

The Historical Development of Criminological Thought and Theory as a Series of  
Successive Periods

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## Abstract

In this thesis I examine the historical development of criminological thought and theory. I argue that criminology's history generally follows the structure of history advanced by Thomas Kuhn in his *The Structure of Scientific Revolutions*. As such, I argue that the history of criminological development is a history of successive periods, punctuated by periods of crisis. Specifically, criminology's historical development is characterized by four successive periods, which are as follows: (1) a pre-paradigm period in which at least three different paradigms exist, in competition for dominance in the field; (2) a paradigm period characterized by the dominance and universal acceptance of positivism by the scientific community of criminologists; (3) a period of crisis in which critical criminology, an alternative paradigm, successfully challenged the positivist paradigm and pushed the discipline into a state of crisis; and (4) a period characterized by, on the one hand, the triumph of the positivist paradigm over its challengers, and on the other hand, by a period in which alternative paradigms, confined to the fringes, nevertheless incessantly challenge the foundations and first principles of the positivism paradigm. My one caveat is that we view the fourth historical period of criminology as a *stage* rather than what Kuhn terms a *paradigm*. *Stage* is a term invoked in order to extend the limits of Kuhn's model and to develop it further.

## Resumé

Dans cette thèse, j'examine le développement historique de la pensée et de la théorie criminologique. Je soutiens que l'histoire de la criminologie suit généralement la structure de l'histoire avancée par Thomas Kuhn dans son livre *La Structure des Révolutions Scientifiques*. Je soutiens que l'histoire du développement criminologique est une histoire de périodes successives, ponctuée par des périodes de crise. Plus précisément, nous pouvons identifier quatre périodes successives le développement historique de la criminologie: (1) une période de pré-paradigme dans lequel au moins trois paradigmes différents sont en concurrence pour la domination dans le domaine; (2) une période de paradigme caractérisé par la domination et l'acceptation universelle du positivisme par la communauté scientifique des criminologues; (3) une période de crise dans laquelle la criminologie critique, en tant que paradigme alternatif, a remis en question le paradigme positiviste et poussé la discipline dans un état de crise, et (4) une période caractérisée par, d'une part, le triomphe du paradigme positiviste sur ses concurrents, et d'autre part, par une période durant laquelle des paradigmes alternatifs, confinés à la périphérie, mais ne cessant néanmoins de remettre en question les fondements et les principes premiers du paradigme du positivisme. La problématique que j'identifie est de dire nous voyons la quatrième période historique de la criminologie comme une étape au lieu de la voir comme ce que Kuhn a appelé un paradigme. Le terme 'étape' est invoqué afin d'étendre les limites du modèle de Kuhn et de le développer davantage.

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## Chapter 1

### (1.1) Introduction

In this project I will examine the historical development of criminological thought and theory. I will invoke central arguments advanced by Thomas Kuhn (1962/1970) in his *The Structure of Scientific Revolutions* and suggest that, in a way faithful to Kuhn's description of the historical development of the sciences, the history of criminological thought is a history of successive developmental periods, punctuated by periods of crisis. By examining the body of discourses constitutive of criminology, this thesis continues a tradition of communications research that studies lines of discourse over time – that is, research that engages in critical histories of the evolution of thought, that studies the breaks and continuities that mark the history in question, as well as the structures that sustain it<sup>1</sup>.

I will suggest that criminology has developed by way of four successive periods. Just as, according to Kuhn, all sciences began in a pre-paradigmatic

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<sup>1</sup> An example of communications research of kind is John Durham Peters' *Speaking Into The Air: A History of the Idea of Communication*. Peters' work traces the ways in which ideas about communication have changed and developed over time. Christopher Lucas has advanced that *Speaking Into The Air* is best thought of as "a thought-provoking revisionist work on the philosophy of communication... [A] genealogy of communication, a loose rhetorical 'history'... rummaging through cultural artifacts and the works of natural and political philosophers for prevailing attitudes about communication over two millennia of Western civilization" (2012: 2). Another example of communications work which traces bodies of discourse over time is Raymond Williams' "Culture is Ordinary." In this work, Williams defines culture as "the known meanings and directions, which its members are trained to; the new observations and meanings, which are offered and tested" (1958: 6). As a tapestry of individual and collective meanings, of personal and social experience, culture for Williams is living and ever-changing. As such, Williams argues that culture is an expanding phenomenon that differs across time and space, and whose lines of discourse should be studied.

period, a period characterized by the existence of multiple, competing, and incompatible *paradigms*, each vying for dominance in the field in question, so too did criminology. Criminology begins in a *pre-paradigm period*.

Concerning criminology's second period, Kuhn argues that modern sciences emerge through the triumph and subsequent dominance of the field by one of the competing paradigms, to the demise of the other paradigms. Kuhn calls this a *paradigm period*. I will argue that criminology's second period is both the stage in which the modern discipline of criminology emerged, and the stage in which, for the first time, one paradigm triumphed over the other competing paradigms. This dominant paradigm governed and controlled the direction of criminological research, and the previously competing paradigms ceased to hold sway. That dominant paradigm in question is known as the *positivist paradigm*.

