

## **Conference Report**

# **'TOUGH ON CRIME' .... TOUGH ON FREEDOMS? *From Community to Global Interventions***

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## Leaving a 'Stain Upon the Silence'<sup>1</sup>: critical criminology and the politics of dissent

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Nothing is less logical than to try to be too logical: nothing is more imprudent than to try to maintain theories ... if they are going to upset the order of society ... the sociologist must observe still greater circumspection, for if he puts into operation innovations of an upsetting nature he will simply succeed in demonstrating the uselessness and inefficiency of his science (Lombroso, cited in Garland, 1985: 27).

### Introduction

For almost its entire history, British criminology has been intimately connected with the production of ever greater levels of noise, the 'ceaseless chatter' and 'garrulous discourse' to which Foucault so famously referred, a self serving noise which endlessly reproduces narrow and circumspect accounts of crime, deviance and the operation of state power. These analyses not only fuel an expanding criminal justice system, but also conveniently justify the existence of the academic enterprise of criminology. Yet the rude health in which academic criminology currently finds itself – witness the proliferation of postgraduate and undergraduate University courses, the ceaseless torrent of academic texts and journals, the seemingly increasing intrusion by criminologists in public and government-led debates around 'crime, law and order' – mystifies a range of perverse, and for us deeply disturbing, trends in the *content* of criminology, trends which, as we seek to demonstrate in this article, are themselves only comprehensible in the context of a wider set of ideological and material changes that are sweeping through Universities and the research community. Of particular importance for academic criminology is New Labour's much-vaunted thirst for 'evidence-led policy' – a demand that translates itself in the criminological context into both a commitment to determine 'what works' *and* the ceaseless evaluation of what exists which, as Phil Scraton has pointed out, 'invariably means a revival of number crunching, schematic and instrumental positivism' (Scraton, 2001: 3). Thus academics compete tirelessly for the right to work for the national and local state, producing evaluations of programmes that they themselves have urged, often only to suggest some tinkering with those programmes, tinkering that then become subject to the need for further evaluation.

Yet despite the mass of noise that is now being produced within criminology, it at the same time appears to be a highly 'unsuccessful' enterprise. For example, Carlen has noted that current prison research is simply producing and reproducing

a lucrative and staple source of financing for many newcomers to the prison industry who appear not at all unwilling to legitimate the use of imprisonment by reference to the 'effectiveness' of their 'programmes' in reducing crime. The verity of the 'programmers' claims to 'success' are often 'proven' by dubious self-report questionnaire-evidence from prisoners that a programme 'works' - usually in terms of changing prisoners' understanding of their offending behaviour. (Indeed, in view of all these 'programmers' and 'counsellors'

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<sup>1</sup> Quotation from Samuel Beckett, cited in Bair, D. (1980: 539). A version of this paper was first presented in July 2002 when the four authors participated in a joint session at the British Society of Criminology Conference, University of Keele. Thanks to those who attended the session for a stimulating and very positive debate.

<sup>2</sup> Paper submitted to *British Journal of Criminology*, January 2003.

claiming to have found the philosopher's stone in relation to changing offenders' behaviour it truly is amazing that the prisons have not been emptied by now!) (Carlen, 2002a: 120).

Let us be clear about the scale and dimensions of this failure. As the prison population spirals towards a projected figure of 110,000 by the end of the decade, the announcement of record prison populations every month occurs with almost the same frequency as the long line of HM Inspector of Prisons reports documenting – even in the state's own terms - violent and brutalising regimes. Even were this expansionism having any impact upon our levels of reported crime, its most notable net consequence is surely to exacerbate the social misery that, according to their own logic and rationale, criminal justice systems claim to reduce. As the misery produced by the prison system escalates, so the state creates yet more opportunities for private actors – private security firms, criminal justice professionals and academic entrepreneurs - to profit from this misery. Record numbers of police officers are now being recruited, though clear-up rates remain very low. At the same time, Governments roll out a seemingly endless procession of criminal justice bills, each containing sweeping new powers to deal with an exponential rise in the number of criminal offences on the statute books. In 1999-2000 alone, 139 new criminal offences were introduced under various pieces of legislation (Crawford, 2002: 18).

Perhaps criminology as a discipline can take comfort from these trends, safe in the knowledge that despite, or because of, the deleterious and disruptive social effects of criminal justice expansionism, the discipline will flourish. Certainly, the work of criminologists, and the focus of criminology in general, is orientated towards an ever smaller terrain of utility, and more and more fails to engage with issues beyond this terrain, let alone to stand back and think critically about the criminal justice system, its rationale, its constituent elements, and so on. Indeed, the effect of contemporary criminological noise is quite the opposite to any questioning of the basis and viability of 'criminal justice'. Criminology increasingly speaks to a whole range of social problems, only to draw them into the net of the criminal justice system. It is a trajectory that reinforces and is reinforced by developments in criminal justice policy. Witness the criminalisation of 'incivility' with respect to a whole range of socially marginalised groups; young people are perhaps the paradigmatic target of such processes. So if we are all now technicians of reform, we are at the same time willing architects of a state law and order edifice reinforced by the discourse and practices of partnerships that intrude into a vast array of areas of social life, a repressive apparatus constructed on the basis of providing 'safety' for a conservatively-defined, and entirely mythical, community (Coleman et al., 2002).

