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Criminal Justice

An introduction

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CHAPTER ONE

The causes of crime and deviancy

There is no universally accepted explanation of why people carry out criminal acts, and as a result there are many different theories to explain criminal behaviour. This chapter seeks to analyse the main perspectives that have been adopted within criminology to explain the causes of crime and deviant behaviour.

In particular it will:

- discuss the key features associated with classicist criminology and identify the reforms associated with this approach;
- distinguish between classicist and positivist approaches to the study of crime: a more detailed consideration of the theories and theorists associated with positivism will be considered in the following sections dealing with biological, psychological and sociological explanations of crime;
- consider the wide range of biological explanations for crime dating from the findings of Cesare Lombroso in the late nineteenth century to more recent attempts to identify the existence of a criminal gene;
- examine psychological explanations for crime and deviance, particularly focusing on the contributions made by Sigmund Freud and Hans Eysenck;
- evaluate a wide range of sociological theories related to the causes of crime and deviance which seek to locate the causes of crime and deviance in the social environment within which it occurs;
- analyse the approaches associated with theories which place the operations of the state and the power structure underpinning it at the forefront of explanations for behaviour that is depicted as criminal: these approaches include new deviancy, Marxist, left idealist, left realist and critical criminologies;
- discuss conservative and new right opinions concerning the occurrence of crime and responses to it;
- identify the key contributions made by feminist criminologies to the study of crime and deviance;

- consider approaches that place the victim rather than the criminal at the forefront of criminological investigation.

CLASSICISM

Classicism developed out of the Enlightenment movement of late eighteenth- century Europe. Its political expression was liberalism that viewed society as a contract voluntarily entered into by those who were party to it rather than being a structure handed down by God. Government emerged as the result of a rational choice by those who subsequently accorded their consent to its operations, and this belief ensured that the rights of the individual were prominent concerns of liberal and classicist thinking. Crime was viewed as an act that infringed the legal code whose rationale was to safeguard the interests of those who were party to the social contract, especially the preservation of their personal safety and property. In such a contractual society, the equality of all citizens before the law and the presumption of the innocence of a person accused of criminal wrongdoing were viewed as cardinal principles to safeguard individual rights and liberties. The state was entitled to intervene in the lives of its citizens only when this would promote the interests of the majority.

A key exponent of classicist criminology was Cesare Beccaria, who put forward several views concerning crime and how the state should respond to it (Beccaria, 1764). These included the following:

- *Crime was an act undertaken by a rational being.* Individuals possessed free will and the decision to commit crime was viewed as the consequence of a logical thought process in which a person calculated the benefits to be derived from a criminal action compared with the personal costs it might involve. Classicists assumed that rational beings sought to maximize their pleasure and avoid inflicting pain on themselves. Accordingly, they advocated measures that guaranteed that crime would inevitably result in sanctions.
- *Crime required a uniform and consistent response.* Classicists argued that the most appropriate solution to crime was a clearly defined and consistently applied legal code and a criminal justice system that was predictable (and also swift) in its operations. This would ensure that potential criminals were aware of the inevitable personal cost of committing crime. In the United Kingdom, uniformity was promoted by giving central government an important role in the criminal justice system that it initially discharged through the process of inspection.
- *Discretion was to be avoided.* The emphasis on a uniform and consistent approach to crime inevitably rejected the exercise of discretion by professionals such as magistrates and judges. Beccaria argued that punishments laid down in law should never be exceeded and that the role of judges was to apply, but never to interpret, the law (or act in accordance with what a judge might subjectively view as the spirit of a law).

- *Punishments should fit the crime.* The harm which a particular criminal action did to society was the classicist yardstick by which they judged the appropriateness of punishments. Classicism focused on the act and not the person who carried it out, thus intent was deemed irrelevant. It was further argued that the degree of punishment to be inflicted on a wrongdoer should be no more than what was required to outweigh any advantage which the criminal action might bring.
- *Deterrence.* The main aim of state intervention against crime was to deter persons from committing wrongdoings rather than to punish them after they had transgressed.

In Britain, Jeremy Bentham was a leading classicist criminologist. The reforms with which he and his followers were identified included the following:

- *Reform of the penal code.* Classicists were opposed to the contemporary penal code in Britain which provided the death penalty for a very wide range of offences. They sought to adjust penalties to reflect the seriousness of the crime in the belief that the application of the criminal law was frequently disregarded because the penalties it prescribed were seen as unreasonable. The Criminal Law Commissioners (who were appointed in 1833) sought to limit the use of judicial discretion in sentencing: although their Draft Codes were not enacted, Parliament did remove the death penalty from a considerable number of offences in the early decades of the nineteenth century (Thomas, 2003: 52).
- *Police reform.* This entailed the abolition of the historic ‘parish constable’ system of policing which had been rendered ineffective by urbanization following the agricultural and industrial revolutions. Towns were viewed by contemporaries as havens of crime and disorder, and classicists sought to introduce a more efficient and standardized policing system to increase the likelihood that those who broke the law would be apprehended.

These two reforms were underpinned by the principle of general deterrence: the belief that the certainty of arrest and subsequent conviction would enable all citizens to make informed decisions not to offend. However, classicists accepted that some human beings failed to make these rational choices, so they sought to bring about the reform of the individual through the use of prisons in which those who committed crime would be encouraged to avoid such actions in the future through the development of rational thought processes. Accordingly, prison reform was also a major interest of classicist criminologists, emphasizing the utilitarian belief that punishment was not an end in itself but the means to an end.

Prison reform

Classicists viewed prisons as institutions where convicted prisoners could learn to make rational choices. The way in which this was to be achieved was based upon Bentham’s ‘pleasure-pain’ principle whereby rewards became associated with conformity and sanctions (in the form of severe prison conditions) were linked with non-compliance. The

harsh environment within prisons was intended to act as a machine which would 'grind rogues honest' by encouraging inmates to transform themselves into rational beings who were capable of performing useful work in developing capitalist society. Thus work and reflection were key aspects of the prison environment.

Surveillance played a crucial role in bringing about personal transformation. The possibility that an inmate's every action was being observed by prison guards was designed to bring about a transformation in their attitudes and behaviour. The 'internalization' of controls affecting their behaviour resulted in the development of self-discipline that would transform them into conforming individuals able to perform a productive role in society upon release.

This approach was compatible with the view subsequently expressed that the power of prisons was the power to exert discipline over inmates in order to secure social conformity through subjugation (Foucault, 1977).

There are some advantages associated with the views of classicist criminology, in particular the way in which the dispassionate application of the law would avoid bias or stereotyping by those who worked in the key agencies of the criminal justice system. However, the approach put forward by classicists could be challenged on a number of grounds. These included the following:

- *There was no proof to support their ideas.* Their views concerning the commission of crime and the way society should respond to it were based on philosophic speculation rather than being derived from the result of social scientific enquiry. There was no 'hard' evidence, therefore, to justify their beliefs.
- *There was an overemphasis on rationality.* There were two problems associated with rationality. Some people were mentally incapable of making rational choices, and, additionally, factors such as poverty might override logical considerations and induce the commission of crime. The classicists' emphasis on individual responsibility led them to underplay the role of environment or social pressures on criminal behaviour.
- *Equality before the law.* Although Beccaria emphasized that the law should show no distinction between rich and poor, this ideal was undermined by social divisions which ensured that access to the law was unequal.
- *The importance of discretion was underemphasized.* The classicist belief in the importance of a criminal justice system which operated in a consistent manner downplayed the importance of discretion. By tempering the dispassionate application of the law, discretion could help to secure popular approval for the criminal justice system when its operations (or the social relations which underpinned them) were not universally viewed as being fair. Discretion subsequently became a prized skill of practitioners such as police officers, magistrates and judges.

Neoclassicism

This approach made some adjustments to classicist criminology without destroying its basic tenets, in particular its doctrine of human nature (Vold et al., 1998: 22). Some concessions were, however, made to acknowledge that the actions of some people were not based on free will and that rationality ‘might be constrained by factors such as poverty, enfeeblement, madness or immaturity’ (Pitts, 1988: 8): ‘in the neo-classical schema man is still held to be accountable for his actions but certain minor reservations are made, the past history and the present situation of the actor are held to affect his likelihood to reform’ (Taylor et al., 1973: 8). The existence of ‘small ghettos of irrationality’ in an otherwise rational social world was responded to by the ‘administrative manipulation of penalties’ thereby setting in train a movement away from penalties which fit the crime to penalties which fit the criminal (Pitts, 1988: 8–9).

POSITIVISM

A major difficulty associated with classicism was its insistence that crime was the result of rational calculation based on an individual’s freedom of choice. This assumption was challenged during the nineteenth century by positivism.

This approach argued that criminals did not possess free will, but were instead motivated by factors over which they had no control. This meant that punishing people for their wrongdoings was inappropriate although it justified removing criminals from society and where possible offering treatment (and sometimes inflicting it on them).

Positivists placed the notion of causality at the heart of the criminological enterprise (Cohen, 1988: 4). Unlike classicism, positivism utilized scientific methods (or what has been referred to as the search for ‘facts’) (Walklate, 1998: 18) in an attempt to quantify and predict human behaviour. The evidence on which positivist assumptions were based was largely derived from quantitative research methodologies. Its key features included the following:

- *Focus on the offender.* As in classicism, all forms of positivist criminology concentrate attention on the behaviour of the individual. However, positivism sought to gain an understanding of the person who committed the offence rather than focusing on the crime which had been committed.
- *Crime was viewed as an act which breached society’s consensual values.* A common store of values was assumed to exist within all societies. The criminal, therefore, was an undersocialized individual who failed to adhere to these standards of behaviour. The reasons for such undersocialization, however, were the subject of much debate within positivist criminology. Positivism embraced biological, psychological and sociological explanations of crime, which are discussed in greater detail below.

Positivist criminology has been subject to a number of criticisms. These include the following:

- *Determinism*. Positivism suggested that individuals were not responsible for their actions. This implied a total absence of free will and the ability to control their actions.
- *Undersocialization*. Positivism defined crime in relation to consensual values, but the extent to which universally accepted standards of behaviour exist within any society may be questioned. Marxism, for example, referred to human behaviour being shaped according to dominant values that reflected the power relationship within society.
- *Crime as a working-class phenomenon*. The identification of crime as an activity primarily associated with the undersocialized resulted in a tendency to associate criminal behaviour with those at the lower end of the social scale. This provided no explanation for the criminal actions of those in a superior social position.
- *Over-concentration on the offender*. The focus on the individual who committed crime rather than the nature of the crime itself could lead to injustices in the form of penalties reflecting personal circumstances rather than the severity of the offence.

Question

Identify the key differences between classicist and positivist criminologies regarding the causes of and solutions to crime.

BIOLOGICAL EXPLANATIONS OF CRIME: 'BORN BAD'?

In the late eighteenth and early nineteenth centuries Joseph Gall explored the view that physical traits were related to behaviour. He popularized phrenology that sought to equate the shape of a person's skull with the structure of their brain which in turn was deemed to influence their behaviour. Cesare Lombroso developed the belief that it was possible to identify criminals by their biology (see [Figure 1.1](#)).

In the first edition of his book *L'Uomo Delinquente* (Lombroso, 1876) he came to two main conclusions:

- *Criminals were those individuals who had failed to evolve*. In keeping with the Darwinian background to his work he perceived criminals to be primitive biological freaks who possessed characteristics appropriate to earlier, primitive man. This view is commonly referred to as the concept of atavism.
- *Criminals could be identified by their physical features*. His studies of executed

criminals led him to assert that the ‘criminal type’ could be identified by distinguishing physical features (such as the shape of the skull or facial characteristics) which he referred to as ‘stigmata’. Many of these were inherited, reflecting biological inferiority which indicated that the person had a propensity for committing crime. These physical traits were frequently reinforced by other non-hereditary features such as tattoos.



Figure 1.1 Italian criminologist Cesare Lombroso was the founder of the Italian School of Positivist Criminology.

Source: http://commons.wikimedia.org/wiki/File:PSM_V52_D771_Cesare_Lombroso.jpg

These views are compatible with the view that criminals were ‘born bad’. Lombroso’s ideas were subsequently modified by Ferri. He asserted that there were three categories of criminal – those who were born bad, those who were insane and those whose actions were the consequence of a particular set of social circumstances in which they found themselves (Ferri, 1917). In his later writings Lombroso modified his ‘born bad’ stance by including factors extraneous to the individual (such as climate or education) as explanations of criminal behaviour.

Although Lombroso’s methodology has been subsequently criticized (for reasons which included the unrepresentative nature of his subjects), he is nonetheless viewed as an important figure in criminology. He shifted attention away from the criminal law by making individual offenders the focus of his studies, and rejected the classicist view that punishment should fit the crime by asserting that the rationale of state intervention should be that of protecting society.

His belief that those who broke the law were physically different from law-abiding members of society was reflected in later approaches, in particular that of somatotyping (which suggested that the shape of the body was a guide to behaviour). One study suggested that there were three basic body types – endomorphic, mesomorphic and ectomorphic – and associated criminal and delinquent behaviour with mesomorphy, which was characterized by a muscular body build (Sheldon, 1949).

Biological explanations for criminal behaviour have been subsequently developed in a number of different directions that are discussed below. Their common approach rejects free will and personal responsibility for this behaviour in favour of predestination.

Genetic explanations of crime

The perception that crime sometimes ‘runs in families’ has given rise to a view that this is due to a genetic abnormality which overrides free will and propels a person to commit crime. Medical science accepts that a wide range of illnesses are caused by genes and has sought to develop this into explanations for criminal behaviour, especially uncontrollable violence and aggression.

Initial research in this field was based on the existence of chromosome deficiencies that may affect the chemistry of the brain. An early attempt to reveal the existence of a ‘criminal chromosome’ was the XYY syndrome – the belief that males with an extra Y chromosome were predisposed to violent or anti-social behaviour (Jacobs et al., 1965). However, this failed to provide a universal explanation of crime since many persons with this abnormality did not commit actions of this nature.

Chromosome deficiencies were not inherited, but arose at the moment of conception. Subsequent research has centred on genes that reside on chromosomes. There are a large number of genes that are active in the brain and mutated genes may result in a person being unable to control his or her emotions. This condition is inherited.

The origins of arguments related to the existence of a criminal gene can be traced to studies that sought to establish the hereditary nature of criminality. These included the study of family trees (Dugdale, 1877), although this research emphasized that criminality which seemed to ‘run in families’ could be successfully countered by environmental changes. Attempts to prove the existence of a criminal gene which could be passed from one generation to the next were subsequently advanced in various ways, which included studying the behaviour of twins who had been reared apart to assess whether similarities occurred in their behaviour (Lange, 1931), and to investigate whether the behaviour of adopted twins followed the criminal patterns of their biological parents (Hutchings and Mednick, 1977). Attempts have also been made to apply genetic explanations to the crime patterns of minority ethnic groups (Wilson and Herrnstein, 1985; Herrnstein and Murray, 1994).

The most important research that provided a possible genetic explanation for violent behaviour

was provided by Han Brunner. His study of a Dutch family, some of whose members exhibited extreme violent behaviour that stretched over several generations, revealed a deficiency in several of the males of monoamine oxidase A (MAOA) (Brunner et al., 1993). However, the assumption that MAOA was *the* criminal gene (or at least the gene responsible for violent and aggressive crime) was not universally endorsed, even by Brunner himself who contended that it was unlikely that there was a direct causal relationship between a single gene and a specific behaviour (Brunner, 1995). At best it might be concluded that genetic deficiencies may exert some influence on an individual's behaviour but are not the sole cause of his or her actions.

The belief that crime is caused by inherited genetic disorders is subject to further criticisms:

- *The 'nature versus nurture' debate.* Crime may 'run in families' not because of inherited genetic disorders but, rather, because of environmental factors which include bad parenting, deficient role modelling and social and economic deprivation. This view might suggest that the children of violent or criminal parents are themselves likely to commit crime, especially when social immobility results in successive generations experiencing social and economic deprivation. However, when a multiplicity of circumstances exist that potentially affect an individual's behaviour, one of them cannot be isolated and held solely responsible for that person's conduct.
- *Minimizes the extent of free will.* A genetic explanation for crime implies that a person is not responsible for his or her actions since uncontrollable impulses override free will. This view suggests that criminals do not deliberately commit criminal actions but that these derive from forces over which they have no control.
- *Justifies pre-emptive action.* If it is accepted that crime is genetically transmitted, state intervention directed against those who are judged to have genetic imperfections – whether or not they have actually committed any offence – may be employed to protect the remainder of society. This is compatible with eugenics which sought to improve the quality of the human race by eliminating its 'undesirable stock' before they could inflict economic or moral hardships on the rest of the country (Conrad and Schneider, 1992: 219). This approach (which might involve measures such as pre-emptive imprisonment or compulsory sterilization) contravenes the human rights and civil liberties of those who are subjected to this treatment.

Criticisms of this kind have resulted in biological theorists referring to biological dispositions to commit crime and focusing less on the search for one specific criminal gene in favour of research into whether combinations of normal genes can explain criminal behaviour (Williams, 2001: 160).

Biochemical explanations of crime

Biological explanations of crime have embraced explanations other than genetic ones to explain criminal behaviour. It has been suggested that biochemical factors may explain

criminal behaviour. Hormonal explanations (which include the impact of pre-menstrual tension on female behaviour and excess testosterone on males) have been put forward to account for some forms of criminal activity. Other biochemical explanations for crime focus on diet. These include assertions that behaviour may be adversely affected by factors that include a deficiency of glucose in the bloodstream, excessive amounts of lead or cobalt in the body or an insufficiency of vitamin B. Contaminants in the environment may also cause problems of this nature.

Neurophysiological explanations of crime

Other studies associated with biology have considered neurophysiological explanations of criminal behaviour. This approach focuses on the study of brain activity, one aspect of which is the argument that abnormally low levels of serotonin (a chemical found in the brain which regulates mood) can result in violent behaviour often of an impulsive nature.

