

# WHAT IS TO BE DONE ABOUT CRIME AND PUNISHMENT?

*Towards a  
'Public Criminology'*

EDITED BY

Roger Matthews



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Editor

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Towards a 'Public Criminology'

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# 1

## Introduction: Towards a Public Criminology

Roger Matthews

There has been a recent shift of emphasis towards making social scientific investigation more policy relevant. University departments and funding bodies are increasingly using terms like ‘impact’, ‘deliverables’ and ‘outputs’ and more frequently aim to identify the beneficiaries of research studies. There has also been an important and timely debate in the social sciences about developing a ‘public criminology’ that is able to contribute to contemporary policy debates (Burawoy 2005; Currie 2007). Some leading criminologists have argued that the criminological industry is becoming increasingly socially and politically irrelevant and has little to contribute to the major debates on crime and justice (Austin 2003; Cullen 2011). Others have put the case for making criminology more policy oriented by asking ‘What is to be done?’ (Burawoy 2005, 2008). This debate raises important questions about the role of the academic researcher.

In line with this renewed emphasis on linking theory to policy this collection aims to encourage academics, researchers and students at all

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levels to think about the policy implications of their work. Considering questions of policy, it is suggested, moves investigation from a purely descriptive or detached stance and encourages researchers to engage more directly with the issues that interest them. This often results in the production of more satisfying and useful forms of investigation and analysis.

Despite the recent shift in emphasis towards policy relevance there still remains a large body of professional criminologists who are reluctant to engage in the policy process, either because they feel it is not their role or they fear that their suggested reforms will fail and that this will compromise their credibility. The major barrier, however, to making a significant contribution the policy process comes not so much from a fear of failure or co-option but the reality that a great deal of criminological investigation is poorly conceived and researched. Indeed, there is a growing body of criminological material that has been described as 'So What?' criminology (Matthews 2009). This material tends to be theoretically weak, methodologically inadequate and has little or no policy relevance.

One of the most notable developments in criminology in recent years has been the demise of theory and an increase in weak forms of conceptualisation. Key terms are often taken at face value and are not disaggregated, with the consequence that concepts like 'crime' and 'race' remain broad generic categories that lack specificity. Operating with these taken for granted, common sense categories results in the object of study remaining vague and undifferentiated with the consequence that it becomes difficult to formulate clear and detailed forms of analysis and, by implication, sound policy options. The main problem, however, is that weak forms of conceptualisation result in a lack of direction and focus to the research. In addition, the use of inconsistent and inappropriate categories serves to construct a blurred conceptual grid through which the social world is apprehended. Unfortunately, no amount of methodological manipulation can overcome these conceptual deficits (Sayer 2000). Thus there is a need to link theory, method and policy to produce forms of 'joined up' criminology that can combine theoretical sophistication and methodological rigour with policy relevance.

There is also a significant body of self-styled 'critical' or 'radical' criminology that does not feel it necessary to engage in detailed empirical investigation. Instead, evidence is used selectively and sparingly. This results,

as Elliott Currie points out in Chap. 2 in this book, is a form of 'liberal idealism' that produces speculative forms of expose criminology and generally refuses to take crime and victimisation seriously (see also Zedner 2011). As Currie suggests we are, however, at a crossroads both socially and politically, as well as criminologically. If criminology is to have any purchase on pressing contemporary issues it needs to develop a global response that is able to address the structural roots of crime and associated forms of suffering. In particular, the continuing level of violence around the world, especially in its more hidden forms, continues to present a major challenge to criminologists.

Nicole Westmarland and Liz Kelly develop a similar theme in their examination of domestic violence. As the authors point out in Chap. 3 domestic violence is one of those hidden 'private' forms of violence which surveys repeatedly show is endemic and highly gendered. Despite the widespread nature of domestic violence the rate of prosecutions and convictions remains remarkably low. Moreover, the strategies that have been employed to date to address this issue have proved to have a limited effect. Westmarland and Kelly argue that there is a need to move beyond current conceptions and policies on domestic violence and focus greater attention on the perpetrators.

Another area of violent activity is gang rivalries. This form of interpersonal violence and intimidation often remains hidden but can have a significant impact on the quality of life of people living in affected neighbourhoods. As John Pitts argues there are liberal idealists who try to deny the existence of gangs or claim that the media somehow 'construct' the notion of 'the gang'. In contrast, Pitts suggests in Chap. 4 that gangs are a serious problem in certain areas and their activities impact disproportionately upon the poorest and most vulnerable sections of society. Addressing this issue, he argues, requires a multi-agency and multi-faced sustainable strategy.