Concerning criminology's third period, Kuhn writes that the history of any science is a history of the succession and replacement of one paradigm by another. It is a history of breaks, and these breaks are referred to by Kuhn as *scientific revolutions*. Before any succession, break, or revolution can occur, however, Kuhn argues that a state of *crisis* is necessary. Briefly, a state of crisis is a period characterized by: professional insecurity and the incessant questioning of the foundations and first principles of the dominant paradigm by practitioners committed to alternative paradigms; the existence of what the scientific community considers one or more *significant* anomalies that the dominant paradigm fails to sufficiently answer; and the emergence of alternative and competing paradigms which attempt to respond to the anomaly and which attempt to replace the dominant paradigm in question. I will argue that criminology's third



period is characterized by a state of crisis. This stage takes place in the 1960s and 1970s, when an alternative criminological paradigm emerged – the critical criminological paradigm – a paradigm which challenged the foundations and first principles of the positivist paradigm. The criminological community during the 1960s and 1970s perceived the challenges advanced by the critical criminologists to be legitimate and significant. This, as such, drove the discipline into a state of insecurity, debate, argumentation, and crisis.

Criminology's fourth and final period is characterized by, once again, the triumph of positivism over the competing school of thought, or competing paradigm. In this period of development, positivism is the paradigm with which the majority of criminologists align themselves. Yet unlike its second period, we cannot characterize this period as a *paradigm period*. Suffice it to say at this point that a paradigm period requires the complete and universal acceptance by the scientific community at large, of a paradigm, its foundations, and its founding principles. In criminology's fourth period, while positivism is the dominant paradigm, alternative and competing paradigms exist that both incessantly challenge positivism – indeed, take this challenge as their *raison d'etres* – and are incompatible with it. These competing paradigms extend and develop the challenges advanced in the 1960s and 1970s by the critical criminologists, but have altered the challenges in ways that have produced new paradigms, with one such example being poststructuralist and postmodern criminology. Yet, while in this period there exist multiple competing paradigms or schools of thought, neither can we call this a period of *crisis* in the same way we could in criminology's third period – even though a 'state of crisis' exists amongst the

challenging factions. For positivism remains widely accepted such that most criminologists are positivist in orientation.

Kuhn's historical model therefore runs out when trying to apply it to the final period of the history of criminology. Criminology's fourth historical period exists as a combination of certain aspects of Kuhn's (1) paradigm period and (2) period of crisis. In order to retain Kuhn's overall argument, I reserve the term *stage* for criminology's fourth, final, and most recent period. Since criminology's fourth period falls outside of Kuhn's model, and since I advance that this period nevertheless behaves in a similar fashion to the ways in which Kuhn's periods behave – that is, as an intelligible period which *supplants and replaces*, punctuated by periods of crisis – we are required to create a new term that extends Kuhn's analysis in a way that applies to criminology's final period. Thus, I invoke the term *stage* as a looser description of the state of things, a description which allows us to define a period characterized by a combination of two of Kuhn's periods as unified and intelligible. By allowing us to do so, we can advance the argument that this *stage* replaces and supplants criminology's state of crisis of the 1960s and 1970s. This, I suggest, is the last and most recent period of criminology's historical development.

These are the four periods that I suggest characterize the historical development of criminology: criminology's history begins in a pre-paradigm period characterized by the existence of multiple paradigms and the non-dominance of any of them. This is supplanted and replaced by a paradigm period in which one paradigm rules. This paradigm period is replaced by a state of crisis in which debate and challenges over the foundations of the dominant paradigm

are central. Lastly, this period of crisis is replaced and succeeded by a *stage* – a term created to allow us to extend and develop Kuhn’s overall argument – in which one paradigm rules, *and* in which incessant challenges to this paradigm by alternative paradigms that exist at the fringes, occur.

The remainder of this introductory chapter will explicate Kuhn’s central arguments in *The Structure of Scientific Revolutions*. After this, I will clarify how the structure of Kuhn’s arguments can be invoked in my analysis of criminology’s historical developmental, in an attempt to develop this argument further and to make it more lucid.

#### (1.2): Kuhn’s *The Structure of Scientific Revolutions*

In *The Structure of Scientific Revolutions*, Thomas Kuhn argues that scientific development – contra the traditional view wherein scientific development is thought to proceed in a linear, accumulative, and progressive fashion; a view wherein current knowledge is understood to have build upon and advanced knowledge of the past, and, in so building, comes closer and closer to an ultimate truth – is a history of successions of tradition-based periods, which he termed *paradigms*, punctuated by non-cumulative, and revolutionary, breaks, which he termed *scientific revolutions* (208).

An understanding of the concept *paradigm* is central for understanding this argument. Kuhn uses this concept in many different ways. In fact, one author suggests that Kuhn invokes the term in at least twenty-two different ways (Kuhn 1962/1970: 175). For the purposes of this thesis, however, we will concern ourselves with two.

In the first sense of the term, Kuhn invokes the term paradigm to mean, broadly, a worldview or a viewpoint shared by a scientific community of any size<sup>2</sup>. Moreover, every scientific community works from within a paradigm: “members of all scientific communities, *including the schools of the ‘pre-paradigm’ period*, share the sorts of elements which I have collectively labeled ‘a *paradigm*’” (179, emphasis added). In this sense, a paradigm means that which “suppl[ies] the foundations for its [researchers of a scientific community] further practice” (10). These foundations include things like “laws [of nature], theories, applications of, and instrumentation together,” along with that which is considered a legitimate “concept... point of view,” or worldview (10-11), and the ‘foundations of further practice’ expound the bounds of *what exists*. That is, one’s foundations, first principles, or one’s ‘point of view/worldview’ determine the nature of the ontological world, and the “laws of nature” (182) that exist from within that paradigm. By implication, the paradigm determines the questions can be legitimately asked, the problems that (can) exist, the solutions and answers that are possible as a result, and the methods of research to be henceforth pursued. For Kuhn, then, his use of the term paradigm in this first sense, insofar a paradigm

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<sup>2</sup> Kuhn describes scientific communities as follows: a scientific community consists of the practitioners of a scientific specialty. Practitioners who have undergone similar educations and professional initiations, have been exposed to the same technical literature, and concluded some of the same lessons from it. The boundaries this literature usually mark the limits of scientific subject matters. Members of this community see themselves, and are seen by others, as pursuing a shared set of goals, group communication is ‘full,’ and the professional judgments made by members of the same community tend to proceed unanimously in a singular and unified direction (see page 177 especially).

expounds legitimate theories, laws, problems, possible solutions, and methods, denotes *the ways in which its practitioners see the world*<sup>3</sup>.