Attention Deficit Hyperactivity Disorder is an important aspect of brain dysfunction that causes irrational and often violent behaviour, an inability to concentrate and poor short-term memory. Attention Deficit Disorder is a similar illness but without hyperactivity. Both have been linked to higher than average rates of delinquency (Farrington et al., 1990). Although anti-social behaviour arising from these conditions does not inevitably lead to delinquent or criminal activity, the potential link between hyperactivity and crime has been used to justify interventions to treat children before any criminal tendencies can be realized. Low arousal levels in the frontal cortex of the brain where emotions are controlled can be scientifically measured and treatments involving the use of drugs and intensive counselling may then be initiated to normalize behaviour.

Studies of this nature also suggest that learning disabilities and brain disorders may arise from factors such as drug or alcohol abuse by a mother during pregnancy, difficulties in connection with the delivery of the child (such as being deprived of oxygen at birth), or by accidents that occur in later childhood. These exert an adverse impact on the child's behaviour in adulthood.

Neurophysiological disorders and crime: conclusion

Explanations which emphasize that crime is based on brain disorders may be used in an attempt to medicalize a social problem, perhaps also indicating the growing power of the medical profession as an agent of social control on post-industrial societies (Conrad and Schneider, 1992) whereby 'medical intervention as social control seeks to limit, modify, regulate, isolate and eliminate deviant behaviour with medical means in the name of health' (Zola, 1972).

Suggestions that anti-social behaviour arises from brain disorders (ignoring any contribution from social or economic circumstances) may give rise to a 'quick-fix' approach when those who engage in activity of this nature are subjected to drug treatments which are far cheaper

than social reform programmes. There may also be moral objections to drug therapy, especially if this became compulsory.

Pre-emptive action directed at those with brain disorders may further be criticized for labelling a child perhaps as young as four or five as a potential criminal before any action of this nature has occurred. Another problem is concerned with defining a child as 'hyperactive', using this to justify examining arousal levels in the brain and then (if this test is positive) initiating remedial action. The negative self-perception that may arise from this initial act of labelling may result in exactly the type of criminal behaviour that the action was designed to prevent.

An alternative course of action is possible for juveniles and adults suffering from brain disorders who have actually committed crime. Termed 'biofeedback', this treatment (based upon operant – or instrumental – learning) seeks to modify a person's behaviour without the use of drugs.

Question

Using sources additional to those in this chapter, write a critical account of the contribution made by Cesare Lombroso to an understanding of the cause of crime

PSYCHOLOGICAL EXPLANATIONS OF CRIME

The psychological approach to the study of crime focuses on the mind of criminals and views crime as an action that is symptomatic of internal neurological disorders or deeply hidden personality disturbance within an individual (Bynum and Thompson, 1996: 129). It embraces the study of individual characteristics that include 'personality, reasoning, thought, intelligence, learning, perception, imagination, memory and creativity' (Williams, 2001: 192).

Although sociologists criticize these views and emphasize the importance of social factors in explaining human behaviour, they have helped to shape social-psychological approaches to the study of crime that include control theory, learning theory, differential association and social learning theory. These are discussed later in this chapter.

The belief that human behaviour is governed by processes which occur in the mind was based upon the pioneering work of Sigmund Freud, who shifted attention away from innate biological or genetic explanations of human behaviour and towards psychoanalytical explanations that focused on unconscious conflicts or tensions which took place within the psyche of an individual. In particular, he asserted the importance of childhood experiences in repressing desires in the unconscious mind as explanations for later personality disorders. Psychoanalysis

was used as the means to uncover the underlying forces governing human behaviour (Freud, 1920; 1930).

The aim of this approach was to unlock and bring to the surface unconscious mental processes thereby revealing repressed experiences and traumatic memories. It was designed to give the patient a clear insight into his or her illness and, hopefully, to provide the basis for a corrective emotional experience (Conrad and Schneider, 1992: 53). Although Freud's approach was compatible with many aspects of the positivist approach to the study of criminology, psychoanalysis involved an element of interpretation that went beyond the normal positivist reliance on scientific observation. Additionally, the operations of those parts of the mind discussed by Freud are incapable of direct scientific investigation.

Sigmund Freud and the study of crime

Criminal behaviour was not a prime concern of Freud who was especially interested in explaining how the early parent-child relationship shaped the formation of sexuality and gender in adulthood. However, his ideas could be adapted to explain criminal behaviour.

Freud was concerned with the way in which the adult personality developed. In his view, there were three aspects to the human mind – the id, the superego and the ego. We were born with the id and the other two developed at different stages of our lives. The id drove humans to carry out activities, and was especially motivated by the advancement of pleasure based on primitive biological impulses; the superego was associated with control and repression, seeking to constrain (or repress) human actions on the basis of social values which were developed during early childhood, especially in interactions with parents. If the demands of the id and inhibitions of the superego were effectively balanced by the ego, or conscious personality, an individual would perform actions of which society approved (Freud, 1923).

Criminal behaviour could arise from deficiencies affecting either the ego or superego. An individual with an overdeveloped superego might commit crime because of an excess of guilt and the desire to seek punishment to relieve it. Alternatively, crime might be the product of an underdeveloped superego, arising from an id that was insufficiently regulated. Research by Bowlby (1946; 1953), suggested that maternal deprivation affected a child's mental development. This could result in the development of a psychopathic personality and lead to criminal behaviour. Aichorn (1963) further developed this approach by suggesting that lack of parental love or supervision could result in the underdevelopment of the child's superego and result in his or her subsequent delinquent behaviour.

These approaches were deterministic and viewed crime as the irrational consequence of conflicts occurring within the subconscious mind of the individual. Freud depicted mental symptoms as the 'intelligible but distorted results of the individual's struggle with internal impulses' (Conrad and Schneider, 1992: 52). Inner turmoil did not, however, explain all crime that might arise from factors extraneous to the individual such as the

Personality testing

Personality can be assessed and evaluated through ways other than psychoanalysis. One alternative method of doing this is through the use of personality tests (such as the Minnesota Multiphasic Personality Inventory (MMPI) and the Interpersonal Maturity Test (I-L)). These assume the existence of a core personality and seek to establish differences between criminal and non-criminal personalities. The evidence provided in these tests can justify the use of corrective treatment for those whom the data indicate to be criminal types. Psychological assessment of this nature can further be used to assess the risk which dangerous offenders pose to society. This assessment may provide the basis of decisions regarding the release of those serving prison sentences for violent offences and it may be used pre-emptively against those who have committed no crime at all.

Aspects of a criminal personality may also be revealed through outward manifestations such as the type of crime committed, the circumstances under which it was carried out and the methods that were used to conduct it. The practical use to which this may be put is offender profiling which involves ‘teasing out the characteristics of the offender from a detailed knowledge of the offence and other background information’ (Williams, 2001: 210) with the aim of constructing offender types. The use of this approach was pioneered by the American Federal Bureau of Investigation in the 1970s and in the United Kingdom was subsequently popularized by the television programme *Cracker*.

Hans Eysenck and the criminal personality

Unlike Freud, Hans Eysenck believed that personality was fashioned by the interaction of biological and environmental factors rather than childhood experiences. He put forward the personality theory of criminal behaviour. His ideas on the criminal personality were a synthesis of research conducted by Jung (who discussed extrovertism and introvertism) and Pavlov (who examined excitation and inhibition) (Pavlov, 1927).

Eysenck believed that individuals had two key dimensions to their personality – extrovertism and neuroticism, which were measured on the E and N scales respectively. He believed that those whose personalities were placed on the upper end of both scales were difficult to condition (in the sense of internalizing society’s rules of behaviour). A criminal was viewed as being typically extrovert, with an enhanced desire for stimulation and a lower level of inhibitory controls. This made for a personality which was difficult to condition and hence to socialize (Eysenck, 1960; 1964), and gave rise to behaviour that was directed at the pursuit of excitement and pleasure regardless of the punishment which might arise in consequence.

He later included the P scale (psychoticism) in his research, and asserted that those at the top

end of this scale were aggressive, anti-social, self-centred and most likely to commit the most serious offences. He further argued that there were two components to extrovertism – impulsiveness and sociability – and that the former was of most importance in determining an individual's behaviour (Eysenck, 1970).

Eysenck believed that the three scales (E, N and P) were mainly determined by genetics. His ideas have been criticized, especially in connection as to whether the P scale provides an accurate measurement of psychoticism (Van Kampen, 1996). Additionally, not all criminals are located at the upper end of these three scales. However, other studies (for example, Farrington, 1994) have observed a link between offending and impulsiveness.

Intelligence and criminality

Psychological explanations of crime have also focused on intelligence and a link has been asserted between low intelligence (as measured in IQ tests) and criminal and delinquent behaviour (Hirschi and Hindlelang, 1977: 571). Low intelligence could be attributed to a variety of causes that include brain disorder, environment and heredity.

The alleged hereditary basis of low intelligence was put forward to explain the criminality of minority ethnic groups in America. It has been argued that low IQ is a feature of race and an explanation for the apparent high level of crime carried out by minority ethnic groups (Hernstein and Murray, 1994). However, claims that low intelligence is mainly inherited (Jensen, 1969: 1) downplay the importance of environment and the impact which racial discrimination has on opportunities (which is a constant factor operating across many generations). Further, the suggestion that low intelligence is an explanation for criminality ignores white-collar, corporate and middle-class crime. It may be the case, however, that low intelligence is a feature of unsuccessful criminals (namely those who are caught).

Other psychological approaches

In addition to views discussed above, psychology offered a number of additional explanations which related to crime.

Kelly's personal construct theory asserted a person had the freedom to choose what meaning he or she wished to apply to a specific situation by developing a system of personal constructions which they use as a yardstick against which all actions are evaluated (Kelly, 1955). This suggested that crime was an activity that occurred as the result of a rational person making choices. This approach was criticized for its tendency to romanticize criminal actions and (in common with all psychological positivism) for concentrating on the individual and ignoring the wider social system which exerted influence over an individual's behaviour.

Psychological approaches to an understanding of crime were subsequently developed by the 'human' psychology of the 1970s and 1980s. Abraham Maslow was one of the pioneers of this

new approach (Maslow, 1954). It presented a new direction for psychological studies other than that offered by behaviourism (based on Pavlov) and psychoanalysis (based on Freud). The determinism associated with positivist criminology was replaced by a humanistic approach that emphasized free will, the capacity of human beings to shape their own destinies, and concentrated on the meaning of deviance for those who committed these actions.

Stress theory

Stress theory suggested that stress among young people might result in crime and other disorderly activities. Factors that include the breakdown of family stability and the growth of an autonomous youth culture outside parental control may generate pressures (such as whether to take drugs). Unemployment among young people could also result in stress by ensuring that children remain under their parents' control for longer than they wish, and also by making it difficult either to fulfil the expectations which the individualist creed emphasized by Conservative governments between 1979 and 1997 placed upon them (Rutter and Smith, 1995) or to conform to the idealized images offered by advertising and the media (Women's Unit, 2000).

CRIME AND ITS SOCIAL SETTING

Sociologists turned attention away from the human body or mind as the explanation for behaviour and focused on the social context in which human behaviour occurred. This section discusses theories which emphasize the relevance of the social setting as an explanation for crime. It is argued that adverse social circumstances have a direct or indirect bearing on the behaviour of individuals or groups committing crime. There is, however, no agreement as to the nature of these circumstances nor to the response that they provoke.

Emile Durkheim and anomie

Durkheim was a leading figure in sociological positivism in which crime was depicted as the consequence of social upheaval. Durkheim developed the concept of anomie to describe a state of social indiscipline affecting the way in which individuals seek to achieve their personal goals. His theory of crime was devised 'in the context of an overall theory of modernisation' (Vold et al., 1998: 132) whereby societies progressed from feudalism to capitalism (which Durkheim referred to as a transition from a mechanical to an organic society). He asserted that all societies were in the process of transition with none being totally one or the other (Vold et al., 1998: 125).

Durkheim's concept of anomie was initially put forward in 1893 and was subsequently developed in 1897 (Durkheim, 1893; 1897). Anomie occurred in two separate sets of circumstances. The first was in the initial period of transition from one society to another, when the old social order and its methods of enforcing social control broke down but the new

social order and rules to regulate the behaviour of its members were not fully developed. In such periods of transition a diversity of behaviour was tolerated, and punishment was characterized by its relative lack of severity.

The second period of social development in which anomie occurred was in an organic society undergoing rapid social change or upheaval, which Durkheim associated with the boom and slump of capitalist economies. In these situations of social disintegration, the law was unable to maintain social cohesion (in the sense of regulating the relationships between the diverse parts of society – differences which were based upon the division of labour). Here, anomie described the situation in which personal aspirations or ambitions were not constrained by societal restraints on behaviour for which were substituted an ‘every man for himself’ attitude in the pursuit of his or her goals.

Durkheim also considered whether crime played a useful or harmful role in society. His view on this matter was influenced by the key positivist concept of consensual values.

He believed that social cohesion was based upon the division of labour and consequent specialization of tasks arising from it. He argued that a mechanical society was characterized by little division of labour and consequent uniformity in the work and beliefs of most of its members. The solidarity of this society was maintained by the pressure for uniformity exerted by the majority against the minority who held different standards. In a society in which consensual values were adhered to by most of its members – which was the feature of a mechanical society, although it might also arise in stable organic societies whose characteristics could thus be described as ‘tending towards the mechanical’ – diversity was inevitable.

Crime was normal in such a society and also useful as the negative views held by the majority of law-abiding citizens towards those who contravened its legal or moral standards helped to promote a sense of social solidarity by affirming the boundaries of what society regarded as right and wrong behaviour. Although this gave rise to a legal system that was repressive in nature, crime performed a further useful role by acting as a spur to progress, challenging the status quo and contributing towards a debate regarding what should be regarded as acceptable conduct.

The situation was, however, different in an organic society which was characterized by the existence of diverse interests. Here a collective social consciousness was absent and social cohesion arose not from the existence of consensual values but from ‘a complex system of interdependence which recognises the pursuit of individual goals, provided they are legitimate and socially sanctioned’ (Pakes and Winstone, 2005: 4). The law played an important role in reconciling differences and by providing a mechanism to promote social solidarity by affirming social values. It was thus restitutive in nature, seeking not to punish but to act as the instrument to re-create social harmony.

However, rapid social change could destroy the vigour of mechanisms that were maintaining

social equilibrium. In societies experiencing this form of upheaval, anomie was viewed as a pathological state, giving rise to crime that, in extreme cases, could result in anarchy and the total destruction of that society.

As a positivist, Durkheim focused attention on the individual whose actions could be influenced by social processes, and was especially concerned with suicide. However, his ideas gave impetus to a new approach towards the study of crime that directed attention at the operations of the social system and how these influenced behaviour of this nature. Durkheim's focus on the operations of society was adapted by other theorists whose work is discussed below.

Question

Assess the contribution made by Emile Durkheim to the study of crime.

The Chicago School, social disorganization and environmental criminology

Some aspects of biological positivism suggested explanations as to why crime appeared to run in families. The Chicago School of sociology focused on a different issue, that of environment, and gave birth to the concept of social disorganization. It sought to explain why crime seemed to occur in certain neighbourhoods or localities across historical time periods.

Shaw and McKay (1942) were especially concerned to map the areas of a city that were inhabited by juvenile delinquents aged between 10 and 16 years. To study this, they employed methodologies that combined official data, such as crime statistics, with information from other alternative sources such as life histories and participant observation. Life histories had been previously employed by Shaw (1930; 1938) who demonstrated that the difference between delinquents and non-delinquents lay in the opportunities provided in neighbourhoods and in their personal attitudes that were shaped by environmental factors.

They concluded that there was a definite spatial pattern based on concentric circles affecting the residence of juvenile delinquents. These were concentrated in the inner-city zones of cities and this pattern was constant despite frequent changes to the make-up of the population that resided in this area, resulting in the existence of perennial high crime areas (Shaw and McKay, 1942). These ideas were influenced by studies of cities that were conducted during the nineteenth century (such as Mayhew, 1862) that drew attention to the manner in which urban development had produced attendant problems such as poverty and crime. However, these studies largely failed to explain the nature of the link between crime and environment.

Shaw and McKay also drew heavily on earlier work conducted by other members of the Chicago School, in particular the concept of human ecology (Park, 1925) and the zonal model

of urban development (Burgess, 1925). The first theory viewed the city as an ecological system, a social organism. ‘Natural’ social processes shaped the development of the city (so that the poorest lived in the zone of transition from where the more affluent inhabitants migrated) and people adapted to the circumstances of the area in which they resided. Burgess built upon this theory and suggested that cities grew out from the centre in a series of concentric ‘zones’. Five were identified, each with its own economic and social characteristics (Burgess, 1925).

Shaw and McKay concluded that juvenile delinquency was particularly identified with a specific geographic area within a city (see [Figure 1.2](#)).

This was what Burgess had earlier termed ‘zone two’ or the ‘zone of transition’, which circled the nonresidential business zone (zone one or the ‘loop’). It was characterized by rapid population change, dilapidation and conflicting demands made upon land use which was evidenced by housing being pulled down to make way for new businesses. New immigrants would initially settle in this zone (or ghetto) as rented residential property was cheapest here, but would move outwards into the other residential zones when their material conditions improved, being replaced by further immigrants (Burgess, 1925). The development of the city was viewed as operating according to the process of evolution, and delinquency was thus the ‘natural outcome of economic competition for desirable space’ (Bursik, 1986: 61). It was argued that crime rates were determined by distance from the city centre.

