

The hall of mirrors: criminal justice myths uncovered

Rebecca Roberts considers the distortions and myths described in the themed section of *cjm*.



Gazing into the carnival mirror

The 2003 Oxford Dictionary of English describes a myth as ‘a widely held but false belief or idea’. The authors in this issue of *cjm* challenge a series of criminal justice myths including what ‘crime’ is, how much is out there, who the ‘criminals’ are, and the claimed neutrality of the criminal justice system.

Jeffrey Reiman in his book, *The Rich Get Richer and the Poor Get Prison* (2007) eloquently describes criminal justice as offering a ‘carnival mirror’ image of reality.

First we are led to believe that the criminal justice system is protecting us against the gravest threats to our well-being when, in fact, the system is protecting us against only some threats and not necessarily the gravest ones ... The second deception is ... if people believe the carnival mirror is a true mirror ... they come to believe that whatever is the target of the criminal justice system must be the greatest threat to their well-being.
(Reiman, 2007)

In the following articles we travel down the hall of mirrors to consider the distortions and misrepresentations that occur in popular debates about criminal justice. The repetition and propagation of these myths result in their emergence as ‘common sense’ thinking. While they may on occasion be accidental in their creation, these myths become significant in justifying biased, discriminatory and harmful practices within criminal justice.

Common sense myths

Criminal justice ‘common sense’ offers a set of simplistic yet often misguided justifications for the existence and expansion of criminal justice. A good example is the recent policy offering by Louise Casey, Commissioner for Victims and Witnesses, the common sense being, according to Casey, that fewer people should have the right to a jury trial, which she describes as ‘a sacred cow’ citing an unreferenced case from her local paper of a trial over the theft of tea bags and biscuits worth £24. When challenged at a parliamentary hearing Casey argued ‘The evidence base is common sense, Chairman’ to which the Chair of the Justice Committee Sir Alan Beith retorted ‘There is common sense and there is evidence. They are not the same thing.’ Casey’s use of tea bag and biscuit theft in a policy document was deliberate and designed for media release and is a classic myth creator – it will soon be common sense that too many tea bag and biscuit trials are reaching the crown court.

This exchange at the heart of government underscores the continuing need for critical thinkers to challenge the myth-laden version of criminal justice – it is not simply a polite academic exchange of views that is taking place – matters of principle are at stake.

Myth busting

Myth busting in criminal justice is about unpacking the ways in which the public are misled in terms of what and who is harmful in society. By accepting the claim that the criminal justice system is based on

impartiality, fairness and equality attention is thus focused on making it *more* fair and *more* equal at the cost of failing to draw attention to how as an institution, these assumptions and goals are inherently problematic.

Pioneers in the field of myth busting are Pepinsky and Jesilow, who in 1984 published *The Myths that Cause Crime* highlighting a series of ten myths:

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| Myth 1: | Crime is increasing |
| Myth 2: | Most crime is committed by the poor |
| Myth 3: | Some groups are more law abiding than others |
| Myth 4: | White collar crime is nonviolent |
| Myth 5: | Regulatory agencies prevent white-collar crime |
| Myth 6: | Rich and poor are equal before the law |
| Myth 7: | Drug addiction causes crime |
| Myth 8: | Community corrections is a viable alternative |
| Myth 9: | The punishment can fit the crime |
| Myth 10: | Law makes people behave |

(Pepinsky and Jesilow, 1984)

Many of Pepinsky and Jesilow’s myths are revisited in the articles here.

Richard Garside explores ‘crime’ and the processes at play in defining harmful acts as criminal. **Tim Hope** investigates crime statistics and questions New Labour’s claims about crime trends and their disingenuous presentation of research and the evidence base. **Will McMahon** and

Rebecca Roberts tackle the topic of ethnicity, harm and crime, arguing that the 'myth, that poverty is a pre-eminent source of harmful or 'criminal' behaviour in society, is weaved in with another myth – that the black 'community' is more harmful because it experiences greater harm and deprivation'. They draw attention to direct discrimination and the less direct 'ethnic penalty' present in institutional practices and social structures. The obsession with 'crime' in official data ignores a wide range of harms that never come to the attention of the criminal justice system. If we acknowledge the true scale of harm and victimisation – and the way in which these harms are created and perpetuated by political, social and economic structures – then it becomes clear that the criminal justice is never likely to have anything but a marginal impact on victimisation.

