



THE STUDY OF CRIME

INTRODUCTION

This book is about the causes of crime. More specifically, it describes the diverse and, at times, competing perspectives within criminology, and their attempts to explain why certain types of people engage in certain types of behaviour that have been identified as being criminal in nature.

The aim of this chapter is to introduce the reader to the study of crime, and in so doing to explore a series of issues relating to the definition and measurement of, and responses to, crime. A major part of the chapter describes the criteria that serve to differentiate the many perspectives on crime. In particular, the chapter explores the different levels of analysis used to explain crime, and the different political perspectives that impinge on a criminological analysis. Overall, this chapter aims to make sense of how we can distinguish between different theoretical perspectives by looking at the broad similarities and differences in approaches.

CRIMINOLOGY AS A FIELD OF STUDY

Before we discuss the nature of crime, it is useful first to say a few words about criminology as a field of study. As we shall see, criminology, like crime, is not a monolith; it encompasses varied and competing perspectives. The different levels of analysis apparent in criminology are partly a reflection of the diverse disciplines that have contributed to the study of crime over a number of years.

Researchers, scholars and writers in areas such as biological science, psychology, philosophy, law, sociology, forensic medicine, political economy, education, history and cultural studies have all contributed to the multidisciplinary nature of criminology. Each discipline brings to bear its own concepts, debates and methods when examining a criminological issue or problem.

This means that within criminology there is a natural diversity of viewpoints, as different writers and researchers 'see' the world through very different perspectives, including the differences between the view from the 'ivory tower' (academics) and the view from 'the streets' (practitioners). Such differences are also reflected in the adoption of a wide range of techniques and methodologies in the study of crime. These include historical records, use of surveys, participant observation, interviews, experimental studies, evaluation of official statistics, study of policy documents and discourse analysis.

This variety of perspectives should be considered in light of the social context of the production of intellectual knowledge. For instance, the production of knowledge is itself a social and material process. When any kind of knowledge is produced, we must ask who has control over this process—not only the production of knowledge itself, but also the ownership and use of the results of research and scholarship. In a similar vein, specific types of 'knowledge' or 'truth' are not always recognised or visible in the public domain. This can happen for a variety of reasons—because there is no market for them, because of publishing rivalries, or because the 'knowledge' is not deemed to conform to particular academic standards or mainstream political agendas. How one set of 'truths' becomes dominant over another (or fades from memory) is also tied up in the way that complex scholarly research is translated for practice by criminal justice agencies, and how media then judge the worthiness of this knowledge, and how they represent this (on the front page or hidden on page 6) or just do not report it.

Knowledge has distinctive international dimensions. For example, in the field of criminology each country may have its own unique social concerns, intellectual milieu, political traditions, historical development, and hence its own theoretical emphases and biases. In the UK, for instance, debates over policing and antisocial behaviour have been prominent since the 1990s; whereas in the USA, major concerns have been expressed over the racial disparities in criminal justice (especially, officer-involved shootings of African-American men), gang violence, and the rising costs of having one of the world's largest

prison populations. In Canada, debates have centred on changes to drug law enforcement and the costs of criminal justice treatment of indigenous and first nations peoples. The latter issue is also prominent in Australia, along with violence in the night-time economy and ‘coward’ punches. In other global North jurisdictions, what is known about crime, and the intellectual endeavours aimed at identifying the causes of crime, have also been significantly shaped by the ‘war on terror’, including the militarisation of the police and the expansion of criminal justice agencies created to address terrorism.

Cutting across all of these debates in each of the regions, however, has been a series of general issues relating to the nature of crime and the social control of crime. Invariably, analysis of specific issues has employed abstract concepts that are designed to explain why particular phenomena should be dealt with in any particular way. Major themes of this book are: to explore the nature of the more generalised statements regarding crime; to examine the broad social and historical context within which certain theories and concepts have emerged; and to demonstrate the application of these theoretical understandings to selected issues and criminal justice reform.

While ‘theory’ informs everything that criminologists do, not every criminologist is a theorist. To understand what criminologists actually do, and why theory is relevant to their practice, we need to appreciate the dual nature of much contemporary criminology. On the one hand, many people adopt what could be called an administrative or professional approach to criminology. In this view, the role of criminology is tied to improving the immediate practices of the criminal justice system and to solving crime problems in the community. This approach seeks to study, analyse and research alternative theories in order to institute reform of some kind. Generally, it is directed at making some aspect of the criminal justice system ‘better’ at some level—a program, an institution or a strategy. Often it is linked to attempts to solve a ‘social problem’ or an administrative difficulty within the existing system.