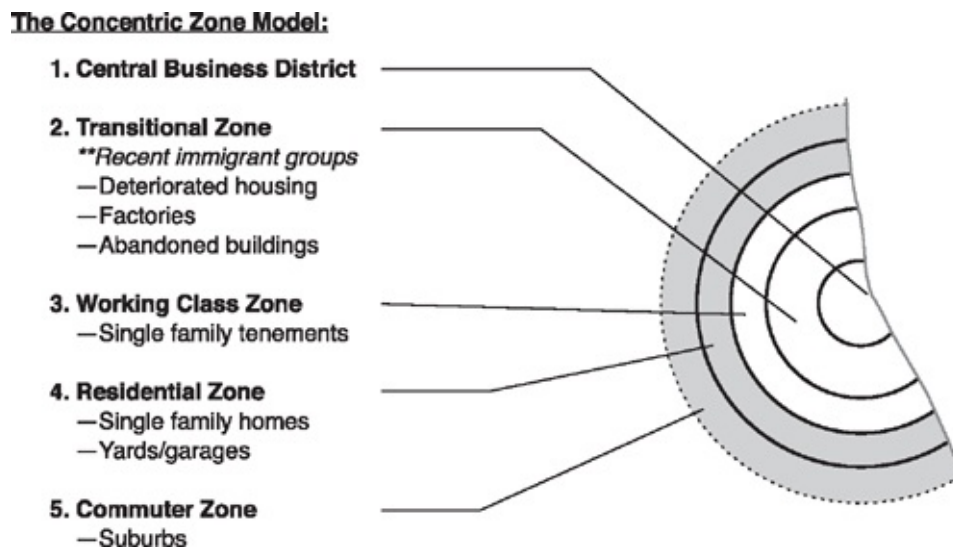


Figure 1.2 The Concentric Zone Model: the Chicago School associated delinquency with a particular area or ‘zone’ of the city termed ‘zone two’ or the ‘zone of transition’ (or transitional zone).

Source: <http://www.csiss.org/classics/content/66>

Population changes in the zone of transition were rapid and within it were found a wide range of social problems, including crime and immorality. In these circumstances it was impossible for institutions such as the family or church to effectively uphold society’s conventional values

(or, in the case of immigrants, to secure conformity to the values of the host society or those of the society from which the immigrant had derived).

The social solidarity of the neighbourhood was eroded and those who lived in it were subjected to a multiplicity of values. Thus a climate that was conducive to the commission of (or tolerance towards) crime and delinquency was created which arose from the absence of an established set of values to guide the actions of those who lived there. The ineffectiveness of informal methods of control to shape communal behaviour was referred to as ‘social disorganization’, a concept which developed out of Durkheim’s theory of anomie (and which was later built upon by control theorists) (Williams, 2001: 320). It was this situation (and not poverty per se) that was put forward as the explanation for crime.

It was not made exactly clear, however, whether the constant absence of neighbourhood stability and communal values was the source of crime in high delinquency areas, or whether this problem arose out of the existence of criminal subcultures in the affected areas and the cultural transmission of these delinquent values across the generations (Bottoms and Wiles, 1994: 590–1). Later applications of the concept of social disorganization, especially within conservative criminology (which is discussed below), emphasized the significance of the decline of the family unit in socially disorganized neighbourhoods as a symptom of moral decline and as an explanation for crime and delinquency.

PRACTICAL APPLICATIONS

Shaw was especially concerned to develop the practical application of his theories by setting up the Chicago Area Project in 1932. This set up neighbourhood centres in a number of areas that were designed to redress social disorganization by creating a sense of community feeling. This was compatible with later applications related to community justice which ‘is concerned with a struggle to develop and improve communities, and to promote a better quality of community living with more cooperation, more mutual aid and more collective problem-solving. It points to an improved standard of social conduct and prosocial opportunities, and it promotes forms of criminal justice practice which are seen as consistent with these’ (Raynor and Vanstone, 2002: 112).

The mapping of crime zones has a number of practical applications, in particular the targeting by the police of ‘high crime’ areas. However, the definition of a ‘crime zone’ is problematic since the areas in which crime occurs are not necessarily the same places where those who commit them reside. This might suggest that attempts to map where crimes occur would be of greater practical benefit to agencies such as the police service than would mapping the spatial distribution of offenders which was the focus of early studies conducted by Shaw and McKay (Coleman and Moynihan, 1996: 7–8).

Thus subsequent applications of environmental criminology focused attention on the places where crimes were committed and what has been termed the ‘rediscovery of the offence’ (Bottoms and Wiles, 1994: 592) gave rise to a number of practical methods of situational

crime prevention that are discussed in [Chapter 2](#).

However, there are certain difficulties associated with plotting areas with high offence rates and translating this information into effective measures of crime prevention. In particular, this approach fails to devote sufficient attention to studying offenders, in particular why they commit crime in particular areas and whom or what they target for their illicit activities. It has been suggested that offences were most likely to occur where criminal opportunities intersected with areas that were cognitively known to the offender (Brantingham and Brantingham, 1984: 362). Thus studying the routine activities of offenders might produce a more useful insight into where crime is likely to occur than will the plotting of areas in which offenders reside. A further problem is the ‘ecological fallacy’ that assumes that the identification of areas with high levels of offenders further identifies those who offend (Bottoms and Wiles, 1994: 598). This may result in the delivery of a coercive style of policing underpinned by stereotypical assumptions that those on the receiving end may deem to constitute harassment, thus resulting in a breakdown of police–public relationships.

CRITICISMS OF THE CHICAGO SCHOOL

There are several problems with the work of the Chicago School. Their reliance on crime statistics to provide information on the distribution of crime within a city focused their attention on lower social classes and thus ignored criminal activities committed by persons in higher social categories. This methodology also disregarded the manner in which control agencies such as the police service could construct crime.

Immigration was viewed by Shaw and McKay as an important factor affecting population change in the zone of transition. As delinquency rates remained constant in this area, it was implied that all immigrant groups had similar crime rates – although it was emphasized that this was due not to race per se but the environment in which new immigrants settled. However, this is not invariably the case since immigrant groups frequently exhibit different crime rates (Jonassen, 1949), perhaps reflecting the varying strengths of traditional controls, especially the extent to which the family unit could continue to act as a constraint on behaviour even in inhospitable environments.

Further, it will be argued in [Chapter 2](#) that crime statistics based upon crimes reported to the police do not necessarily give an accurate picture of the true level of crime from which crime zones (based on offences or offenders) can be mapped. It has also been asserted that the concept of social disorganization was overly deterministic and over-predictive of crime (Matza, 1964), in this respect reflecting a positivist influence affecting the work of Shaw and McKay (Williams, 2001: 307).

The belief that offender rates followed a pattern of concentric circles was especially questioned. In Britain, it was argued that the free market affecting housing provision had been subverted by local authority allocation policies so that areas containing high numbers of offenders were found in local authority-owned estates outside the zone of transition (Morris,

1957: 130). A later study in Sheffield confirmed these findings (Baldwin and Bottoms, 1976), from which it was concluded that there was no tidy zonal model but that 'areas with high and low offender residence rates were distributed throughout the city in apparently haphazard fashion' (Brantingham and Brantingham, 1984: 322).

The implication of this research was that crime zones did not occur as the result of the natural evolution of the city but were artificially created. This idea was further developed to suggest that the character of an area was shaped by the operations of the local housing market. Decisions by local authorities (for example, to create 'sink' estates) and building societies (to refuse granting mortgages in certain 'red-lined' areas) served to create areas in which a disproportionate number of criminals and delinquents lived. The prevalence of offenders in these areas was explained both by the operations of the housing market and also by a range of secondary social effects that included the relationships constructed and developed in the area and the attitude taken by outsiders towards it (Bottoms et al., 1992: 120). It was the interaction between the workings of the housing market and these other social processes that influenced the behaviour of those who lived there (Bottoms and Wiles, 1994: 638).

A final criticism is that the ecological approach utilized by the Chicago School discussed the relationship of people and the urban environment. The study of rural crime was neglected. Instead certain assumptions were (and continue to be) made regarding this problem which include the assertion that stronger social bonds exist in rural areas and that the opportunities to commit crime in these places are relatively limited (Williams, 2001: 304–5).

LATER APPLICATIONS

Explanations of crime that focus on cultural tensions have been adapted to explain the crime rates of minority ethnic communities. Children of first-generation immigrants were likely to experience tensions between the values of their parents (derived from their previous country of abode) and those of the host community. Those caught in this situation were unable to adopt either culture fully, and became caught in a cultural 'no man's land' that was deemed to be conducive to criminal and delinquent behaviour. In addition, problems which included clashes within families between those adhering to 'traditional' values and those wishing to adopt 'Westernized' lifestyles eroded the strength of the family unit and the discipline imposed by it which meant that children were not effectively controlled or socialized because of the absence of stable standards of behaviour (Park, 1928).

Criminal activity may also be exacerbated by racial discrimination that denies immigrants conventional opportunities to obtain economic rewards and status. The higher rates of crime sometimes found among first-generation settlers have been attributed to this combination of cultural conflict and other sociological factors (Sellin, 1938). High crime rates among such communities are not universal, however: some studies in Britain indicated relatively low levels of crime within Asian communities (Mawby et al., 1979), perhaps reflecting the vigour of family ties or religious beliefs as a factor that constrained criminal activity. The pattern may be influenced by the age profile of such communities, changes to which may also affect patterns

of crime.

Question

To what extent is the concept of social disorganization a useful one in accounting for the causes of crime?

Social strain

Strain theory developed from the functionalist perspective that human behaviour was determined by the social structure. Robert Merton was a leading social strain theorist who concentrated on explaining deviancy. His ideas were originally put forward in 1938. He developed Durkheim's concept of anomie and asserted that it arose from a mismatch between the culturally induced aspirations to strive for success (which he asserted in Western societies was the pursuit of wealth) and the structurally determined opportunities to achieve it. The 'differential application of opportunity' (Williams, 2001: 345) imposed a strain on an individual's commitment to society's success goals and the approved way of attaining them and resulted in anomie which was characterized by rule-breaking behaviour by those who were socially disadvantaged. Unlike Durkheim (who believed that an individual set his or her own success goals subject to the constraints imposed by society), Merton contended that these and the means to achieve them were set by society. Merton further asserted that social inequality was the key reason for deviancy. It was not, as Durkheim contended, dependent on social disintegration but was an endemic condition that was particularly associated with the working class.

Robert Merton and strain theory

Merton suggested that there were a number of behavioural patterns which individuals could exhibit in reaction to the culturally approved goals of the society in which they lived and the institutionalized ways of achieving them (Merton, 1938: 676). These were:

- *Conformity*. This entailed accepting society's success goals and the approved means to attain them. Merton believed that most people behaved in this conforming way and conformity was a feature of stable societies.
- *Ritualism*. An individual could adhere to the culturally accepted goals of society, even though intuition suggested that these were unlikely to be attained through conventionally approved ways. A person in this situation continued to adhere to the approved means of attaining these goals but was likely to experience feelings of despair (although he or she did not necessarily turn to crime).

- *Innovation*. An individual prevented from obtaining society's success goals by legitimate means might attempt to achieve them by abandoning the 'rules of the game' and attain them by criminal methods.
- *Retreatism*. In this case an individual abandoned both the culturally accepted goals of society and the conventional means of securing them. Behaviour that embraced the use of drugs or alcohol might be taken up by a person who adopted a negative form of deviancy and effectively decided to 'opt out' of society.
- *Rebellion*. An individual unable to achieve society's success goals and the approved means to achieve them might reject them and replace the goals with new objectives which were achievable. These were often associated with a cause or an ideal. This form of positive deviance was associated with the activities of street gangs or terrorists (Williams, 2001: 346).

RELATIVE DEPRIVATION

Relative deprivation describes a situation whereby 'the feeling of deprivation may arise when an individual compares his situation with that of others or with that of himself at an earlier time' (Williams, 2001: 350). The strain that is experienced refers to a mismatch between goals defined in relation to what others are achieving and an individual's means to attain them. This gives rise to feelings of unfairness or injustice. The root cause of (and solution to) this is the unequal distribution of wealth, which has led to suggestions that high crime is especially likely to occur in periods of recession (Box, 1987) when the gap between rich and poor grows making it hard for economically marginalized groups to attain the consumerist goals associated with market economies.

AGNEW'S GENERAL STRAIN THEORY

Strain theory was traditionally associated with economic disadvantage and the manner in which this undermined an individual's commitment to attaining conventional goals through legitimate means. This approach tended to view crime as a lower-class phenomenon, thus ignoring delinquency committed by those in a higher social bracket, and also disregarded the way in which a disposition towards crime could be constrained by factors that included the quality of family relationships (Agnew, 1985: 152–3).

This resulted in an attempt to broaden the scope of strain theory beyond Merton's emphasis on economic factors and to incorporate the strain imposed on an individual's commitment to the law arising from other forms of goal blockage, in particular his or her inability to avoid situations that they found painful or aversive. This version of strain theory was put forward as an explanation for adolescent delinquency. It was argued that 'the blockage of pain-avoidance behaviour frustrates the adolescent and may lead to illegal escape attempts or anger-based

delinquency' (Agnew, 1985: 154).

According to this approach, delinquency is derived from the frustration of being unable to adopt pain-avoidance behaviour to escape from a wide range of aversive situations (which may include school, family or neighbourhood), even if this situation does not directly affect the individual's ability to attain intermediate or long-term goals. One difficulty with this argument is that it suggests that the origins of strain are internal to an individual, thus downplaying the importance of structural factors to criminal and delinquent behaviour.

Subcultural theorists

Subcultural theorists combined Merton's strain theory (which explained individual deviancy) with the Chicago School's ecological theory (which was concerned with collective deviancy). Whereas Merton argued that delinquency arose from a mismatch between goals and the means to achieve them, subculturalists focused on group responses to goal blockage and asserted that this situation resulted in the emergence of deviant values that constituted a delinquent subculture.

Albert Cohen was a leading exponent of subcultural theory. He argued that working-class boys experienced inner tensions in a society that was dominated by middle-class values. The school was seen as an important forum in which this 'status frustration' occurred. They could choose to conform to these values (either by seeking to achieve middle-class success goals or by exploiting the limited opportunities with which they were presented as fully as they could – characteristics which Cohen identified with the college boy and corner boy respectively) or they could rebel against middle-class norms of behaviour and engage in delinquent actions. Cohen labelled this reaction as the response of the delinquent corner boy. This situation resulted in the emergence of a delinquent subculture in which society's values were rejected and new ones were substituted in their place. These new values formed the basis of a delinquent subculture – 'a system of values that represented an inversion of the values held by respectable, law-abiding society' and it was in this sense that it was asserted 'the world of the delinquent is the world of the law-abiding turned upside down' (Sykes and Matza, 1957: 664).

The delinquent actions which arose from the deviant subculture were not necessarily designed to advance material goals but were especially concerned with achieving status and prestige amongst the delinquent's peers which resulted in him acquiring self-esteem which mainstream society denied them (Cohen, 1955).

In America, subcultural theories were put forward as the basis of the behaviour of delinquent gangs. In the United Kingdom, however, subcultural theories have generally been applied to more loosely organized juvenile associations such as peer groupings.

Strain and subcultural theories – criticisms

Strain theory focused on economic causes of crime. This approach viewed the deviant as neither sick nor acting on immoral impulses but sought to explain it by concentrating on factors external to the individual. Deviancy was depicted as a logical response by those whose social position denied them the opportunity to achieve commonly held objectives such as 'making money'. The solution to deviancy put forward by social strain theorists involved reforms to improve social equality, thus reducing the strain between aspirations and the means to achieve them.

However, strain theory has been criticized for making assumptions that a high level of agreement existed within society about desirable objectives and for a tendency to ignore the deviancy of those who did not suffer from inequality. As has been argued above, this latter objection was responded to in Agnew's general strain theory.

A more significant objection, however, concerned whether social strain did, in fact, give rise to deviant subcultures that indicated a rejection of society's mainstream values. One argument that sought to refute the existence of a subculture of deviant values asserted that it was not possible for juveniles to totally cut themselves off from society and its values. It was alleged that delinquents were committed to society's mainstream values but justified actions which were in breach of them by applying the concept of mitigating circumstances as an explanation of their behaviour. This was referred to as the 'techniques of neutralization' that sought to explain or excuse delinquent juvenile behaviour and thus offset the negative views which society might otherwise adopt towards such action (Sykes and Matza, 1957). Thus 'rather than standing in opposition to conventional ideas of good conduct, the delinquent is likely to adhere to the dominant norms in belief but render them ineffective in practice by holding various attitudes and perceptions which serve to neutralize the norms as checks on behavior' (Matza and Sykes, 1961: 712–13).

There were five of these techniques. These were a denial of responsibility for an action, a denial that injury had been caused to a victim, a denial that the victim was, in fact, a victim, an assertion that those who condemned the action were hypocritical, and seeking to explain a delinquent action by reference to higher loyalties (such as to friends or a gang). It was concluded that these techniques (applied before or after a delinquent act) 'are critical in lessening the effectiveness of social controls and ... lie behind a large share of delinquent behavior' (Sykes and Matza, 1957: 669).

A further critique of subcultural theory argued that the values underpinning juvenile delinquency were not totally dissimilar from attitudes embraced by law-abiding, conforming members of society. It was suggested that delinquent behaviour commonly displayed traits that included the search for excitement or thrills, a disdain for routinized work in favour of 'making easy money' and aggression. Although these characteristics seemed at variance with the dominant values of society, it was argued that this was not the case since they were also espoused by respectable middle-class persons, in particular in connection with their pursuit of leisure, and thus coexisted alongside society's dominant values. These 'alternative' values were labelled 'subterranean', consisting of values 'which are in conflict or in competition with

other deeply held values but which are still recognised and accepted by many' and in this sense were 'akin to private as opposed to public morality' (Matza and Sykes, 1961: 716).

