

Re-examining *The New Criminology**

One of the first truly critical texts in the history of criminology, namely *The New Criminology* is 21 years old this year. First published in 1973, it heralded a new and radical approach to criminology as a discipline. Since that period criminology has come of age; from a small marginal discipline in faculties of law and social science criminology has emerged as an important and politically crucial discipline in societies that despite massive and multiplying social control expenditures find themselves increasingly burdened with the growing and seemingly intractable social problems of crime and deviance.

This twenty one year old history can be described briefly as follows: whilst the 1970s were a period of expressive cultural utopian optimism and debate matched with expanding economies, the 1990s have seen the emergence of cultural pessimism and economic decline, along with the collapse of Marxist and many other master narrative accounts of society. For these reasons it is timely to evaluate the nature of *The New Criminology*¹ and to assess its lasting or passing impact on the contemporary scene. One of the central achievements of *The New Criminology* was noted in a forward by the late American Professor of Sociology, Alvin Gouldner. Gouldner insisted that

[i]f any single book can succeed in making "Criminology" intellectually serious, as distinct from professionally respectable, then this study, remarkable for its combination of the analytical with the historical, will do it. It is perhaps the first truly comprehensive critique that we have ever had of totality, of past and contemporary, of European and American studies of "crime" and "deviance". It is as meticulous in its treatment of the obscure, unknown theorist as it is of the most fashionable, probing both with catholic consciousness.²

Gouldner fundamentally argued that the re-orientating power of the work derived from its ability to demonstrate that all studies of crime and deviance, however entrenched in technical or methodological differences were also inevitably grounded in larger and more general social theories, even if these general theories were unspoken or unacknowledged in the research. What Gouldner saw in the work and what many others both supporters and detractors have missed is that it did this by changing the *nature of discourse* regarding crime. As he suggests it redirects

[t]he total structure of discourse concerning "crime" and "deviance"; it does this precisely by breaking this silence, by speaking what is normally unspoken by technicians, by launching a deliberate discourse concerning the general, social theory usually only tacit in specialised work in crime and deviance; by exhibiting explicitly the linkages between technical detail and the most basic philosophical positions.³

In the subsequent debate regarding the impact and importance of *The New Criminology* it is probable that all too much attention was paid to the nature of its own tentative general theory of crime, and all too little to its demonstration of the fact that all discourses regarding crime, deviance and social problems are themselves trading tacitly or explicitly upon

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1 Taylor, I, Walton, P and Young, J, *The New Criminology* (1973).

2 Gouldner, A, Foreword to Taylor, I, Walton, P and Young, J, *The New Criminology* (1973).

3 Ibid.

their own general positions. The work was all too often written off or re-evaluated as merely Marxist, utopian or idealistic. Paul Rock, in writing the foreword to one of the many volumes on realist criminology, offers up this view that

[t]he politics of radical criminology ignored the criminal justice policies and programs of pre-revolutionary society either as ephemeral or as wilfully calling for the impossible with the result that the fabric of the state might be stretched beyond endurance. To do otherwise would have exposed the criminologist to charges of co-option, correctionalism, and reformism. "Bourgeois" criminology was itself dismissed as almost wholly administrative, positivist, empiricist, and ideologically compromised.⁴

Paul Rock is here essentially reducing an otherwise complex argument and ongoing philosophical debate to a simple question of right and left with clear historical breaks. Rock wishes to suggest that most of the debates of the 1970s and early eighties were merely "facile ideological oppositions" which were somehow primarily concerned with "what Marx and Engels really meant to say about crime and control-argument which had long since fallen prey to the law of diminishing returns."⁵

This pragmatic or market view that radical or new criminology simply fell into a sterile impotent heap in the face of emerging criticism from feminism on the one hand, and realist criminology on the other, is all too rugged an account of a shifting set of cultural positions which had little to do with this kind of caricature. John Muncie's views of the impact and limitations of *The New Criminology* seem nearer to actuality; he argues that:

The publication of *The New Criminology* in 1973 remains a watershed in theoretical criminology. Not only is it widely assumed to have launched an oppositional, radical and critical paradigm onto the criminological landscape, but also opened up questions regarding the role that criminologists could be expected to play in the broader realm of political activism. In its own words a criminology not committed to "the abolition of inequalities of wealth and power" was bound to be ultimately reducible to the interests of the economically and politically powerful in society. The New Criminology in essence was a fierce attack on traditional positivist and correctionalist criminology arguing that this tradition acted as little more than an academic justification for existing discriminatory practices in the penal and criminal justice systems. Rather than refocussing on the illusive search for the cause of crime, this new endeavour sought to illustrate how crime was politically and economically constructed through the capacity and ability of state institutions within the political economy of advanced capitalism, to define and confer criminality on others.⁶

Moreover as Muncie and others have pointed out the work was not a Marxist tract at all, rather it was rejected by most Marxists because it held on to crime as a central social category; its object of study was the power of society to criminalise. Its originality lay as much in its ability to synthesise differing American and European theoretical traditions as in the hesitant larger theoretical scheme offered in its conclusions.