A consistent theme that runs through the chapters in this book is that positive and progressive reforms are not only possible but that there are numerous examples of specific reforms being beneficial in the past. In pursuing this theme Nick Tilley argues we should acknowledge that, in relation to crime prevention, there have been a number of ethical and effective gains in recent years. A key element in developing effective crime

control policies, he suggests in Chap. 5 following Robert Merton (1949), is to develop middle range theories. That is, move away from a preoccupation with finding the root causes of crime to forms of explanation involving lower-level forms of theorising that can be tested through empirical research. This form of 'radical realism' challenges many of our preconceptions about the nature of theorising and also the relation between theory and policy formation.

For many the immediate response to crime and interpersonal violence is to summon the police. However, in recent years the role of the police and their effectiveness has been increasingly called into question. Some commentators see the police as part of the problem rather than the solution. Benjamin Bowling, Shruti Iyer, Robert Reiner and James Sheptycki ask the critical questions of what exactly do the police do and what type of police force do we want. In a world in which the uniformed police are only part of the wider policing process the authors argue in Chap. 6 that: the remit of the uniformed public police should be broader than crime control; their powers should be restricted in terms of the use of force and intrusive surveillance; and that the police need to develop new technologies, more transparent modes of accountability, improved data gathering techniques and more sophisticated forms of intelligence-led policing.

Alongside the police most people think about imprisonment as a 'natural' response to serious crime. However, the problems facing the prison system are such that it is increasingly seen as being in a state of 'crisis'. Hundreds, if not thousands, of publications over the years have pointed to the detrimental effects of imprisonment, on prisoners, their families, their neighbourhoods and society in general. In fact, it is difficult these days to find anyone defending incarceration. However, there is a real paucity of studies that seriously discuss penal reform. For those who do engage in penal reform there is call amongst liberal idealists for the abolition of prisons and the suggestion that they should be replaced by community-based penalties, although researchers have shown that these options are equally ineffective in reducing recidivism and costs. Unfortunately, the alternatives which are suggested by the abolitionists to deal with serious and persistent offenders are not seen as appropriate in the eyes of the general public, while criminologists warn about the dangers of 'net widening'. Thus, in contrast to this apparently 'radical'

approach, Francis Cullen, Daniel Mears, Cheryl Jonson and Angela Thielo argue in Chap. 7 that a range of realistic and practical steps can be taken to make prisons less damaging and improve the quality of outcomes. With over two million people incarcerated in the USA and the steady increase in the prison population in the UK the time has come for a serious rethink of the use and purpose of imprisonment.

One of the most difficult issues in relation to policy development has been that of drugs. In fact, the drugs debate appears to be bogged down by hyperbole and an apparently endless stream of circular arguments. The rhetoric of the 'war on drugs' is now wearing thin and, as Caroline Chatwin argues in Chap. 8, there is an urgent need to broaden the debate and take into account harm minimisation strategies, while upholding human rights and giving public health a more prominent role in the formation of policy.

An equally challenging issue, which has received limited attention from criminologists over the years, is developing a consistent and effective response to white-collar and corporate crime. In addressing this issue in Chap. 9 Fiona Haines notes that the harms caused by white-collar and corporate crime have to be considered in a context in which these activities are embedded in a system of material and ideological benefits that condition the way in which both governments and the general public view these transgressions. Consequently, she suggests that there are three basic options to consider when addressing the issue of white-collar and corporate crime. The first involves better regulation of activities, such as introducing anti-trust measures. Second, the development of forms of responsive regulation and problem solving. Third, the development of a more fundamental reordering of how businesses ply their trade and a corresponding shift in the modes of regulation.

In many respects the criminological landscape appears to be changing. As some forms of recorded crime are decreasing in some locations new forms of transgression are becoming more prominent. In Chap. 10 Mike McGuire, like Fiona Haines, identifies a range of responses that are available for limiting the extent and impact of cyber crime. This can involve technical responses, criminal justice interventions and the development of a more informed and engaged public. However, McGuire argues that the game is changing and a more connected and increasingly

intelligent network of operators are emerging, such that the provisions that have been put in place to date are looking increasingly inadequate. The response to this changing situation requires, he argues, more than a technical fix and he calls for a more nuanced social and political strategy that holds transgressors to account.