There was thus no separate delinquent subculture: delinquents adopted one aspect of the dominant values of society but their behaviour was more regularly governed by them. This view also accounted for delinquency not committed by lower-class juveniles, since 'some forms of juvenile delinquency ... have a common sociological basis regardless of the class level at which they appear' (Matza and Sykes, 1961: 718).

A further difficulty with the approach of subcultural theorists was that many delinquents did not consistently behave in this manner (they might grow out of delinquency as they entered adulthood, for example) which ought to be the case if the middle-class standards that they were rebelling against remained constant. It was thus asserted that juvenile delinquents did not adhere to a body of subcultural values but, rather, drifted between delinquency and conformity. This 'drift' occurred when social controls were loosened enabling a person to pursue their own responses to whatever situations arose. Most juveniles committed delinquent acts, but those who did it most often were those who were able to successfully explain their delinquent behaviour away through the application of the techniques of neutralization (Matza, 1964). The decision to adopt one or other of these two courses of action was primarily seen as a personal one, thus reintroducing the concept of individual choice into the discussion of the causes of crime.

The strain theorists' argument that deviancy was the product of lower-class conflict with middle-class values was further challenged by some cultural transmission theorists. These asserted the existence of a defined body of lower-class values, and delinquency was attributed to the acting out of these standards of behaviour (Miller, 1958) whose origins were thus 'natural' as opposed to being derived from social strain.

Question

Citing relevant theorists whose work is considered above, consider arguments for and against the proposition that 'juvenile criminals exhibit an attachment to subcultural values'

Further aspects of crime and its social environment

This section considers a number of theories additional to those considered above that emphasize how external influences can shape an individual's behaviour.

LEARNING THEORIES

Aspects of subcultural theory were evident in social learning theory and opportunity theory.

According to learning theory:

Antisocial behaviour and the attitudes and beliefs supporting antisocial behaviour are most likely to develop when a child is surrounded by 'models' (in real life and in the media) who engage in antisocial behaviour, when antisocial cues (unlearned cues such as guns; or learned cues such as oppressive authority) are common in a child's environment, and when the child receives reinforcements for behaving anti-socially (such as obtaining tangible goods).

(Huesmann and Podolski, 2003: 59)

Expressed more simply, learning theory suggests that factors external to individuals have the ability to train or teach them to behave in a certain way. In this context, committing crime is a learned response.

Learning theories are rooted in the disciplines of psychology and sociology. Ivan Pavlov (1927) was a leading exponent of psychological learning theories whose investigations of classical conditioning led him to suggest that human beings learned through external stimuli.

Differential association

The most important social learning theory applied to criminal behaviour was the concept of differential association (Sutherland, 1939; 1947). This has been associated with explaining white-collar crime but could be applied to similar activities carried out by persons of lower social status. It was influenced by the ecological and social disorganization theories associated with the Chicago School and based on Tarde's theory of imitation (that is, that humans copy each other's behaviour) (Tarde, 1876). Differential association theory argued that the techniques of committing crime and the motives and rationalizations of attitudes which were favourable towards violating the law were aspects of a normal learning process and occurred when people were subject to an excess of definitions favourable to the violation of the law over definitions which supported rule-abiding behaviour (Sutherland, 1947; Sutherland and Cressey, 1955: 77–80).

This theory emphasizes the importance of socialization, and suggests that inadequate socialization from parents will result in the behaviour of children being fashioned by other role models such as peer groups. Crime is thus behaviour that is learned 'during the process of growing up' (Ainsworth, 2000: 78).

This theory asserted personal contact to be the fundamental source of criminal behaviour and further implied that the actions of an individual were the determined product of their personal experiences. However, other social learning theorists emphasized the importance of individual choice in deciding whether to identify with a criminal subculture, thus giving rise to a theory of differential identification (Glaser, 1956). This helped to explain why, in areas of social inequality, some people embraced deviant forms of behaviour whereas others did not. Sutherland subsequently stated that opportunity and the presence or absence of alternative behaviours influenced whether a person who had learned an excess of definitions favourable to crime would perform such actions (Sutherland, 1973).

Social learning theory has also been applied to examining the impact that external influences such as books, films and television have on an individual's learned behaviour. This approach has formed the basis of accusations (albeit supported by little 'hard' evidence) alleging that the violent and sensational depiction of crime by the media has resulted in similar actions occurring in real life. The fear of imitation of this nature taking place has formed the basis of voluntary or compulsory censorship.

Social learning theory embraces the concept of deterrence and bears many similarities to rational choice theory – 'the basic idea and central propositions of deterrence and rational choice theory... have already been captured in the social learning approach to deviant and criminal behaviour' (Akers, 1990: 675). However, rational choice theory tends to ignore social learning theory in favour of economic theory which views the decision to commit crime as a 'function of the balance of rewards and costs for crime and its alternatives' (Akers, 1990: 669).

There are difficulties associated with the concept of differential association, including the inability to test the theory empirically and vagueness concerning the content of definitions which are favourable to crime which are likely to vary across historical periods and which are unlikely to justify all forms of criminal activity (Matsueda, 1988: 284 and 296). Social control theorists reject differential association theory in favour of an approach that alleges that factors such as attachment to parents and peers influence criminal behaviour directly without being derived from any process of imitation or learning (Kornhauser, 1978).

Differential reinforcement

The theory of differential association has been subsequently modified in a number of ways.

Differential reinforcement theory accepts that most behaviour is learnt, but takes account of a wide range of factors that influence whether such behaviour will be repeated (positive reinforcers) or shied away from (negative reinforcers). Thus behaviour is determined by a calculation that estimates 'the balance of rewarding and aversive stimuli' (Akers, 1990: 658), and is repeated when there is strong positive reinforcement for it (Williams, 2001: 286).

The development of differential reinforcement theory was influenced by social learning theory. This argued that the factors that influenced behaviour went beyond operant learning and embraced cognitive experiences. This new approach is particularly associated with the psychologist Albert Bandura, who sought to explain aggression. He argued that people behave in a violent manner mainly because they see others acting in this way, and thus learn that such behaviour is appropriate (Ainsworth, 2000: 79). It was concluded that the behaviour of individuals was based on their learning experiences, derived from observing and imitating the behaviour of others (whether in the family or outside of it) *and* being rewarded or punished for certain actions (Bandura, 1977).

social learning incorporates reward and punishment in the explanation of crime, and the concept of differential

reinforcement applies to the balance of the full range of formal and informal rewards and punishments, from the most 'rational' calculation of this balance to the most irrational responses to it.

(Akers, 1990: 670)

OPPORTUNITY THEORY

Strain and subcultural theories were developed by 'opportunity theory' (Cloward and Ohlin, 1960). This drew on Merton's strain theory and Sutherland's concept of differential association and was concerned with the legitimate and illegitimate ways of achieving success in society. According to this theory, the legitimate opportunity structure was mainly available to upper-and middle-class youths whereas working-class juveniles, finding the legitimate route to success blocked, were more likely to rely on illegitimate ways to achieve it. Unlike Cohen, opportunity theory did not involve any psychological explanations for delinquent behaviour. Instead, this behaviour was viewed as arising from an objective/ quasi-rational assessment that it was impossible to achieve success through legitimate means. This strain resulted in lower-class youths banding together with others in a similar position.

However, opportunity theory also attempted to explain why varying forms of delinquent subculture were evidenced in different areas. The explanation centred on the balance struck in particular communities between the legitimate and illegitimate ways to achieve success in society. It was asserted that lower-class juveniles who were denied the possibility of achieving success through legitimate means would form gangs whose behaviour was dependent on the kind of illegitimate opportunities that were available to them.

Three scenarios were identified:

- *The crime-oriented gang.* This consisted of a juvenile gang whose main activity was stealing. It was associated with an area in which there was a high degree of tolerance towards crime, thus existing alongside (and perhaps orchestrated by) more hardened adult criminals who served as role models for disaffected youths and could arrange for the disposal of goods that had been stolen by them. In these areas, juvenile crime was characterized by a relatively high level of organization.
- *The conflict gang.* This gang was especially characteristic of socially disorganized neighbourhoods. The absence of effective restraints on the behaviour of young people (including the lack of criminal opportunity structures which were found in areas in which juvenile criminal gangs operated) resulted in violence that might take the form of warfare in which rival gangs vied with each other for control of an area (and the status which derived from this). This conflict was similar in nature to territorial explanations of football hooliganism (Marsh et al., 1978) that were also applied to outbreaks of intercommunity rivalry (such as that which occurred between West Indians and Asians in Handsworth in 1985).
- *Retreatism.* Those who failed to achieve success in society through legitimate or illegitimate means might embrace a more passive rejection of society and its values which

was characterized by drug-taking. This activity was more loosely structured than the delinquency of crime and conflict gangs, and could entail individual as opposed to group responses to the inability to achieve success.

HIRSCHI'S SOCIAL BOND THEORY

Social bond theory (Hirschi, 1969) developed from control theory and its focus was conformity rather than criminality. Control theory asserted that all individuals had the innate capacity to break the law and thus crime was natural. Thus it inverted strain theory's focus on why people committed crime and instead sought to explain law-abiding lives. It was concluded that this behaviour was the product of social control. Control theory seeks to explain the 'mechanics' of this control and establish the factors that induce people to abide by the rules of the society they inhabit.

There is no consensus in control theory as to the nature of controls that produce social conformity. Some psychological accounts emphasize factors internal to an individual (such as a healthy superego) (Reiss, 1951) that may be supplemented by external forces (Reckless, 1967; 1973). Social control theories emphasize the importance of controls that are external to an individual. Social bond theory holds that conformity derives from the process of socialization in which the family plays a crucial role in instilling self-control in children that helps them to withstand pressures (for example, from peer groups) to engage in criminal or deviant behaviour when the opportunity to do so arises.

Hirschi held that the social bond which restrained an individual's criminal propensities consisted of the interplay between four elements – emotional attachment to other people, ideological commitment derived from pursuing conventional objectives, the time and effort expended through involvement in conventional activities, and a personal belief in the moral validity of society's norms (Hirschi, 1969). This approach tended to view the factors which produce control as 'largely external and structural' (Williams, 2001: 369) but later accounts emphasized the interplay of factors internal to an individual whereby criminality was influenced by both self-control fashioned during childhood and the opportunity to commit crime (Gottfredson and Hirschi, 1990). It was proposed that those with low self-control were more likely to yield to inducements to commit crime when they presented themselves. This approach is compatible with proactive interventions by the state into the lives of very young children because what is perceived to be defective parenting may produce inadequate self-control in the child, thus heightening the prospects of him or her committing crime in the future.

One important development of control theory was that of control balance theory. This explained crime in relation to the power wielded by individuals in their relationships with others. Those with too little power might resort to crime as a means to rectify the deficit and those with too much power might violate the law out of greed, in order to enhance the scale and scope of their domination. In both sets of circumstances, however, criminal activity is set in motion by a trigger, and also requires both the opportunity to commit an illicit act and the absence of constraints to deter it (Tittle, 1995; 2000).

Question

Compare and contrast the explanations offered by strain and control theories concerning the causes of crime.

THE STATE AND CRIMINALITY

This section discusses a range of theories whose common features include rejecting the assumption that society is based on consensual values and which focus not on the behaviour of criminals but on the power relationships in society and how the ability to declare acts as ‘criminal’ is used to maintain its existing power structure.

New deviancy

Key aspects of strain theory were developed by a new criminological school that emerged during the 1960s: that of new deviancy (or interactionism). This moved attention to the various factors which were involved in determining whether an act was judged to be deviant rather than focusing on the nature of the act itself. The key features of this approach are discussed below.

CONCENTRATE ON THE OPERATIONS OF THE SOCIAL SYSTEM

Attention was focused on the social system rather than on those engaged in acts of crime or deviancy. New deviancy rejected the existence of consensual values within society and asserted that it functioned in the interests of the powerful who were able to foist their attitudes throughout society because of the control they exerted over the state’s ideological apparatus (such as religion, education and the mass media), its political system and its coercive machinery (especially the police and courts). Thus the moral, cultural and political values of the dominant class(es) became adopted throughout society – creating an illusion of consensual values which in reality did not exist.

FOCUS ON THE SOCIAL CONSTRUCTION OF DEVIANCY

Deviancy was viewed as behaviour that was defined as ‘bad’ or ‘unacceptable’ by a powerful group of people who controlled the operations of the state, and who were able to utilize their power to stigmatize actions of which they did not approve. The definition of deviancy was thus rooted in the power structure of society. New deviancy theory thus concentrated on social intervention and social reaction to activities which were labelled as ‘deviant’ rather than seeking to discover their initial causes.

This aspect of new deviancy was based upon symbolic interactionism associated with George

Herbert Mead (Mead, 1938) and developed by the Chicago School. An important new deviancy theorist was Howard Becker, who argued that the American 1937 Marijuana Tax Act created a new category of deviants consisting of marijuana sellers and users (Becker, 1963: 145). This led him to suggest that deviancy was the consequence of the application by others of rules and sanctions directed at an 'offender': the deviant was a person 'to whom that label has successfully been applied, deviant behaviour is behaviour that people so label' (Becker, 1963: 9).

EMPHASIZE THE IMPACT OF LABELLING ON THOSE TO WHOM IT WAS APPLIED

New deviancy was concerned with the negative reaction adopted by an individual whose behaviour had been labelled as 'deviant'. This aspect of new deviancy had initially been put forward by Edwin Lemert (1951). Individuals who were labelled became stigmatized and a self-fulfilling prophecy arose whereby they might seek to live up to their designation by engaging in activities which they would have otherwise avoided. In this sense, therefore, 'social control leads to deviance' (Lemert, 1967: v). This was opposed to the conventional assertion that crime or deviancy led to social control.

CRIME AS A SOCIAL CONSTRUCT

Interactionism underpinned the view that crime (and also deviance) was a social construction. This suggested that crime and deviance were based upon subjective considerations and value judgements – 'deviance is not a property *inherent* in any particular kind of behavior; it is a property *conferred upon* that behavior by the people who come into direct or indirect contact with it' (Erikson, 1966: 6). Several important considerations derive from this viewpoint.

The first implies that crime and deviance are activities which are 'natural' or 'normal' to those who carry them out, possessing no inherent negative qualities until these are bestowed upon them by the processes of making and enforcing rules to prohibit such behaviour.

The second concerns who in society has the power to define actions as 'criminal' or 'deviant'. There are several views concerning this. Phenomenological explanations emphasize that reality is constructed out of social reaction. Thus definitions of crime or deviance arise as the product of a dialectic process whereby individuals interact with their social world. Liberal explanations view definitions of crime and deviance as consensual, reflecting popular perceptions of right and wrong. Alternatively, conflict theorists suggest that definitions of crime and deviance are the outcome of a process of political and social conflict. Pluralists root this conflict in the competition between interest groups seeking control of the policy-making agenda, whereas Marxists see it as the inevitable product of inequality born of the class structure in capitalist society whereby actions which pose a threat to the economic dominance and political power of the bourgeoisie are labelled 'criminal'.

The third consideration is that crime and deviance are not permanent designations but change

over periods of time. This may result in criminalizing actions that were formerly tolerated, or the decriminalization of those which were previously disapproved of. Prohibition between 1920 and 1932 in America is an example of the former and the United Kingdom's 1968 Abortion Act (which legalized abortions under certain circumstances) an example of the latter.

Labelling theory

Labelling theory was based upon aspects of early twentieth-century social psychology that argued that an individual's self-evaluation was primarily a reflection of how other people reacted to him or her (Cooley, 1902). This gave rise to the argument that society has the ability to create hardened criminals through the way it treats offenders (Tannenbaum, 1938).

Lemert distinguished between primary deviance (an act labelled as deviant) and secondary deviance (caused by labelling the primary act). He suggested that social reaction was the prime factor producing deviance, since an individual's internalization of the social stigma attached to the label of 'deviant' had an adverse effect on that person's self-perception and subsequent patterns of behaviour, possibly forcing them to associate with others who had been similarly stigmatized (Lemert, 1951). The argument that the process of social reaction was formulated by the agencies of social control, which identified deviants and proceeded against them, was developed to suggest that justice was a process of negotiation between them and the individual (Cicourel, 1968).

New deviancy viewed criminalization as a mechanism of social control that entailed 'the power to have a particular set of definitions of the world realised in both spirit and practice' (Conrad and Schneider, 1992: 8). It further gave rise to suggestions that certain types of activity identified as criminal should be decriminalized to avoid the negative consequences associated with labelling or that custodial sentences were counter-productive in securing an offender's reform and rehabilitation. The argument that the actions of an individual were of less importance than how society reacted to them emphasized that similar acts might be treated differently, determined by factors such as who committed them and where. This was compatible with the view that crime was ubiquitous and not an activity primarily carried out by the working class.

However, this approach was also criticized. Its emphasis on why and how individuals were defined as deviant and how the application of such a label affected their subsequent actions was applied at the expense of a failure to discuss the initial causes of their behaviour. Additionally, the fact that it viewed behaviour as deviant only when it was officially labelled as such implied that there was no consensus whatsoever within society on values and standards of behaviour. New deviancy also assigned a passive role to those who were labelled as deviant, whereas they may regard their actions as positive protests directed against society and its values. There was also very little objective evidence to support the theories of new

deviancy: it could be, for example, that recidivism among many ex-offenders was largely due to their lack of skills or absence of opportunities available to them rather than the stigma of the label.

Question

Write a critical account of new deviancy theory.

Conflict theories

Labelling theory focused on the way in which crime was produced and aggravated by the reaction to the behaviour of those who were identified as offenders. However, labelling theorists failed to offer any detailed investigation of the way in which social reaction was influenced by political interests and political power. 'Whether labels can be made to stick and the extent to which those labelled can be punished may depend essentially on who has power.' Conflict theory focuses attention on the struggles between individuals or groups in terms of power differentials (Lilly et al., 1989: 137). This section identifies some of the key aspects of conflict theory.

