



CRITICAL CRIMINOLOGICAL PERSPECTIVES

Demystifying Power, Crime and Social Harm

The Work and Legacy
of Steven Box

Edited by
David Gordon Scott · Joe Sim

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Critical Criminological Perspectives

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*You got criminals in high places,
And law-breakers making the rules.*

(Bob Dylan, cited in Box, 1983: 58).

For Steven Box

Preface

In the first of his great trilogy of books, *Deviance, Reality and Society*, published in 1971, Steven Box spent half of the first page of the Preface pointing out that when a reader has contact with a new book their initial thoughts are to turn to the Preface to find out about the author in order to build a picture in the reader's mind: their friends, family, students they taught, grants obtained and so on. Box decided not to perform this 'magician's trick', as he put it. Instead, he opted to spend the rest of the Preface—two and a half pages—discussing the book, its contents and why he wrote it. There were no 'identity blocks', as he called them, from which the reader could build an impression of him. And apart from some, small extra details provided in Jock Young's obituary in the *British Journal of Criminology* after Steven died, that has remained the case.

Looking back from the present moment—an age of celebrity culture—this invisibility might seem strange. However, as with Foucault's arguments about the need for masked, anonymised philosophising, the lack of detailed, biographical knowledge means that the words and concepts Box used, and the critical analysis he developed, provided the lens through which we read his work. Many might say,

especially in the context of the developments in social media over the last four decades, that biography and content cannot and should not be separated, they are inseparable. That might be a valid, though debatable point but it was not the path Box chose, nor indeed Foucault. Instead, as Buddhists would argue, Box followed the mantra about 'the dissolution of the [academic] self'. The age of selfie criminology would have been anathema to him, and rightly so.

As for the reader, the great, feminist science fiction writer Ursula K. Le Guin noted 'we read books to find out who we are'. Her insight applies equally to the world of critical criminology as it does to the science fiction genre in which she wrote. In reading and recognising the originality and impact of *Power, Crime and Mystification*, with which this volume is concerned, we can find out who we are not only as academics, activist scholars and activists but also who we are as human beings. How should we respond emotionally, spiritually and politically to the areas he discussed forty years ago? Four decades on, in a world stalked and dismembered by the malevolent, malignant barbarism of neoliberalism which Box saw emerging when the book was published, how do, and should we respond now? That is the essence of this collection.

It was devised and written against a tumultuous social and political background which impacted on billions of sentient beings as well as on us as editors and contributors: the state-generated, socially murderous rampage of COVID-19; the impact of the steel claw of state and social authoritarianism; the unfolding climate catastrophe; and the desolation and devastation generated by atavistic, neoliberal social and economic policies pursued by a sociopathic, national and international ruling class.

In universities, where many though not all of the contributors work, there has been righteous industrial action pursued by academics as they demanded a reckoning with an increasingly deranged university managerial class who, in Harry Braverman's brilliant phrase, took the 'degradation of work' within higher education to a new, parasitic level. Their philistine antics have attempted to turn learning for its own sake into a soul-chilling, utilitarian study of hard facts, in effect training students to accept the iniquities and inequities of the capitalist labour market while ensuring a good salary for themselves and a healthy profit for their institutions.

As Leonard Cohen said, in language which Steven would have appreciated, ‘there is a crack in everything. That’s how the light gets in’. Together, with the contributors, we believe we have produced a volume which continues to ensure that the light is still getting in and shining on the remorseless carnage of contemporary, capitalist barbarism. Hopefully, if he had still been with us, he would have raised a glass of his favourite Grand Cru Chablis to toast this volume. As the chapters here illustrate, the light he shone still burns as brightly as ever.

Given the events described above, we want to say thank you to all the contributors for your enthusiasm for the original idea and for your patience. In a Boxian spirit, we do not intend to summarise each chapter in this collection. The words, concepts, insights and critical analyses developed in the chapters themselves provide a much better articulation of your ideas. We could not do justice to them in a brief outline here.

We also remember the contributors who did not make it into the final volume for personal reasons. We thank them for their initial input.

Thanks to Naveen Dass, Bhanya Rattan, Gopalakrishan Lakshminarasimha and Josie Taylor at Palgrave. Thanks also to Corina Rogerson for helping us edit the chapters end references and all others at Palgrave involved in the production process.

Ramsbottom, UK
Liverpool, UK
September 2023

David Gordon Scott
Joe Sim

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Brenda Fitzpatrick has a Ph.D. in Global Politics and has had experience in refugee camps and conflict zones. Her reports were circulated to/ by United Nations, governments and NGOs demanding recognition that deliberate, tactical rape in war breaches international law, violates human rights and constitutes war crimes or crimes against humanity, genocide and ethnic cleansing. Her book, *Tactical Rape in War and Conflict* was judged ground-breaking. She respects the voices of victims and survivors and her novel, *Gwenie's Girl* presented women in war to a wider audience. She volunteers with remote desert Indigenous communities and with 'Care for Africa', which works in Tanzania.

