensus surrounding legal codes	Crime is a violation of a collective conscience
Crime varies with temperament, personality and degree of 'adequate' socialisation	Crime varies from region to region depending on economic and political milieux
Criminals can be treated via medicine, therapy and resocialisation and the condition of the majority thus cured	Crime can be treated via programmes of social reform, but never completely eradicated
Crime is an abnormal individual condition	Crime is a normal social fact, but certain rates of crime are dysfunctional

Positivism and causality

The positivist school introduced the problem of causality into criminological thinking. Examining the potential causes of crime has been tackled from a range of differing perspectives, including:

- Biological: Are criminals born or made?
- Psychological: What are the individual factors that lead to criminal behaviour?
- Sociological: Why do some neighbourhoods have higher crime rates than others?

The project of seeking the 'scientific facts' that can explain criminality has been – and continues to be – a dominant strand within academic criminology.

Positivism does not concern itself with the abstract and unprovable, but rather with the tangible and quantifiable. Through the acquisition of 'objective knowledge' it is assumed that most social problems can be better understood and treated. The key characteristic of the positive school is its emphasis on applying the methods of the natural sciences to the study of human behaviour. Within criminology, positivist approaches have focused on searching for the causes of criminal behaviour and have assumed that behaviour is predictable and determined.

Key features of positivism

- The use of scientific methodologies, from which quantifiable data are produced and are then open to further empirical investigation and scrutiny
- The emphasis on the study of criminal behaviour, rather than on the creation of laws or the operation of criminal justice systems

- The assumption that 'criminality' is different from 'normality' and indicative of various pathological states
- The attempt to establish 'cause-and-effect' relations scientifically and to therefore increase the ability to predict criminality (when particular criminogenic factors can be identified)
- The assumption that, because criminals are 'abnormal', criminal behaviour is in violation of some widely held consensus in the rest of society
- An interest in the treatment of causes, when these become known, with the ultimate goal of eliminating criminal behaviour. Since behaviour is involuntary and not a matter of choice for the offender, punitive responses are misplaced.

The development of critical criminology

In the mid 1960s, positivist criminologies began to be challenged by a range of radical discourses that questioned the assumptions on which positivist criminology was founded. These new discourses focused criminological attentions away from the search for causal relationships between unproblematised social phenomena and towards an interrogation of the concepts of social order, crime, and constructions of deviance. This generation of criminologists, influenced by a rapidly changing social world, denounced what they had come to view as the 'mainstream criminological ideology' (Taylor et al., 1973). It is here that the story of critical criminology begins.

It is important to recognise that much of the 'criminological project' has been characterised by knowledges developing either in parallel – or in response to – changing social conditions. New knowledges in criminology seldom completely replace old ones. Innovative approaches and ways of thinking about issues of criminological concern have emerged with regularity throughout the relatively short history of this dynamic and expanding field of study. Although criminology is a fast-paced area of academic enquiry that is in constant development, roots from its earliest manifestations have been sustained while new branches have developed alongside them. As a whole, the various developments and trajectories in criminology have formed a rich and varied tapestry of criminological ideas that reflect the wide range of disciplines that have contributed to its formation.

The inheritance of radical criminology

The history of mainstream criminological thought is not a story about challenging power and authority. As already discussed, it is one often dominated by attempts to establish the causes of state-defined crime by scientific means. It is a story that frequently emphasises the significance of law, psychiatry and medicine in explaining criminality in positivistic terms (Rafter, 2009). In that sense, much of its development has been involved in shaping and reforming state criminal justice systems. By contrast, critical criminology presents perspectives and narratives that challenge state-defined concepts of crime, oppose official crime statistics, and question the authority and universality of positivist analyses of criminality.

The advent of radical perspectives in criminology sparked an intellectual debate that constituted a revolutionary shift away from so-called scientific criminological discourses. Although critical scholarship in crime and justice had its major impact in the 1960s, it had various intellectual and political forerunners that were inspired by social and economic injustices. For example, Willem Bonger's *Criminality and Economic Conditions* was first published in English in 1916 and provided a Marxist-informed analysis of 'capitalist exchange' and economic disadvantage He identified how an unequal distribution of property and wealth was created by labour-market exploitation. Such economic injustices thereby created a context for crime to be more likely to occur. Here we begin to see the importance of social structure, society, and marginalisation to the problem of crime. Such seminal works and ideas as these were to have profound impacts on subsequent and early developments in critical thinking about, for example, class, white-collar crime and political economy (Rusche and Kirchheimer, 1939; Sutherland, 1949)

In a similar vein to Bonger's work on social structure and crime, Peter Kropotkin's 'Law and authority', published in 1898, attacked the criminal law and those who held the power to create it. He argued that processes of criminalisation were heavily skewed in favour of lawmakers and property owners. For him, law served three purposes – the 'protection of property, protection of government, protection of persons' – and he famously concluded that such underpinning rationales highlighted 'the uselessness and harmfulness of the law' (McLaughlin et al., 2003, p. 69). As a result, Kropotkin motivated later social science critiques of 'the state' and is credited with providing the ideological foundations of abolitionist thinking.