MARXISM

Marxists agreed with the new deviancy school that society did not operate in a consensual manner but tried to explain why this was so. They concentrated on the issue of the law as an instrument of ruling-class power, an issue neglected by new deviancy that had been accused of being apolitical (in the sense that they avoided structural considerations in their analysis) (Taylor et al., 1973). According to Marxists, society was composed of classes. Social relationships were viewed as reflecting the 'relations of production' that entailed a minority owning the means of production and a majority selling their labour. Exploitation and social inequality were seen as inevitable features of capitalist society. The economy was thus the basis on which all other institutions were constructed: the state and its institutions were primarily concerned with serving the interests of those who owned or controlled the means of production and in particular to ensure that conditions existed for the accumulation of capital which was needed both to buy labour and to invest.

Traditionally, Marxists displayed little attention to crime since they believed that criminal activity had no major contribution to make to the class struggle. An early Marxist criminologist, Willem Bongers, asserted the relevance of the capitalist economic system in promoting values which promoted greed and selfishness as opposed to altruism (Bongers, 1916), but this approach was not pursued, and Marxist criminology 'virtually disappeared from the English-speaking world' until the 1960s (Vold et al., 1998: 264).

Two key aspects of Marxist criminology are discussed below.

The maintenance of social order through criminalization

Marxists directed attention to the mechanisms of state control that ensured the continuance of what they asserted was an essentially unjust social system. It was argued that the existing power relationships in society were maintained by the related processes of indirect and direct coercion. The former ensured compliance through people's incorporation into the labour market, in which wages were received as the result of 'honest' labour. Direct coercion referred both to the ideological control exerted by institutions such as the media which regulated behaviour, and to the sanctions which might be applied by the agencies of the criminal justice system to compel obedience. These were especially directed against those who threatened to subvert the principles on which capitalist society operated.

Thus the criminal whose actions challenged private property ownership and threatened to undermine the work ethic, the striker whose actions eroded profit margins or the rebellious underclass which jeopardized social harmony were examples of groups whose actions were likely to become criminalized by the law, subjected to special attention by the police and treated harshly by the sentencing policy of the courts. This view rested on the belief that law was a function of the class and power structure of society, and emphasized the manner in which those in positions of power could apply the label of 'criminal' to whole groups of people who posed a threat to the existing social order. According to such an analysis, criminalization was primarily directed against the lower classes and actions such as white-collar crime that do not essentially threaten the fundamental values and practices of the capitalist state were likely to be viewed more leniently.

These two forms of coercion are related: the existence of a reserve army of labour served to control the actions of those in employment (perhaps to accept depressed levels of wages in order to avoid the stigma of unemployment) while incorporation into the labour market provided a model of respectability to which the workless might aspire.

Crime is based on economic inequality

Marxist criminology viewed the law as a mechanism designed to serve the interests of the bourgeoisie and perpetuate a situation of economic inequality. It was accepted, however, that legitimacy was accorded to the law from a wider segment of society. The defence of private property ownership, for example, applied to all property regardless of its size or extent and thus provided a wide degree of support for this cardinal principle of capitalism. Because material equality was not evenly spread, however, the law essentially served the interests of those who gained most from its operations.

Marxists viewed the economic system and the unequal property relations that this generated as the root cause of crime, although there were diverse views as to why crime emerged in situations of economic inequality. These included arguments that crime was an inevitable expression of class conflict based upon the exploitive nature of class relations (Chambliss,

1975), that crime was a protest or incipient rebellion by the poor against the social conditions which prevented them from acquiring goods, and that in a capitalist society the poor and powerless were forced into crime in order to survive (Quinney, 1980). Additionally, delinquency among lower-class juveniles has been attributed to various forms of frustration (such as lack of money or failure to achieve respect) derived from economic disadvantage (Greenberg, 1977).

Marxist criminology has been criticized for failing to encompass crime that is not obviously underpinned by economic motives. However, it has been suggested that juvenile aggression manifested in ways including violence and sexual assault could be explained by underlying economic factors such as unemployment. Problems of this nature prevent young males from fulfilling their socially constructed gender roles (especially that of provider) causing them to display their masculinity through acts of aggression (Greenberg, 1977). Marxist criminology has also been criticized for tending to glamorize criminal actions by depicting them as subversive acts directed against capitalism and its underlying values, in particular the work ethic and the sanctity of private property ownership. What is more, Marxist criminology is also compatible with the view of crime as a mechanism of wealth redistribution, imbuing the criminal with the characteristics of Robin Hood, who is said to have robbed the rich to give to the poor. In reality, however, much crime is not of this nature but is directed against members of the working class.

Radical and critical criminology

Marxism provided the ideological underpinning for radical (sometimes referred to as ‘new’) criminology that emerged during the 1960s. This first arose in America against a background of popular protest in connection with issues such as civil rights and opposition to the Vietnam war, which highlighted the lack of power and alienation of the lower classes. In the United Kingdom, radical criminology was initially most forcefully expressed in *The New Criminology* by Taylor, Walton and Young (1973), whose second work (published in 1975) was entitled *Critical Criminology*. The terms ‘radical’ and ‘critical’ are frequently used interchangeably but the term ‘critical’ has become more widely used.

The main concern of critical criminology is the power structure of society and how this is maintained rather than why people commit crime. Critical criminology was based on the premise that capitalist society was not consensual but, rather, was ‘rooted in conflict’ (Walklate, 1998: 32) based upon social and economic inequalities, and it sought to provide an understanding of society’s underlying power relationships. It has been observed that, politically, critical criminology has a strong socialist rather than a liberal reformist orientation and ‘its analytical focus emphasises the causal significance of capitalism in the generation of and responses to crime” ’ (White and Haines, 2004: 197).

It further highlighted the manner through which the state maintained the rule of the elite by its ability to define conflicting actions or values as ‘criminal’ and extended the scope of the criminological enterprise: the removal of inequalities in the distribution of wealth and power

and ‘the practices of the powerful, both the seen and the unseen’ (Walklate, 1998: 32) became viewed as legitimate concerns of criminology. Critical criminology refused to be confined to the study of actions defined by the state as criminal. This resulted in the emergence of new areas of criminological investigation which included ‘the crimes of the powerful’ such as corporate and white-collar crime, political crime and crime committed by the state.

Although critical criminology seeks to expose the nature of society’s underlying power relationships there is no single view as to the source of power and the inequalities that arose from it. What has been described as the structuralist approach views power as ‘ingrained in social structures’ (White and Haines, 2004: 202) which give rise to a range of oppressive social relations based upon class division, sexism and racism (White and Haines, 2004: 203).

Left realism

This term was coined by Jock Young and represented a left-wing attempt to wrest the initiative away from the right – especially Conservative governments that dominated British politics between 1979 and 1997 – in connection with popular worries concerning the escalation of crime and disorder and the apparent inability of society to stem this tide.

Left realism rejected the arguments based upon Marxist criminology (termed ‘left idealist’) that viewed crime as a form of political protest against the inequalities that arose from the operations of capitalism (which tended to glamorize criminal activity as a form of political protest). Instead, left realism asserted that most of the problems arising from criminal behaviour were experienced by the poor, which justified the left taking this problem seriously. Left realism placed considerable reliance on obtaining evidence of people’s experiences of crime, especially through the use of social surveys (such as the Islington crime surveys, the results of which were published in 1986 and 1990) in order to design practical policies to reduce the level of crime, especially as it impacted on working-class communities.

The response to crime put forward by left realism has been described as a ‘holistic approach’ (Williams, 2001: 467) which sought to identify the four main elements of the crime problem – offenders, victims, formal control (exercised by agencies such as the police and educational system) and informal control (carried out by the general public) – and to study the interrelationships between these key aspects of what is referred to as ‘the square of crime’.

A number of problems arose from the approach adopted by left realism. These included the extent to which it is possible, or desirable, to formulate public policy on the basis of the response of a number of individuals to unstructured questions. The public were unlikely to possess either unity or consistency in their responses to crime-related issues, and the ‘true picture’ articulated by the public was likely to be contaminated by values which were socially constructed. Further, while social surveys which focused on victims of crime might unearth problems which did not previously figure on the policy agenda (such as violence towards women and children in the home), it did not follow that this ‘democratic’ approach to tackling crime based on people’s experiences would produce progressive policies which the left could

endorse.

THE PROCESS OF CRIMINALIZATION

Conflict theory viewed criminalization as a key mechanism for securing the maintenance of the existing social order. It was the means to ensure the acquiescence of those who adopted a rebellious stance towards the values or institutions of capitalist society, and the targeting of these rebels helped to divert attention from the inherent unfairness of that system. This enabled inequalities in the distribution of wealth and power to be perpetuated, and ensured the continuance of conditions that were required for the accumulation of profit.

However, in a liberal democratic political system, social control achieved through punitive actions would only be successful if these had a considerable degree of public support. Drawing from a number of criminological perspectives, in particular labelling and conflict theories, the concept of moral panics has been advanced to explain how widespread popular endorsement for a law and order response to social problems that threatened the position of the ruling elite could be created.

Moral panics

Moral panics describe a situation whereby ‘a condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests’ (Cohen, 1980: 9).

The media was accorded a crucial role in the production of a moral panic. It was initially responsible for making people feel uneasy concerning the direction which society was taking. An important way of achieving this objective was to report incidents suggesting a decay in traditional moral values. Having created an underlying cause of concern, the media then focused attention on an action that epitomized the perversion of traditional social values. This entailed focusing on an issue that was then amplified out of all proportion to its real importance through sensationalized treatment and the provision of selective information. The media associated the issue with a specific group of people (termed ‘folk devils’) who become scapegoated. The resulting moral panic was directed against this group and their anti-social activities that epitomized the more general malaise within society. This caused public opinion to demand that the state act to curb their activities. This objective could be accomplished by legislation giving the police additional powers or by the more vigorous use of existing ones.

The state’s response could create what is termed a ‘deviancy amplification spiral’ in which actions directed against a particular stereotyped group resulted in an increased number of arrests and prosecutions of its members. This activity created hostility from the targeted group who viewed this intervention by the state as harassment. As a result, relationships between the targeted group and the police deteriorated, leading to confrontational situations which could then be cited as evidence of the existence of the original problem and also be used as a justification for further tougher action.

Moral panics generally occur in periods of rapid social change and can be said to locate and crystallize wider social anxieties about risk (Jewkes, 2011: 77). Problems such as recession, unemployment or the growth of monopoly capitalism lead many members of the general public to become disquieted concerning the direction society is taking, especially those whose interests or values seemed directly threatened by these changes. Those affected by feelings of social anxiety were especially receptive to the simplistic solutions provided by scapegoating a segment of the population, depicting them as the physical embodiment of all that was wrong with society and institutionalizing prejudice towards them.

The behaviour of young people (often, but not exclusively, of working-class origin) is frequently the subject on which moral panics are based. Industrialized society's tendency to direct moral panics at the actions of the working class indicated a fear that the key threat to dominant social values was presented from this segment of society. Latterly race and gender supplemented social class as the basis on which marginalization was formulated.

Examples of moral panics included the clashes between 'mods' and 'rockers' at South Coast holiday resorts in the 1960s (Cohen, 1980) and mugging in the 1970s (Hall et al., 1978). Subsequent examples of moral panics included activities associated with the 'underclass' (particularly urban disorder and juvenile crime) in the 1980s and 1990s. A particularly significant event was the abduction and murder of James Bulger by two ten-year-old boys in 1993 which became the flashpoint 'which ignited a new moral panic and led to further demonization of young people and, increasingly in the 1990s, also of lone mothers' (Newburn, 1997: 648).

It has been argued that persons susceptible to moral panics tended to be especially drawn from the lower-middle-class who were excessively concerned with status (Holdaway, 1996: 80) and who frequently supported right-wing extremist politics in eras of adverse social change (Scott, 1975: 226).

Panics rooted in middle-class fears of a threat to their social position have allegedly surfaced on a regular basis (approximately every 20 years): it has been asserted that these have sought to resurrect the social values of what was seen as a previous 'golden age' but which in reality was based upon a blinkered and over-romanticized view of the past (Pearson, 1983).

The link between moral panics and social control rests on the assumption that the sentiments evoked are artificially manufactured by the media which acts as an ideological tool operating at the behest of the ruling elite. Viewed from this perspective, moral panics facilitated social control in three key ways:

- *They enabled the definition of criminal and deviant behaviour to be constantly adjusted.* The ruling elite could respond to any threat posed to its interests by instigating a moral panic which would initiate coercive action to criminalize that threat.
- *They diverted attention away from the fundamental causes of social problems.* Marxists

identified these to be associated with the workings of capitalism, particularly the unequal distribution of power and resources throughout society and the resulting levels of inequality and social injustice. The institutionalization via a moral panic of discriminatory practices against a targeted group thus resulted in a 'divide and rule' situation, in which the symptoms of society's problems rather than their root causes became the main subject of popular concern. According to this analysis, groups of citizens were placed in conflict with each other, thus impeding the development of class consciousness based upon common perceptions of injustice arising from the unjust nature of capitalism.

- *They manufactured consent for the introduction of coercive methods of state control.* These were particularly important in times of recession when social harmony could not be achieved through the provision of socio-economic rewards.

However, arguments alleging that moral panics were based upon manufactured sentiments were not universally accepted. There is no evidence to sustain allegations of conspiracies to create moral panics (Williams, 2001: 452). Further, left realism asserted that the behaviour on which a moral panic was based constituted a genuine source of public concern and was not simply a product of the media (Young, 1986).

Crime and the media

The media exerts an important influence on popular perceptions of the nature and effect of crime. Since many people lack first-hand experience of crime, the media is an important source of information regarding criminal behaviour.

However, the media does not necessarily provide an accurate portrayal of these events. It will focus its attention on crimes that are 'newsworthy'. This ensures that crimes of a sexual or violent nature receive prominent coverage (often in a sensationalized fashion) whereas other crimes are relatively under-reported. This may thus convey a misleading picture to the public regarding the nature and extent of crime and those who are victims of it.

The media may also have a political axe to grind. This may reflect the views of its owners or of the political party that it supports. This means that stories favourable to this viewpoint receive high-profile coverage to the detriment of stories that fail to substantiate this political opinion. Thus a newspaper wishing to support a tough line with criminals is likely to highlight crime caused by offenders that they claim have been treated leniently and disregard stories evidencing the success of non-custodial responses to crime.

There is, however, debate as to whether the media seeks to manipulate public opinion in connection with its coverage of crime or whether it seeks to reflect the views of large numbers of members of the general public.

CONSERVATIVE CRIMINOLOGY

Support of the existing social order is a key concern of conservative criminology as well as conservative political thought. The social order may be imperilled by actions which include moral misbehaviour as well as the more traditional forms of criminal activity directed against persons or their property.

Unlike positivist approaches, this perspective sees no essential difference between a criminal and non-criminal as all human beings are perceived to possess the potential to act in an unsocial manner. However, most people do not do so as their powers of self-restraint are sufficient to overcome any temptation to surrender to their innate instincts. In common with classicist theory, those who yield to temptation are deemed responsible for their actions, which are allegedly based on free choice and driven by moral failings such as greed. Conservative criminology emphasizes the importance of social structures and processes to educate or coerce individuals into overcoming their potential to commit actions that threaten the social fabric. This includes the family unit in addition to the institutions of the criminal justice system.

Right realism

The practical application of conservative criminology was associated with right realism in the UK and America, an approach that was sometimes referred to as 'new right criminology'. New right criminology was underpinned by an ideology of law and order which was summarized as consisting of a 'complex... set of attitudes, including the beliefs that human beings have free will, that they must be strictly disciplined by restrictive rules, and that they should be harshly punished if they break the laws or fail to respect authority' (Cavadino and Dignan, 1992: 26).

This approach emerged out of the economic crisis of the 1970s in which governments responded to recession by cutting public spending (Walklate, 1998: 34) thereby needing to find mechanisms other than social welfare policies to regulate the behaviour of the poor and underprivileged members of society.

The prevailing philosophy of individualism was compatible with the proposition that the responsibility for crime rested with the individual rather than deficiencies in the operations of society. It was expressed in 1993 by the UK's then Home Secretary, Michael Howard, who stated that he would have 'no truck with trendy theories that try to explain crime away by blaming socio-economic factors'. He emphasized that 'criminals are responsible for crime, and they should be held to account for their actions'. He insisted that 'trying to pass the buck is wrong, counterproductive and dangerous' (Howard, 1993).

Right realism additionally incorporated socio-biological explanations for crime. These asserted that biological factors exercised a considerable (though not a total) influence on criminal behaviour (Wilson and Herrnstein, 1985). Some American studies equated race and intelligence suggesting that the social circumstances of black and Latino Americans was

caused not by discrimination but by the ‘fact’ that they were innately less intelligent (Hernnstein and Murray, 1994). It was also alleged that low IQ was a significant explanation for black violence and criminality (Hernnstein and Murray, 1994).

Question

Compare and contrast left and right realist approaches to the study of crime

Penal populism

Populism advocates the pursuance of policies supported by majority public opinion. This approach is not derived from any coherent set of political beliefs but puts forward simplistic solutions to complex problems resting on ‘common-sense’ assumptions.

The terms ‘penal populism’ or ‘populist punitiveness’ were used during the 1990s (Bottoms, 1995: 40). This approach is not concerned with the causes of crime but, rather, constitutes a response to criminal actions which represented a move away from penal modernism and the emphasis which it placed on rehabilitating offenders. It entailed a more coercive response to crime based on the belief that this is what the public wanted. It is, however, debated whether the concern over crime which underpinned penal populism is engineered from above (by the media or politicians who attach the latent fear of crime to specific issues in an attempt to preserve or further their broader political interests) (Sparks, 2003: 161) or whether the concerns of the general public regarding what is perceived to be a worsening crime problem percolate upwards to influence the actions of the media and politicians (an approach which has been described as ‘democracy-at-work’ (Beckett, 1997) or ‘bottom-up populism’).