Moreover, alongside the noise of criminology – the ceaseless chatter advocating the extension of criminal justice practices and 'solutions' - there stands a series of telling, sustained silences. For example, if we take the specific case of Northern Ireland then we find that one tenth of all public expenditure, over 1 billion pounds, is committed to law and order. As part of the peace process, a review of criminal justice was conducted with academic advisors from Britain and elsewhere. It made numerous recommendations, some of which are commendable, but in total they will further increase the amount expended on law and order. The much more radical Patten Commission, which was also set up as part of the peace process, created the architecture to divert resources away from traditional forms of policing, but this proposal remains 'gutted' and in the meantime the police are firmly in the driving seat and are demanding yet more resources. There is little or no opposition from within academic criminology to the rebuilding of a vast policing and criminal justice apparatus – a feature that has blighted the Irish landscape for more than one hundred and fifty years. On the contrary, the thrust is to be part of the expansion both in the development of new degrees in criminology and criminal justice and in carrying out the research agenda recommended by the Criminal Justice Review Group (Criminal Justice Review Group, 2000)

More generally, criminology has had little, if anything, to say about the killing, the brutal summary justice and the institutionalised sectarianism produced and nurtured by British rule in Northern Ireland. Nor has it had much to say about the appalling social and psychological consequences of mass imprisonment, or about the socially destructive repercussions of an entrenched and widening poverty gap which is ripping our social fabric apart in precisely the same period as we have witnessed record levels of spending on police technology, surveillance and situational crime prevention. Indeed, if one thinks of the major issues that have affected people's quality of life in the United Kingdom in the past quarter of a century, one immediately realises that criminology has had little or nothing to say about them: notable here are the BSE and food standards scandals, the case of Harold Shipman and his ability to continue to murder for years largely thanks to the complacency of a self-regulating professional body, the depressing series of rail disasters that have caused hundreds of deaths and misery for tens of thousands, the enormous toll of deaths brought forward by pollution, and the cases of so-called pensions 'mis-selling' which, taken together, probably represents the most widespread and devastating instance of corporate crime ever committed on these islands. What is striking is that each of these events raises issues about law, its enforcement, and the social (in)ability to pursue powerful actors through the criminal justice system – in other words, they all fall firmly within the supposed terrain of academic criminology.

The focus on 'evidence based' and evaluative studies of crime reduction programmes all implicitly and often explicitly define crime as street crime. No attempt is made to evaluate the role of, say, more stringent financial regulation of the city to reduce corporate crime. Indeed, there are no evaluative studies relating to the impact of a broad range of social and economic policies which may create criminogenic behaviour such as the current organisation of, and policies relating to, animal husbandry or the food industry, the high level of school exclusions or the failure to mainstream numerous voluntary and community organisations. In fact, it could be argued that those who engage in the often uncritical drive for evidence-based, 'what works' research have helped to mystify what has worked in practice with regard to crime prevention (youth clubs for young people), recidivism (the Barlinnie Special Unit and Grendon Underwood), and support for victims (rape crisis centres). The point is that, under both Conservative and New Labour governments, these liberal policies did not (and do not) fit easily into the law and order discourses that both parties have assiduously cultivated and perpetuated over the last two decades.

If there is a great deal of noise and some persistent silences, there is also a further combination of noise-silence. For within the mass of criminological work, the voices of academic experts are used to legitimate the definition of certain key terms – while those who would propose alternative forms of definition are in turn silenced, inaudible above the consensus of the technicians and the suffocating policy demands of the state. It is to a consideration of this issue that we now turn.

### ***The Noise and the Silence: Criminology in the Service of the State***

Between 1998/99 and 2000/1, the external research budget of the Home Office Research Development and Statistics (RDS) Department increased by over 500%, from £2,754,000 to £17,013,000 (Whyte, Personal Communication RDS, 23 October 2000). The RDS themselves attribute this increase in funding to the current government's enthusiasm for 'evidence-led policy' (Whyte, Personal Communication with RDS, 5 December, 2000). Much of this boom in Home

Office funding, and the subsequent proliferation of research reports<sup>3</sup>, has occurred in response to the need to evaluate the activities of the growing numbers of local criminal justice 'partnerships' (see Crawford, 1997 and 1998; and Hughes, 1998) and initiatives funded by the Crime Reduction Programme (Home Office, 2000a). This Crime Reduction programme is the largest single area of work that accounts for this huge increase in the RDS budget, a Home Office pool of funding worth £250m (made available after the 1998 government spending review) that is open to competitive bids from local crime prevention partnerships. The RDS is allocated £2.5m for administration of the Programme, while a further £9-£10m is ring-fenced and is largely targeted at evaluation and the technical development of methods of situational crime prevention (for example, GIS systems, CCTV, and so on) (ibid.). A further £1.9m is ring-fenced for drug research (Home Office, 2000b). Thus, it is apparent that almost every penny of the 500% increase is designated to policy areas that remain tightly organised around the crime reduction or war on drugs agendas.

So this allocation of increased Home Office funding reveals a much more tightly controlled and carefully targeted expenditure than the rhetoric of open, pluralistic and responsive government suggested by the bureaucratic term 'evidence-led policy.' Yet there is real discrimination about what actual or prospective policies are actually subject to scrutiny via the production of evidence. Thus, for example, the Home Office has made commitments to introducing policy reforms in at least two areas of corporate crime, namely the introduction of both a new law on corporate killing (Centre for Corporate Accountability, 2002), and of a new super-agency to deal with large-scale financial fraud (*Guardian*, 14 April, 2002). In neither case have we seen the Home Office calling for research in these areas. Similarly, New Labour's gradual phasing out of crown immunity in certain state institutions and the introduction of the Human Rights Act (1999) indicates that there are also irrefutable reasons for conducting evaluations of policy which impacts upon state criminality and criminal liability – not least for state institutions under the remit of the Home Office. The pressing need to evaluate state human rights abuses in the UK becomes yet more obvious when we consider that, in the past quarter of a century, the UK has had to defend more cases in the European Court of Human Rights than have all of the other EU signatory states put together, largely because of the state's role in the commission of human rights abuses in Northern Ireland (see Rolston, 2002).