On the other hand, there is a strand of criminology in which the emphasis is on a critical or analytical approach. Unlike the previous approach, this tends not to be a nuts-and-bolts view of the criminal justice system, particularly with respect to making minor changes within the existing institutional frameworks of criminal justice. Rather, it is suggested that one must stand back from policy decisions and ask bigger questions, such as ‘What if ...?’ This approach delves into the deeper philosophical issues of the day; for example, why do we continue to have and use institutions such as prisons when they demonstrably do not work to prevent offending or reoffending? The approach here is not to suggest improvements to the existing penal system, but to question whether it is valid or viable to begin with. Indeed, an informed opinion might simply advocate the abolition of such institutions in their present shape and form.

It is essential to note, however, that often there are strong links between these two approaches. The variability in criminological perspectives in general is due in part to the nature of the relationship between the practical administrative

orientation (with a focus on what can be done and how to improve the system) and its critical counterpart (with a focus on why things ought to be done in one way or another). In turn, the expected 'audience' of criminological research will also affect the level of theoretical analysis. A commissioned report on crime prevention for a government department will engage with theory in a different way from an independently funded project that seeks to test a theoretical perspective. We must also be aware of the uncertainties of knowledge. For instance, whatever area of criminology we consider, there are almost always unintended consequences that emerge from the knowledge we acquire and the reforms we put forward. Knowledge is a guide to the future—it does not fix the future on one single pathway.

Generally speaking, criminology focuses on three main areas:

- 1 the sociology of law, which examines why and how societies define crime a particular way and the implications this understanding has for the lives of people within those societies
- 2 theories of crime causation, sometimes referred to as criminogenesis
- 3 the study of social responses to crime, which examines in more depth the formal institutions of criminal justice, such as the police, courts and corrections.

As pointed out earlier, the main theme of this book is the causes of crime, and the various theories of those causes. As will be seen, however, the other domains of criminology often overlap, and are inseparable parts of any review of causal theories.

DEFINING CRIME

There is no straightforward, universal definition of crime, as ideas, perceptions and conceptions regarding what constitutes criminal behaviour are constantly changing. To a certain extent, both crime and criminology are uncertain, in the sense that one's definition of crime is dependent upon one's particular interests and particular worldview. This becomes clearer when we discuss the various definitions put forward for crime.

There are competing views of crime, yet crime is always socially defined. This, of course, can lead to debate: for example, should crime always be defined by law? Could or should it instead be based upon moral and social conceptions, such as social harm? To illustrate the difficulties surrounding different definitions of crime, we might consider the film *Schindler's List*. In the movie (and in real life) Schindler broke Nazi law in order to assist Jewish people. But was he then a criminal? Who defines the law? What about cases today where people may actively break the law in the name of social justice? There are unjust systems in

the world, and it may well be the case that many legal definitions are built on highly contentious and unjust or unfair propositions.

■ LEGAL AND SOCIOLOGICAL DEFINITIONS OF CRIME

There are many diverse conceptions of crime, each of which reflects a different scientific and ideological viewpoint. Hagan (1987), for example, identifies seven different approaches to the definition of crime, ranging from a 'legal-consensus' definition to a 'human rights' definition. For present purposes, we can summarise broad differences in definition in the following way:

- » A formal legal definition says that a crime is whatever the state identifies as a crime; that is, if something is written into the criminal law, and is subject to state sanction in the form of a specific penalty, then that activity is a crime.
- » A social harm conception of crime says that crime involves both criminal offences (such as assault) and civil offences (such as negligence), in that each type of action or inaction brings with it some type of harm. Each should therefore attract some sort of penalty.
- » A cross-cultural universal norm argument states that crime, in essence, does not vary across different cultures. Thus, murder is murder regardless of the society, and we can postulate conduct norms that cut across diverse cultural backgrounds.
- » A labelling approach to the definition of crime argues that crime only really exists when there has been a social response to a particular activity that labels that activity as criminal. If there is no label, there is in effect no crime.
- » A human rights approach says that crime occurs whenever a human right has been violated, regardless of the legality or otherwise of the action. Such a conception also expands the definition of crime to include oppressive practices such as racism, sexism and class-based exploitation, along with crimes against nature.
- » A human diversity approach defines crime in terms of the manner in which deviance represents a normal response to oppressive or unequal circumstances. A major focus here is on power relations, and the attempts by dominant groups to restrict human diversity of experience, language and culture.