Penal populism denies the relevance of any social explanation for crime and emphasizes the need to adopt a harsh approach towards those who carry out such actions. It is characterized by ‘get tough on crime’ policies that included:

Harsher sentencing and increased use of imprisonment, ‘three strikes’ and mandatory minimum sentencing laws; ‘truth in sentencing’ and parole release restrictions; ‘no frills’ prison laws and ‘austere prisons’; retribution in juveniles court and the imprisonment of children; the revival of chain gangs and corporal punishment; boot camps and supermax prisons; the multiplication of capital offences and executions; community notification laws and paedophile registers; zero tolerance policies and Anti-Social Behavior Orders.

(Garland, 2001: 142)

The emergence of penal populism has been attributed to factors that include disenchantment with the liberal democratic process, the dynamics of crime and insecurity in a period of considerable social change and the emergence of a new kind of penal expertise (Pratt and Clark, 2004) in which the influence wielded by liberal elites was superseded by pressure exerted by the media and organizations such as victimization groups. It has been argued that in

order to counter these new sources of influence it is necessary for the old elites to ‘get their hands dirty’ and engage with the public in order to marshal support for progressive penal policies (Ryan, 2003).

Tough approaches to combat crime were an important aspect of the policies initially pursued by Margaret Thatcher’s post-1979 governments. This approach became latterly associated with Michael Howard when he became Home Secretary in 1993 and was subsequently adopted by post-1997 Labour governments (Sparks, 2003: 165). Labour’s penal populist leanings were especially obvious in the approach adopted towards anti-social behaviour.

The prominence accorded to penal populism by successive governments can be explained by factors which include the suggestion that in a world in which the power of the nation-state has been eroded by globalization (thus making it difficult for governments to present themselves as effective managers of the economy), law and order remains one area which remains significantly subject to national policy-making. The emphasis placed on punitive responses to lawlessness enables the state to propagate a powerful image: it maintains the pretence of its power to *govern* by displaying its power to *punish* (Garland, 2001; Lacey, 2003: 185).

Critics of this approach argued that it enhanced the sense of social exclusion felt by those who had become unemployed or unemployable in the new social order. It was argued that ‘increasing the scope and use of the criminal law, making the courts more repressive, the penal sanctions more severe... will not strengthen society’s capacity to deal with disorder’. It was asserted that these problems existed because society was heading towards excluding a large group of citizens from the benefits enjoyed by the majority: the crimes that caused most concern were usually committed by young men from certain areas who often had a low level of education and were not trained for a job. They viewed their chances of being accepted as valued members of society as negligible. It was argued that the best way to deal with them was to reintegrate them into society and turn their destructive tendencies into constructive directions (Stern, 1993).

Other problems associated with penal populism include the expense arising from the use of harsher sentences (usually of a custodial nature) and their questionable nature of their effectiveness (measured in terms of recidivism rates).

New right criminology in the United Kingdom

In the United Kingdom, new right criminology embraced the harsh approach to crime initially associated with post-1979 Conservative governments whose response to problems affecting the global economy was the adoption of free market economic policies. These were accompanied by coercive measures to control the dissent that arose from those adversely affected by this approach, one consequence of which was to scale down the responsibility of the state for social welfare.

Although the two pillars of post-1979 Conservatism (neo-liberalism and the social

authoritarianism of neo-conservatism) did not seem to be innately compatible, post-1979 Conservative politics made them inextricably connected:

If the state is to stop meddling in the fine-tuning of the economy, in order to let 'social market values' rip, while containing the inevitable fall-out, in terms of social conflict and class polarization, then a strong, disciplinary regime is a necessary corollary. In 'social market doctrine', the state should interfere less in some areas, but more in others. Its preferred slogan is 'Free Economy: Strong State'.

(Hall, 1980: 4)

New right criminology essentially meant 'getting tough on criminals' (Cavadino and Dignan, 1992: 51) who would receive the 'just deserts' for their actions. In order to secure widespread legitimacy for putting forward a coercive response of this nature to those who failed to benefit from the new social order, it was necessary to depict their behaviour in a negative light that would secure widespread public disapproval. Moral panics performed an important role in this process, seeking to ensure that prevalent social ills were widely blamed on the behaviour of marginal groups within society and were not attributed to the failings of the economic system.

Thus the compassion which might once have been extended to those whose misfortunes were not solely of their own making gave way to an aggressive form of denunciation, in order to build consent for coercive responses directed against those who threatened social harmony. The use of language and imagery which (as with racism) sought to deny humanity to these people constituted an important aspect of Conservative policy to secure legitimacy for punitive action against those who transgressed key social values. Car thieves, for example, were depicted as 'hyenas' in campaigns mounted by the Home Office and a persistent juvenile offender in North Eastern England was dubbed 'ratboy' by the local press (Muncie, 1999: 27).

There re-moralization of society

The punitive aspects of a law and order agenda founded on penal populism were further reflected in the strong emphasis that new right criminology placed on the importance of traditional moral values. In this context, crime was alleged to have arisen 'as the outcome of misguided welfare programmes; as a result of amoral permissiveness and lax family discipline encouraged by liberal elites who were sheltered from the worst consequences; as the irresponsible behaviour of a dangerous and undeserving underclass' (Sparks, 2003: 156).

Conservatives therefore looked beyond the criminal justice system to encourage (or coerce) people to make the correct moral choices and emphasized the importance of institutions such as schools and the family to instil into children the ability to discern right from wrong.

The perception of a link between crime and the decline of traditional moral values was influenced by the American, Charles Murray. He contended that liberal social welfare policy was chiefly responsible for creating a criminal underclass (Murray, 1984). He later depicted illegitimacy as the key social evil:

In a neighbourhood where few adult males are playing the traditional role of father, the most impressive man around is likely to teach all of the opposite lessons: sleep with as many women as you can, rip off all the money you need and to hell with the rules, waste anyone who gets in your face.

This problem, he believed, needed to be eradicated by measures that included abolishing welfare payments to single mothers (Murray, 1994).

Support for the family was articulated by leading Conservative politicians. In the early 1980s Margaret Thatcher chaired a Cabinet Committee on Family Policy. Little emerged from this initiative but this theme was fervently articulated by Conservative politicians after the 1990s.

In 1993 the Conservative party's 'Back to Basics' campaign scapegoated single mothers for the level of crime and delinquency in society. Similarly, the then Education Secretary, John Patten, stated that 'in the family... children learn the difference between right and wrong. It is the family that instils moral values and it is the family that gives a child a sense of purpose and belonging' (Patten, 1993). Sentiments of this nature, however, were based upon very little 'hard' evidence and could thus be criticized for being based on emotion and prejudice as opposed to scientific evidence. This approach also overlooked the possibility of conflict within families being at the root of offending behaviour.

Administrative (or mainstream) criminology

The administrative criminology that emerged within the Home Office (or from research which it commissioned) in the 1980s was concerned with putting the study of crime and deviance to official practical use, with the aim of ensuring that those who controlled the criminal justice system were more effectively able to translate their intentions into practice.

Administrative criminology possesses many of the characteristics of classicist criminology which emphasized that criminals weighed up the benefits and costs of engaging in criminal activity. Additionally, administrative criminology was underpinned by rational choice theory and (especially in connection with research into victimization) routine activity theory. The latter suggested that certain crimes conformed to a systematic pattern, the understanding of which could be used to prevent the individual suffering further offences. Neither of these theories addressed the reasons why individuals commit crime, but focused on ways of more effectively managing the problem.

Two key aspects of administrative criminology were:

- *To focus on offences rather than offenders.* It abandoned attempts (based on positivism) to discover why offenders committed crime and instead sought to predict future patterns of criminal behaviour from a detailed analysis of crimes committed in the past. It utilized developments such as crime pattern analysis at a local or national level to identify where certain types of offences took place, to facilitate a targeted police response. Administrative criminology is also associated with studies of victimization, especially repeat

victimization.

- *To further crime prevention schemes.* A major concern of administrative criminology was crime prevention, particularly situational methods (an approach which is discussed more fully in [Chapter 2](#)) involving alterations to the environment in order to limit opportunities for criminal activities to be committed. It included innovations such as CCTV, neighbourhood watch and multi-agency approaches.

Administrative criminology was compatible with the new right political thrust of the new Conservative governments by emphasizing individual enterprise and self-reliance as the basis on which criminal behaviour could be restrained.

FEMINIST CRIMINOLOGIES

The study of female crime was traditionally a neglected area of criminology. Various reasons were offered for this omission which included the relatively low number of female offenders, the nature of the crimes they committed (female crime being especially identified with property crime such as shoplifting rather than the more ‘spectacular’ crime which was of most interest to males who dominated the discipline of criminology) and the tendency for female criminals not to reoffend. Accordingly explanations of female crime remained rooted in theories derived from late nineteenth-century biological positivism initially put forward by Lombroso and amplified, with specific regard to female offending, by Lombroso and Ferrero (1895). Thus female crime was primarily attributed to ‘impulsive or irrational behaviour caused by a reaction to factors which included hormonal changes occasioned by biological processes of menstruation, pregnancy and childbirth’. This view insisted that women could not be held responsible for their criminal actions that additionally were virtually devoid of meaning for those who carried them out (Smart, 1995: 25).

A key development associated with feminist criminology was the publication of *Women, Crime and Criminology* (Smart, 1977). However, it has been argued that feminist criminology does not constitute a true paradigm, and is concerned more with establishing the gender biases of the criminal justice system and the general oppression of females than it is with explaining the causes of crime per se or in formulating general explanations of criminality (Fattah, 1997: 271). There is no coherent set of beliefs guiding feminist analysis, and the terms ‘feminist criminologies’ and ‘feminist perspectives within criminology’ (Gelsthorpe and Morris, 1990: 227) have alternatively been employed to describe this approach.

These diverse approaches are based on four strands within feminism (liberal, radical, socialist and postmodernist) (Walklate, 1998: 73–8 and 2004: 40–7) that have underpinned the varied agendas addressed within feminist criminologies. Some of these key themes are discussed below.

Female criminality

One aspect of feminist criminologies (underpinned by liberal feminism) is concerned to rectify the perceived deficiencies of mainstream (or 'malestream') criminology. This approach broadly accepted the underlying ethos and methodology of conventional criminology, but suggested that it could be enhanced by more female researchers and the inclusion of greater numbers of females in survey samples.

This has resulted in investigations of female offending behaviour, analysing the trends, patterns and causes of female crime both as a discrete subject and also in comparison with male criminality. The 'discovery' of girl gangs was one aspect of this approach (for example, Campbell, 1981; 1984) which has also suggested that women's crime was committed in different circumstances to that of men, being the crimes of the powerless (Carlen, 1992: 52). It has been further argued that much female crime is underpinned by rational considerations: a high proportion of female offenders steal 'in order to put food on the table for their children' (Walklate, 1995: 7).

Women as perpetrators of crime

Liberal feminism has also provided the underpinning for studies that examined the discriminatory practices of the criminal justice system towards women who had committed crime. Earlier criminologists had argued that victims were less willing to report female offenders and the criminal justice system was accused of operating in a manner which was overly protective towards women offenders who allegedly benefited from the application of what was termed 'male chivalry' (Pollak, 1950; Mannheim, 1965). Although evidence of favourable bias was discerned in later studies concerning the treatment of shoplifters (Farrington and Burrows, 1993: 63) and relating to sentencing policy (Allen, 1987), it was not conclusive. A key difficulty was the virtual impossibility of finding a set of male and female offenders in identical circumstances (in areas such as previous convictions, family responsibilities and income). It is thus possible to argue that the apparent leniency towards women offenders stemmed from the nature of their crimes and their previous criminal record (Farrington and Morris, 1983).

Conversely, the criminal justice system has been accused of discriminating against women by the application of what is termed 'double deviance'. This suggested that women offenders were treated worse by agencies operating within the criminal justice system because they were judged in accordance with the severity of the offence they had committed and also by the extent to which they have deviated from conformity to stereotypical female roles. The combination of rule breaking and role breaking resulted in harsher treatment (Carlen, 1983; Heidensohn, 1985).

According to this perspective, women offenders were more likely to be denied bail and be remanded in custody for medical or psychiatric reports, and were more likely to be placed on probation or be sent to prison for trivial offences. Unmarried women would be treated more harshly than married women. Those whose crimes constituted a rejection of the mothering

characteristics of ‘nurture’ and ‘protection’ (such as Myra Hindley and Rosemary West) would be treated severely (Kennedy, 1993: 23), especially when they used violence.

However, as with arguments related to male chivalry, the evidence supporting double deviance is not conclusive, and it has been argued that ‘there is no clear and reliable evidence showing that female offenders are treated more harshly than men’ (Hough, 1995: 22).

A reluctance to use specific penalties against a woman offender does not necessarily benefit her: one study concluded that ‘sentencers exhibit a greater reluctance to fine women. This can result in greater leniency (a discharge) or severity (a community penalty) – the results concerning the use of custody are less clear-cut’ (Hedderman and Dowds, 1997: 1).

Women as victims of crime

The focus of radical feminism on female oppression derived from their sexual relationship with men has inspired many studies of women as victims of crime such as rape, domestic violence and female child abuse. The enhanced level of criminal victimization experienced by women has also affected women’s fear of crime that is connected to their public and private experience of men (Walklate, 2004: 100). The violence displayed by men towards women could be explained as ‘a conscious and systematic attempt by men to maintain women’s social subordination’ (Eardley, 1995: 137), an aspect of ‘a patriarchal culture’ (Kennedy, 2005). However, the presumption that sexual abuse was based upon masculinity has been criticized for ignoring female sexual abusers (Smart, 1995).

The oppression experienced by women is reinforced by the gendered administration of the law and the operations of the criminal justice process. This may be illustrated by the way in which the courts have responded to female victims of crime, especially in cases of sexual misconduct by a male towards a female. These women often receive inappropriate treatment in the courts since the socially acceptable ‘attribute’ of masculinity may be utilized as an implicit or explicit defence of male actions or be accepted as a mitigating factor for their behaviour (see [Table 1.1](#)). The conviction rate for the crime of rape has remained low, despite changes to the law relating to sexual offences in 2003. This matter is further considered in [Chapter 10](#).

There is, however, debate as to whether the conviction rate should be related to the number of cases initially reported to the police or to the number of cases prosecuted by the Crown Prosecution Service. As [Table 1.2](#) shows, the conviction rate related to prosecutions has increased in recent years.

Table 1.1 Reports, prosecutions and convictions for rape, England and Wales

	1997	2000	2003	2006
Reports	6,281	8,593	12,760	14,047
Prosecutions	1,880	2,046	2,790	2,567
Percentage of cases leading to prosecution	30	24	22	18
Convictions	599	598	673	863

Percentage of prosecutions leading to conviction	32	29	24	34
Conviction rate (convictions as a percentage of reports)	10	7	5	6

Source: S. Walby, J. Armstrong, and S. Strid, (2011) *Physical and Legal Security and the Criminal Justice System: A Review of Inequalities*. London: Equalconf-dateties and Human Rights Commission. Table 5.1, page 64

Table 1.2 Conviction rate related to prosecutions, 2006–9

	2006/7	2007/8	2008/9
Prosecutions	3,264	3,503	3,495
Convictions	55%	58%	58%

Source: V. Stern (2010) *A Report by Baroness V. Stern CBE of an Independent Review into How Rape Complaints are Handled by Public Authorities in England and Wales*. London: Home Office, Government Equalities Office

Crime as a product of gender

Some aspects of feminist criminology seek to explain how socially constructed gender roles influence the levels of both male and female criminality. The concern of Marxist and socialist feminism with the status of women in society (whereby the source of gender inequality was located in capitalist social relations) and the focus of radical feminism on female oppression were relevant to arguments which suggested that the low level of female offending could be attributed to pressures on women to conform to the role of housewife and mother. The biological differences between males and females gave rise to differential social roles, in which the female was the mother and housewife while the male was the household's provider. The family unit performed a key function in developing and reproducing these differential social roles (Hagan, 1987). This suggested that female criminality is constrained, not by biological factors per se, but for reasons that included the values and attitudes that were learned by (or enforced on) girls as part of the socialization process, or because of the limited opportunities available to them to commit crime.

The argument that differential socialization might explain low levels of female criminality can be applied to provide an understanding of high levels of male rule breaking. Whereas the importance of traits that include passivity, domesticity, caring and nurturing are imposed on girls, boys are encouraged to be 'aggressive, ambitious and outward-going' (Smart, 1977: 66). Factors which include competitiveness, the demonstration of physical strength, aggressiveness and the importance of achieving (in particular in connection with supporting the family) are key aspects developed during the process of male socialization which may also serve to underpin criminal behaviour (Oakley, 1982).

The concept of differential socialization presented an alternative approach to the study of crime whereby a focus on the low level of female crime was substituted for attempts to explain the relatively high level of male offending. Sex role theories (such as those of Parsons, 1937,

and Sutherland, 1947) emphasized the importance of the process of socialization in cultivating differential attitudes between boys and girls. Boys learned attitudes such as toughness and aggression, which exposed them to situations in which antisocial behaviour and criminality were more likely to arise. Indeed, crime (or at least certain aspects of it) could be regarded as a normal (and thus acceptable) display of masculinity: part of the process of 'growing up'.

Girls, on the other hand, were subject to a greater degree of control within families than boys (Hagan et al., 1979). This control (or perhaps over-control) developed attitudes that were not conducive to crime and also limited the opportunities to commit it. Girls were pressurized by the educational system and the media to conform to their social role and were also subjected to a range of informal sanctions to stop them acting improperly, including the stigma attached to such behaviour which was frequently couched in moral terms (Lees, 1989). This placed the male in a socially constructed position of dominance, providing a possible explanation for the low level of female crime.