In fact, evaluations of such fundamental new directions in policy, or commentary on the scale of victimisation or aetiology of such crimes, are virtually absent from the exponential rise in research and evaluation output. A brief review of the catalogue of Home Office research publications (Home Office, 2002) gives us a quantitative indication of the scale of such omissions. The current catalogue of available Home Office research and statistical reports details a total of 571 reports published by the Home Office since 1988 and still in print in April 2002.<sup>4</sup> Within this research output, there are ten research reports which deal with crimes *against* businesses<sup>5</sup>, but none - *not one single report* - which deals with crimes which have been committed as part of legitimate business activities. In contrast to its concentration on conventional crime, exemplified in the number of Criminal Justice Acts that this and recent Governments have passed, New Labour's attitude remains at best lukewarm – if not decidedly

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<sup>3</sup> For example, there are 116 reports with publication dates of 1998 and 1999, but 221 with published in 2000 and 2001

<sup>4</sup> This figure does not include the Annual Criminal Statistics Publications and Supplementary tables produced by the Home Office, or other statistical publications listed as "miscellaneous".

<sup>5</sup> Namely, Brown and Saliba, 1998; Burrows, 1991; Levi, 2000; Levi, and Handley, 1998; Levi et al, 1991; Mirrlees-Black and Ross, 1995a, 1995b and 1995c; Smith and Walmsley, 1999; Tilley, 1993; Tilley and Hopkins, 1998.

antagonistic – to researching the activities of the powerful, let alone reforming laws to prevent the social harm that these activities produce.

Yet the Home Office research output contains next to nothing that engages with such questions. There have been a few reports into deaths of prisoners in custody and under community supervision (Bucke and Brown, 1997; Leigh et al, 1998; Sattar, 2001a and 2001b), and one on deaths resulting from police vehicle accidents (Rix et al., 1997), but, with the exception of *one paragraph* describing the numbers of police officers prosecuted for driving incidents (ibid.: 35), none of these reports discusses the criminal responsibility of state servants.

This is not to say that none of those issues are considered at length in other official publications (for example, the Chief Inspector of Prisons reports), but it is notable that such concerns are absent from policy-driven research. Such tendencies within Home Office evaluation and research output both reflect and reinforce criminology's historical commitment to work on the basis of definitions of what constitutes crime produced by the state – these have largely been taken for granted by criminologists, forming the unproblematised starting point for criminological enterprise. That criminology has been largely non-reflexive and has, on the whole, accepted the notion of crime, is no mere quirk or an effect of lack of effort, but is more a consequence of the rules of formation of the discipline itself - 'the thing that criminology cannot do is to deconstruct crime' (Smart, 1990: 77). As Cohen has noted,

The development of social scientific theory and knowledge takes place not simply within the heads of individuals, but within particular institutional domains. These domains, in turn, are shaped by their surroundings: how academic institutions are organised, how disciplines are divided and subdivided, how disputes emerge, how research is funded and how the findings are published and used. In criminology, an understanding of these institutional domains is especially important for knowledge is situated not just, or not even primarily, in the 'pure' academic world, but in the applied domain of the state's crime control apparatus (Cohen, 1981: 220).

Criminology emerged, and has been tied much more closely in the last two to three decades, into the service of the state and, we might add, encroaching private corporate interests (witness for example, the centrality of 'situational prevention', 'hotspot mapping' and 'target-hardening' research to the growth of the crime control industry). This intimate relationship between criminology on the one hand, and the demands of the state and private interests on the other, has seriously infected the character of British criminology, a character that is long-standing and relatively resistant to change (Cohen, 1981). Even in the early 1980s it was suggested that British criminology was becoming even more pragmatic:

the Home Office Research Unit, the research branches of the prison department, the Metropolitan Police and allied state agencies have all expanded and become more professional and productive. This is particularly notable given the decline of government support for social science research. In line with what happened in the United States over this decade, the content of this type of criminology has switched (and is likely to switch even more) in the direction of 'criminal justice': that is to say, an exclusive concern with the operation of the system. Research deals mainly with matters of decision-making, manpower, evaluation and classification (Ibid: 236).

The fact of criminology's service to the state of course pre-dates the late 20<sup>th</sup> century (although we should not obscure the fact that the content of criminology has been the object of some

contest). So our brief commentary here comes in the form of a revised, updated edition, rather than a completely new version, of the history of the discipline. This is not to play down the significance of current developments in the discipline. In the current period of western neo-liberal hegemony, the content of criminology is closely shadowing some of the structural driving forces in higher education and research. It is to some of those forces that we now turn, in order to contextualise the political trajectory that criminology current follows.

### **Marketisation and Centralisation**

A series of funding crises have beset the UK higher education sector over the past two decades. The Dearing Report calculated that between 1976 and 1996 funding per student fell by just over 40% (Thomson, 2001: 6). By 1999, around fifty higher education institutions (30%) had fallen into debt (HEFCE, 1999). The combination of an explicit policy-shift towards the creation of a mass higher education system and the formal end of the binary divide ensured that the funding crisis would gather momentum. Between 1988/89 and 1993/94, the total number of full-time students in higher education increased by 65% and part-time students by 35%. In the same period, staff numbers increased by less than 17% (Hillyard and Sim, 1997: 51-52).