Finally, Helen Johnson and Roger Matthews address the deeply divided issue of prostitution or 'sex work'. They argue that there is an identifiable link between the form of conceptualisation of this issue and the policy choices. On one side the 'abolitionists' support the Nordic model that criminalises buyers and decriminalises the women involved in prostitution, who are seen as victims. This policy position follows from the premise that prostitution is a form of violence against women. The liberal 'sex-work' lobby, on the other hand, favours a policy of decriminalisation or legalisation and do not think that sanctioning buyers is appropriate. In Chap. 11 Johnson and Matthews outline the Nordic model and identify the critique presented by the liberal 'sex-work' group. They argue that, while the arguments against the Nordic model are unconvincing, in countries like the UK an effective policy on prostitution needs to incorporate a version of the Nordic model while also going beyond it.

Overall, it is anticipated that although each of these chapters focuses on a specific issue this collection will encourage readers to think more seriously about the relation between theory and practice and to develop an approach to criminological issues that is more engaged and more useful.

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# 2

## The Violence Divide: Taking “Ordinary” Crime Seriously in a Volatile World

Elliott Currie

### Introduction

Almost twenty-five years ago Jock Young described crime as a “moral barometer” of society—a “key indicator as to whether we are getting things right, achieving the sort of society in which people can live with dignity and without fear” (Young 1992, p. 34). Today, the pattern of violent crime around the world provides a particularly troubling reading of how far we are from “getting things right” in our contemporary global society, and it cries out for serious attention and action. But whether we will see that sustained attention, much less social action, on the scale we need in the coming years is by no means certain.

There are strong forces operating both within and beyond the discipline of criminology that place formidable obstacles in the path of tackling global violence with the seriousness it deserves. But, at the same time, there are glimmers of hope that the field may be deepening and maturing

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in encouraging ways. There are several possible futures for criminology in an increasingly volatile world: and which of those futures we get will depend a lot on us; and what kind of future we get is not just an abstract academic question. It is important—not just for those of us who are in the business of studying crime, but for the lives of great numbers of people outside our ranks, and for the fate of values that we cherish, or ought to—that values include social justice and the reduction of needless human suffering and insecurity.

In fact I will go so far as to say that we are at a point when the choices we make about what our field really stands for, what it is really about, may be more important than they have ever been. We are at a moment in global history where the potential for the erosion of many of those core values is very real and is, in some ways, accelerating—a time when the consequences of some of our most problematic social and economic choices are becoming more and more visible, when a great many global chickens are coming home to roost.

I want to sketch out some aspects of where I think we are, and then ask whether criminology will be capable of stepping up to do the job that's needed. I suggest several possible scenarios, good and bad, for what criminology could look like down the road; and suggest some elements of the kind of criminology that can most usefully grapple with the global trends that are now upon us.

## **“Lidless” Capitalism and the Violence Divide**

The overarching context for understanding global violence in the twenty-first century is the rise and spread of what we might call “capitalism with the lid off” (or what I sometimes call “hit the fan” capitalism). We have now been through several decades of that remarkably unrestrained version of global capitalism, which has changed the world in ways that are profoundly relevant for those of us who study crime and justice. It has relentlessly widened social and economic inequalities, both within countries and between them. It has transformed the nature of work in ways that have exacerbated a spreading crisis of economic insecurity in advanced and developing countries alike. It has forced the movement of vast numbers of people both within and between countries on a scale that

has very few precedents in recent history. And it has done all of that with startling speed.

What economists call the 90–10 ratio—the disparity between the incomes of the most affluent 10 percent and the poorest 10 percent of households—has risen in the OECD countries from about 7–1 in the 1980s to roughly 10–1 now. Increasing fortunes at the top have gone along with declining economic conditions for the bottom two-fifths of the population (OECD 2015). In the United States, long the most unequal of advanced industrial countries, the incomes of the bottom tenth of the population have fallen by roughly 17 percent since the start of the century, while those of the top five percent have rapidly increased (Greenstein 2015).