Male and female crime in post-industrial society

The social role of the male as provider for the family may afford further understanding of the cause of crime among young males when this role cannot be fulfilled. The impact of recession in a number of Western countries in the 1980s had an adverse impact on the male identity by denying to them the status and material rewards traditionally derived from employment. This may have led males to seek out alternative ways to both fulfil their traditional role as family provider and also enhance their self-esteem, including various forms of offending behaviour designed to provide either material gains or emotional satisfaction.

This situation affects the argument related to young people 'growing out' of crime. While this may be so for young women from socially deprived backgrounds (since motherhood and the subsequent responsibility to care for children may constrain their desire or ability to carry out offending acts), young males may find it more difficult to escape these pressures, especially when these are exerted by their peers.

The view that female criminality was constrained by the limited opportunities available to women to commit crime was developed by the 'liberation of crime' thesis associated with some aspects of liberal feminism. This suggested that the extent and variety of women's criminal involvements would increase as they became more equal. However, there was disagreement concerning the nature of the crime that would emerge as women were liberated from their traditional roles (Adler, 1975; Simon, 1975), in addition to whether it was inevitable that a modern woman would wish to ape the behaviour of a male (Morrison, 1995).

A move away from positivist methodologies

Some feminist criminologies have employed different methodologies from those associated with traditional, especially positivist, criminology. This has entailed a move away from quantitative methodologies to ethnographic methods utilizing qualitative approaches. What has been termed the ‘epistemological and methodological project’ (Gelsthorpe, 1997: 511) has sought to place ‘women’s experiences, viewpoints and struggles’ at the centre of projects with the objective of trying ‘to understand the world from the perspective of the subjugated’ (Gelsthorpe, 1997: 522). One consequence of this has been a number of small-scale ethnographic accounts which seek to provide offending women with a voice.

Question

Identify the contribution made by feminist criminologies to the study of crime.

CRIMINOLOGY IN THE POSTMODERN AGE

The impact exerted by economic and social change on the nature of society is a key concern of sociological study which during the nineteenth and twentieth centuries sought to provide an understanding of the processes that resulted in the transition from traditional society to modern society and to analyse the consequences of this change and key characteristics of modern society.

Further social, economic and cultural changes that took place during the latter decades of the twentieth century have given rise to a society that has sometimes been depicted as different in nature to the one that preceded it and has been described as ‘late’ or ‘post’ modern. Late modern society emerged against the background of a wide array of factors that included the emergence of a global economy, the erosion of the autonomy of the nation-state, a shift in employment from manufacturing to service industries (giving rise to a society dominated by consumerism) and the development of new forms of communications technology that embraced transport and the electronic mass media.

Late modern society also gave rise to new political ideologies that were especially associated with the individualist creed put forward by ‘new right’ politicians in America and the United Kingdom. Their espousal of free market economic policies had particular consequences for the role of the state, social welfare policy, law and order and the concept of community. The new political order also evidenced the emergence of issues such as environmental concerns that were not as obviously underpinned by the traditional class struggle that characterized modernist political debate and which were often played out by social movements and pressure groups as opposed to the traditional political parties.

What has been termed postmodern criminology rejects the approaches associated with modernism that sought to put forward universal explanations for criminal behaviour and instead asserts the existence of a multiplicity of explanations which may be derived from individuals attaching different meanings to similar actions. A postmodernist perspective viewed the world ‘as replete with an unlimited number of models of order each generated by relatively autonomous and localised sets of practices which are incapable of being explained by any “scientific” theory’ (Muncie, 1999: 151). This led postmodern criminologists towards seeking to explain the meanings that became attached to social phenomena such as crime, rather than the causes of them. The methodology through which criminal behaviour is studied is typically multi-disciplinary, reflecting the view that this behaviour cannot be understood from the standpoint of one academic discipline or single theoretical perspective.

The focus on the way in which meanings were defined and constructed led postmodernists to concentrate particular attention on the control of the language systems, arguing that language can privilege some points of view and disparage others to the extent of establishing dominance relationships (Vold et al., 1998: 270 and 282). That is, ‘those who control the means of expression are seen to hold the key to controlling and exercising power over others’, and the ‘key to social transformation... lies in analysing the languages that construct social relationships in a particular way, to the advantage of some and to the disadvantage of others’ (White and Haines, 2004: 207). One way to redress this imbalance is to ask those who have committed crime to account for their behaviour and to base an understanding of the problem on their testimonies.

The environment or cultural context within which persons embrace forms of behaviour which the state and criminal justice agencies may define as criminal or deviant is a key concern of cultural criminology. This approach was influenced by subcultural theories (that have been discussed above) and views relationship to the means of consumption as exerting a central role in shaping human behaviour. The belief that a person’s behaviour is shaped by their relationship to the means of consumption suggests that factors such as style of dress, drinking habits and tastes in music are key defining factors to secure mainstream social acceptability or to justify social exclusion.

This approach which entails placing ‘crime and its control in the context of culture... viewing both crime and the agencies of control as cultural products’ (Hayward and Young, 2004: 259) views criminal acts as cultural products to be consumed (in particular to obtain excitement or gratification) which are meaningfully undertaken as a form of empowerment. Cultural criminology devotes attention to the meaning that specific cultures and subcultures attach to behaviour that the criminal control agencies may define as criminal or deviant and to the manner in which crime and punishment is constructed by the interaction between these two sets of actors.

The ‘new penology’

The late modern agenda influenced new approaches regarding penology and crime control.

What has been termed ‘new penology’ placed particular emphasis on the management of risk rather than the reform and rehabilitation of offenders as being a key role of criminal justice agencies. Its focus is on ‘identifying and managing unruly groups’ (Simon and Feeley, 1992: 455). Attempts to predict risks that may occur in the future are the concern of actuarial criminology whose focus is on optimizing public safety through the management of aggregates (Simon and Feeley, 1992: 470).

Key changes in the processes of crime control have been identified by Garland (2001). These changes embrace a number of key areas that include an emphasis on retribution as the key rationale for punishment in which prison has assumed pride of place in the state’s penal policy armoury, an emphasis on crime prevention and community safety and a host of managerialist initiatives that seek to provide enhanced efficiency and value for money on the part of the crime control agencies. Concern has especially been directed at the behaviour and habits of young people (such as disorder and anti-social behaviour, alcohol consumption and drug taking) as responses to popular emotions based upon a wide range of insecurities and which have tended to exacerbate social exclusion.

VICTIMOLOGY

Traditionally, criminological theory was concerned with those who committed crime. Since the Second World War, however, increased academic attention has been focused on those who are victims of this activity. An early study (von Hentig, 1948) suggested that victims made some form of contribution to the offences to which they had been subjected, and this led to research into areas which included the role which victims played in precipitating crime and the extent to which certain categories of persons seemed prone to being on the receiving end of criminal behaviour.

Much of the initial research was founded on the presumptions of positivism that suggested that victims possessed particular characteristics that made it possible to distinguish them from non-victims. These differences could be uncovered by social scientific investigation into the circumstances surrounding those who were victims of crime. The resulting crime victimization surveys could then be put to practical use in developing responses to these situations that were designed to prevent future occurrences of victimization. As is argued in [Chapter 2](#), one important consequence of making victims the focus of research has been the attention directed at the lifestyles and routines of victims of crime (especially repeat victims). There are, however, problems associated with this perspective which might lend itself to a typology of victims which draws distinctions between those who are entirely faultless and deserve sympathy and support and those whose actions may be deemed to have contributed to their victimization (Mendelsohn, 1963).

In addition to accounts of victimization founded on positivist principles, there are other

approaches that have extended to focus on victimology. The liberal strand within victimology has extended research underpinned by positivist perspectives to embrace white-collar, middle-class and corporate abuses. Further accounts have been based on radical and critical perspectives. The radical-critical strand within victimology ‘extends to all forms of human suffering and is based on the recognition that poverty, malnutrition, inadequate health care and unemployment are all just as socially harmful as, if not more harmful than, most of the behaviours and incidents that currently make up the official “crime problem”’ (Carrabine et al., 2004: 118). This perspective has also embraced structural explanations of victimization which seek to locate the study of victims within a broader economic, social and political context (Mawby and Walklate, 1994).

‘Crime runs in families.’

Compare and contrast the explanations that the following criminologists might put forward to explain this situation

- a) Cesare Lombroso.
- b) Robert Merton
- c) Howard Becker

Which explanation do you find the most convincing?

CONCLUSION

A chapter of this length can only sketch the main ideas associated with the different schools of thought and approaches that are discussed and it is intended that this outline will provide a useful background for a more detailed examination of this key area of criminological study.

This chapter has attempted to illustrate the very wide range of divergent ideas concerning the commission of crime and deviance. It has discussed the contribution made by classicist criminology to an understanding of the causes and solutions to crime, and has considered biological, psychological and sociological explanations for criminal behaviour. The approaches associated with ideas drawn from the left and right wings of the political spectrum have been contrasted and the chapter also examined the contribution made by feminist criminologies to the study of crime and the development of studies that focus on those who are victims of offending behaviour.

Some of the ideas contained in this chapter are developed in the following chapter. Many of these theories explicitly or implicitly locate crime as a working-class phenomenon. However, crime is carried out by persons higher up the social ladder and the nature of this crime is

considered in [Chapter 2](#). That chapter also builds upon the material in [Chapter 1](#) concerned with the causes of crime by seeking to explain how crime can be prevented and considers the contemporary application of crime prevention to the concept of community safety. First, however, [Chapter 2](#) will examine the extent of crime in society and consider the different ways whereby this can be measured.

FURTHER READING

There are many specialist texts that will provide an in-depth examination of the issues that have been discussed in this chapter. These include:

- Bernard, T. and Snipes, J. (2009) *Gerould A. Vold's Theoretical Criminology*, 6th edn. Oxford: Oxford University Press.
- Burke, R. (2009) *An Introduction to Criminological Theory*, 2nd edn. Cullompton: Willan Publishing.
- Croall, H. (2011) *Crime and Society in Britain*, 2nd edn. Harlow: Longman.
- Muncie, J., McLaughlin, E. and Langan M. (2003) *Criminological Perspectives: A Reader*, 2nd edn. London: Sage.
- Newburn, T. (2007) *Criminology*. Cullompton: Willan Publishing.
- Newburn, T. (2009) *Key Readings in Criminology*. Cullompton: Willan Publishing.
- Walklate, S. (2007) *Understanding Criminology: Current Theoretical Debates*, 3rd edn. Buckingham: Open University Press.
- Williams, K. (2008) *Textbook on Criminology*, 6th edn. Oxford: Oxford University Press.

Key events

- 1764** Publication by Cesare Beccaria of *Dei delitie dellepene (On Crimes and Punishments)*: this provided an agenda for classicist criminology.
- 1876** Publication by Cesare Lombroso of *L'uomo delinquente (The Criminal Man)*: Lombroso revised his ideas concerning the causes of crime in subsequent editions of this work, the fifth and final edition of which was published in 1897.
- 1893** Publication by Emile Durkheim of *De la division du travail social (On the Division of Labour in Society)* in which he put forward the concept of anomie. This was subsequently developed in a later work, *Le suicide (Suicide)* published in 1897.
- 1923** Publication by Sigmund Freud of *The Ego and the Id*, which was translated into English in 1927. This work revised his earlier discussion of psychoanalysis which had been published in 1920 (*A General Introduction to Psychoanalysis*) and asserted the importance for human behaviour of inner turmoil occurring within the subconscious mind of the individual.
- 1938** Publication by Robert Merton of his article on 'Social Structure and Anomie' in which he developed Durkheim's concept of anomie and put forward his ideas of social strain theory. His ideas were subsequently developed in his work *Social Theory and Social Structure* which was initially published in 1949 and rewritten and revised in 1957.
- 1942** Publication by Clifford Shaw and Henry McKay of *Juvenile Delinquency and Urban Areas* (a revised edition of which was published in 1969). Drawing on earlier work of the Chicago School (especially by Robert Park and Ernest Burgess), this asserted the importance of environment on criminal behaviour making for the existence of perennial high crime areas in what was termed the 'zone of transition' within cities. This is a particularly important discussion of the concept of social disorganization that was advanced by the Chicago School.
- 1963** Publication by Howard Becker of his work *Outsiders: Studies in the Sociology of Deviance*. This developed the concept of labelling theory that had been initially associated with Edwin Lemert in his work *Social Pathology*, published in 1951.
- 1972** Publication of *Folk Devils and Moral Panics* by Stanley Cohen. This work focused on society's reaction to clashes between 'mods' and 'rockers' in South Coast holiday resorts in the 1960s and constitutes an

important study of the concept of moral panics.

- 1973** Publication of *The New Criminology* by Ian Taylor, Paul Walton and Jock Young. This provided an important statement of radical criminology in the United Kingdom, the ideas of which were developed in a second work by the same authors published in 1975 entitled *Critical Criminology*.
- 1977** Publication in the United Kingdom by Carol Smart of *Women, Crime and Criminology*. This was an important text in the development of feminist criminologies which challenged a number of established arguments concerning women and crime.
- 1993** Michael Howard became Home Secretary in John Major's Conservative government. During his tenure at the Home Office (until 1997) the penal populist agenda heavily influenced criminal justice policy and underpinned subsequent initiatives such as the concern to combat anti-social behaviour.
- 2001** Publication of David Garland's *The Culture of Control: Crime and Social Order in Contemporary Society*. This book analysed the manner in which penal welfarism was replaced in Britain and America by a punitive approach towards crime control that was characterized by factors that included an emphasis on prisons, the politicization of crime issues and the emphasis accorded to those who were victims of crime.

REFERENCES

- Adler, S. (1975) *Sisters in Crime*. New York: McGraw-Hill.
- Agnew, R. (1985) 'A Revised Strain Theory of Delinquency', *Social Forces*, 64 (1): 151–165.
- Aichorn, A. (1963) *Wayward Youth*. New York: Viking.
- Ainsworth, P. (2000) *Psychology and Crime: Myths and Realities*. Harlow: Longman.
- Akers, A. (1990) 'Rational Choice, Deterrence and Social Learning Theory in Criminology: The Path Not Taken', *Journal of Criminal Law and Criminology*, 81 (3): 653–676.
- Allen, H. (1987) *Justice Unbalanced: Gender, Psychiatry, and Judicial Decisions*. Buckingham: Open University Press.
- Baldwin, J. and Bottoms, A. (1976) *The Urban Criminal*. London: Tavistock.
- Bandura, A. (1977) *Social Learning Theory*. Englewood Cliffs, NJ: Prentice Hall.
- Beccaria, C. (1764) *Dei delitti e delle pene (On Crimes and Punishments)*, trans. H. Paolucci (1963). Indianapolis, IN: Bobbs-Merrill.
- Becker, H. (1963) *Outsiders: Studies in the Sociology of Deviance*. New York: Free Press.
- Beckett, K. (1997) *Making Crime Pay: Law and Order in Contemporary American Politics*. New York: Oxford University Press
- Bonger, W. (1916) *Criminality and Economic Condition*. Boston: Little, Brown.
- Bottoms, A. (1995) 'The Philosophy and Politics of Punishment and Sentencing', in C. Clarkson and R. Morgan (eds), *The Politics of Sentencing Reform*. Oxford: Clarendon Press.
- Bottoms, A. and Wiles, P. (1994) 'Environmental Criminology', in M. Maguire, R. Morgan and R. Reiner (eds), *The Oxford Handbook of Criminology*. Oxford: Oxford University Press.
- Bottoms, A., Claytor, A. and Wiles, P. (1992) 'Housing Markets and Residential Crime Careers: A Case Study from Sheffield', in D. Evans, N. Fyfe and D. Herbert (eds), *Crime, Policing and Place: Essays in Environmental Criminology*. London: Routledge.
- Bowlby, J. (1946) *Forty-Four Juvenile Thieves*. London: Ballière, Tindall & Cox.
- Bowlby, J. (1953) *Child Care and the Growth of Love, based by permission of the World Health Organization on the report Maternal Care and Mental Health*. Harmondsworth: Penguin.
- Box, S. (1987) *Recession, Crime and Punishment*. London: Macmillan.
- Brantingham, P. J. and Brantingham, P. L. (1984) *Patterns in Crime*. New York: Macmillan.
- Brunner, H. (1995) *MAOA Deficiency and Abnormal Behaviour: Perspectives on an Association*. Paper delivered at the Symposium on Genetics of Criminal and Anti-Social Behaviour, Ciba Foundation, London, 14–16 February.
- Brunner, H., Nelen, M., Breakefield, X., Ropers, H. and van Oost, B. (1993) 'Abnormal Behaviour Associated with a Point Mutation in the Structural Gene for Monoamine Oxidase A', *Science*, 262: 578–580.
- Burgess, E. (1925) 'The Growth of the City', in R. Park, E. Burgess and R. McKenzie (eds), *The City*. Chicago: University of Chicago Press.
- Bursik, P. (1986) 'Ecological Stability and the Dynamics of Delinquency', in A. Reiss and M. Tonry (eds), *Communities and Crime*. Chicago: University of Chicago Press.
- Bynum, J. and Thompson, W. (1996) *Juvenile Delinquency: A Sociological Approach*, 3rd edn. Boston: Allyn & Bacon.