The second sense of the term is much more specific and is what allows Kuhn to advance that science proceeds by way of non-linear paradigmatic successions punctuated by revolutionary breaks. In this sense of the term, paradigm means that a scientific paradigm (in the first sense) is capable of attracting “an enduring group of adherents away from competing modes [paradigms] of scientific activity,” and proves to be “sufficiently open-ended to leave all sorts of problems for the redefined group of practitioners to resolve” (10). Paradigm in this sense, then, or what he also calls a *paradigm period*, is more than a particular way of seeing with specific theoretical and methodological commitments. It denotes (1) a paradigm’s (in the first sense) ability to draw scientists towards accepting its tenants, away from alternative paradigms, in such a way that the successful paradigm in this regard becomes the dominant paradigm within which scientific practitioners work; and it denotes (2) the engagement of

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<sup>3</sup> Furthermore, he advances that working from within different paradigms results in living, studying, and seeing, *different worlds*. Of course, ‘different worlds’ does not refer to ontologically different worlds. He is speaking about the differences in perceptions of reality that result from one’s commitment to a particular paradigm. Kuhn states that “very different *stimuli* can produce the same *sensations*; that the same *stimuli* can produce very different *sensations*; and... the route from *stimulus* to *sensation* is in part conditioned by education” (193, emphasis added). Furthermore, “to the extent... that individuals belong to the same group and thus share education, language, experience, and culture, we have good reason to suppose that their *sensations* are the same... They must see things, process *stimuli*, in much the same ways. But where the differentiation and specialization of groups begins, we have no similar evidence of the immutability of *sensation*” (193, emphasis added). In this passage, the ‘differentiation and specialization of groups’ is meant to denote individuals who are members of scientific communities who work from within different and competing paradigms.

scientists within that paradigm in scientific research characterized by what Kuhn has called *normal science*. An examination of these two points follows.

Concerning point one: that which precedes a paradigm, or a paradigm period, Kuhn argues, is a *pre-paradigm period*. While it may perhaps seem counterintuitive, he argues that a pre-paradigm period (as well as a state of crisis, which will be examined shortly) is characterized by the existence of multiple paradigms (in the first sense of the term), each of which engages in competition with each other<sup>4</sup>. The result of the existence of multiple and competing paradigms within a pre-paradigm period is the constant challenging of the foundations, assumptions, theories, and first principles of these paradigms by the alternative and challenging paradigms, and the need to, as a result, incessantly justify the use of a paradigm's concepts, theories, first principles, etc. when engaging in research within that paradigm. On the other hand, a paradigm period, or paradigm in the second sense of the term, is characterized by the dominance of a single paradigm, in the first sense of the term, and, therefore, the acceptance by the scientific community at large of the paradigm's (first sense of the term) foundations and first principles<sup>5</sup>. There is no longer the need to incessantly justify them – these can be taken for granted, and a scientist is no longer forced, as was the case prior to

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<sup>4</sup> He can do this because of the two different ways that he uses the term. On the one hand, the multiple paradigms that exist within the pre-paradigm period refer to multiple viewpoints or worldviews, while on the other hand, pre-paradigm denotes a state prior to a paradigm, or a paradigm period, where the latter period refers to the a state in which *one* paradigm has gained prominence, *and* in which the scientists of this paradigm engage in normal science. It is possible, then, for there to exist multiple paradigms (in the first sense) *before* the emergence of a paradigm (second sense).

<sup>5</sup> That is, “laws, theories, applications, and instrumentation,” “concepts..., points of view” (10-11), commitments, beliefs, values, way of seeing, and worldview.

the dominance of one paradigm, “to build his field anew from its foundations” each time he engages in research (13). In a paradigm period, then, *there exists agreement over the fundamentals*.

Furthermore, a paradigm period is also characterized by the cessation of the competition, influence, and in most cases the existence, of the previously competing and alternative paradigms. The dominant paradigm “provides [a] [model] from which spring particular coherent traditions of scientific research” (10). As a result, the “creative scientists can begin his research where it leaves off and thus concentrate exclusively upon the subtlest and most esoteric aspects of the natural phenomena that concern his group” (20). Put in another way, the emergence of a dominant and universally accepted paradigm – or the emergence of a paradigm period – produces a state in which scientists engage in *normal science*.

Concerning point two: Normal science does not aim to discover new phenomena; “indeed, those [phenomena] that will not fit within the box [provided by the tools of the paradigm] are often not seen at all” (24). Nor does normal science aim to invent new theories; indeed, normal scientists are intolerant of the invention of alternative theories (24). Instead, as Kuhn writes, “normal-scientific research is directed to *the articulation of those phenomena and theories that the paradigm already supplies*” (24, emphasis added). That is to say, with the acceptance of one, unifying and dominant paradigm, a worldview is set and the nature of reality, the problems that exist, and the (relatively small) range of potential solutions to these problems, are established by it as a result. Normal science works within these established bounds. Normal science is *only* interested

in studying the problems set out by the paradigm, seeking the possible solutions set out by the paradigm, and using the legitimate methods and instruments set out by the paradigm in order to solve the paradigm's designated problems. In this way, Kuhn argues that what the paradigm does is provides researchers with *puzzles* to solve.

