Councils of war

Ruth Jamieson examines the explanatory potential of a criminology of war.

The re-emergence of tribal and genocidal wars in the late twentieth century has aroused significant interest amongst many academic political scientists, social and cultural theorists and students of international relations, but these recent (and continuing) bloody and terrible events have provoked precious little response from criminology. This lack of serious engagement with the issues thrown up by war doesn't mean, of course, that the study of war wouldn't be enormously helpful in understanding 'crime' in its many different forms and expressions. Quite the reverse.

The war/crime nexus

As I have tried to describe in greater detail elsewhere, some criminologists and social scientists have made connections, in the past, between war and crime.[1] However, the war/crime nexus has never been the object of sustained analysis and there has been little attempt to map the complexity of the connections between war and crime. Instead, what we have are a number of quite separate strands of analysis. One line of enquiry focuses on the way in which [violent] behaviours learnt in the context of war are carried over into peacetime - for example, by army veterans unable to readjust to peacetime civil society. A second strand of analysis focuses on the 'cross-over' between the practical organisation of military forces and strategy in wartime conditions and the practical organisation of social control (especially, the police and prison system) in peace-time. Closely associated with this is a third body of work which is concerned with the specific transfer of technological power

"There has been little attempt to map the complexity of the connections between war and crime."

and know-how (for example, the technology of surveillance: night vision, CCTV etc) from war to domestic peacetime use.[2]

Feminist victimology represents a fourth distinct strand of analysis (largely in the tradition of second-wave feminism) and is concerned to describe the connection of gender and violence in terms of certain continuities, primarily, in male violence against women in both war (particularly mass rape) and peace ('femicide' and domestic violence).[3]

The disciplinary society

A fifth distinct body of literature is interested, in the tradition of Foucaultian discourse theory, in the analysis of 'war' and 'crime' as distinct moments in the ongoing development of surveillance and 'the disciplinary society' itself: the 'War against Crime' (first proclaimed in England and Wales in the early 1960s) is of interest, analytically, as a heavily-engineered and unifying framework of the fearful majority (a fragmented population given a united purpose against crime).[4]

It is also of interest, of course - as many other commentators have noted - for the way in which the designation of each and every form of criminality may potentially position the perpetrator of such crime as a predatory and dehumanised 'other' - either of major stature (like a 'drug baron' or 'warlord') or a more minor status (like 'car thieves' hunting as packs of hyenas) - as an enemy of 'the people'. Discursive representations of the 'criminal other' of this kind also usually call forth a script in which the fighting of a war against such a ruthless enemy may invite, or legitimise, the suspension of the normal 'rules

of engagement' (i.e. the rule of law) governing the methods of detection and prosecution of crime.

None of these literatures, however, has shown a very developed interest in the more mundane detail of military organisation, or indeed in the extensive literature of military psychiatry and sociology. Yet even the most cursory examination of these bodies of knowledge is suggestive. The conduct of war and the conduct of crime certainly both involve certain definitive aspects of 'male behaviour', often in its most pathological and misogynistic form.

Men in groups

But there is surely more to be understood about the behaviour of men in groups than can be gained simply by the continuing recital of attributions of 'masculinism'. In wartime conditions, and arguably in many situations of outright conflict and stress in societies at peace, one of the most intriguing phenomena at work is the reproduction of group cohesion and trust amongst men (the maintenance of 'buddy relations' in war, on the beat or in other circumstances). This is a cultural phenomenon of crucial importance for students of the behaviour of young men in all kinds of social situations, in understanding of criminal behaviour or criminal situations. It is also of vital importance in the understanding of the operation of social control systems themselves (for example, of police or prison officers working in groups on the other side of 'the war against crime').

The literature of military psychiatry is replete with analyses of the ways in which abusive interpersonal behaviour comes to be generated in specific

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1. Stupratore trococefalo, di Ravenna.

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Social exclusion and criminal stigmatisation

David Nelken identifies some puzzles concerning the relationship between criminalisation and social exclusion.

contingencies, in periods of training as much as in periods of combat itself. It is also a rich source of analyses of different forms of psychological trauma (of the kind that are now being taken seriously in the broad culture, though not in orthodox criminology - as an explanation of many different forms of extreme violence).[5]

In military sociology, there is a very developed debate, for example, on the challenge facing officers in the maintenance of morale and discipline amongst serving soldiers in conditions of extreme alienation from the rationales of the war-time effort, from state authority and from the broader 'unknowing' and 'hypocritical' society, as occurred, for example, during the pursuit of the Vietnam war. There are obvious parallels between the alienation experienced by those occupying 'warrior positions' who feel they are being asked to do society's 'dirty work'. They must wage the war against crime, but are not being 'allowed' to win it.[6]