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Gloria Morrison is co-founder of the grassroots organisation *Joint Enterprise Not Guilty by Association*. JENGBA raises awareness about the thousands of wrongful convictions of defendants sentenced under the draconian doctrine of joint enterprise which allows for more than one person to be convicted of the most serious offence. She recently gave evidence to the UN who, in January 2023, published its report on systemic racism in the UK's criminal justice system. and, with the advocacy of Liberty, has successfully litigated the Crown Prosecution Service because they do not collate data on joint enterprise. JENGBA

supports over 1500 prisoners, all serving mandatory Life sentences, and the campaign group is currently raising a Private Members Bill in the UK's House of Commons to ensure the appeal system is fit for purpose.

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Part I

Introduction



1

Steven Box: A 'Realist of a Larger Reality'

David Gordon Scott and Joe Sim

Introduction

James Baldwin, the great American writer and political activist, once noted that '[t]he world changes according to the way people see it, and if you alter, even by a millimeter, the way a person looks or people look at reality, then you can change it' (cited in Romano 1979). Baldwin's typically poetic words perfectly encapsulate Steven Box's work, in general, and his acclaimed classic *Power, Crime and Mystification [PCM]*, in particular.

Le Guin (2014).

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The book was published on 24 November 1983, four years before his untimely death aged 50 on 22 September 1987. Box's critical theoretical, methodological, political *and* moral trajectory was clear from the first page: demystifying crime as a concept; recognizing and evidencing the devastating impact of avoidable harms, injury, suffering and deaths generated by the systemic criminality of the powerful; detailing the institutionalized indifference of state agents to pain and suffering; highlighting the deeply embedded culture of immunity and impunity which protected them, and the powerful more generally, from being held to account; critiquing the cynical criminalization of the actions of the powerless, and its hypocritical obverse, the non-criminalization of the actions of the powerful; and demanding a radical shift away from institutionalized criminal injustice to a system built on democratic accountability and 'justice for all' (Box 1983: 219). He explored these themes through four case studies—corporate crime, police crime, sexual violence and female crime—and situated them within the wider, lacerating context of deeply entrenched, capitalist, social divisions that destroyed lives, obliterated psyches and grievously stunted human growth. In criminological terms, it was a book based on 'visionary dissent' (Harding 2017).¹

The chapters in this volume reflect Box's 'visionary dissent' and are linked by two considerations. They revisit his original arguments and the theoretical, political, moral and activist doors he opened in *PCM*. Additionally, they demonstrate the continued relevance of his thinking four decades on, decades which have been dominated by a ferocious intensification in the exercise, *and* non-exercise, of state power. However, it has also been a period of fearless contestation and resistance by critical criminologists, activists and grassroots organizations often working together, whose interventions have denied the state the capacity to impose a hegemonic 'truth' around crime and punishment, a point we return to below.

This Introduction is divided into six parts. First, it outlines the personal and academic context in which the book was written. Second,

¹ This phrase was used by Luke Harding in an obituary for the poet Heathcote Williams so while Harding was not talking about Box specifically the phrase seemed appropriate to what he was attempting in *PCM* (Harding 2017).

it considers the contribution of Box's key concept of ideological mystification. Third, it discusses the political background at the time of its publication. Fourth, it explores the reception the book received in the mid-1980s. Fifth, it reflects on some issues the book could have developed further when it was originally published. Finally, it considers the relevance of *PCM* to the 'Iron Times' of the twenty-first century (Hall 1988: vii).

Genesis and Influences

In the Preface to *PCM*, Box linked its genesis to a drink-fuelled interaction in London:

The germ of this book infected me on Trent Park underground station nearly five years ago. I asked Jock Young if he had any explanation for corporate crime. He gave me the wide-eyed, glazed stare of a man suddenly possessed by the light of truth (or finally overcome by the magical influence of too much *grand cru* Chablis – two bottles of Les Preuses 1970). After a moment he yelled “greed!”, and silenced the noise of the incoming train. (Box 1983: ix)

The last few lines in the first of his great trilogy of books, *Deviance, Reality and Society* (1971/1981) provided a less dramatic insight into its origins. Here he challenged the common-sense claim that a society gets the criminals it deserves, a recurring theme in *PCM*. In fact, the opposite was the case:

In the end, we don't get the criminals we deserve, but the criminals who nicely mask the extent of serious crime being committed by those who seek, or who strongly support those who seek, to control the criminals we get. In this way the vast bulk of the population is mystified as to the extent of crime, the persons committing it, and those being victimised. Perhaps this mystification is something *which should occupy a high place on the agenda of critical criminology during the 1980s*. (Box 1971/1981: 240, emphasis added)

In the context of a world being turned upside down by the scorching, radical convulsions which erupted in the 1960s and 1970s, the self-reinforcing doom loop of traditional criminology and the politics of acquiescence—a criminology of grovelling²—which dominated the rarified cloisters of its academic practitioners, was also turned upside down. Despite, or perhaps because of, being pompously patronized as ‘naughty schoolboys’ by Sir Leon Radzinowicz, the Director of Cambridge University’s Institute of Criminology (cited in Plummer 2013), their scholarship, politics *and* policies for radical change presented an emancipatory alternative to the reductive, suffocating straightjacket of individual and sociological positivism and the ‘self-neutering empiricism’ (Nairn 1988: 235) within which traditional criminology was constrained and trapped, *and within which its practitioners allowed themselves to be constrained and trapped*. The new generation confronted the intellectual and political stagnation of traditional criminologists, their stifling conformity and the moral compromises they made to conduct research whose outcomes, more often than not, reinforced existing power structures by accepting the state’s ‘truth’ about crime and punishment which meant, in reality, working-class criminality.

Essentially, they had unconditional access to state institutions to conduct research resulting in policy recommendations which again, more often than not, legitimated what state agents *thought* they already knew, and the policies they wanted to implement. To paraphrase Alvin Gouldner, they were ‘technicians of the [crime control] state’,³ offering, in Ralph Miliband’s terms, ‘straightforward apologetics’ for the operational power of its institutions (Miliband cited in Panitch 2009: xix). The fact that the Home Office, a ‘strategic sponsor’ of research at the time, was also the ‘patron of the Cambridge Institute of Criminology and the Oxford Centre for Criminological Research’ indicated the intertwined nature of the crime control state as funders of research and the practice of criminology. It was a link that Paul Rock also patronizingly described as

² We have paraphrased Tom Nairn here who talked about the ‘sociology of grovelling’ regarding the response of some sociologists to the Coronation of Elizabeth II in 1953 (Nairn 1988: 115–120).

³ Gouldner had used the term ‘technicians of the welfare state’ (Hall and Scraton 1981: 464).

being 'much criticized by younger and rather more belligerent members of the fortunate generation...' (Rock 1988: 64).

As with any social phenomenon, there were contradictions in this process. Critical criminologists were not entirely excluded from applying for, and obtaining, research grants. In the year *PCM* was published, Pat Carlen wrote *Women's Imprisonment: A Study in Social Control* which was also to become a classic text within critical criminology. The funding came from the state through the Scottish Home and Health Department while Carlen was given access to conduct interviews with women in Cornton Vale prison which formed the basis for her pioneering study (Carlen 1983). Previously in 1975, Rebecca and Russell Dobash had been funded by the Social Science Research Council (later the Economic and Social Research Council) to study violence against women in Scotland, which formed the basis of another classic study *Violence Against Wives: A Case Against the Patriarchy* (Dobash and Dobash 1979).

In general, however, the regressive trajectory of criminological research left the power of the punitive state undiminished and the academic status quo intact, as traditional criminologists shared a regressive echo chamber that reverberated with the endless mantra that more empirical research, *not* research on structures of power and powerlessness, was needed if the problem of working-class crime was to be solved. This empirical orientation, and the lack of structural analysis, was a form of 'psychic bondage' which, historically, has bedevilled criminology and other academic disciplines (Nairn 1988: 93). The fact that the new criminologists also wanted to, and did, make alliances with different 'deviant' groups, and provided an academic space for them to articulate their righteous anger about their often-violent, humiliating and terrifying torment generated by the state's interventions, or the torment of being ignored by its institutions, as in the case of survivors of domestic violence, was enough to condemn them as 'unscientific', academic reprobates, accusations, which, as we indicate below, also befell Box.