The puzzles of normal science exist in one of three possible forms. First, Kuhn argues that each paradigm is based upon a set of facts that are "particularly revealing of the nature of things" (25); a set of facts which prop up the foundations of the paradigm itself. Normal science attempts to re-determine or re-validate this set of facts. Second, normal science engages in research that attempts to "bring nature and theory into closer and closer agreement" (27), and attempts to find "new areas in which agreement can be demonstrated" (26). Third, scientists of normal science seek to produce "a more precise paradigm, obtained by the elimination of ambiguities that the original paradigm from which they worked retained" (27). The resolution of these ambiguities is oriented towards the discovery of solutions to problems to which the paradigm had previously only drawn attention (27). Thus, when sciences enter a paradigm period, Kuhn argues that "work under the paradigm can be conducted in no other way" (34) than by the means of normal science, a means which acts to strengthen and add to the precision and scope with which the paradigm can be applied.

With the examination of Kuhn's relevant uses of the concept paradigm completed, what follows will be an analysis of his overall argument, to the effect that the history of science is a history of paradigmatic successions, punctuated by scientific revolutions. For Kuhn, the history of all sciences begin with what he has



termed a pre-paradigm period. As was briefly alluded to above, in this period a number of scientific communities exist, each working from within a partially or wholly distinct and competing paradigm. These paradigms, founded upon contrasting and typically incompatible foundations and first principles, compete with the other paradigms for dominance in the field. Given the existence of alternative paradigms – given that, “in the early stages of the development of any science different men confronting the same range of phenomena... describe and interpret them in different ways” (17) – the foundations of any paradigm cannot be taken for granted, or accepted without controversy. As such, each practitioner must “attempt to build his field anew” (19), must “start from the first principles and justify the use of each concept introduced” (19-20), every time he engages in research.

Kuhn argues that as the science matures, the competition that marked the early stages of a science’s history disappears (17). This disappearance is caused by the triumph of one, or more, of the pre-paradigmatic schools, and results in the great reduction of the number of schools, or competing paradigms, ordinarily to one. During this process, a paradigm period emerges, as does the normal science that comes along with the emergence of a paradigm.

Kuhn wrote, “so long as the tools a paradigm supplies continue to prove capable of solving the problems it defines,” that is, so long as normal science is effective, “science moves fastest and penetrates most deeply through confident employment of these tools” (76). However, Kuhn claims that “[n]ew and unsuspected phenomena [read: anomalies] are... repeatedly uncovered by scientific research” (52). In fact, he argues that anomalies *always* exist in normal

scientific research. While it is normal, then, for normal science to fail in some respects, if the abnormality that incessantly exists in normal research becomes seen by the scientific community as something “more than just another puzzle of normal science,” something more than a problem solvable through recourse to normal scientific research, then a transition to what Kuhn has called *crisis* will begin.

Crisis exists when a paradigm fails to adequately solve the problem that it has set out for itself, when it cannot answer the questions, when it cannot provide solutions to the problems that it has defined, and when these problems become recognized by the scientific community as *significant*. This realization pushes the field into a state of “pronounced professional insecurity” (67), in which case the paradigm is seen as having gone badly astray. What results is the production of a multitude of different articulations attempting to answer the question that could not be answered from within the dominant paradigm. While the paradigm in question still exists, “few practitioners prove to be entirely agreed about what it is” (83). As such, a blurring of the paradigm, and a loosening up of normal research, results.

A crisis can end, according to Kuhn, in only one of three ways. *Either* the dominant paradigm which brought on the crisis is able to eventually deal with the anomaly; *either* no solution by any paradigm is found and the anomaly is ignored for future researchers to grapple with, if ever; *or* a new paradigm emerges and replaces the existing paradigm due to its ability to answer the un-solvable question or deal with the anomaly in a more adequate fashion. In the latter instance, what ensues is “a reconstruction of the field from new fundamentals, a

reconstruction that changes some of the field's most elementary theoretical generalizations as well as many of its paradigmatic methods and applications” (85). “[C]onfronted with... crisis, scientists [may] take a different attitude towards existing paradigms, and the nature of their research changes accordingly. The proliferation of competing articulations, the willingness to try anything, the expression of explicit discontent, the... debate over fundamentals, all these are symptoms of a transition from normal to extra-ordinary [new paradigmatic] research” (91). This latter possibility is what Kuhn has termed *scientific revolution*, and it is in this way that Kuhn advances that the sciences develop – through paradigmatic, revolutionary successions, punctuated by periods of crisis.

In summary: Once a paradigm is dominant, crises emerge which cannot be nullified by the dominant paradigm. The once dominant and universally accepted paradigm is replaced in whole or in part by a new paradigm, a paradigm incompatible with the one it replaces (92). The problematic anomaly of the former paradigm is rendered law-like by the paradigm which replaces the old. As well, the change of paradigm alters or necessitates a redefinition of the corresponding science (103). For instance, some problems which existed in the previous paradigm may be relegated to other sciences, or rendered non-scientific. Some problems that were not problems prior to the implementation of the ‘new’ paradigm become significant, maybe even central, problems. And, “as the problems change, so, often, does the standard that distinguishes a real scientific solution from a mere metaphysical speculation” (103). When paradigms change, then, science changes; questions and problems change, solutions to these problems change, and what we ‘know’ to exist changes. In other words, as Kuhn

wrote, with paradigmatic successions, “the world itself changes with it... Scientists adopt new instruments and look in new places... Scientists see new and different things when looking within familiar places and at familiar things” (111).