Around the world, one key reason for the rise in inequality is the decline in stable work. The International Labour Organization reports that only one-quarter of workers globally now enjoy a “stable employment relationship,” with the great majority—particularly in less developed countries—working in informal jobs, in individual self-employment or unpaid family employment, or in temporary contracts (ILO 2015). The proportion of poor youth who are “disconnected” from both legitimate work and school, which was already at crisis levels before the recent global recession, is now arguably higher than it has been for seventy-five years. In some countries of what we, still rather euphemistically, call the developing world—and in some American neighborhoods—those “disconnected” youth are now the majority. And though in many countries the belated recovery from the most recent global economic slowdown has improved things a little, by most measures the state of lower-income people in much of the world is more perilous than before the “great recession” began. Despite significant increases in employment, for example, and faster overall economic growth, the number of Americans officially in poverty—universally understood to be a misleadingly low measure of the extent of real deprivation—remains higher than it was before the recession began, at roughly 15 percent of the population (Greenstein 2015).

That even a return to a degree of economic growth has barely dented the growing trends toward insecurity, deprivation, and inequality suggests that—short of genuinely transformative social policies—we are in for a long period of social and economic volatility and widespread insecurity, in the midst of unprecedented technological capacity. And in most countries—certainly in my own—no such transformative policies are

on the horizon, and indeed proposals to do anything serious about the changes that are now undermining well-being, opportunity, and security on a global scale are nowhere to be found in mainstream political debate. Indeed, the suffusion of global political discourse with the language of austerity and rejection of public investment and public responsibility for the consequences of “lidless” capitalism means that, with rare but interesting exceptions, serious confrontation with these issues is simply not on the table. No one now takes responsibility for mitigating the multiple crises brought on by “lidless” capitalism, much less pressing for genuine alternatives.

To be sure, painting these overarching trends with such a broad brush obscures important differences in the experience of particular countries—both in the impact of economic and social changes and in the political responses to them. But it is safe to say that this is the broad context that has predominantly shaped the global pattern of violent crime and responses to it in the twenty-first century, and that is likely to do so for some time to come.

One of the least surprising results of those deepening social disparities and insecurities is the corollary divide in the risks of violence. In what follows I focus entirely on what I call “ordinary” violence—street crimes and domestic violence behind closed doors—even though, as I show, there is really nothing “ordinary” about the pattern of these crimes around the world. I will not talk here about the often parallel issues raised with respect to state or corporate crime, nor speak to the ways in which decades of unrestrained global capitalism have helped to create conditions that breed groups given to mass atrocities. Not because these are, in any sense, of secondary importance, but because “ordinary” violence is what I know most about, and because I believe that ordinary violence in the twenty-first century is a human crisis of devastating proportions, one which, like many other contemporary human disasters, is savagely unequal in its impact.

I have been immersed lately in figures on the distribution on violent death around the world and, even though I already knew something about these realities, it has been a mind-boggling experience to look really hard at those numbers, and to think about their implications. The world is increasingly divided into places that are relatively peaceful

and where people can generally feel pretty secure personally; and places where the specter of violence is at least as pervasive as it has ever been and is often more so—sometimes *much* more so.

Close to half of the world’s homicides each year take place in countries that comprise just 11 percent of the world’s population (UNODC 2015a, p. 22). And all of those places fall squarely into the category of the “usual suspects.” They are places that are predictably wracked by the defining ills of “lidless” capitalism: widening income and wealth inequalities; high levels of absolute and relative poverty; weak, underfunded, and sometimes crumbling public support systems; ineffective and often corrupt criminal justice agencies that were never reliable providers of community safety and are now crippled by the combination of a sustained onslaught of unprecedented levels of violence and decades of public underinvestment; and, more often than not, a lethal flow of guns and a booming drug trade. Some of those places have gotten a little better lately, some have gotten a lot worse, but all of them remain in terrible shape—and it’s hard to see what will change that reality in the foreseeable future barring, again, epochal changes in fundamental social and economic policies that are not now live subjects of discussion in the political sphere.

If you look long enough at the statistics on the plague of violence in these places, you can start to get numb to their human meaning. But that would be a terrible disservice to the hundreds of millions of people caught in the lower and more desperate reaches of “lidless” capitalism. The cold numbers represent nothing less than a global massacre inflicted on precisely those people who are also most predictably assaulted by the multiple burdens of living at the bottom of an unforgiving and neglectful global social order.