Lessons to be learnt

But there is little sense that the lessons of these literatures on war and the military (in respect of the nature of men in groups or the challenge of managing divided and restless subordinates in a disciplined social environment) are really understood, either in the broader alchemy or in civil society as a whole. In the last years of the last government in Britain, for example, we were witness to the efforts of Michael Howard to introduce 'the example' of military discipline into the organisation and everyday working of the Probation Service, and we also observed the introduction of 'boot camps' into the juvenile justice system. At the same time we also had the appointment of Sir David Ramsbotham, the former Adjutant-General of the Army, as Inspector-General of Prisons. No doubt Mr Howard (with his unyielding and unenquiring populist curiosity and sensibility) imagined that this particular appointment would

guarantee the imposition of an unsparing and rigidly authoritarian approach to penal discipline. Early reports suggest, however, that the Prison Service has acquired a person who was very fully aware of the importance of welfare (both material and psychological) in the maintenance of good order in a human organisation that has to focus on 'managing men'.

So whilst I want to argue for the utility for serious criminology of the study of war, I would also want to insist that any such study must operate with an ambitious level of intellectual curiosity about the lessons to be learnt from it. Like most violent crime, war is 'bad'. It is mainly conducted by men. But there is more to be said.

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Notes:
1. Jamieson, R 'Towards a Criminology of War in Europe', in Vincenzo Ruggiero, Nigel South and Ian Taylor (eds) (1998). *The New European Criminology: crime and social order in Europe* London: Routledge.
2. For example, Carol Ackroyd, Karen Margolis, Jonathan Rosenhead and Tim Shallice (1997). *The Technology of Political Control.* London: Penguin.
3 Most obviously, Brownmiller, S (1975) *Against Our Will* New York: Simon and Schuster, but also more recently Stiglmayer, A (ed) (1994). *Mass Rape: The War Against Women in Bosnia-Herzegovina* Lincoln: University of Nebraska Press.
4. Young, A (1996) *Imagining Crime* London: Sage.
5. On the conditions conducive to and psychological sequelae of the commission of war crimes in Vietnam or the Falklands/Malvinas wars, see Lifton, R J (1974) *Home from the War* London: Wildwood House; Anderson, D (1998) (ed) *Facing My Lai* Lawrence: University Press of Kansas, 1998 or McManners, H (1993) *The Scars of War* London: Harper Collins.
6. The narrative expression of this tension in (American) popular culture has been skilfully described by Gibson, J W (1994) in *Warrior Dreams* (New York: Hill & Wang) and by Susan Jeffords in *The Remasculinzation of America* (Bloomington: Indiana University Press).

E very so often criminology is obliged to abandon its preoccupation with the nuts and bolts of criminal justice and look out towards the wider sources of social change which constitute its subject matter (in both senses of this term). The increasing division between the socially included and excluded in Britain, in Europe and in the world as a whole, makes this just such a period.

Globalisation and exclusion

What has been described as the rise of the 'two thirds society' in Western Europe is generally taken to be the result of the various processes collectively described as globalisation. Like many other social phenomena, it seems to be over-determined, and talk of globalisation can sometimes be no more than a useful alibi for unwillingness rather than inability to make difficult choices of economic and social policy (Nelken 1997a). But there seems little doubt that current changes in the relationship between states and markets carry many implications for who becomes criminal, and where, even if the various possible consequences are only just beginning to be mapped out (see Bottoms and Wiles 1996).

"Why is Britain so obsessed with the threat posed by juvenile delinquents whereas Italy makes almost nothing of this problem?"

Throughout Europe the new Centre-Left politicians seek to demonstrate their concern over the costs of exclusion at home, even as they confess economic impotence abroad. In Britain, for example, a Social Exclusion Unit has been created at the highest level of government; in Italy the initiative sponsored by the Emilia - Romagna Region, can fairly be described as aiming at a 'politics of inclusion'.

Where criminological theorising is especially needed is in trying to get a better handle on the links between criminalisation and social and economic exclusion. Social and economic exclusion do not have to go together. And, while there is considerable potential overlap between economic marginalisation and moral stigmatisation, economic marginalisation by itself is neither necessary nor sufficient to generate the sense of threat which normally accompanies stigmatisation. Marginalisation may make people more likely to fall into crime and can certainly make it look as if they are likely to do so. But if migrants are often stigmatised because they are alleged to be a burden on the community they are also feared because 'they are taking our jobs'. Moreover crime can in fact be a route to a sort of inclusion within the semi-legal and informal economy within a given society, and of some societies within the 'world system'.

Some of these paradoxes fall away once we treat criminalisation as a side effect of more fundamental processes of identity - forming exercises in inclusion and exclusion. This has been the essence of what theorists from Durkheim to the Labelling School have tried to teach us. Criminals are not excluded because they are a threat, but those who are excluded must obviously be harmful (of course there is no lack of theorists who continue to insist that 'criminals' by their own actions exclude themselves). But is there anything special about current processes of exclusion and inclusion in the wake of globalisation? Have modern forms of economic activity really made possible unprecedented possibilities of exclusion? Who is doing the excluding? Who is being excluded? Where and why?