The remainder of this chapter will clarify the comments in section (1.1), and further explain how Kuhn’s analysis of the development of science is applicable to the historical development of criminology.

### (1.3): The Development of Criminology: The Project’s Outline

The first stage of the historical development of criminology, referred to as pre-criminological, is most often characterized as demonological. Calling this period ‘demonological’ suggests that pre-criminology is unified in approach, that those who engaged in criminological pursuits at this time did so by working from within a *single* paradigm – that paradigm being the demonological paradigm – and that, therefore, pre-criminology existed in a *paradigm period*. I will attempt to demonstrate that this is inaccurate, and that describing the demonological pre-criminological period as a *pre-paradigm period* is a more accurate description of the state of things. I will suggest this because it is a state in which there exist a multitude of competing paradigms (in the first sense). One could, I think, conceivably argue that at least three different paradigms existed at this point in time. Those three paradigms were Plato’s, Augustine’s, and Aquinas,’ none of which were dominant, and none of which succeeded in attracting most of those who engaged in criminological work away from competing modes of criminological inquiry. These paradigms each challenged the fundamental premises, or the first principles, of the other paradigms

I will suggest that the second historical stage emerges with and after Cesare Lombroso's *The Criminal Man*. The conventional history of criminology, as told by criminologists, advances that it is at this point that criminology-proper (that is, the modern discipline of criminology) emerges. I will demonstrate that perhaps this work does not constitute the emergence of 'criminology-proper', that is, scientific criminology, but that it did indeed mark off that point in which the community of criminologists began to work within a unified paradigm known as positivism. The reasoning in support of this claim is as follows.

With Lombroso's *The Criminal Man*, positivism came to dominate criminology, and the competing paradigms that previously existed no longer held sway. It is at this point that criminology's first paradigm (second sense), or paradigm period, emerged. The widespread acceptance of this one, dominant paradigm freed practitioners of criminology from the need to "constantly re-examine its first principle" (Kuhn 1962/1970: 163). This allowed members to take certain theories, assumptions, standards, problems, and possible solutions, for granted, and "the members of the community [were able to] concentrate exclusively upon the subtlest and most esoteric of the phenomena that concern[ed] it" (Kuhn 1962/1970: 163-4). The paradigm posed specific questions and specific ways of solving those questions to criminological practitioners. Criminology became, as a result, "an immensely efficient instrument for solving the problems or puzzles that its paradigm define[d]" (Kuhn 1962/1970: 164), and criminology began to engage in normal science – research became about, first, advancing the precision and scope of those things deemed significant fact (the facts that acted as the basis for the paradigm), second, demonstrating a better fit between the

paradigm's theory and nature, and third, better articulating the paradigm, or reducing or eliminating the ambiguities that existed.

I will argue that the third period of criminology's historical development is characterized by the discipline's first state of crisis. During the 1960s and 1970s, criminological practitioners began to advance that positivist criminologists could not adequately answer questions concerning power, structural inequality, and crime due to inadequacies in their worldview. I suggest that these inadequacies, or those un-answerable problems from within the positivist paradigm, be seen as *anomalies*. These anomalies garnered *sufficient* attention from the scientific community of criminologists. As such, alternative articulations attempting to remedy these paradigmatic deficiencies were advanced, and these alternative (paradigmatic) articulations were advanced by a group known as the critical criminologists. These articulations of the 1960s and 1970s, I suggest, were an alternative and incompatible paradigm, one which competed for dominance within the discipline, with the positivist paradigm. As such, science could no longer proceed 'normally' – research could no longer take the foundations of the positivist paradigm for granted, and could no longer work towards strengthening this paradigm, since at issue was the truth of the foundations and first principles of the positivist paradigm itself. Thus, the stage was set for a potential scientific revolution in criminology.

While the first three periods of criminology are parallel to the periods of scientific development as described by Kuhn – that is, the first three periods proceed by way of *paradigmatic* successions – the fourth, and last, period of the historical development of criminology does not fit neatly into Kuhn's model.

While the crisis of the 1960s and 1970s primed the discipline for a scientific revolution, the positivist paradigm was nevertheless able to secure its position of dominance. Furthermore, currently, criminological practitioners in the main remain wed to the positivist paradigm. I demonstrate this, first, by a brief literature review of the current state of the discipline, and second, by a review of the presidential addresses of the American Society of Criminology. What is more, I advance that, by recourse, once again, to the presidential addresses of the American Society of Criminology, the positivist victors, having won the battle for paradigmatic dominance, have suggested that positivism is universally accepted by the criminological community, that the alternative and competing paradigms of the 1960s and 1970s have ceased to exist, and that there are no challenging or competing paradigms in existence to date. The ways in which positivists speak about the current period of criminology, then, suggests that, indeed, the fourth and final stage of criminological development is characterized as a *paradigm period*.

I will demonstrate that this is not the case by showing that there are, in fact, several alternative paradigms that exist as challenges to the dominant positivist paradigm. These alternative paradigms are branches of the critical criminology of the 1960s and 1970s, but which have altered these critical challenges in ways that have produced separate paradigms. Some of these paradigms include feminist critical criminology, green criminology, peacemaking criminology, and poststructuralist and postmodern criminology. I will examine the latter body of work and explicate the main arguments of this criminological approach.

