

Paper for British Society of Criminology conference.

What is the future of critical criminology? Where do we go from here?

Introduction. Criminological perspectives

Early criminological thinking questioned the 'legal constructions of crime' and was concerned with the legal protections of both the rights of society and those of the individual. These principles, of what was the classical school of criminology, formed the foundations of the criminal justice policies of the time. Implicit within these principles is the notion that there is a social contract that exists between citizens and so crime, or transgressions that breach the social contract are seen as a moral transgression against society and the transgressors need to be 'punished'. The discourse of critical criminology, from the mid-1960s, challenged these assumptions and original concepts of social order and crime in response to the changes and influences of a 'rapidly changing social world'. The aims and purpose of this conference bring us to a similar point for reflection, where we are asked to consider whether the approach to critical criminology that has existed since the 1960s does actually reflect our 21st century 'social world'. To do this, we need to analyse those drivers for change that can be seen to have affected the nature of crime and offending over recent years, and the concept of law and order pre and post financial crash of 2008. What should we now be reviewing and considering with regard to crime, offenders and the criminal justice sector (CJS)? And to what extent do we need to challenge the underlying assumptions and accepted rationales of the criminal justice system? For example, MPs are currently saying that Sir Philip Green, the erstwhile CEO of BHS, has a moral obligation to repay the millions of pounds he plundered from the BHS pension fund. This moral transgression is, today, being considered virtually as a "crime"; would this have been the case pre-crash? Similarly, whilst Julian Assange, the founder of WikiLeaks is seen as a traitor by America, many consider him to be speaking up as a justified whistle blower. These

conflicting views depend on individual standpoints of social justice and what constitutes a crime; there is also a global versus local differential at play.

This short paper will introduce some of the relevant factors that are associated with the most significant changes and events that have influenced society local, nationally and globally, over the last ten or so years and the impact they have had on community life, culture, and social justice. Critical analysis and discussion of these issues and outcomes will help to clarify key aspects for review that will help to identify new ideas and directions of thinking to bring the current discourse of critical criminology more in line with the current times.

A framework for analysis.

A STEEP analysis is an acknowledged tool used by organisations in the corporate sector to establish their strategic position. The acronym stands for: Social, Technological, Economic, Environmental and Political, the five key factors that influence the progress of any business and together provide a relevant framework within which to analyse its strategic developmental needs. This STEEP tool for analysis is a useful model for structuring this paper, the purpose of which is to focus on the 'business' of criminological thinking with regard to how crime, offenders and the causes of crime are viewed in the current climate of local, national and global events.

Pre and post-crash, the influences of STEEP factors, globally, have brought about significant changes to aspects of life in the UK such as community structure, culture and social justice. These changes can be associated closely with negative outcomes in areas such as health/mental health, violence, social mobility, social and emotional well-being and community life (amongst others). This model can be used to facilitate an analysis of some of those factors that are relevant to considering a new approach to critical criminology. I will consider some of these factors that are the most relevant to the theme of this conference. Whilst it is helpful to analyse the different factors, it is impossible to separate them out completely from one another because the events that

have brought about the changes to our social world, over the last ten years or so, will have incorporated some and all of the STEEP factors at any one time.

Social factors.

Social justice.

In the late 19th century the concept of social justice was considered from the perspective of ‘the pattern of land ownership’ and the ‘rewards accruing from land’ (through increased productivity that was directly attributable to those who worked the land) to ‘undeserving’ landowners – who did not work the land (Lund, 2006, p. 108). In 2014, the documentation that heralded the transformation of the probation services, through the Transforming Rehabilitation (TR) agenda, presented the concept of social justice as an intrinsic element of the successful processes of rehabilitation and desistance from crime. The TR policies have now made the provision of community-based case management and rehabilitation services, for those prisoners assessed as low-medium risk a statutory entitlement, for the first time. These community-based rehabilitation services are considered to be the ‘crucial means by which former prisoners are able to escape the social exclusion too often associated with imprisonment and reclaim the basic elements of social justice, such as regaining access to “accommodation, family relationships and mental health” for themselves and their families (Ministry of Justice, 2013, p. 13).