Who are the excluded?

Speaking informally before his recent splendid talk at Keele University (on 'uncertainty, insecurity, unsafety, the unholy trinity'), Zygmaunt Bauman argued that what is specific about the new/old groups of the disadvantaged is that they have no role or function - neither as objects of charity nor even as a 'reserve army' of labour. During his presentation Bauman explained how the various insecurities created by 'modern risk societies' come to focus on or be focused on crime. He suggested that one of the effects of globalization is that criminalisation is particularly likely to involve those who are mobile in a way that takes them 'out of place'.

Certainly most European countries seem to be witnessing an unprecedented level of stigmatisation of economic migrants as criminals. In an important book, *The Exclusive Society*, shortly to be published by Sage, Jock Young also argues that we are seeing important changes in who is included and excluded. Whereas a generation ago society was relatively intolerant of 'difference' (which became stigmatised as deviance) there was then more willingness to seek to encompass those who faced 'difficulty' and 'disadvantage' because of a faith in the capacity of the welfare state to assimilate them. Now, on the other hand, society seems more willing to tolerate racial and sexual difference but less willing to spend resources to overcome disadvantage. Young is pessimistic about the prospects of resolving this problem by offering 'make work' which leaves unaffected the present unfairness of wealth distribution.

On the other hand, like all attempts to paint with a broad brush, these analyses do not make sense of all current kinds of social censures. Bauman has problems in accounting for the increased stigmatisation of those near at hand (such as wife assaulters and child abusers). Young's claim that difference is now more tolerated is a trend seen by others as a drive to political correctness. The slogan of 'zero tolerance' is applied to those who create disorder in the streets and also to male violence against women. In general, the arrow of accusation flies upwards and not only downwards. Many emerging types of censure purport to target insiders, whether this concerns environmental crime, business crime and its links with organised crime, or state crime (even if it tends to be that committed by other people's governments). From paedophilia to money laundering, it is the criminal amongst us who provokes alarm.

Reintegrative shaming and disintegrative resentment

The antidote to exclusion is reintegration. One of the deservedly most influential recent works of synthesis in criminology is Braithwaite's theory of 'reintegrative shaming' (Braithwaite 1989). Braithwaite's specific claims about Japan may be over idealised. Law abidingness in Japan may be mainly a result of the social costs of non-conformity and the integrative effects of rising expectations (Miyazawa 1997). And reintegrative shaming characterises the culture of the officials more than the feelings of the population (Johnson 1999).

But there are certainly important lessons to be learned from the comparative study of differences in the way stigma is or is not mobilised by governments, criminal justice officials, organised social groups and the media. It has been

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"Who is doing the excluding? Where and why?"

There has recently been a big advertising campaign for 'The Bill'. A large disinfectant bottle, with an image of what looks like a police helmet inside, is captioned: TOUGHER THAN EVER ON SCUM. A neat finishing touch on the bottom of the advert reads: 'TV from the Heart'.

The future of probation

Anthony Goodman reads the tea-leaves.

suggested that some societies, such as Italy, govern through 'leniency' towards rule breaking while others make rule breaking the basis for exclusion (Melossi 1994). In fact there are surprising variations within as well as between societies. Why is Britain so obsessed with the threat posed by juvenile delinquents whereas Italy makes almost nothing of this problem? Why are white collar criminals in Italy generally dealt with by the police and courts whilst in common law countries they are so often handled by specialised compliance mechanisms? Globalisation in the field of criminal justice is likely to bring about convergence towards more effective stigmatisation of both types of offending behaviour.

The growth of 'resentment' of a middle class increasingly fearful about its economic prospects (Cf. Ruggiero 1996) could also contribute to increasing the range of insider activities being criminalised. But surely it would be more productive to learn about how inclusive responses in each society actually operate and how far they can be extended to those otherwise treated as socially expendable (Nelken 1997b: 916-917).

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Ruggiero, V (1996) 'France: corruption as resentment' in M Levi and D Nelken (eds) *The Corruption of Politics and the Politics of Corruption.* Blackwell, Oxford : 113-131.

Such is the impact of decades of criminological debate on agencies and public discourse. If the focus of the advert had been Jews or women or black people, it would not possibly be considered acceptable, but it is permissible to refer indirectly to offenders, alleged or otherwise, as 'scum'.

The new punitiveness

Some probation areas now breach offenders for failing two appointments in the first three months, instead of three failures. Additionally, as we lock them up we cut back on support. In 1997 the prison population grew by 11 per cent on the previous year to a figure in excess of 61,000, with 19 per cent more women and 16 per cent more sentenced young males. Prison probation officer posts (seconded from their local probation services) declined by a quarter in the period between 1995-7. Prison probation officers will be spending a major proportion of their time compiling risk assessments, not working with prisoners.