I suggest that the nature of the current period of criminology, then, is a period in which the majority of criminologists yield to the positivist paradigm, as well as a period characterized by the proliferation of many other paradigms that challenge the foundations, and first principles, of positivism. It is a period that combines two of the periods described by Kuhn, and as such, I have reserved the term *stage* to describe this period. It is this *stage* which replaces criminology's third period of crisis, and I argue that this *stage* is the latest successive period in the history of criminology.

In the chapters that following, I will provide support for the argument that criminology's history is a history of successive periods of replacement, punctuated by period of crisis. Chapter two will clarify my use of the term criminology, and introduce the problems with invoking the concept demonology as characteristic of the entirety of what has been termed 'pre-criminology.' Chapters three and four will support my claims concerning criminology's pre-paradigmatic period, and examine some of the pre-criminological paradigms in existence during this time, those being Plato's, Augustine's, and Aquinas'. Chapter five will support my claims concerning the emergence of criminology's first paradigm, and examine the emergence of criminology-proper on the back of *The Criminal Man*. Chapter six will support my claims concerning the emergence of a crisis state in the 1960s and 1970s, and examine the challenges advanced against positivism by the critical criminologists. Chapter seven will support my claims concerning the triumph of positivism over critical criminology, as well as engage with the stories that the victors tell about those whom they have triumphed



over. Chapter eight will analyze poststructuralist and postmodern criminology and argue that the existence of multiple competing paradigms in criminology's fourth and final moment creates the need to view this period as what I have termed a *stage*. Chapter nine will offer a brief conclusion.

## Chapter 2

### (2.1): A Working Definition of Criminology

In the first section of this chapter I will clarify my use of the term criminology. I will perform a cursory overview of some of the literature that seeks to define this concept. This brief literature review will seek to answer the following questions: How do we define this category, what is criminology, and with what issues are criminology and criminologists concerned?

There have been enduring disagreements and controversies about the definition of criminology. It has come to hold multiple meanings (Carrabine, Cox, Lee, Plummer, South 2009: 3), and some have suggested that criminology is not so much a discipline as a field of study (O'Brien and Yar 2009: xi); a 'rendezvous' subject where different disciplines encounter one another around the central topic of crime (Rock 1986, cited in O'Brien and Yar 2009: xi). Additionally, many have criticized scholarly attempts at such a definition, pointedly arguing that "meaningful definitions cannot be produced" (Mannheim 1965: 3). Nevertheless, as Mannheim further posits, "it is generally agreed, however, that even with such limitations a preliminary working definition is indispensable as a provisional basis for further discussion" (1965: 3). Efforts abound, and it is to these efforts that I now turn.

Stanley Cohen lucidly captured what he believed to be the essence of criminology when he stated that criminology and criminologists are concerned with asking themselves some of the following questions: "Why are laws made? Why are they broken? What do we do or what should we do about this?" (1988: 9). In a slightly modified form, Lippens (2009), and Lippens and Van Calster

(2010) state that the criminology can be defined as an enterprise engaging with some of the following questions:

1) ‘why do definitions of crime change and vary across time and space?’, and ‘why do particular behaviours and even whole groups or populations get to be criminalized in the first place?’; 2) ‘why do people offend against norms, including legal norms such as the Criminal Law?’; and 3) ‘what should we do with offenders, or more broadly, what should be done about crime?’” (2009: 12; 2010: 7).

Arrigo and Williams (2006) have suggested the essence of criminology is captured by attempts to answer some of these questions: “what is crime, why [do] certain people engage in criminal behaviour, and how [should] systems of justice respond to lawbreakers” (4). Garland (2002) claims that criminology entails wide ranging research that “somehow or another relate[s] to crime and its control” (15). Mannheim defines criminology as “the study of crime... [which] includes penology, the study of punishment... and the problem of preventing crime” (1965: 3). And Edwin Sutherland defines criminology as “the body of knowledge regarding... crime as a social phenomenon... [T]he process of making laws, of breaking laws, and of reactions to the breaking of laws” (Sutherland 1924: 3). These are some of criminology’s celebrated definitions, and are well rehearsed by the academic criminological community. This fact is exemplified by former American Society of Criminology presidents Laub (2004) and Lafree (2007) who essentially employ a hybrid of the aforementioned definitions in delineating criminology during their yearly presidential address. This fact is further exemplified by the ways in which criminology is defined in the *Encyclopaedia of Crime and Justice*, which re-states that criminology is a discipline concerned with the study of how and why behaviours become criminal and/or deviant, as well as

with the modes of social control that should adopted by justice-seeking enterprises (Bernard 2002: 464).

Building upon these, I will advance a synthesis of these positions. I will suggest that we can perhaps delineate criminology, we can know what criminology is, and we can know with what issues it is centrally concerned, by engaging in, and attempting to answer, some of the following questions:

*(1) What is the essence, and what is the nature, of crime? (2) Why and how are types, forms, and categories of crime and/or deviance created (if they are in fact creations)? (3) Why are people criminally and deviantly transgressive? That is, why do people transgress that which is normative? (4) What modes of response ought to be taken towards these transgressors? In other words, how are we to achieve a state of justice?*

Centrally, then, the notions upon which criminology is based and with which it is concerned include ideas and assumptions about *crime, law, subjectivity, normativity, truth, ethics and morality, punishment, and justice*. It is my view, following the likes of academics like Williams and Arrigo (1986), Drapkin (1983), and Einstadter and Henry (2006), whenever one engages with some of the aforementioned questions, there are legitimate grounds to claim that one is engaging in criminology.