If you live in Honduras you are more than: two hundred and fifty times more likely to die by violence than if you live in Japan; a hundred times more likely to die by violence than if you live in the Netherlands; ninety times more likely than if you live in the UK. (Currie 2015a; UNODC 2015b). In the Honduran city of San Pedro Sula, which has been frequently described in recent years as the most violent place in the world, a report in the *Guardian* newspaper quoted a local mortician as saying that “people here kill people like they were chickens” (Brodzinsky 2013). You are a hundred times more likely to be murdered in Guatemala City or Tegucigalpa than in Copenhagen or Berlin (UNODC 2015b).

In the United States, as in some other countries, we are much given to celebrating the “crime drop” since the early 1990s. And the decline in violent crime from its peak in the late 1980s and early 1990s is certainly real—but much more so for some places and people than for others. It is far more uneven and fragile than our usual public discussion assumes, and has left parts of the country still in the grip of a profound violence and fear. And, as in the world as a whole, the violence divide in the United States falls along thoroughly predictable lines.

At last count, the city of Gary, Indiana, just a stone’s throw from where I grew up, racked up a homicide death rate far in excess of that in Kingston, Jamaica, the most violent city in one of the world’s perennially most violent countries. Detroit, New Orleans, and Newark (New Jersey) all suffer homicide rates that top the rate in Port-au-Prince, Haiti. More people die by violence in the city of Baltimore, Maryland, than in the countries of Sweden, Norway, and Denmark combined (Daley 2015).

Newark is also one of several American cities that, as I write in 2015, are suffering a dramatic rise in homicide (Davey and Smith 2015)—including six killings in as many days during one week in the month of August (Coleman 2015). Baltimore is another, suffering “a wave of killings the like of which hasn’t been seen in four decades” during 2015 (Campbell and Jedra 2015). My home town of Chicago, which a columnist (Ehrenfreund 2015) for one of the country’s most respected newspapers recently described as a “very safe” city, witnessed eight homicides in less than two days in July (Yan and Holland 2015).

Unsurprisingly, the global split between places where violence is a routine fact of life and those where it is a small and sometimes dwindling possibility is deeply entwined with race. It is no accident that the places that routinely show up at the top of the lists of the world’s most violent are places like South Africa, parts of Latin America and the Caribbean, and the urban ghettos of the United States. And it’s important to understand just how closely these places now resemble one another. The homicide death rate among black men in the state of Indiana is higher than the rate for men in South Africa or Brazil. If black Americans had enjoyed the same risk of homicide as white Americans in 2013, we would have saved nearly seven thousand black American lives (Currie 2015b). Of the 233 homicides in Baltimore from the start of 2015 to mid-September,

where the race of the victim is known, 218 were African-American—205 of them African-American men (*Baltimore Sun* 2015).

The news is not all bad, and it is important, again, to recognize the ways in which specific countries and specific places within them have been impacted—and have responded—differently. There are some countries where violence has dropped considerably from a peak—including very volatile ones, like Brazil and South Africa, and much of the United States. But what is blindingly obvious in the age of hit-the-fan capitalism is the stark bifurcation of violent death in the world—and the reality that, in the hardest-hit communities, even significant declines have left violent crime at levels that constitute a human emergency.

These widening disparities in violence are paralleled by widening disparities between those countries that are locking more and more people behind bars and those where incarceration is decreasing—many of which are places where rates of imprisonment were low to begin with. Finland and Germany, among others, generally shrank their prison population in recent years; Brazil added almost half a million prisoners since the early nineties—and looks to be on the verge of adding a lot more (ICPS 2015).

I think it is not too much to say that these global disparities—in the risks of violence and in the risks of incarceration—represent both a public health emergency and a human-rights catastrophe. Yet one of the most striking aspects of that emergency is that it is only rarely called out as such. Indeed, just as the impact of “ordinary” violence is stunningly uneven across the world, so too is the perception, even the awareness, of it. What strikes me as an intolerable violation of human rights, security, and dignity—and a powerful indictment of the social order of “lidless” capitalism—is well-nigh invisible to many observers, and explicitly denied by others—including a surprising number of people whose job it is to understand these issues. And, to the extent that this remains true, it obviously undercuts our ability to do much about the violence divide—either on the level of social policy and social action, or of education and analysis. And that means in turn that the routine infliction of preventable violence and suffering on some of the world’s most vulnerable people will surely continue. We cannot predict with any precision what “ordinary” violence will look like ten or twenty or thirty years down the road, but we can be pretty sure of that much.