Research in higher education, as we might expect, was also subjected to a programme of austerity, as between 1983 and 1999 public research funds declined by 20% in real terms (Monbiot, 2000: 263). But more than simply setting into motion an ongoing funding crisis, the Thatcher governments' sustained programme of public sector austerity explicitly attacked the funding autonomy of the university and old polytechnic sectors: while government funding was being significantly reduced in real terms, it was also being radically restructured. In 1969/1970, almost three-quarters (70.3%) of university funding came from the UGC/UFC grant; by 1989/90, this figure was 47.9%. In the 'old' university sector, between 1980 and 1990 external research grants and contracts as a proportion of total university income rose from 15% to 23% (Phillips, 1994: 43); fee income between 1969/70 and 1989/90 rose from 7% to 13.9% (Salter and Tapper, 1994: 221). In analysing these figures, Salter and Tapper note that the relative decline in the UGC's grant is not necessarily an indication of the decline in dependence on state funding, but a restructuring of the importance of fee and research income (ibid: 1994: 221). Significantly the decade between the early eighties and the early nineties was also characterised by a shift in government resources from university block grants to funding provided in a competitive bidding process through the research councils (Phillips, 1994: 45; Williams, 1992; Salter and Tapper, 1994: 223).

It is these restructuring trends, combined with a prolonged period of austerity imposed by successive Governments and legitimated by state servants (particularly in the Treasury), that are the driving forces of marketisation. Through the crudest mechanism of funding, universities are being re-positioned as autonomous market actors, less and less to rely upon an over-stretched state.

In recent years, the intensified regime of austerity that has swept through the universities has entrenched the principle of utility, strengthening the reliance of academics upon mainstream (and of course other) sources of external funding dominated by policy or industrial requirements. Moreover, we may be witnessing a trend identified in a recent review of state/corporate/university relationships in the US during the Cold War era: 'in the short-term, power typically *selects* ideas .. while in the long term ideas tend to *conform* to the realities of power' (Simpson, 1998: xxix, emphases in the original).

But if we are to believe New Labour's rhetoric, there is a renewed commitment to the value of social science to be found in government circles - both politically and economically. The opening words of a key speech by Lord (formerly prominent social scientist, David) Lipsey proclaim a new climate for social research: 'For social researchers, happy days are here again...the change in climate with Labour's election in 1997 can hardly be gainsaid' (Lipsey, 2000: 1). Lest we become too excited, Lipsey injects a note of caution, and indicates that such happy days are not to be delivered unconditionally. Thus, echoing the New Labour mantra that elides rights and responsibilities, he sees 'no evidence of a widespread enthusiasm among voters to fund ivory tower research. It seems to me that the acceptance of public money in particular carries with it a duty to accept obligations to that public...' (Ibid). Lipsey's moral tone is tempered by the amoral vocabulary of research as commodity: 'Produce the right goods at the right time and promote them well, and they have every chance of success in the political marketplace' (Ibid: 2).

Whilst the current government, compared with its Tory predecessors, may be less hostile to social science research, there is very little difference in the degree to which it wishes to tie social science to government and industry's functional requirements. Schlesinger noted of a speech made by David Blunkett to the ESRC when he was responsible for the Department for Education and Employment:

For the Secretary of State, the root choice was simple: make yourself handy on my terms or be condemned for insufferable detachment. Academic social science is evidently seen as needing to become a service industry for government policy making. It is clear, more broadly, that he intends the Research Assessment Exercise...to be increasingly focused on policy and practice. (Schlesinger, 2001: 183; see also Department for Education and Employment, 2000)

However, New Labour's 1997 election victory, preceded by Blair's insistence that the key issue facing the country was 'education, education, education', did signify more than a simple rhetorical change for social science. Thus, for example, the Labour Government increased the ESRC budget by 15% in real terms over 3 years. The current government support for the ESRC is linked closely to 'evidence based policy' rhetoric (ESRC, 1999: Chairman's Statement). If researchers want to be involved in the right type of research and tie themselves into government or research council defined priorities, then being a social scientist at the moment can be a successful enterprise. While the ESRC's commitment has some welcome aspects, the signals it sends, coupled with other recent messages from the Council and Government, do not augur well for critical social research, least of all research that seeks to subject the powerful to critical scrutiny.

A succession of Labour Ministers have stated that the aim of the Labour Government is to make Britain the most business friendly environment in the world (see, for example, Secretary of State for Trade and Industry Mandelson, cited in Monbiot, 2000: 7, Byers, BBC Radio 4 News, 2 March 1999, Hay, 1999, *passim*). In almost all spheres of social and economic activity, and at every opportunity, the Blair governments have articulated, supported and acted upon a dogmatic pro-business stance. When it comes to education, Labour's evangelical business-friendliness has been applied vigorously: for Blair, 'in the knowledge economy, entrepreneurial universities will be as important as entrepreneurial businesses, one fostering the other' (Blair, 1999). At the forefront of this commitment is the Foresight programme, which brings together representatives from industry, government and the research base (largely the universities), ostensibly to maximise the role of the science base in facilitating and maximising future wealth creation and a better quality

of life.<sup>6</sup> Foresight has its origins in the Conservative Government's 1993 White Paper 'Realising Our Potential', which had the express aim of making stronger (as if they weren't strong enough) links between publicly funded research and the requirements of industry (Monbiot, 2000: 284-285). The programme has continued to expand under Labour. Foresight panels provide a forum for the incorporation of universities into the commercial strategies of the industrial sectors they represent, and, in so doing, they draw the universities into a general promotion (rather than scientific scrutiny) of the profitability of the sector. Many of the panels are dominated by corporate representatives, at least in numerical terms. In addition, civil servants and academics are selected on the basis of their support for the general aims of promoting the industry in which they are involved.<sup>7</sup> Indeed, the general direction of the work taken on by the panels is one that rarely deviates from promoting the commercial success of the sector.<sup>8</sup>