## (2.2) Pre-criminology: Demonology

When criminologists in the West tell the history of the development of criminological thought and theory<sup>6</sup>, this history begins with the ideas about crime that precede the eighteenth-century. Ideas about crime that precede the eighteenth-

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<sup>6</sup> See, for example, Cullen and Agnew's (2010) *Criminological Theory: Past to Present* pp 8-9, 18-38; Beirne and Messerschmidt's (2006) *Criminology*, pp 263-283; Lilly, Cullen, and Ball's (2007) *Criminological Theory: Context and Consequences*, pp 1-31; Newburn's (2009) *Key Readings in Criminology*, pp 85-104; Einstadter and Henry's (2006) *Criminology: An Analysis of Its Underlying Assumptions*; Carrabine et al.'s (2009) *Criminology: A Sociological Introduction* pp 51-87; Jock Young (1981) "Thinking Seriously About Crime."

century are termed 'pre-criminological,' and this pre-criminological thought is typically represented as 'demonological.' Pre-criminological demonology is taken to be representative of the *entirety of thought concerning crime before the eighteenth-century*.

Criminologists depict demonological theorists of crime as irrational and theological. It was held that "certain individuals engage[d] in crime because they [were] evil" (Cullen and Agnew 2010: 18), and that this evil was the product of supernatural forces; "crimes were often seen to result from a pact made by individual sinners with supernatural forces such as the devil, demons, and evil spirits" (Bierne and Messerschmidt 2006: 264). In their sustained analysis of pre-criminological demonology, Einstadter and Henry (2006) write that demonology is a theory according to which crime, harm, deviance, and non-normativeness are believed to be the effect of otherworldly, supernatural forces:

any malevolent interference in the ongoing nature of life, including human relationships, is seen as the result of demonic forces... [D]emons themselves emanate from various supernatural or 'otherworldly' powers... [Those otherworldly powers being, specifically,] the Devil, Satan, the chief demon, the proverbial 'root of all evil' and the antithesis of God (Einstadter and Henry 2006: 32).

These supernatural forces engage mankind by *either* possessing the body of man, causing him through possession to commit transgressive acts, *or* by enticing man towards transgressions through various sinful temptations (Pfohl 1985: 21, cited in Einstadter and Henry 2006: 34). While Einstadter and Henry note that not every transgressive behaviour was interpreted demonologically, they argue that during the pre-criminological period, demonology "was the predominant overall view" (2006: 31).

By representing pre-criminology as demonological, criminologists imply that theories of crime prior to the eighteenth century can be collectively defined in a similar way. That is, theories of crime before the 1700s worked from within the same *paradigm*. This implies that the demonological paradigm was universally dominant and accepted by those engaging with criminological issues, since antiquity, and that alternative and competing paradigms, paradigms which differ from and challenge demonology, failed to exist. As such, it implies that the pre-criminological period is a *paradigm period*, and that debates about the foundations and first principles of those who engaged with criminological issues did not exist. By virtue of this fact, it also suggests that ‘research,’ or thought, about crime proceeded normally – through recourse to normal science.

I suggest that these depictions are inaccurate, and that one would do better by representing the pre-criminological period as a *pre-paradigm period*. I will suggest that, indeed, multiple and competing paradigms existed in the pre-criminological period, paradigms that are misrepresented by the concept demonology. These paradigms challenge each other’s foundations, and none of them succeeded in attracting the majority of philosophers and theologians towards their paradigm, to the demise of the competing ones. As such, during the period of pre-criminology, no universally accepted paradigm existed, and thought about crime remained factitious.

In the chapter that follows, I will attempt to demonstrate this by selectively examining Plato’s *Republic*, St. Augustine’s *Political Writings*, and St. Thomas Aquinas’ *Political Writings*. I will suggest that, first, theories of crime can be read off of the work of each of these philosophers and theologians. Second, I will

suggest that the criminological theories read off of their work can be thought of as paradigms, in the first instance. Finally, I will argue that these paradigms are in direct competition with each other, and that none are dominant. As such, one cannot posit, as is implied by invoking the concept demonology and characterizing pre-criminology, or criminological thought prior to the eighteenth century, as demonological, that criminology exists during this time, in a paradigm period. A more accurate portrayal would be to characterize it as a pre-paradigm period. I would add that, by analyzing these three thinkers I do not claim to be offering an exhaustive list of the paradigms that were in existence during the pre-criminological pre-paradigm period. The purpose of this analysis is to demonstrate, rather, that multiple, competing paradigms did in fact exist, that, as such, a paradigm period did not, and that a better way to describe this period of criminology is as a pre-paradigm period. Furthermore, this is done in support of our greater argument, that criminology is a history of successive period, the first of which being a pre-paradigm period.

## Chapter 3

### (3.1): Plato's *Republic*

According to Williams and Arrigo (2006), “many students and scholars alike often fail to recognize just how recent the temporal separation [was] between philosophy and criminology, the social sciences, and science more generally” (3). They tell us that there were indeed people we would identify as psychologists, sociologists, and criminologists during the times of antiquity and in the Middle Ages, but that these people “were philosophers associated with psychology, sociology, and criminology ... by way of the sorts of questions they entertained” (4). They argue that “philosophical considerations of crime can be traced at least to Plato” (4). In section (3.1), I will perform a selective reading of the Plato's *Republic*, following in the likes of Williams and Arrigo (2006), Drapkin (1986), and others, in order to demonstrate that Plato's philosophical considerations of crime engage explicitly with some of the conceptions, questions, and concerns that are central to the criminological enterprise. Specifically, Plato's *Republic* engages at the very least with the following questions: *‘why are subjects criminally and deviantly transgressive? That is, why do subjects transgress that which is normative? What modes of response ought to be taken towards these transgressors? In other words, how are we to achieve a state of justice?’*

Plato's *Republic* is concerned centrally with the attainment of morality, virtue, and justice. For the purpose of this thesis, I will explicate only the ways in which Plato views the just state and the just individual, the ways in which justice is attained, and the ways in which Plato's conceptions of justice, virtue, and morality translate into a theory of crime.