Attempting to shift the criminological tectonic plates, and refusing to be frozen in time, condemned critical criminologists to the seventh ring of criminological hell as punishment for two other sins: not being proportionate and not being objective. They had rejected so-called academic neutrality for active, political engagement supported by a

relentless demand for radical social change. In contrast, a sense of proportionality was central to the world view of state agents and politicians who uncritically utilized and disseminated the research conducted by traditional ‘scientific’ methods. As Howard Zinn noted, this had profound implications: ‘[A] learned sense of moral proportion, coming from the apparent objectivity of the scholar, is accepted more easily than when it comes from politicians at press conferences. *It is therefore more deadly*’ (Zinn 2015: 9, emphasis added). The fetish for insisting on academic objectivity had also been critiqued by Stuart Hall as far back as 1966:

.....the social inquiry approach has a strong tendency to make people the objects rather than the agents of change. By demoting the role of human agency, it robs the situation of its historical dimensions and of its potential for change....for all the refinement of measurement involved, the descriptions of our society accumulated in this way lack agency, historical perspective, existential meaning or a proper subjectivity. Instead what seems to reign as a dominant mood in the whole intellectual climate just at present is a spurious search for “objectivity”, a bogus pseudo-scientism. Such an intellectual climate - especially when mediated to an even wider public by the press and the journals – is one covertly hostile to politics. (Hall 1966/2017: 87–88)

The ‘seminal texts’ published in the 1960s and 1970s which preceded *PCM*, while ‘advocating a diverse range of theoretical perspectives and methodological positions’ (Monk and Sim 2017: 2)⁴ were, nonetheless, clearly different from the theoretically reductive and snake oil,

⁴ Along with Carol Smart’s *Women, Crime and Criminology*, these texts included: Jock Young’s *The Drugtakers*; Steven Box’s *Deviance, Reality and Society*; Stan Cohen’s *Images of Deviance*; Stan Cohen’s *Folk Devils and Moral Panics*; Stan Cohen and Laurie Taylor’s *Psychological Survival*; Ian Taylor and Laurie Taylor’s *Politics and Deviance*; Ian Taylor, Paul Walton and Jock Young’s *The New Criminology*; Thomas Mathiesen’s *The Politics of Abolition*; Ian Taylor, Paul Walton and Jock Young’s *Critical Criminology*; Michel Foucault’s *Discipline and Punish*; Douglas Hay, Peter Linebaugh, John Rule, E.P. Thompson and Carl Rule’s *Albion’s Fatal Tree*; Geoff Pearson’s *The Deviant Imagination*; Susan Brownmiller’s *Against Our Will*; Pat Carlen’s *Magistrates’ Justice*; Frank Pearce’s *Crimes of the Powerful*; Mike Fitzgerald’s *Prisoners in Revolt*; Steve Chibnall’s *Law and Order News*; Carol Smart and Barry Smart’s *Women, Sexuality and Social Control*; Mick Ryan’s *The Acceptable Pressure Group*; Michael Ignatieff’s *A Just Measure of Pain*; Mike Fitzgerald and Joe Sim’s *British Prisons*; the National Deviancy Conference’s *Capitalism and the Rule of Law* and Rebecca and Russell Dobash’s *Violence Against Wives* (cited in Monk and Sim 2017: 1).

quantitative, 'scientific' research uncritically pursued by traditional criminologists. The searching question posed by William Chambliss and Milton Mankoff seven years before *PCM* was published—*Whose Law? What Order?* (Chambliss and Mankoff 1976)—captured the political and moral essence, and electrical charge, of the new criminologists' perspective. They rejected the idea of value-free knowledge, and allegedly neutral research, in favour of a 'criminology from below' based on the voices and experiences of those on the razor's edge of a criminal justice system built on the state's threat, and use of, violence and the systemic indifference of its institutions to the social harms experienced overwhelmingly by the powerless (Sim et al. 1987: 7). The answer was *not* liberal, piecemeal reform which, as Foucault (1979) recognized, had been an abject failure for two centuries, but a radical transformation in state institutions, including their democratization and eventual abolition. Abolishing the searing, wider social divisions that stunted human growth and generated avoidable harms and death for the powerless was the logical political *and* moral conclusion to realizing these demands (Scott 2018, 2020).

By the time *PCM* was published, the theoretical, political and moral concerns of this new, insurgent criminology had coalesced around a number of themes: challenging the 'truth' articulated by the state/media/criminological complex about the nature and extent of conventional crime; disputing the vacuous claim that state agents were neutral in how they exercised their capricious, discretionary power; analysing the structural violence of state institutions which transcended the 'bad apple' theory of individual state agents; pinpointing the institutionalized misogyny, racism and homophobia which directed the interventions and non-interventions these agents made, or failed to make, on the ground; documenting the culture of immunity and impunity underpinning the systemic non-response to crimes committed by the powerful; illustrating the long history of criminal justice coercion and repression dating back centuries; and critically analysing the role of parasitic, state institutions in defending, legitimating and reinforcing a deeply unequal, and morally reprehensible, decaying social order brutally divided along the jagged fault-lines of social class, gender, 'race', sexuality and ability/disability which eviscerated the human side of human beings. Central to