This is not to deny that there were key absences or failings in the work. Foremost amongst these was the total non-appearance of any serious discussion of the role of gender relations and any account of women and crime. The emergence of feminist critiques of the male bastion of criminology initially took the form of taking the discipline to task for its

4 Lowman, J and Maclean, B, *Realist Criminology: Crime Control and Policing in the 1990s* (1992).

5 Rock, P, in Lowman and Maclean, id at xi.

6 "Reassessing Competing Paradigms in Criminological Theory" in Walton, P (ed), *The New Criminology Revisited* (forthcoming).

neglect to study women's involvement in crime and criminal justice. As Kerry Carrington has recently suggested,

feminist discourses have rightly and repeatedly expressed concerns about victims of crime — rape, domestic violence and sexual assault and about the wholesale neglect of these issues within the discipline of criminology. Feminist discourses have also been strident in their critique of the treatment of female offenders by the criminal and juvenile justice systems.⁷

Kerry Carrington further records that

It is important to note that there is no one feminist position on any of these issues. The development of these positions have followed similar developments in feminist theory more generally. The initial critiques of criminology emerged out of radical discourses of women-centred second-wave feminist discourses of the 1960s and 70s. From the mid 1980s to the present feminist discourses have developed out of a more diverse range of genealogical positions. Some of these have been explicitly committed to the enterprise of deconstructing phallogentrism, others to de-essentialising women's criminality with a view to engaging in the politics of social justice; and others with a view to centralising women as a unified subject of a masculinised social order.⁸

She goes on to discuss whether the critique of essentialism has had a major impact on feminist modes of analysis in criminology. Her position supports Professor Pat Carlen's argument that there is no essential criminal woman. Carlen indicates the following limits to feminism as an explanation of the female offender:

No single theory (feminist or otherwise) can adequately explain three major features of women's law breaking and imprisonment, that women's crimes are in the main, the crimes of the powerless; that women in prison are disproportionately from ethnic minority groups; and that a majority of women in prison have been in poverty for the greater part of their lives.⁹

What these arguments from Muncie, Carrington and Carlen reveal is a much more complex and diverse range of positions and discourses which emerge from the past and can be seen as part of the discourse initiated by The New Criminology in particular and critical criminology in general. The so called utopian or ideological position of the new criminologists in their commitment to a society without major inequalities still continues to reveal that the commitment of state or institutional criminology postulates the impossible. As Ian Taylor has recently argued, via aligning itself to a supposed scientific neutrality correctional criminology,

Must inevitably collapse into a political or moral prescriptiveness, usually of an individualistic kind and nearly always couched in terms of a conservative common sense. A practical philosophy of individual survival within existing competitive, unequal social arrangements.¹⁰

The abiding insight retained by most of the later positions to emerge post- *The New Criminology* was stated most clearly near the end of that text where it was suggested that "any criminology which was not normatively committed to the abolition to the inequalities of wealth and power was inevitably bound to fall into correctionalism."¹¹

Aside from feminism and realism to which we shall return later, the most powerful post 70s critique to appear was that of postmodernism especially in the shape of Fou-

7 "Postmodernism and Feminist Criminologies: Fragmenting the Criminological Subject", in Walton, *ibid.*

8 *Ibid.*

9 "Criminal Women and Criminal Justice in Issues" (1992) in Matthews, R, and Young, J (eds), *Realist Criminology*.

10 "Critical Criminology and the Free Market", in Walton, above n6.

11 Above n1.

cault's criticism of absolute positions. Namely the proposition that power lies everywhere in a never ending network of micro-structures, in short that all structure and culture is both enabling and disabling.

One of the other important cognitive realisations that emerged in the post 70s debate was that politics, social policy and theory may be related but are often best dealt with as separate issues. Stan Cohen in the William Bonger Memorial Lecture delivered at the University of Amsterdam answers the need to get back to a criminology that may unite these issues in the following manner,

for the critique of knowledge/power in criminology and similar subjects — our meta-debates, our histories or genealogies, our persistent scepticism — takes place at a different level from our policy choices.

On a "realist" level — "the thing" itself (crime, victims, control) — we do research, construct theories and suggest policies about what is to be done. On a sceptical level, we ask why some subjects are studied rather than others and how they are studied — and then comment on this choice in the name of some explicit political ideology, some vision of how the world should be, or (if so inclined) a pure philosophical scepticism.

It is easy enough to "see" the difference between these different levels.