The effects of such interactions have been deleteriously one-sided. Far from boosting the resources available to universities, the experience of the US has been that the growth of research parks and university/business consortia has, despite the hype, not been successful in producing profitable returns; indeed, such arrangements have often left universities in the red (Ovetz, 1996: 120). In the meantime, huge benefits are accrued by private corporations in terms of the training of managers and technical workers, from the transfer of technology to the private sector, and via the construction of ideologies and ways of interpreting the world consistent with the stability of capitalist social orders. Thus, the very idea that the marketisation of research, and, more generally, the entrepreneurialisation of the universities, is based upon a flow of resources from business to the universities is little more than an illusion. Corporations are now gaining vastly more resources from the universities for less money than ever before (Tombs and Whyte, 2003). Yet this is the process that is used to justify programmes of austerity in parts of the university that are deemed unprofitable or are resistant to commercialisation (Ovetz, 1996: 126).

For us, such trends are the key context for understanding how the massed ranks of policy-driven academic criminology have swollen with such alacrity in recent years. These processes – the marketisation and commodification of knowledge – have touched criminology as much as any other discipline in the social sciences, with significant effects for those who work within the discipline and, concomitantly, the work that they produce.

### **Intensifying Control and Disciplining Academic Criticism**

Examining the 'Social Organisation of British Criminology', Paul Rock identifies the period of expansion of British higher education in the latter half of the 1980s as a crucial moment: it produced, amongst other things, a younger, smaller generation of criminologists who 'came to preoccupy itself with hunting grants for empirical research' (Rock, 1994: 135). Thus:

a growing proportion of criminologists were becoming increasingly dependent on soft money, obliged to work on short-term contracts to supply research to order for government departments, statutory agencies, and voluntary organizations (Rock and Holdaway, 1998: 9-10).

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<sup>6</sup> See <http://www.foresight.gov.uk>

<sup>7</sup> For a case-study of the dominance of oil industry personnel on the relevant Foresight panels, see Muttitt and Lindblom, forthcoming: 42-43

<sup>8</sup> There are a range of other government current initiatives that seek to stimulate 'partnership' with business; see Tombs and Whyte, 2003.

But more than this, the complementary programmes of marketisation and commodification within a mass higher education system have produced a series of highly disciplinary processes. That is, in a range of ways, the subordination of research workers to the imperatives of the market has played a crucial *disciplinary* role in the drive to fashion the academic, self-regulating subject, while simultaneously attempting to normalise those individuals and indeed institutions who might dissent from these imperatives, or at least harbour serious doubts about the moral and political discourses that underpin them. We can identify five likely outcomes to this process.

First, the rise in casualised and temporary posts may force researchers to seek funding wherever it is available. Since this is increasingly likely to be found in contract research, researchers may have little option but to conduct utility research. In 1998, 94.2% of research-only staff in universities were on casualised, fixed term contracts (*Times Higher Educational Supplement*, 20 November, 1998). Thus, the expansion of the university sector may well be ushering in a new generation of researchers entirely dependent upon policy and commercial research projects. This process is likely to be reinforced by the drive towards the evaluation studies discussed above: 'the projects are short-term, the evaluations are time-restricted (usually 3-6 months) and survival (for practitioners and researchers) depends on positive outcomes' (Scruton, 2001: 3).

Second, those researchers are less likely to be in a position to carve out space for developing autonomous research agendas outside the agendas of large grant-holders. The further neutralisation of critical criminological research may be one result of casualisation. Thus van Swaaningen, in his recent analysis of critical criminology (1997, 1999), has argued that the 'heyday' of critical criminology has passed and that 'criminology has shifted away from epistemological and socio-political questions and returned to its old empiricist orientation as an applied science ... fuelled by the political issues of the day, and geared by the agenda of its financiers' (van Swaaningen, 1999: 7). It is for us no coincidence that the heyday of critical criminology in the UK – the period marked by the emergence, formation and immediate aftermath of the NDC – was a period of HE expansionism which was relatively generously funded, allowing far greater room for manoeuvre for academics to whom Rock has referred as the 'fortunate generation' (Rock, 1994: 133).

Third, casualisation in universities is likely to produce increasing numbers of researchers that are relatively powerless, unorganised and atomised. The very conditions of security that allow workers in all industries to resist overbearing managerial regimes are therefore denied to the new generation of casualised researchers. To be blunt, 'Say the wrong thing and you can be out of a job' (Crace, 2001).

Fourth, the entrepreneurialisation of the universities has created a new binary divide that is closely related to the old one. The old polytechnic institutions, the new universities, take only 7% of RAE allocated resources (Chitnis and Williams, 1999). Since the old universities have successfully re-asserted their control over state allocated research funds, this leaves the new universities (if they want to conduct research) overwhelmingly reliant upon the 'utility' sources. At the same time, lecturers (particularly in the new universities) are granted less time to conduct research.<sup>9</sup> Up until relatively recently, research time was assumed to be enshrined in a university lecturer's contract (no matter that the amount of time allocated in this way varied wildly between institutions). But the requirement for teaching staff to attract the large research grants

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<sup>9</sup> For a discussion of the effects of this upon teaching see Slaughter and Leslie, 1997: 243 and Shore and Selwyn, 1998

to 'buy-out' their own teaching time, if they want to conduct any research at all, has increasingly become a feature of teaching contracts.