Numerous critical commentaries outside of academia have also been part of the on-going development of critical criminology as well as broader critical narratives that have occurred throughout human social history. Literary and polemical works such as Fyodor Dostoyevsky's novel *Crime and Punishment* (1866) and critic and playwright George Bernard Shaw's essay 'Crude criminology' (1931) explored narratives in which states of oppression, exploitation and human greed were offered as alternatives to mainstream government-defined views of crime and criminals. In theatre, Broadway's internationally acclaimed stage production of *The War of Wealth* (1896) portrayed economic and business chaos and the resultant pubic disorder. Such presentations of the complexities of social life in popular culture served to highlight and critique social discontent and unrest against institutions of power. In doing so, the stage became a platform for voicing the struggles of honest working 'men' against financial institutions that dictated economic policy. Furthermore, social transformations in the shape of political resistance and struggles surrounding rights, including, for example, the Women's Social and Political Union of 1910 and its suffragette movement, pivoted on mobilised resistance. These and many other earlier social movements proved to be important forerunners of the critical criminological enterprise.

These early contributors were important predecessors of the critical criminological enterprise. They represent voices of opposition to dominant and ruling ideologies deemed to be brutal, unjust and discriminatory. These earlier critical vignettes, embedded in social movements of discontent, comprised relatively marginal voices outside of what can be considered 'the mainstream'. That is, they challenged previously 'accepted' assumptions and starting thinking critically about crime.

What does it mean to be critical?

> Thinking is skilled work. It is not true that we are naturally endowed with the ability to think clearly and logically … People with untrained minds should no more expect to think clearly and logically than people who have never learned and never practiced can expect to find themselves good carpenters, golfers, bridge-players, or pianists
>
> (Mander, 1947, p.6).

As the above quotation suggests, critical thinking is a learned skill. In this free course, we will provide you with ways of thinking about crime from an alternative perspective. This perspective requires stepping outside and challenging taken-for-granted assumptions about crime and the operation of criminal justice systems.

According to René Van Swaaningen, the 'adjective "critical" has gradually become the demarcating line for scholars who oppose the utilitarian ethos that subordinates

criminology to law and order interests' (Van Swaaningen, 1999, pp. 24–25). But what does this mean? It means that being critical includes being curious, sceptical, and prepared to challenge the underlying assumptions and accepted rationales of the criminal justice system and their taken-for-granted nature. It means being prepared to ask such questions as:

- How might we think about crime differently?
- Do the law, police, the courts and prisons have to operate the way they do?
- Could 'justice' be conceived in other ways?

Being critical is about representing the side of the economically and socially marginalised (Becker, 1963). It is a position that seeks to promote social inclusion, equality and human rights. Critical criminology often finds its explanations for criminal activity in the unequal distribution of power and wealth in society and the resultant class, ethnic and gender discrimination. The official discourses about crime, like other areas of social life, are viewed by critical criminologists as constructed through contexts of racism, sexism, classism and heterosexism.

Being critical is much more than suggesting cosmetic changes to existing crime-control regimes. To be a 'critical criminologist' is to seek out and highlight injustice, and to question the processes and practices upon which laws are constructed, enforced and implemented. It is not merely tinkering with the existing system of justice and offering administrative changes to practice. It includes serious questioning of the ideological and political foundations upon which crime is defined, enforced, processed and responded to.

Critical criminological perspectives or criminologies represent a dynamic, interconnected yet diverse range of theories, perspectives and methods that share a commitment to providing an alternative approach to the ways crime, justice and the 'discipline' of criminology are examined. Critical criminological approaches have continually pushed the boundaries and scope of criminology, creating new areas of focus and innovation in relation to its subject matter, methods and theory. Although there is much diversity and difference between critical criminological strands, they are united in their emphasis on economic and social conditions, the flows and uses of power, the interplay between crime, 'race', gender, and/or class, and their concern to seek out marginalised perspectives and investigate multiple truths.

Critical criminologists often prefer to be called social theorists, historians, sociologists, feminists and activists in rejection of the arguably conservative and state-compliant label 'criminologist'. They have sought out and examined new areas that are often excluded from governmental and mainstream criminological agendas. For example, the critique of activities involving state and corporate harm that produce human suffering or environmental degradation and economic bias in the name of profit and power has long been the mission of critical criminologists. As such, laws and activities of the powerful that permit or engender racial and economic inequality, discrimination and gender prejudice have been subjected to critical examination in pursuit of social justice. Contemporary critical criminological perspectives maintain this emphasis through examining, for example, global issues of human trafficking, terrorism, environmental exploitation, and highlighting national injustices and human rights abuses – often entailing a critique of the unlawful actions of governments and large transnational corporations.

Critical analysis: Two examples

To be critical in an academic context does not just mean participating in the debates within an intellectual discipline. It also involves questioning the paradigms within which the discipline sits; the assumptions, concepts and categories through which it frames its concerns; and the methods by which it seeks to arrive at an understanding of the world. To be a critical criminological scholar is to look beyond official crime statistics and criminal justice policies and practices that are constructed through seemingly unquestionable mechanisms of state governance and control. It means questioning knowledges about crime and criminal justice that might seem unquestionable.