Our intention here is neither to explain fully each type of definition of crime, nor to evaluate the explanatory or practical usefulness of each definition (instead, see Hagan 1987; Nettler 1984; Lacey 2007; Downes & Morgan 2007; Garwood et al. 2000; Laslett 2010). Rather, we wish to alert the reader to the fact that there are important differences in how people conceive of crime. For the general public, the first of these definitions is dominant as the absence of knowledge about the history of crime gives the impression that the 'law on the books' is neutral. Understanding what crime is requires us to recognise initially that crime is never without a historical and social context. After all, if the definition of crime were ahistorical and asocial, then we would surely have a single set

of international laws governing all forms of crime that are applicable to every inhabitant on this planet.

This detailed attention to the simple definition of crime is not ‘navel-gazing’; theories of crime have very real life consequences. The variation in definition often has real consequences upon how different types of behaviour are dealt with at a practical level. For example, we might consider the issue of violence (Alder 1991, p. 61):

In the home, parents hit children; on the playing field, sportsmen assault each other; at work, industrial ‘accidents’ occur; in our community, dangerous chemicals are dumped; our governments turn a blind eye to the practices of some police officers; and our governments are responsible for the mass violence of war.

How violence is perceived and responded to by criminal justice institutions depends very much upon a range of political and social factors. Crime is not inherent in an activity: it is defined under particular material circumstances and in relation to specific social processes.

■ HISTORICAL CONSTRUCTIONS OF CRIME

While criminologists may argue about the definition of crime, ultimately it is the legal definition of crime that determines how we as a society formally respond to certain acts deemed wrong. But, we might ask:

- » Who actually makes the laws, and why are they made?
- » Whose interests are reflected in those laws and how are they enforced?

In line with the broad theme of the variability of definitions of crime, it is also useful to acknowledge that legal definitions of crime themselves change over time. The law itself is thus historically situated and socially produced, and is not static. As it changes, so too does the definition of crime. In this sense we can say that morality itself is variable, at least insofar as it is reflected in the laws of a country. What is legally defined as crime varies according to social and historical contexts. For example:

- » As early as 1530, in England there existed the crime of being a vagabond, which, in effect, meant that a person was unemployed and idle. Any person so identified could be branded a criminal—figuratively and literally (through burning of the gristle of the right ear with a hot iron). Vagabonds over the age of eighteen could be hanged if they did not obtain suitable employment for two years. Revived in 1743, the Vagrancy Acts expanded the types of persons liable for prosecution to include a wide variety of homeless and poor people (see Chambliss 1975a). This crime no longer exists, although one could be tempted to draw similarities with the negative status accorded to the young unemployed or homeless people today, and the imposition of control mechanisms such as the UK’s Anti-Social Behaviour Orders, or mandatory ‘work for the dole’ (unemployment benefits) programs in Australia.

- » In the seventeenth century, witchcraft was a common crime in Europe. Crime here was constructed in terms of religion, and referred to conduct allegedly against (the Christian) God. By and large, such laws pertaining to witchcraft targeted women, as a means of controlling them (see Holmes 1993; Noonan 2002), particularly those displaying eccentric and secretive tendencies. Such laws are not common in the criminal law today. However, in some jurisdictions crimes related to witchcraft are still on the statute books, such as reading of tarot cards. Similarly, some of the public concern about heavy metal, and supernatural entities (such as vampires) in film/television appears to have vestiges of the moral and religious panics over witchcraft that swept Europe several hundred years ago.
- » Property and theft are historically and culturally specific concepts. In many traditional First Nation communal societies, everything is shared. There is no concept of theft (which is premised on the notion of ownership of personal property), because in these cultures property is communal. Concepts of land ownership likewise differ from mainstream legal conceptions. Some members of indigenous communities hold the belief that they do not really own the land, so it cannot be taken away from them. To put it differently, land is not a possession; it is something with which you have a relationship (like family). Crime in traditional indigenous communities is associated with the abuse of sacred knowledge, custom, spirituality, witchcraft and ritual—it is not centred upon property, as is most Western law (see Bottomley et al. 1991).

Crime is thus an offence of the time. For a large part of recorded European history, crime was intimately linked to moral proscriptions as defined by religious bodies. One reason for this was that between the 1400s and 1600s, the Church was the body that had access to the tools of justice administration. This was because literacy tended to be the preserve of the clergy, who therefore were in a position to construct the laws. Later on, it was the preserve of the state to determine laws. Accordingly, crime became defined as a transgression against the state, not against God. Even today, however, there are vestiges of conflict between the secular and non-secular law, as indicated by a range of provisions—informal and formal—that protect churches from the law of the state (including tax exemptions, and exemptions from anti-discrimination and anti-vilification laws, but also the failure of state laws to address the widespread sexual abuse of children by religious leaders of all faiths).