The second level of critique can tell us neither what to do nor what is good; it can only give us ground rules for what Foucault calls "making facile gestures difficult". Thus if there are no easy solutions to the cliched problem of "integration between theory and practise", the task is even harder for "meta-theory and practise." I am uneasy about the triumphalist narrative of realism — with its impatient dismissal of sceptical questions as a romantic hang-over from the past, a distraction from the demands of "confronting crime."¹²

What Stan Cohen with his usual useful insight is suggesting here is that the urge to be "relevant" on the one hand, or to be "detached" on the other is a necessary balancing act which should not be easily reduced to some overall and general, false integration.

The argument then that *The New Criminology's* success was simply built on left ideology is easily refuted. Certainly the critical movement studied the young, the marginalised and the deviant. It certainly sought to counter the bourgeois myths that the criminal and the deviant are essentially irrational, self destructive, individuals who are incoherent and parasitic. However, in facilitating the documentation of the social and economic contradictions that produce sub and counter cultures, we found pockets of resistance in some rituals and bonds of community in others which provided solid signifiers of rational and important transformations. Having broken from the established positivistic and pluralist paradigms of earlier periods, and having refused to become zoo-keepers of deviance, we may have erred on the side of optimism.

What we did not do however, was to fall back on the easy assumption that criminals and deviants are merely cultural dopes. As Meagen Morris has noted in another context, all too often social theorising fails to distinguish between banal and fatal theory; "in the former, the subject believes itself to be always more malign than the object, while in the later the object is always assumed to be more malign, more cynical, more brilliant than the subject."¹³ Semiotically speaking here lies the problem with criminology; much of its analytical work does not treat its objects with humility or decorum. It tends to endlessly

12 "William Bonger Memorial Lecture", in Walton, above n6.

13 Morris, M, *The Pirates Fiancee* (1988) at 190

reduce its rhetoric and its discourse to supposed discoveries, a series of new facts, surveys or findings which somehow are meant to alter our view of the criminal or the criminological enterprise.

Indeed this is precisely Paul Rock's inference in his overview of the importance of realist criminology. He argues that the outcome of feminist critiques was a reluctant concession by radicals that some part of their enterprise required re-examination. He enthusiastically quotes Jones, MacLean and Young's statement that there exists

[a] general tendency in radical thought to idealise their historical subject and to play down intra-group conflict, blemishes and social disorganisation. But the power of the feminist case resulted in a sort of cognitive schizophrenia.¹⁴

Rock goes on to embrace both the feminist and realist criticism of critical or new criminology as if the facts simply speak for themselves. In his view Jock Young and his colleagues deserve applause for publicly recanting on the new or critical position.

It is true of course that after conducting the local crime surveys from below that John Lea and Jock Young argued that the left were foolish if they simply believe all crimes are a product of the powerful.

There was a belief that property offences are directed solely against the bourgeoisie and that violence against the person is carried out by amateur Robin Hoods in the course of their righteous attempts to redistribute wealth. All of this is alas untrue.¹⁵

What Rock seems to conveniently forget is that realist criminology, like feminist criminology, and postmodernist criminology are all committed normatively to creating a more just and equitable society. As Young himself puts it,

a crucial element in the discussion of the relationship between agencies and the public is accountability. Discussion in this area has been overwhelmingly dominated by the topic of police accountability. Of course, this must be extended to all agencies, with performance indicators based on public demand being devised for the array of crime-control institutions. As have seen, the public are as critical of local authority provision as they are of police performance.¹⁶

Young's impulses and motives are to treat the victims and potential victims of crime as an important and essential voice which urgently requires a democratic hearing in the development of crime solutions.

Yet another issue is penetrating here, whether we are evaluating the contribution of The New Criminology, the realist criminology, feminist criminology, or the emerging postmodern criminology the actual history and politics of the contemporary society have to be assessed and considered. As David Garland suggested in his plenary address to the 1993 Australian and New Zealand Criminological Conference, meanwhile, the political rhetoric which overlays the system and insinuates itself into the decision making of sentences and officials, emphasises the punitive, restrictive role of penal agencies and pours scorn upon those who appear soft on crime.

In conclusion, whilst we have apparently travelled far from the heady master-narrative days of the general theorising of The New Criminology; now finding ourselves amongst

14 Jones, T, MacLean, B and Young, J, *The Islington Crime Survey* (1986).

15 Lea, J and Young, J, *What is to be Done About Law and Order* (1984).

16 Young, J, "The Case for Left Realism" in Lowman and Maclean, above n4.

the uneasy new dialogues and discourses of realism, feminism, and postmodernism the journey has been fruitful. It may well turn out to be like the concept of crime itself, the most important contribution of The New Criminology was the neutralisation of the excesses of correctional or institutional criminology and the provision of a more believable account or discourse. This rejection and development of pre-existing paradigms turns out to be a task which each generation has to reconstruct rather than merely deconstruct.

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