Key critical point for consideration 1.

These two concepts of social justice reflect the different social and economic factors that prevailed at two different times. In the first, social justice was associated with redistributing wealth. The TR agenda today, for example, views social justice as a process of *reinstating* access to the basic elements of social justice to those individuals who have ‘forfeited’ these elements through offending behaviour and/or incarceration. However, my own, recent research findings (from a small scale project in NW

Lancashire) show that far from reinstating social justice to a particular cohort of BAME and Muslim offenders, the central TR policies actually prevented the offenders from accessing the rehabilitation and reintegration support that was available. This outcome can be directly linked to the marketization of the probation services, through the government's decision to contract out probation services to non-specialist providers in the interest of 'value for money' (that well-known feature of neo-liberal policy making!). One of the impacts this is having across the sector is the erosion of the role of third sector organisations who provide specialist, local support for offenders. This is because they are being marginalised by the "global security corporations" who now run this part of probation services to a corporate business model, where competitive tendering trumps the quality of support provided.

Social justice as a feature of the criminal justice sector today, re-visits the debate on tackling social exclusion through addressing the 'structural causes of crime' (McLaughlin and Muncie, 2000, p. 173). This discourse was opened up by New Labour in its claim to be 'tough on crime tough on the causes of crime', a term coined by Tony Blair that signposted New Labour's aim to increase social inclusion through addressing the causes of crime through 'broader social and economic policies' (ibid.) The briefing paper *Tackling the Causes of Crime* (Labour Party, 1996) identified the following factors as significant (to the causes of crime): poor parenting; educational underachievement; truancy from school; unemployment, low income, homelessness and deprivation and drug and alcohol abuse. Successive governments have attempted to address these complex, cross-cutting social and welfare issues through policies that promote early intervention, such as the labour government's extensive Every Child Matters programme for change and the conservative government's highly controversial redesign of the benefits system. But despite these interventions, the same factors of deprivation and vulnerability persist in the lives of increasing numbers of families today. Should our approach to critical criminology now incorporate a widening out, or reconceptualization of the term social justice? Over time, neither the redistributive approach nor interventions to address the factors that contribute to offending behaviour have so far served to reduce crime or improve on the achievement gap that exists between those

individuals who experience vulnerability and factors of deprivation individuals and those who do not.

Technological and Economic factors.

Moving towards an “open” society”.

‘The values of an open society — free speech, democracy, pluralism — are increasingly visible around the world’ and have contributed to ‘the historic changes across North Africa and the Middle East’ (Demos 2011, p.12). This Demos document, (*The open society cannot be relied upon to defend itself...*) asks the question, ‘What are the emerging challenges to our liberal, pluralistic and tolerant frameworks of morality and governance’? The concept of an “open society” is discussed in terms of the increased accessibility of, for example, new financial instruments, the opportunity to voice dissent and discussion on human rights and access to information and knowledge. The essays that contribute to this Demos document each provide a different critical analysis of facets of the “Open Society”.

Whilst these new developments open up unprecedented access to communication, knowledge and entertainment, we need to be alive to the ‘paradoxes inherent’...and we should be ‘evolutionary rather than revolutionary’ in managing further steps towards the opening-up of our societies (ibid p. 16). This suggests that we need to make the comparison between the positive outcomes of the ‘evolution’ of technological developments (wider communication and empowerment through access to vast, new sources of knowledge) and the negative, ‘revolutionary’ outcomes, of mass killing and terrorist bombing, identity theft and large scale financial fraud, which we see occurring with increasing frequency across the world. Confirmed terrorists, activists as well as apparently non-violent vulnerable and emotionally unstable individuals now have at their disposal the means of planning and executing killings and bombings through the same social networks of communication and the internet whilst in their own homes, where they are unapprehended and their online activities undetected by anyone else.