■ POPULAR MEDIA IMAGES OF CRIME

The media have a significant influence on the general portrayal of crime in society. The images that permeate popular consciousness of crime are mainly generated by, and reflected in, the electronic and print media. In this way the

media have a tremendous impact in terms of how crime is generally defined in society (see Sarre 1994; Grabosky & Wilson 1989; Ericson et al. 1991; Mooney & Young 2006; Surette 2010).

According to the media, in both fictional and factual types of programs and reportage, crime tends to be defined primarily as 'street crime'. Such crime is thus associated with personal terror and fear, and violence is seen as central. Crime is sensationalised, with important implications for the fear of crime among certain sections of the population. This fear is heightened by the way in which crime is seen to be random in nature, with anyone and everyone a possible target for victimisation.

As well, there is often the idea that crime is related to morality, and specifically to the decline of that morality. What is 'wrong' is plain for all to see. Furthermore, the 'criminal' is distinctive, and identifiably different from everyone else in society. Overall, the idea is that there is a continuing 'law-and-order' problem in society (Hall 1980b; Downes & Morgan 2007; Mooney & Young 2006), and that things are constantly getting worse. Against this tide of disorder and lawlessness, the police and other crime fighters are generally portrayed as 'superheroes', who are infallible and who use violence legitimately in order to counter the violence of the streets.

The media are important not only in shaping our definitions of crime and crime control, but also in producing legal changes and reinforcing particular types of policing strategies. For example, the 'moral panics' (see Cohen 1972; Poynting & Morgan 2007) generated by the media on problems such as 'youth gangs' may lead to changes in the law (for example, the introduction of youth curfews) and the adoption of certain police methods (for example, increasing the use of 'name checks'—or stop and searches—in particular locales). It has been demonstrated that the interests of the police and the media are entwined; they have a symbiotic relationship, in that the media rely upon the police for much of the information that sells their news 'product' (hard copy and online newspapers, television news and so on), and the police use the media to represent them in particular ways that reinforce the need for police, and the need for the police to do something (Dowler 2003; Perlmutter 2000).

The media thus convey a sensationalised image of crime, and a protective view of police and policing practices—and they make unusual events usual events in our lives. As Grabosky and Wilson (1989, p. 11) comment:

The most common types of crime according to official statistics, crimes against property, receive relatively little media attention. By contrast, crimes of violence, which are very uncommon in actuarial terms, are accorded much greater coverage.

Similarly, there is a skewed focus on 'street crime' and bizarre events. Meanwhile, the destruction of the environment, domestic violence, white-collar crimes and occupational health and safety crimes tend not to receive the same kind of coverage or treatment by the mainstream media outlets.

With regard to crime control, media representations of crime processes lead the viewer to believe that once a crime has been brought to the attention of the authorities, investigation will generally lead to detection and capture of the offender. Over fifteen years of *CSI* (and similar crime and police dramas before and after it) has inculcated into a whole generation the belief that crime is a fact, usually solved by the intervention of a 'hard cops' and 'hard science', which leads the hardened (or not) criminals to admit to their offences in the face of overwhelming evidence. This is a far cry from the reality of much police work, and in specific cases of serious street crime, many cases go unreported, and a significant proportion of cases do not get to the prosecution stage.

In fictional accounts of crime fighting, the police are usually endowed with special qualities (such as big guns and martial arts abilities), and violence is central and always justified because of the nature of the 'criminals' at hand. The nature of actual policing is once again misconstrued, and the mundane aspects—interviewing, looking over file material, research, traffic regulation and so on—are generally absent. Another facet of fictional accounts is that the police are not accountable to anyone; they can even step outside the bounds of the law because we all know they are on 'our' side. Thus, the police are always honest and incorruptible, even though evidence in real life shows that corruption of the police is a constant challenge. Notable Australian examples include the findings of the Fitzgerald inquiry into police in Queensland (Fitzgerald 1989), and the Wood (1997) inquiry in New South Wales, which revealed widespread and systematic corruption.

It is important, therefore, to separate the images and realities of crime in society. The media shape our perceptions of crime, and in the process they define crime in particular ways (see Clifford & White, 2017). One aspect of this process is that the media often portray crime in terms of distinct crime waves. This refers to the way in which increased reporting of particular types of crime (usually street crimes, such as assault, rape, drug offences or homicide) increases the public awareness of this crime. Significantly, there need not have been an actual increase in the crime for there to be a perception of a crime wave.