Fifth, the casualisation of research in universities should be recognised more generally as a de-skilling process that increasingly separates academics from the research they produce, akin to the classic Marxist process of alienation. As research (within and outside universities) becomes increasingly managed by small elite groups of research capitalists, the researcher is less likely to have control over the whole process of inquiry (Harvie, 2000). The research process is increasingly characterised by a division of labour whereby researchers are given the task of completing atomised elements of the project: selection of problems and methods, sampling, conducting fieldwork, interpreting results and so on. The way that a project is formed, takes shape and is disseminated may no longer be in the hands of researchers, but rest with those who employ and manage them.

### **The Research Assessment Exercise and its Impact**

The Research Assessment Exercise (RAE) both provides a clear, unambiguous and grim illustration of these processes, as well as being a key element in their intensification. In the social sciences, the minimal funding allocated by the latest RAE to all but the highest rated departments, makes it appear, in retrospect, that the exercise has been little more than a very elaborate confidence trick for which a great many experienced academics have fallen – even if we had little choice but to engage in it. There is no doubt that a major effort of academic industry was launched on the back of the previous RAE to produce and publish on the terms set by HEFCE. The RAE, by establishing a system of quantifying the use-value of research, has allowed the state to reinforce the link between money and work (Harvie, 2000). On one measure, at least, the strategy has worked. Just as the Select Committee inquiry noted that there is evidence that the quality and quantity of research improved on an unprecedented scale, it also notes that the UK is now the cheapest research economy in the world in terms of publications and citations per £million spent on research (House of Commons Select Committee on Science and Technology, 2002: 5). Research funding has in real terms been cut away from all but the highest rated departments, while some departments and indeed institutions have already renounced their research role to concentrate exclusively on teaching.

A recent parliamentary report from the Select Committee on Science and Technology is instructive here. The report highlights the severe damage to staff morale and the under-representation of women in the 2001 RAE, and points out that it was a contributory factor to the closure of departments across the country. Moreover, it notes that nationally important research was being 'destroyed because of trends in student demand' (House of Commons Select Committee on Science and Technology, 2002: para. 44) – that is, by the policy of mass higher education. The report also noted that the RAE might have damaged those functions of the University that are not amenable to measurement, such as 'community involvement' and 'research of local or regional significance' (ibid: para 46). But the Select Committee's mixed message also includes a call for enhanced 'industrial collaboration and the commercialisation of research' (ibid: para 54), and throughout stresses the relevance of research to wider society and knowledge transfer to the economy. For the Committee, social relevance unequivocally means utility, in its narrowest definition. Despite its critical findings, the Government welcomed the report for its support for the continued 'commercialisation of research', which was to be reinforced with 'work of direct relevance to the needs of industry and commerce.' (House of Commons, 2002: 11).

The RAE has therefore provided impetus to the marketisation processes that we have identified in this paper. Thus, 'the RAE gave rise to a culture likened by many to the football transfer market in which university was pitted against university and faculty members bought and sold according to the RAE's own imperatives' (Shore and Selwyn: 167-168). In Harvie's (2000: 112) terms, this has allowed a 'culture of compliance' in university departments to flourish and to supplant the idea that universities should exercise an independent voice. Of course, as we have already outlined, the shift towards market discipline has profound consequences in terms of the RAE's contribution to boosting the use-value of what is regarded as pragmatic and relevant; in other words, utility research.

While this has had, and may continue to have general effects across disciplines, we can identify several significant ways in which the RAE has impacted upon research criminology.

First, the 'culture of compliance' flourished, in part, because there were no clear rules about how RAE panels would make their judgements. It was widely believed, however, among academics and, more importantly, University administrators, that there would be an emphasis on hierarchy with respect to the type of research grants obtained (ESRC grants rather than grants from charities and other sources), what academics should publish ('evidence based' evaluation studies were much in favour in the latter part of the exercise), where they should publish (academic journals as opposed to interventionist newsletters or newspapers) and with whom they should publish (established academic presses rather than independent and radical publishers). It did not matter that there was little or no evidence that panels would make these sorts of hierarchical judgments, the mere existence of these beliefs influenced decisions about who to include and the type of publications submitted.

Second, the belief that panels would impose some sort of hierarchy increased the conservatism of the discipline in a variety of difference ways. There was pressure to obtain ESRC grants. As two-thirds of all ESRC research monies were for themes, increasingly criminologists were forced to give up their own funded or unfunded research agendas and construct funded research projects within the predetermined themes. The pressure to publish in the most highly regarded academic journals encouraged a tendency for researchers to opt to publish results which were regarded as 'safe' rather than controversial. Similarly, the pressure to publish books with 'respectable' rather than radical independent publishers curtailed the amount of critical scholarship being produced. All these pressures support rather than challenge a conservative intellectual hegemony (Harvie, 2000). This effect will be felt particularly acutely in criminology, where as we have argued, the relationship between funding, utility and the construction of research agendas is well developed.<sup>10</sup>

Third, the RAE has helped to generate a rather perverse relationship between means and ends in the context of academic research. The relationship between funding and research activity has generally been viewed as one whereby the funding is the means to secure the end, namely the carrying out of the research project, dissemination of findings and so on. We wish to suggest here that the seemingly ever-increasing search for external funding on the part of academics may be reversing this research-funding relationship: that is, funding may no longer be the means to conducting research for some researchers; rather, the research may be seen as a means