Violence

Figure 1: Factory production line

If we look at 'violence', we observe numerous definitions that historically have been generated by people in positions of power to describe physical force inflicted by one person on another. With this in mind, if we were to ask who the most violent offenders in UK society are, we might expect various answers about young males of certain socio-ethnic profiles. Such answers might be informed by media-generated stereotypes. But are they true?

A critical criminological analysis challenges the premises upon which accepted truths are constructed. In the UK, 1500 people a year are killed at work; more than double the annual murder rate, and up to 50,000 are injured in their place of employment (Tombs and

Whyte, 2010). Critical criminological analyses point to the workplace as one of the most dangerous and violent areas of contemporary British society. However, such areas of economic activity are rarely portrayed as violence by official government sources. Is a factory a place of violence? When employees are killed, injured or made sick by employers that deliberately flout health and safety regulations in pursuit of profit, then yes, factories are places of violence. Trade and production are presented as the cornerstone of thriving capitalist economics, yet critical thinking reminds us that they are also responsible for widespread injury, suffering and death.

For some commentators (Young, 2002) the critical criminological project is a work-in-progress. It is an evolving, unfinished and eclectic narrative. It has been a project of key developments, not of a distinct discipline taking a specific form, but of a collection of perspectives that focus a different way of thinking about crime and criminalisation. Jock Young reminds us that 'all good sociology is critical, as is all competent criminology', where critical means 'questioning the solidity of the social world and the stated purposes of its institutions' (2002, p. 271). Young quotes Zygmunt Bauman to argue that we must begin our analyses from the premise that 'things are not necessarily what they seem' (2002, p. 271).

Governing through crime

Jonathan Simon is an American Professor of Law. In 2007 he published a book, *Governing through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear*, in which he argued that the US 'War on Crime' should be understood not as a straightforward, practical policy response to the social problem of crime, but as a much broader strategy of governance.

In the short video below, Simon outlines some of his central ideas on the function that the War on Crime has served for successive US governments. Rather than asking politicians and policymakers how government can tackle the problem of crime, Simon turns this on its head by asking if there isn't in fact a governmental problem to which crime offers a solution. Simon suggests that by focusing on punishing crime – rather than tackling its very complex root causes, such as poverty – governments frame social problems in ways that appear to have simpler solutions, and in terms of which they can more easily claim success. Simon thus refocuses our attention, moving it away from thinking about the problem of crime in terms of the misdeeds of individuals. Instead, he encourages us to question the fundamental terms on which the debate is predicated and to ask how those terms might serve the interests of those with the power to define them.

Video content is not available in this format.
Governing through crime

Key features of critical criminology

The following box identifies some of the key characteristics of critical criminological perspectives.

Key features of critical criminology

- Human action is voluntaristic (to different degrees), rather than determined (or in some formulations, voluntary in determining contexts).
- Social order is pluralistic or conflictual, rather than consensual.
- Some critical theories draw on Marxist analysis and begin from the premise that capitalist economic policies lead to immiseration, which thereby create conditions in which turning to crime becomes a viable survival strategy.
- Criminalisation strategies are class-, race- and gender-control strategies that are consciously used to depoliticise political resistance and to control economically and politically marginalised neighbourhoods and groups.
- Moral panics about crime being out of control are used to deflect attention away from inherent structural conflicts.
- Orthodox crime control strategies are incapable of tackling the crimes of the powerful and state crimes.
- Legal categories that claim to be race/gender neutral are riddled with white, male assumptions of what constitutes normal or reasonable behaviour.
- 'Mainstream' criminology requires exposure as a criminology of the state.
- The criminological agenda should be expanded to include those social harms ignored or underplayed in dominant discourse, such as gendered and racialised violence, poverty, war, crimes of the powerful, environmental crime, state sanctioned violence and crimes against humanity.

Source: adapted from Muncie, J. (2004)

Conclusion

Critical criminological perspectives all broadly refer to a strain of criminology that views crime as the product of social conflict; unequal power and social relations; and processes of labelling and meaning-making. As a result, critical criminologies have invited a radical reconfiguring of our focus from 'criminal justice' to 'social justice'.

Critical criminological approaches departed from the positivist origins of mainstream criminology that had focused primarily on the search for the causes of crime, rather than questioning the basic category of 'crime'. These critical approaches began to focus instead on the processes by which the law is made, and by which, therefore, individuals and groups become criminalised. The emergence of critical criminology represented a stark shift in criminological thinking. In this course you have been introduced to a number of key ideas and clusters of theories that rejected concepts of individual and social pathology in preference to frameworks that examine crime and deviance through processes by which certain behaviours are defined, labelled and policed by the state (Scraton and Chadwick, 1991).

Review Questions

- What is 'critical' about critical criminological perspectives?
- In what ways does the 'social construction of law' help us to further understand crime and criminality?
- What biases and discriminations exist in the criminal justice system and why?
- Why is critique a 'necessity' in analyses of crime and justice? How does it promote human rights and social justice?

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Further reading

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