Nevertheless, 'crime waves' can and do have real consequences regardless of factual basis. For example, extensive media coverage of child abuse may lead to changes in the law, such as the introduction of mandatory reporting of suspected incidents. Or the fear generated by press coverage of assaults on elderly people may lead to calls for more police, tougher sentences and greater police power. Given the close relationship between the police and the media, major questions can be asked as to who benefits from the selective reporting of specific crimes, especially around government budget time.

Importantly, with the pluralisation of media and the growth of citizen-journalists, the conventional media representations of crime and criminal justice actors (especially police) have come under scrutiny, and in some cases, are being undermined. Widespread access to the internet and mobile phones, along with

information sharing platforms (Facebook, Twitter and so on), has transformed the quantity and quality of knowledge production about crime, with alternative media ranging from research evidence sharing (such as the Critical Criminology Facebook group) to the exchange of ‘trauma porn’ (such as the live footage of police killing black men in the USA). The ‘noble cause’ corruption so central to traditional media representations in real-life shows such as *COPS* and crime dramas such as *CSI* and *Law and Order*, compete with the memes and videos that depict the police, and the criminal justice system more generally, at war against their own people.

The pluralisation of knowledge production (both good and bad) is changing what is known about crime, and what can be known about crime. It is too early in the life of new media technologies to predict how the increase in the quantity of knowledge about crime will change the relationships between the state, its authorised criminal justice agents, and the subjects of criminal law. However, already, we are seeing that citizen-journalists, YouTube, and instant information sharing have changed what we do as subjects of the law, but also that these technologies are forcing criminal justice practitioners and organisations to account for their actions. This increased—though unplanned—transparency is likely to have significant impacts on the adjudication of individual cases (planting evidence, for example) but also how police and other criminal justice practitioners do their work on an everyday basis (such as the widespread adoption of body-worn cameras).

MEASURING CRIME

Given the limitations and problems of relying upon media definitions and treatments of crime, it is reasonable to accept that any statement made about crime should be tested by referring to the ‘facts’ about crime. This usually means that we need to confirm particular crime trends and consider official data on criminal activity. However, even here there are difficulties with how crime is defined. For what we ‘measure’ depends upon how we define crime and how we see the criminalisation process.

In fact, criminologists are not united in their approach to crime and crime statistics (see Nettler 1984; Jupp 1989; Maguire 2007; von Hofer 2000). For present purposes, we can identify three broad strands within criminology that deal with measurement issues:

- 1 The *realist approach* adopts the view that crime exists ‘out there’ in society and that the ‘dark figure’ of crime needs to be uncovered and recorded. There are limitations to the gathering of official statistics (such as reliance solely on police records of reported offences), and the role of criminology is to supplement official statistics (those generated by the police, courts and

prison authorities) through a range of informal or alternative measures. The emphasis is on the problem of omission—to uncover the true or real extent of crime by methods such as victim and victimisation surveys, self-report offending surveys, test situations and hidden cameras.

- 2 The *institutionalist approach* adopts the view that crime is a ‘social process’, and it rejects the notion that we can unproblematically gain a sense of the real extent of crime by improving our measuring devices and techniques. Instead, this approach concentrates on the manner in which official criminal justice institutions actually process suspects, and thus define certain individuals and certain types of behaviour as being ‘criminal’. Criminologists adopting this approach also argue that statistics tell us more about the agencies that collect the figures than they do about the crime itself. The emphasis is on the problem of bias, and on showing how some people and events are designated by the criminal justice system as being criminal, while others are not.
- 3 The *critical realist* approach argues that crime measurement can be characterised as having elements of both ‘social process’ and a grounded ‘reality’. The task of measurement from this perspective is to uncover the processes whereby the crimes against the most vulnerable and least powerful sections of the population have been ignored or underrepresented. The emphasis is on the problem of victimisation—to demonstrate empirically how certain groups are especially vulnerable to crime and to the fear of crime, and conceptually to criticise the agencies of crime control for their lack of action in protecting these groups.

Thus, there are debates within criminology over how and what to measure, and these ultimately reflect basic divisions within the field regarding the very definition of crime itself. The definition of crime—whichever definition is adopted—is itself a product of the theoretical assumptions underpinning the work of those who seek to define crime. As the preceding discussions make clear, the study of crime is fraught with a wide range of competing viewpoints and perspectives. It is useful, then, to develop an analytical framework that can make sense of these differences and the basis for different points of view on crime and crime control.

CRIMINOLOGICAL PERSPECTIVES

The style of questions you ask about crime necessarily determines the answers you receive. As we have indicated, there are competing definitions of crime: these produce competing answers or explanations of the causes of crime, and these in turn produce different kinds of responses to crime. As such, criminologists vary in how they approach the study of crime.