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<sup>10</sup> Similarly, Lee and Harley have argued, based upon a survey of British economists, that chief amongst the detrimental effects of the RAE on this discipline has been 'a shift towards the mainstream', particularly marked amongst those 'economists on probation or temporary contracts' (Lee and Harley, 1997: 53). Similar to criminology, economics has a long history as a highly applied and policy-oriented academic discipline

towards the end of securing further funding. This is at least indicated by a concrete shift in emphasis in some RAE assessment boards from measuring *outputs* (in other words the findings generated by research grants) to *inputs* (the securing of funding as a measurable achievement; Cooper and Otley, 1998). In the context of a higher education system where a variety of sources of income, beyond those attached to student FTEs, is desperately sought, where departments and individuals are assessed partly on the basis of the levels of income generated (both externally, via Research Assessment Exercises, and internally, by different layers of management), and where fixed-term contracts seem to be increasingly prevalent, the pressures towards seeing research income as an end are enormous. In other words, once a grant has been received then there may be a tendency to become concerned less with the research activity at hand, more with the need to secure *subsequent* funding - and this perceived (indeed, for many researchers in universities, real) need may infect the nature and quality of the research being conducted, whether consciously or not. Again, the funding structure which permeates the production of criminological knowledge renders this effect pervasive in the discipline.

Fourth, the grant application process has reached a point where engaging in this process has become the template against which nearly every other research activity is judged. From the perspective of the market-driven, entrepreneurial managers inhabiting University research and finance departments, the bigger the grant the better. In addition, this process also favours those institutions, typically, the older Universities, that already were in a more advantageous position either because of lower teaching loads or because the Universities were able to use their substantial reserves or raise significant new funds from their wealthy benefactors to support the RAE. The distribution of RAE results were, therefore, as much a reflection of the wealth and privilege of the established Universities and the political economy of higher education rather than some objective measure of research quality. New Labour's White Paper on the 'reform' of higher education, published at the end of January 2003, will both reinforce these divisions - and the ongoing commercialisation of criminology - by concentrating research monies in a few 6\* rated institutions, while 'non-research intensive institutions will be steered away from basic research to work as consultants to local businesses' (*The Times Higher Education Supplement*, January 24 2003).

Fifth, the RAE has encouraged the clone-like reproduction of an evaluative, safe, self-referential criminological culture into which younger scholars are brutally socialised to become self-disciplined subjects if they are to acquire permanent posts. The last exercise, which reported in December 2001, continued the same insidious trend while simultaneously reinforcing the lack of accountability through a series of puerile and superficial 'feedback' notes disseminated to academic institutions.

Finally, the RAE has had another more long-lasting impact on criminology: it has strengthened legalistic criminology and weakened critical criminology. This has come about in a number of complex ways. One key factor has been the behaviour of different panels. There has not, of course, been a 'Criminology' panel in any RAE, so that work in this discipline has tended to be submitted under 'Law', 'Social Policy and Administration' or 'Sociology'. In the absence of any rules to the contrary, the Law panel awarded a 5 or 5\* to 63 per cent of all units submitted, the Sociology panel awarded a 5 or 5\* to 37% of the units who submitted, and the Social Policy and Administration panel awarded these grades to only 21% of their units. The results are even more extreme when the focus is shifted to individuals as opposed to units. Some 85% of all lawyers are in grade 5 or 5\* departments compared with 51% of sociologists and 31% of social policy colleagues (Hillyard, 2002). This means that there are now nearly three times as many lawyers as social policy colleagues in these top graded departments. While there is no objective

evidence whatsoever to suggest that lawyers are better at research than social policy academics and sociologists, these high grades are likely to consolidate criminology in law departments and weaken the discipline in social policy and sociology departments. Hence it will further strengthen the position of 'legalistic' and state defined criminology, where the notion of crime is taken as given and unproblematic and in which administrative criminal justice and black letter law modules dominate the course structures.

Taken together, these processes, when seen alongside of the long history of state antagonism to the epistemological and philosophical basis of critical academics and their work, has reinforced the binary divide between the respectable, conforming academic subject and the less eligible, disreputable non-conformist. In refusing to work within the governing parameters of an increasingly market-led criminology, the latter group find themselves at the sharp end of a plethora of disciplinary practices orientated towards their normalisation: the creation of the rational, evaluating, non-sceptical academic who is untroubled by the exercise of state and corporate power and their effects

### **Conclusion: Challenging Criminological Imperialism**

In a now famous passage, Foucault has claimed that 'the whole content of criminology - with its 'garrulous discourse' and 'endless repetitions' - is to be explained with reference to its application by the powerful' (Cohen, 1981: 220):

Have you ever read any criminology text? .. They are staggering. And I say this out of astonishment, not aggressiveness, because I fail to comprehend how the discourse of criminology has been able to go on at this level. One has the impression that it is of such utility, is needed so urgently and rendered so vital for the working of the system, that it does not even need to seek a theoretical justification for itself, or even a coherent framework. It is entirely utilitarian (Foucault, cited in Ibid.)