Charlotte Weinberg emphasises the inequalities and bias that exist in criminal justice operations and highlights the enduring yet misguided myth of 'justice' in an unequal society.

Brian McIntosh and **Annabelle Phillips** challenge popular views that young people are a key source of society's ills. **Alex Stevens** usefully unpacks evidence and claims made that drugs cause crime, offering a critique of current drug policy. Stevens locates the cause of much property and violent crime in a context of social exclusion. What becomes clear however is the tricky business of charting a course through the inconsistencies and untruths in research and policy debate – establishing 'truth' is far from easy.

While Stevens draws attention to the role of social exclusion and poverty in crime causation, **Lynn Hancock** and **Gerry Mooney** question claims that most crime is committed by people living in poverty. They draw attention to evidence that illustrates harmful behaviour existing across social classes. If this is the case, given that prisons are disproportionately full of those on low incomes, it would

appear that criminal justice operates as a mechanism for supporting and maintaining structures of inequality, diverting attention from far more serious harms and placing the blame at the feet of the poor and marginalised. The process of criminal justice mystifies rather than clarifies what is harmful in society and what might be done about it.

Finally, we have two articles exploring criminal justice policy. The first is from **Megan O'Neill** who explores the myth that bobbies on the beat cut crime, pointing out that reassurance policing is just that, and has very little to do with cutting crime. **Helen Mills** looks at the data and debates surrounding 'alternatives to custody', questioning popular claims that community sentences are an effective way of reducing prison numbers.

Keeping the myths alive

Criminal justice myths do not go uncontested in the policy environment and some explanation is required of why evidenced based policy has not snuffed them out.

The US based Political Research Associates (PRA) argue that many criminal justice myths are maintained by those who advocate for harsher prison sentences and an expansion of the criminal justice system. The tactics deployed, according to the PRA (2005), are the following:

- *Fear mongering* – the skilful manipulation of entrenched beliefs that are based on racism, sexism and classism.
- *Scapegoating* – blames an individual or group for a problem they did not necessarily cause.
- *Demonisation* – portrays a person or group as sinful and evil to justify discrimination.
- *Data manipulation* – in describing and analysing 'crime' in a way that reflects and supports particular criminal justice strategies.
- *Co-optation of progressive language* – using language that appeals to moderates and liberals to widen the base of support for regressive policies.

Beyond myth?

If the PRA are correct, it is important to continue shedding light on popular misunderstandings about how the criminal justice system operates and what it is capable of delivering; to point to where the system is unjust and offer an explanation for these injustices – both within and outside the criminal justice system. Such efforts will help balance the debate and place the reform of criminal justice in its broader social context. Advocating for reforms to make criminal justice work better is an understandable endeavour, particularly for those affected by its day to day operation, whether through being punished, working as an employee, or navigating the system as a 'victim' of crime. But if such reforms are to be advocated then it is essential that they do not mobilise as part of their overall argument perhaps the biggest criminal justice myth of all – that a reform of criminal justice will bring about a wholesale change in levels of safety and security within society as a whole. While making the justice system more accountable and transparent is essential, we should not overstate what criminal justice can and should deliver. It is important to be bold about communicating the limitations of criminal justice and therefore the limitations of reform. ■

Rebecca Roberts is Senior Policy Associate at the Centre for Crime and Justice Studies and Managing Editor of **cjm**.

References

- Pepinsky, H. and Jesilow, P. (1984), *The Myths that Cause Crime*, Maryland: Seven Locks Press.
- Political Research Associates (2005), 'Myths, messages and tactics of the political right', in Aziz, N. (ed.), *Defending Justice: An Activist Resource Kit*, www.publiceye.org/defending-justice/overview/myths.html (accessed 6 December 2010).
- Reiman, J. (2007), *The Rich Get Richer and the Poor Get Prison: Ideology, Class and Criminal Justice*, 8th ed., London: Pearson.