[There are all too many examples of these tragic acts to choose from, but the most recent murder of nine people in Germany, carried out by 18 year old Ali Sonbolu shows

how fine the line is that determines whether the internet is a force for good or evil. Sonboly had been planning his killings over the last year, during which time he was able to buy a handgun on the 'dark web' and visit the pictures and footage of previous serial shootings. The ready accessibility of this information and gun helped to fuel Sonboly's obsession with serial killings, specifically those committed by Anders Breivik, who killed 77 people in Norway in 2011. In fact the Munich gunman planned his attack on the fifth anniversary of Breivik's shooting and used a similar Glock 17 pistol.]

Inequality in Societies.

These issues and discussions raise some complex and crucial issues for consideration with regard to the "opening up" of societies to the new economic and technological developments. These have given rise to the "explosion" of readily available tools of communication and the means to gather information on a hitherto unknown scale. Such a plethora of sources make world-wide information and knowledge instantly accessible to individuals whilst they are in their own homes. But there is a paradox that presents here. Whilst we seem to be at the pinnacle of 'human material and technical achievement' Wilson and Pickett, (2011 *The Spirit Level: Why Equality is Better for Everyone*) discuss the paradox that we are becoming increasingly anxiety-ridden, worried about how others see us and unsure of our friendships (2010). They say that we are close to the 'end of what economic growth can do for us' (ibid. p. 5) and at the heart of their research is the powerful finding that whilst the richest countries go on enjoying substantial improvements in their standard of living, **'these improvements have ceased to be related to average living standards'** (ibid. p. 6). This suggests that the privileged and wealthy go on enjoying greater advantages in life, whilst the poor and less privileged fall further behind in terms of advancement in their lives. The research findings in the Spirit Level provide very strong evidence that the greater the inequality within a society, the worse the outcomes for those societies in the areas of educational achievement, health, imprisonment and crime, and violence (amongst many others).

Key Critical Point for Consideration 2.

If we look at the serious events of recent terrorist killings and those shootings or acts of mass slaughter carried out by individuals who have no overt allegiance to terrorist organisations, can we construct any useful critical discussion around this paradox of living in an affluent, “open” society that now seems to be encouraging dangerous covert activities and introverted ways of thinking? Similarly is there any connection between these acts of violence and the level of income inequality that exists in the country where the perpetrator lives/has been brought up? (Could we open this question up further to analyse why the incidence of hate crime has increased in recent months?)

Another useful, critical perspective on unequal societies is written about in an article entitled *The unenhanced underclass*, which is in another Demos report, *Better Humans: the Politics of Human Enhancement and Life Extension* (Demos, 2006). This article discusses the worsening gap between the rich and the poor in terms of the availability of ever more enhancements available to improve on bodily functioning and structure as well as life opportunities. Aspects of enhancement such as access to information technology, private schooling, and personal connections contribute to the ‘ability divide’ (Demos, 2006 p. 125), because these may not be available to those families and individuals who are less wealthy and privileged and cannot afford to take up the enhancements. As ‘technology enhancements become an enabling technology for the few’, they will also become ‘a disabling technology for the many’ (ibid. p. 126). Wolbring, the author, believes this gap needs to be addressed through changing “the whole system (of policies) towards distributive justice, giving enhancements to firstly to those who need them the most’. This almost brings us back to our 10th century definition of social justice! But without this redress in the imbalance across our society, Wolbring says we will see the appearance of a new, underclass of people, the unenhanced.

Final words on the political, social and economic factors that contribute to a consideration of critical criminology in the post crash 21st century.

“The values of an open society — free speech, democracy, pluralism — are increasingly visible around the world. Indeed, this year we have seen them drive the historic changes across North Africa and the Middle East. More and more

people want to live in societies where power, wealth, information and opportunity are dispersed, rather than hoarded. They want their nations to be outward looking and internationalist in spirit. That rising tide of openness give any liberal reason to celebrate. However, today's world poses risks too. Continued economic insecurity puts the cause of openness under threat. History teaches us that, at times of uncertainty, societies become more exposed to the forces of division — populism, chauvinism, separatism, narrow nationalism. An 'us versus them' mentality. When that happens societies begin to fragment, turn inwards, and lose confidence. Vested interests benefit while ordinary people suffer" (Demos, 2011, Foreword by Nick Clegg).

References.

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