One could make a strong case for an injection of resources to help resettle ex-offenders. Working with them to change from their old offending ways to become stakeholders in society simultaneously protects the public. The probation service is not in this fortunate position as it tries to cope with the triple whammy of a 30 per cent increase in its workload, the loss of 700 probation officers in the last three years, and a massive loss of secretarial support combined with an incrase in bureaucracy. Resources are *not* there to offer

support in the community, to victim support and restorative justice schemes.

Despite this the recent Home Office Prisons-Probation Review commented about probation: "There was little relationship between the performances of different area services and the resources they use - or indeed with anything else." (HO August 1998 7). It also recommended a change of name: 'The Justice Enforcement and Public Protection Service'. To be cynical about it, this could be the excuse to launch a policy decried whilst in opposition, the disembowelling of a service which is to be partially privatised. *The Observer* dated 8 November 1998 revealed plans to privatise bail and probation hostels. Will this be the thin end of the wedge?

Then and now

Dick Whitfield, wrote of his early probation practice:

"Small gains - an issue faced or resolved, some evidence of changed attitudes or behaviour, even a job held down or a fine instalment paid for another week - were carefully noted and continuing plans laid. Dogged patient work mostly, lit with moments of insight or tragedy or humour. And never, ever, dull."

(Whitfield 1997).

Thirty years later, Whitfield, now Chief Officer for Kent helped out in one of his field offices in the absence of one colleague "simply because the local team were stretched beyond capacity" (Whitfield 1998).

"The level of substance abuse, of long term unemployment, of alienation and poverty and hopelessness are much more widespread ... my evening ended with the unscheduled visit from a man released from prison five days earlier - drunk, aggressive, frightened and frustrated in turn. He had failed to find proper accommodation..." (Whitfield 1998).

Social work values

The probation service is an agency that has been much attacked in recent years, especially by the last Conservative Home Secretary, who espoused the mantra, that 'prison works'. Michael Howard also ended the requirement for a social work qualification for probation officers. George Mair, a former member of the Home Office Research and Planning Unit, commented:

"That the probation service occupies such a key position in the criminal justice process is

something of a well-kept secret ... probation officers all too often have seemed to be isolated from the other criminal justice agencies and somewhat smug and complacent about what they do and how they do it. There is a tendency to hide behind 'social work values' which are rarely, if ever, expressed." (Mair 1997)

Worrall in her book set out at some length the principles of 'casework' which include: recognising each client's unique qualities; the need to express feelings freely; sensitivity to the client's feelings; a non-judgemental attitude; the client's freedom to self-determination, limited by the framework of criminal and civil law; confidentiality etc. She justified the need to do this by adding "These principles have been set out at length because they are often wilfully misunderstood by those who wish to decry 'casework'. (Worrall 1997).

National Standards

The probation service is now expected to supervise offenders according to National Standards. I have carried out a textual analysis of the two 'National Standards for the Supervision of Offenders in the Community' (NS) versions published in 1992 and 1995. The differences highlight how the role of probation officers, as perceived by the Home Office, has changed in a very short period of time. NS 1992 allows a lexical field (a grouping of key words in the text which have a common denominator) to be constructed around the concept of (probation) professionalism. In the introductory paragraphs the following phrases are used: 'challenging and skilful'; 'build on skill of practitioners'; 'professional judgement'; 'imagination, initiative and innovation'; 'develop good practice'; 'fair, consistent and without discrimination'; 'anti-discriminatory practice'.

By NS 1995 I could not construct a lexical field for professionalism, but one can for punishment. In the first three pages we find 'breach proceedings' mentioned three times; 'punishment' twice; 'disciplined programme'; and 'action to be taken if they [offenders] fail to comply'.

New values for probation

Where does this leave us? The Labour Government has

reintroduced probation training but has rejected a return to links with social work. What will the new value base for probation consist of? Only an intellectual Luddite would argue that probation practice has to stand still and there are exciting developments in 'What Works' being developed and promulgated by the Chief Inspector of Probation.

If cost cutting persists, however, the result will be a demoralised and overworked staff group, complete reliance on inflexible cognitive-behavioural programmes and the loss of professional probation skills. The Home Office/Chief Probation Officer work on risk assessment highlights the need to make actuarial and clinical assessments. Over reliance on the former and lack of the latter is dangerous. We can confidently expect to read about offenders on supervision spectacularly reoffending as they receive punishment, but not supportive assistance.

We are moving to the exclusive society, which ironically makes the public less safe, not more. Do we really want to write off people as 'useless', especially the young and others who have failed to secure a stake in society? Will criminological theory and research inform probation practice, sadly a soft target, as it moves to becoming a correctional service?

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