

On the relationship between criminological research and criminal justice policy

Martin O'Brien considers whether criminal justice policy is too important to be left to criminologists.

The central myth about the state of crime is that crime per se exists as a meaningful social entity.
(McClintock, 1974:40)

In September 1987, British Prime Minister Margaret Thatcher declared in an interview for the magazine *Woman's Own* that 'there is no such thing as society'. There was an immediate outcry from sociologically minded academics and rippling waves of commentary in the press intended to produce, if not a final rebuttal, at least a reflective critique. Of course, many sociologists later came round to the same point of view, but this does not undermine the fact that an attack on the core object of sociological enquiry was greeted with alarm and considerable dismay. Yet, no such outcry attended Frederick McClintock's assertion about the non-existence of crime, in spite of the voluble public and political rhetoric that was then, and is even more so now, a driving force behind the debate about crime's role in communal and national decline. Part of the reason for the absence is that the proposition is an entrenched and long-established part of criminological thinking. The lawyer who acted for Leopold and Loeb in the infamous kidnapping and murder case of 1924, Clarence Darrow, much earlier asserted it in his Address Delivered to Prisoners in Chicago County Jail in 1902 as, later, did the former Director of the

Howard League for Penal Reform, Martin Wright, in his fictional symposium on Restoring Respect for Justice in 1999. On the surface, it seems an odd circumstance when a discipline ostensibly devoted to researching and understanding crime should pass in contented silence over the negation of its *raison d'être*. Yet, not only is the non-existence of the social entity of crime a more or less accepted article of faith for many criminologists, but the proposition itself is an important spur to criminology's recurrent search for a meaningful identity. The absence of a coherent centre to criminological research has encouraged calls for the discipline to be 'decriminalised': to have crime extracted from the discipline's intellectual body in favour of a variety of purportedly more meaningful models ranging from the study of 'othering' (or alterity) to the study of 'harm' (zemiology) and taking in censurology (the study of social censures) and victimology (the study of victimisation) along the way.

I include these prefatory observations to signal that the relationships between 'criminological research' and 'criminal justice policy' are weightily attached to what it is that criminologists think we are doing when we apply our behavioural tape measures and social microscopes to worldly events. Some view criminological research as a tool kit of practical responses to an endless list of discrete incidents that invariably includes burglary, assault, theft, fraud, and that marvellous modern catch-phrase 'anti-social behaviour': an ongoing series of attritional duels with clever and resourceful opponents. Others view criminological research as a form of journalism that documents the plight of both the perpetrators and the victims caught up in these incidents: a tell-it-like-it-is exposé of a fractured world rampant with insensitivity and malice, pain and anguish. Still others view criminological research as a vehicle for ideological and/or political critique: a stark, and often

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bleak, narrative in which the sinister characters of capitalism, consumerism, neo-liberalism, and/or globalism exercise a malevolent rule over social normality and manufacture deviants like a factory turns out trinkets. No amount of research is going to

adjudicate on the appropriateness or (intellectual or practical) utility of these different criminological worldviews, since it is the latter that invariably drives the direction taken by the former. In consequence, I would agree wholeheartedly with Elliott Currie's (2007:178) assertion that 'we would have a very different kind of criminal justice system if it were designed by criminologists'. It is moot, however, whether it would

be a clear improvement or whether its defects, although undoubtedly different, would be fewer. Criminal Justice, it might be worth affirming before we get carried away, may be too important to be left to criminologists.

Indeed, criminologists *have* in fact 'designed' elements of criminal justice systems and practices, yet it cannot be said that there is much agreement about the ultimate benefits. On the other hand, said systems and practices have sometimes borrowed directly from criminological schools of thought, but the ensuing measures are often at some variance to the original philosophy. In the first case, the policy and practice of situational crime prevention, and its partner project in 'designing out' crime, have had some remarkable successes in tackling various local crime episodes as well as in responding to some kinds of retail fraud. Yet, such successes have not dulled the disquiet about these criminological enterprises in other quarters of the discipline nor deterred Keith Hayward (2007:234–235) from accusing situational crime prevention of 'hollowing out' the 'socio-cultural specificities' and 'existential motivations' of crime and reducing crime to a 'two-inch formula' in order to cater for the demands of statistical analysis. In the second case, the Restorative Justice movement has clearly influenced the policy mandate of several criminal justice agencies. Notwithstanding some of the innovative—and often isolated—work being undertaken by police service staff, for example, it is also clear that Restorative Justice, like Intermediate Treatment and Diversion in Juvenile Justice before it, has come to supplement, rather than supplant, the normal grind of mainstream criminal justice practice. The impact of criminological thinking and research on criminal justice practice is in no way direct or controlled by criminological thinkers and researchers. In the example mentioned here, many—perhaps a majority—of criminologists may wonder, for instance, at the ultimate purpose and advantage of putting

the word 'restorative' in front of a police caution.