- Campbell, B. (1981) *Girl Delinquents*. Oxford: Blackwell.
- Campbell, B. (1984) *Girls in the Gang: A Report from New York City*. Lexington, MA: Raytheon Company.
- Carlen, P. (1983) *Women's Imprisonment*. London: Routledge & Kegan Paul.
- Carlen, P. (1992) 'Criminal Women and Criminal Justice: The Limits to, and Potential of, Feminist and Left Realist Perspectives', in R. Matthews and J. Young (eds), *Issues in Realist Criminology*. London: Sage.
- Carrabine, E., Iqanski, P., Lee, M., Plummer, K. and South, N. (2004) *Criminology: A Sociological Introduction*. London: Routledge.
- Cavadino, M. and Dignan, J. (1992) *The Penal System: An Introduction*. London: Sage.
- Chambliss, W. (1975) 'Towards a Political Economy of Crime', *Theory and Society*, 2: 149–170.
- Cicourel, I. (1968) *The Social Organisation of Juvenile Justice*. New York: John Wiley.
- Cloward, R. and Ohlin, L. (1960) *Delinquency and Opportunity*. New York: Free Press.
- Cohen, A. (1955) *Delinquent Boys: The Culture of the Gang*. Chicago: Chicago Free Press.
- Cohen, S. (1980) *Folk Devils and Moral Panics*, 2nd edn. Oxford: Martin Robertson; first published in 1972.
- Cohen, S. (1988) *Against Criminology*. Oxford: Transaction Books.
- Coleman, C. and Moynihan, J. (1996) *Understanding Crime Data, Haunted by the Dark Figure*. Buckingham: Open University Press.
- Conrad, P. and Schneider, J. (1992) *Deviance and Medicalization: From Badness to Sickness*. Philadelphia, PA: Temple University Press.
- Cooley, C. (1902) *Human Nature and the Social Order*. New York: Schocken Books.
- Dugdale, R. (1877) *The Jukes: A Study in Crime, Pauperism, Disease and Heredity*. New York: Putnam.
- Durkheim, E. (1893) *De la division du travail social (On the Division of Labour in Society)*. Paris: Alcan.
- Durkheim, E. (1897) *Le suicide (Suicide)*. Paris: Alcan.
- Eardley, T. (1995) 'Violence and Sexuality', in S. Caffrey and G. Mundy (eds), *The Sociology of Crime and Deviance: Selected Issues*. Dartford: Greenwich University Press.
- Erikson, K. (1966) *Wayward Puritans*. New York: John Wiley & Sons.
- Eysenck, H. (1960) *The Structure of Human Personality*. London: Methuen.
- Eysenck, H. (1964) *Crime and Personality*. London: Routledge and Kegan Paul.
- Eysenck, H. (1970) *The Structure of Human Personality*, revised edn. London: Methuen.
- Farrington, D. (1994) 'Introduction', in D. Farrington (ed.), *Psychological Explanations of Crime*. Aldershot: Dartmouth.
- Farrington, D. and Burrows, J. (1993) 'Did Shoplifting Really Decrease?', *British Journal of Criminology*, 33 (1): 57–69.
- Farrington, D. and Morris, A. (1983) 'Sex, Sentencing and Reconviction', *British Journal of Criminology*, 2 (2): 85–102.
- Farrington, D., Loeber, R. and Van Kammen, W. (1990) 'Long-Term Criminal Outcomes of Hyperactivity-Impulsivity-Attention Deficit and Conduct Problems in Childhood', in L. Robins and M. Rutter (eds), *Straight and Devious Pathways from Childhood to Adulthood*. Cambridge: Cambridge University Press.
- Fattah, E. (1997) *Criminology Past, Present and Future: A Critical Overview*. London: Macmillan.
- Ferri, E. (1917) *Criminal Sociology*. Boston: Little, Brown.
- Foucault, M. (1977) *Discipline and Punish: The Birth of the Prison*. New York: Vintage.
- Freud, S. (1920) *A General Introduction to Psychoanalysis*. New York: Boni & Liveright.
- Freud, S. (1923) *The Ego and the Id*. trans. (1927) Frankfurt: Fischer.
- Freud, S. (1930) *Civilisation and its Discontents*. New York: Cape & Smith.
- Garland, D. (2001) *The Culture of Control*. Chicago: University of Chicago Press.
- Gelsthorpe, L. (1997) 'Feminism and Criminology', in M. Maguire, R. Morgan and R. Reiner (eds), *The Oxford Handbook of Criminology*, 2nd edn. Oxford: Oxford University Press.
- Gelsthorpe, L. and Morris, A. (1990) *Feminist Perspectives in Criminology*. Buckingham: Open University Press.
- Glaser, D. (1956) 'Criminality Theories and Behavioural Images', *American Journal of Sociology*, 61: 433–444.
- Gottfredson, M. and Hirschi, T. (1990) *A General Theory of Crime*. Stanford, CA: Stanford University Press.
- Greenberg, D. (1977) 'Delinquency and the Age Structure of Society', *Contemporary Crises*, 1 (2): 189–224.
- Hagan, J. (1987) *Modern Criminology: Crime, Criminal Behavior and its Control*. Toronto: McGraw-Hill.
- Hagan, J., Simpson, J. and Gillis, A. (1979) 'The Sexual Stratification of Social Control', *British Journal of Sociology*, 30: 25–38.
- Hall, S. (1980) *Drifting into a Law and Order Society*. London: Cobden Trust.
- Hall, S., Critcher, C., Jefferson, T. and Roberts, B. (1978) *Policing the Crisis: Mugging, the State and Law and Order*. London: Macmillan.
- Hayward, K. and Young, J. (2004) 'Cultural Criminology: Some Notes on the Script', *Theoretical Criminology*, 8 (3): 259–273.
- Hedderman, C. and Dowds, L. (1997) *The Sentencing of Women: A Section 95 Publication*, Research Findings No. 58. London: Home Office Research and Statistics Directorate.
- Heidensohn, F. (1985) *Women and Crime*. London: Macmillan.
- Hernnstein, R. and Murray, R. (1994) *The Bell Curve: Intelligence and Class Structure in American Life*. New York: Free

- Press.
- Hirschi, T. (1969) *Causes of Delinquency*. Berkeley, CA: University of California Press.
- Hirschi, T. and Hindlelang, M. (1977) 'Intelligence and Delinquency: A Revisionist Review', *American Sociological Review*, 42: 571–587.
- Holdaway, S. (1996) *The Racialisation of British Policing*. London: Macmillan.
- Hough, M. (1995) 'Scotching a Fallacy, Sentencing Women', *Criminal Justice Matters*, 19: 22–23.
- Howard, M. (1993) Speech at Basingstoke, 10 November, quoted in *The Guardian*, 11 November.
- Huesmann, L. and Podolski, C. (2003) 'Punishment: A Psychological Perspective', in S. McConville (ed.), *The Use of Punishment*. Cullompton: Willan Publishing.
- Hutchings, B. and Mednick, S. (1977) 'Criminality in Adoptees and their Adoptive and Biological Parents: A Pilot Study', in S. Mednick and K. Christensen (eds), *Biosocial Bases of Criminal Behaviour*. New York: Gardner Press.
- Jacobs, P., Brunton, M. and Melville, M. (1965) 'Aggressive Behaviour, Mental Subnormality and the XYY Male', *Nature*, 25December: 1351–1352.
- Jensen, A. (1969) 'How Much Can we Boost IQ and Scholastic Achievement?', *Harvard Educational Review*, 39: 1–123.
- Jewkes, Y. (2011) *Media and Crime*, 2nd edn. London: Sage.
- Jonassen, C. (1949) 'Re-Evaluation and Critique of the Logic and Some Methods of Shaw and McKay', *American Sociological Review*, 10: 792–798.
- Kelly, G. (1955) *The Psychology of Personal Constructs*. New York: Norton.
- Kennedy, H. (1993) *Eve Was Framed*. London: Vintage.
- Kennedy, H. (2005) 'Why is the Criminal Justice System Still Skewed against Women?' *The Guardian*, 10 March.
- Kornhauser, R. (1978) *Social Sources of Delinquency*. Chicago: University of Chicago Press.
- Lacey, N. (2003) 'Penal Theory and Penal Practice: A Communitarian Approach', in S. McConville (ed.), *The Use of Punishment*. Cullompton: Willan Publishing.
- Lange, J. (1931) *Crime as Destiny: A Study of Criminal Twins*. London: Allen & Unwin.
- Lees, S. (1989) 'Learning to Love', in M. Cain (ed.), *Growing Up Good*. London: Sage.
- Lemert, E. (1951) *Social Pathology*. New York: McGraw-Hill.
- Lemert, E. (1967) *Human Deviance, Social Problems, and Social Control*. Englewood Cliffs, NJ: Prentice Hall.
- Lilly, J., Cullen, F. and Ball, R. (1989) *Criminological Theory: Context and Consequences*. London: Sage.
- Lombroso, C. (1876) *L'uomo delinquente*. Milan: Hoepl.
- Lombroso, C. and Ferrero, W. (1895) *The Female Offender*. London: Fisher Unwin.
- Mannheim, H. (1965) *Comparative Criminology*. London: Routledge & Kegan Paul.
- Maslow, A. (1954) *Motivation and Personality*. New York: Harper.
- Marsh, P., Rosser, E. and Harré, R. (1978) *The Rules of Disorder*. London: Routledge & Kegan Paul.
- Matsueda, R. (1988) 'The Current State of Social Differentiation Theory', *Crime and Delinquency*, 34 (3): 277–306.
- Matza, D. (1964) *Delinquency and Drift*. New York: John Wiley.
- Matza, D. and Sykes, G. (1961) 'Juvenile Delinquency and Subterranean Values', *American Sociological Review*, 26: 713–719.
- Mawby, R. and Walklate, S. (1994) *Critical Victimology*. London: Sage.
- Mawby, R., McCulloch, J. and Batta, I. (1979) 'Crime amongst Asian Juveniles in Bradford', *International Journal of the Sociology of Law*, 7: 297–306.
- Mayhew, H. (1862) London Labour and the London Poor, Vol. 4, *Those That Will Not Work*. London: Griffin Bohn.
- Mead, G. H. (1938) *Mind, Self and Society*. Chicago: University of Chicago Press.
- Mendelsohn, B. (1963) 'The Origin of Doctrine of Victimology', *Excerpta Criminologica*, 3: 239–244.
- Merton, R. (1938) 'Social Structure and Anomie', *American Sociological Review*, 3: 672–682.
- Merton, R. (1957) *Social Theory and Social Structure*, 2nd edn. New York: Free Press; first published in 1949.
- Miller, W. (1958) 'Lower Class Culture as a Generating Milieu of Gang Delinquency', *Journal of Social Issues*, 14: 5–19.
- Morris, T. (1957) *The Criminal Area: A Study in Social Ecology*. London: Routledge & Kegan Paul.
- Morrison, W. (1995) *Theoretical Criminology: From Modernity to Post-modernism*. London: Cavendish.
- Muncie, J. (1999) *Youth and Crime: A Critical Introduction*. London: Sage.
- Murray, C. (1984) *Losing Ground*. New York: Basic Books.
- Murray, C. (1994) quoted in G. Beddell, 'An Underclass Warrior', *Independent on Sunday*, 9 January.
- Newburn, T. (1997) 'Youth, Crime and Justice', in M. Maguire, R. Morgan and R. Reiner (eds), *The Oxford Handbook of Criminology*, 2nd edn. Oxford: Oxford University Press.
- Oakley, A. (1982) 'Conventional Families', in R. Rapoport, R. N. Rapoport and R. Fogart (eds), *Families in Britain*. London: Routledge & Kegan Paul.
- Pakes, F. and Winstone, J. (2005) 'Community Justice: The Smell of Fresh Bread', in J. Winstone and F. Pakes (eds), *Community Justice: Issues for Probation and Criminal Justice*. Cullompton: Willan Publishing.
- Park, R. (1925) 'The City: Suggestions for the Investigation of Human Behaviour in an Urban Environment', in R. Park, E.

- Burgess and R. McKenzie (eds), *The City*. Chicago: University of Chicago Press.
- Park, R. (1928) 'Human Migration and the Marginal Man', *American Journal of Sociology*, 33: 881–893.
- Parsons, T. (1937) *The Structure of Social Action*. New York: McGraw-Hill.
- Patten, J. (1993) Speech to the Conservative Party conf-name, Blackpool, 6 October, quoted in *The Guardian*, 7 October.
- Pavlov, I. (1927) *Conditioned Reflexes*. Oxford: Oxford University Press.
- Pearson, G. (1983) *Hooligan: A History of Respectable Fears*. London: Macmillan.
- Pitts, J. (1988) *The Politics of Juvenile Crime*. London: Sage.
- Pollak, O. (1950) *The Criminality of Women*. New York: A. S. Barnes/Perpetua.
- Pratt, J. and Clark, M. (2004) 'Penal Populism in New Zealand', *Punishment and Society*, 7 (3): 303–322.
- Quinney, R. (1980) *Class, State and Crime*, 2nd edn. New York: Longman.
- Raynor, P. and Vanstone, M. (2002) *Understanding Community Penalties: Probation, Policy and Social Change*. Buckingham: Open University Press.
- Reckless, W. (1967) *The Crime Problem*, 4th edn. New York: Appleton-Century-Croft.
- Reckless, W. (1973) *The Crime Problem*, 5th edn. New York: Appleton-Century-Croft.
- Reiss, A. (1951) 'Delinquency as the Failure of Personal and Social Controls', *American Sociological Review*, 16: 196–207.
- Rutter, M. and Smith, D. (1995) *Psychosocial Disorders in Young People*. New York: John Wiley.
- Ryan, M. (2003) *Penal Policy and Political Cultures in England and Wales*. Winchester: Watership Press.
- Scott, D. (1975) 'The National Front in Local Politics: Some Interpretations', in I. Crewe (ed.), *British Political Sociology Year Book*, Vol. 2. London: Croom Helm.
- Sellin, T. (1938) *Culture, Conflict and Crime*. New York: Social Science Research Council.
- Shaw, C. (1930) *The Jackroller*. Chicago: University of Chicago Press.
- Shaw, C. (1938) *Brothers in Crime*. Chicago: University of Chicago Press.
- Shaw, C. and McKay, H. (1942) *Juvenile Delinquency and Urban Areas*. Chicago: University of Chicago Press.
- Sheldon, W. (1949) *Varieties of Delinquent Youth*. New York: Harper.
- Simon, R. (1975) *Women and Crime*. Lexington, MA: D. C. Heath.
- Simon, J. and Feeley, M. (1992) 'The New Penology: Notes on the Emerging Strategy of Corrections and its Implications', *Criminology*, 30 (4): 449–475.
- Smart, C. (1977) *Women, Crime and Criminology: A Feminist Critique*. Boston: Routledge & Kegan Paul.
- Smart, C. (1995) *Law, Crime and Sexuality*. London: Sage.
- Sparks, R. (2003) 'States of Insecurity: Punishment, Populism and Contemporary Political Culture', in S. McConville (ed.), *The Use of Punishment*. Cullompton: Willan Publishing.
- Stern, V. (1993) *NACRO, Annual Report 1992/3*. London: NACRO.
- Stern, V. (2010) *A Report by Baroness v. Stern CBE of an Independent Review into How Rape Complaints are Handled by Public Authorities in England and Wales*. London: Home Office, Government Equalities Office.
- Sutherland, E. (1939) *The Professional Thief*. Chicago: University of Chicago Press.
- Sutherland, E. (1947) *Principles of Criminology*. Philadelphia, PA: Lippincott.
- Sutherland, E. (1973) *On Analyzing Crime*. Chicago: University of Chicago Press.
- Sutherland, E. and Cressey, D. (1955) *Principles of Criminology*. Chicago: J. B. Lippincott.
- Sykes, G. and Matza, D. (1957) 'Techniques of Neutralisation: A Theory of Delinquency', *American Sociological Review*, 22: 664–670.
- Tannenbaum, F. (1938) *Crime and Community*. Boston: Ginn & Co.
- Tarde, G. (1876) *La criminalité comparée*. Paris: Alcan.
- Taylor, I., Walton, P. and Young, J. (1973) *The New Criminology*. London: Routledge.
- Taylor, I., Walton, P. and Young, J. (eds) (1975) *Critical Criminology*. London: Routledge.
- Thomas, D. (2003) 'Judicial Discretion in Sentencing', in L. Gelsthorpe and N. Padfield (eds), *Exercising Discretion: Decision-Making in the Criminal Justice System and Beyond*. Cullompton: Willan Publishing.
- Title, C. (1995) *Control Balance: Towards a General Theory of Deviance*. Boulder, CO: Westview Press.
- Title, C. (2000) 'Control Balance', in R. Paternoster and R. Bachman (eds), *Explaining Criminals and Crime: Essays in Contemporary Theory*. Los Angeles: Roxbury.
- Van Kampen, D. (1996) 'The Theory behind Psychoticism: A Reply to Eysenck', *European Journal of Personality*, 10 (1): 57–60.
- Vold, G., Bernard, T. and Snipes, J. (1998) *Theoretical Criminology*, 4th edn. Oxford: Oxford University Press.
- Von Hentig, H. (1948) *The Criminal and his Victim*. Newhaven, CT: Yale University Press.
- Walby, S., Armstrong, L. and Strid, S. (2011) *Physical and Legal Security and the Criminal Justice System: A Review of Inequalities*. London: Equalities and Human Rights Commission.
- Walklate, S. (1995) *Gender and Crime*. Hemel Hempstead: Harvester Wheatsheaf.
- Walklate, S. (1998) *Understanding Criminology: Current Theoretical Debates*. Buckingham: Open University Press.
- Walklate, S. (2004) *Gender, Crime and Criminal Justice*, 2nd edn. Cullompton: Willan Publishing.

- White, R. and Haines, F. (2004) *Crime and Criminology: An Introduction*, 3rd edn. Oxford: Oxford University Press.
- Williams, K. (2001) *Textbook on Criminology*, 4th edn. Oxford: Oxford University Press.
- Wilson, J. Q. and Hernnstein, R. (1985) *Crime and Human Nature*. New York: Simon & Schuster.
- Women's Unit (2000) *Living without Fear: An Integrated Approach to Tackling Violence against Women*. London: Cabinet Office.
- Young, J. (1986) 'The Failure of Criminology: The Need for a Radical Realism', in R. Matthews and J. Young (eds), *Confronting Crime*. London: Sage.
- Zola, I. (1972) 'Medicine as an Institution of Social Control', *Sociological Review*, 20: 487–504.