Foucault wrote these words in the 1970s, but they are consistent with his views on criminology from its inception. Similarly, for Garland, its relationship to power is a defining feature of criminology, which is 'shaped only to a small extent by its own theoretical object and logic of inquiry. Its epistemological threshold is a low one, making it susceptible to pressures and interests generated elsewhere' (Garland, 1994: 28). In other words, the questions asked and the answers reached within criminology have always been subservient to, if not determined by, power. Yet the processes that we have set out in this paper indicate that recent years have marked a dramatic intensification in this servile relationship, so that the discipline may be entering a qualitatively different phase. And as we have indicated, the key momentum for this intensification has been the emergence to dominance of neo-liberalism, and its subsequent onslaught upon all of the institutions of civil society. This onslaught has, of course, affected all forms of university activity, but it has impacted particularly detrimentally across social sciences and, within these, even more dramatically upon those social sciences that have historically been the most acquiescent to the demands of the powerful, not least of all criminology. Crucial here – with echoes of Gamble's free-economy/strong state thesis (Gamble, 1988) – has been the pincer movement upon criminological research effected by market discipline on the one hand and the discipline of the state on the other. The outcome of these mutually reinforcing disciplinary initiatives has been the tendency for the criminological enterprise to be defined increasingly by that which is immediately relevant for neo-liberal ideologues and their bureaucratic handmaidens.

The fact that this narrowing agenda is presided over by a government which still clings to some semblance of being on the left of centre creates even greater difficulties for critics from the left to carve out an alternative terrain for debate; indeed, some would say that this has been a key aim of the 'modernisation project' (see Hay, 1999). This is particularly the case vis-à-vis criminology in Britain, where new left realists and administrative criminologists created a set of discourses which informed the policies and practices of the Labour Government which came to power in 1997 (Brownlee, 1998), representing enough consensus between the 'left' and 'right' to produce a particularly cold, hostile climate for research that fell and continues to fall outside of the discourses of relevance and evaluation.

Furthermore, contrary to the government's current rhetoric, the present drive towards uncritical, utilitarian research, rather than facilitating a renewal of *relevance* in university research, may actually be having the opposite effect. Academics are now less free to investigate a range of pressing social problems. In criminology, perhaps more than most disciplines, this means benign commentary and empirical research that lacks any sociological imagination. It means an endless conveyor belt of predictable and auto-suggestive findings, often generated by large-scale, publicly funded, state-sanctioned, evaluation-orientated research projects that are ultimately self-serving and self-legitimising. Under the emerging regime in criminology, utility does not equal relevance and discipline certainly does not equal rigour. Other questions can also be asked about these projects: in what ways, if any, have they furthered academic scholarship and generated serious and empowering policy reforms? Who evaluates the evaluators? What are the actual outcomes generated by this kind of research? Who evaluates these outcomes?

In addition, in the universities' relentless drive to attract large-scale, state and commercial research funding a basic but crucial point has been ignored: namely that rigorous and scholarly research can be conducted *without* the support of the state or commercial interests. Some of the most academically influential, hegemonically successful and policy useful work in the last three decades has involved critical criminologists in particular who have not had the 'benefit' of such sponsorship (Sim et al, 1987; Sim 1994; Statewatch, 1998; Tombs and Whyte, 2003). In making this point, it is important to recognise that this is not an argument for critical criminologists in particular to disengage from the grant application process. As Pat Carlen pointed out at the British Criminology Conference in July 2002, highlighting a series of criminological silences does not *preclude* engaging with the noise made by mainstream criminology and grant givers. Those critical criminologists who have obtained research grants from bodies such as the ESRC have produced work that is scholarly, rigorous and interventionist. Carlen's edited collection, *Women and Punishment* (Carlen, 2002b), provides a cogent example of this point.

The key here for us seems to be the *raison d'être* for the research. We have indicated above that increasingly, for some, the key outcome of a piece of research is a greater ability to apply for further research funding. By contrast, critical scholars involved in funded (and, indeed, non-funded) research often share a Milibandian 'coincidence of interests' with community-based organisations with respect to documenting the deleterious and often devastating harms generated by the activities of powerful individuals, organisations and institutions and the structural social divisions which both legitimate and in turn are legitimated by these activities. Furthermore, as noted above, this research has been conceptualised as decidedly interventionist - a 'competing contradiction' (Mathiesen, 1980: 231) - that attempts to transcend the reformist politics that underpin officially sponsored criminal justice and social policy research, while simultaneously avoiding being absorbed into a state-defined discourse in which:

...you are invited to try to *persuade* the representatives of the state rather than to struggle for demands...you are invited *to show by example* how things should be done, again rather than struggling against the way in which things are being done...anything new is permitted so long as it does not break with the premises of the system (Ibid: 287, emphasis in the original).

There is one final point to be made about the current situation. The drive towards short-term, expedient, evaluation research described in this paper, has legitimated the headlong rush towards what has been termed 'criminology as industry' (Sim, in print). As noted above, one insidious consequence of this process has been the social construction of a very particular definition of 'what works' in the criminal justice system. This in turn has marginalised social democratic responses to the problem of crime to the point where, for example, curfew orders for young people have become the starting point for the law and order debate rather than the construction of youth clubs or community centres. More broadly, this utilitarian trend has also facilitated the marginalisation of concepts such as democratic accountability and the demand for the control of state institutions such as the police. Becoming embroiled in debates around the evaluation of particular criminal justice policies or engaging with the mysteries of performance indicators rather than calling for the democratic control of state institutions seems to be a central concern of a discipline that has lost its capacity to think in idealistic, utopian and emancipatory terms (Young, 1992; Lippens, 1995) and instead survives on what Ulrich Beck has described as 'zombie concepts' (cited in Bauman, 2002: 82) - that is, concepts which are 'fictions and empty pretences' (Ibid).

Ultimately, the most pressing question for a criminology that wants to retain any dignity or integrity in these punishing neo-liberal times must be: where can academics find the space to conduct rigorous, challenging and socially relevant research that will alleviate rather than exacerbate the problems caused by conventional crime while simultaneously confronting the social harms generated by the powerful? This question applies as much to administrative criminologists as it does to critical criminologists. Depressingly, however, at the present moment, their responses are likely to be very different.

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