Some have expressed their disquiet about the research–policy nexus even more vigorously than Hayward. In these cases, it is not simply some or other criminological worldview or criminal justice practice that is the target of attack but the parlous, politically subjugated character of contemporary criminological research (almost) as a whole. Take Reece Walters's (2003:vii) fierce assault on the 'competitive, managerial and risk-based' character of criminological knowledge and the drooling appetite of criminology's sponsors for 'technocratic forms of knowledge to the virtual exclusion of critical research'. In order to make such an assault any more controversial, one would have to mix in the 'war on terror', too—which, in fact, Walters does in order to extend his critique from criminology to 'governmental regimes of intolerance' (ibid: 125). Whatever readers may think of Walters's denunciation of criminological research or infer about the ideological soil in which the denunciation is nurtured, it certainly captures something of the spirit of uneasiness that permeates the relationships between academic criminologists and the dominant sponsors of their research: governmental and quasi-governmental agencies. There are, understandably, some very good reasons for the uneasiness. As Leslie Sebba (2001:34–35) pointed out, any kind of social policy research, including criminological, is simply one among many factors that shape policy formulation and implementation, and such research often has to compete for attention with a host of other important influences, ideologies, and interests. Indeed, most policy makers with any real clout rarely ever see the results of research and are largely unaware of the key debates in the research community—although, given the sheer quantity of policy research and the infinite variability of its recommendations, this should not be taken as much of a criticism. Since policy-relevant research is unlikely to

be heard of, less likely to be read and almost certainly not acted on as counselled, it is little wonder that larger questions about the value of undertaking it in the first place surface regularly and sometimes loudly.

Perhaps the key problem for criminologists in all of this is the idea of being 'policy-relevant' in the first place: criminologists do not draft criminal justice (or any other) policy and are more than entitled (and well qualified) to ask why they should be 'relevant' to it as well as whose definition of relevance counts most. While streams of money are available to study CCTV systems and measures to secure property, the demographics and psychology of poor individual offenders, and so on, there is hardly a drop available to study corruption in our own polity and economy, the complicity between legal and illegal actors in organised criminal enterprises or the criminal justice and human rights consequences of contemporary consumerism. The situation can be summed up pithily by saying that research is far more likely to be funded (if not necessarily acted upon) when it asks, 'given the system we have, how do we change the outcomes?' and far less likely to be funded when it asks, 'given the outcomes we have, how do we change the system?'

Following Michael Burawoy's (2005) lead in *Critical Sociology*, some of these dilemmas are currently being discussed under the heading of 'public criminologies'—a topic to which a special issue of *Theoretical Criminology* (Currie, 2007) (in which Currie's, *op. cit.*, remarks appear) was devoted. Quite what is meant by this term in criminology is as yet unclear, but if it tracks the debate in sociology at all, then it will undoubtedly signal a move away from a conception of policy-relevance as meaning simply 'relevant to government' or 'relevant to the criminal justice system' and towards a more fluid conception of relevance to different kinds of 'publics'—constructed as a socially distributed array of 'issue' and/or 'identity' based constituencies. In this case, the research–policy

relationship will become less transcriptive—in the sense of recording and writing down the desired facts of crime demanded by state and quasi-state agencies—and more synthetic—in the sense of developing propositions *about* the facts of crime that are tied to the interests, values, and circumstances of divergent (and often competing) public constituencies. But this, in turn, may signal a disturbing differentiation of criminologies into isolated, ‘post-disciplinary’ enclaves that neither communicate with nor have any relevance to each other: a situation, it might be observed, that is less futuristic than is expressed here. Such a scenario ought to encourage us to rephrase Frederick McClintock’s comment and reflect

on whether ‘the central myth about the state of *criminology* is that *criminology* per se exists as a meaningful social entity’—and whether, therefore, the relationship between criminological research and criminal justice policy is irretrievably ambivalent and, by definition, fundamentally contested. ■

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