Justice for Plato is found in having a harmony of the parts that make up the whole. For him, the state is made up of three parts – the rulers, the auxiliaries, and the workers – and so, too, is the soul – which is made up of the rational aspect, the spirited aspect, and the appetitive aspect. Each of the parts that make up the whole of the state, and each of the parts that make up the whole of the soul, have specific, defined functions to fulfill. Stated otherwise, each part has a role and a function, and this role and this function are predetermined and defined. When the parts that make up the whole act according to, and fulfill, their predetermined and defined function, these parts are acting harmoniously. When the parts of the whole attain harmony, the whole attains justice. In this way, harmony leads to justice insofar as the following conditions hold: if one has attained harmony, then one has attained morality; if one has attained morality, then virtue exists; and if virtue exists, justice is achieved<sup>7</sup>. Briefly then, at the level of the state, if the classes of people in the republic perform their designated roles (i.e., the rulers rule wisely, the auxiliaries perform courageously, and the workers are characterized by temperance), justice is achieved. And at the level of the individual, if the three distinct parts of the soul work in harmony with each other, that is, if the rational and the spirited aspects of the soul have gained control and mastery over the appetitive and desirous aspect, the individual is just.

In the same way that harmony leads to justice, Plato posits that a lack of harmony amongst the component parts results in a lack of morality (which for Plato translates into immorality), which results in a lack of virtue (which for Plato

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<sup>7</sup> The logic of this argument can be diagrammed as follows.  
Harmony→Morality→Virtue→Justice. Or, if harmony exists, then justice exists.

translates in vice or viciousness), and which results in a lack of justice (which for Plato translates into injustice)<sup>8</sup> (Williams and Arrigo 2006: 6). Thus, a lack of harmony amongst the components parts results in injustice.

Some have suggested that Plato's *Republic* is the earliest authored Utopic project in European literature (Conford 1941: xxix) insofar as *Republic* is an outline attempting to delineate the ways in which a perfect society can be reached. Given its Utopic goals, and given that for Plato justice requires harmony, Plato's *Republic* is an attempt at delineating the ways in which a state of perfect harmony can be reached. Since a lack of harmony leads to injustice, and he is attempting to conceive of a state of perfect and just affairs, Plato is ultimately concerned with creating a state of perfect harmony (and therefore, as we have seen, morality, virtue, and justice) and with eliminating dis-harmony.

If to achieve justice at the level of the state means to harmoniously perform one's designated roles and functions, then failure to do so results in a lack of harmony and in injustice. One such failure is engagements with criminal behaviour, law-breaking, and non-conformity. Plato states that criminal engagements constitute a lack of harmony, immorality, viciousness, and injustice (Williams and Arrigo 2006: 6). Therefore, amongst the plethora of phenomena that Plato seeks to control in order to achieve his Utopic state are the criminal and the deviant. Criminals and deviants are, for him, part of the problem. Therefore,

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<sup>8</sup> The logic of this argument can be diagrammed as follows. Disharmony → Immorality → Vice → Injustice. Given that Plato has now ultimately posited that both harmony leads to justice and that a lack of harmony leads to injustice, it is true that each concept in this logical chain is both necessary and sufficient for the other. Thus, the diagram is as follows: Harmony ↔ Morality ↔ Virtue ↔ Justice. The failure of one to exist necessitates the failure of each of the others to exist.

we can read a criminological theory of crime off of this work. The question becomes, what does Plato have to say about these phenomena specifically? If a lack of harmony is what leads to this injustice, for what reason(s) is one thought to be disharmonious?

As already noted, for Plato a lack of harmony in the individual results when two of the aspects of the soul, the reasonable aspect and spirited aspect, lose control and mastery over the third, appetitive part of the soul. In other words, when the appetitive, desirous part of the soul is not adequately governed by the reasonable and the spirited parts, the excessive appetitive drive *causes* those behaviours that are un-harmonious, immoral, vicious, and ultimately unjust. This failure to maintain control over one's metaphysical, *a priori* desire is, therefore, what causes criminal behaviour and the transgression of norms.

What we have then, is a work that engages with several core criminological issues. One can explicitly read off of this a theory concerning the causes of crime, and one can read off of this a way in which social controls should operate. It is beyond the scope of this project to delineate the specificities that Plato advances concerning the ways in which corruption should and can be checked. Some of these include, for instance, the implementation of a totalitarian state ruled by philosopher-kings who neither own nor amass wealth or property. Others include the communal raising of children and the placing of said children into one of the three component state-positions (rules, auxiliaries, or workers) based on natural ability. In any event, these checks are advanced as potential preventative responses to, among other undesirable phenomena, criminal and deviant behaviour. The precautions are taken in order to produce a state of justice,

which includes, but is not exclusively concerned with, the reduction or elimination of immorality and vice – and in part, the reduction or elimination of crime and criminals.

Plato's theory of crime represents a worldview, viewpoint, theory, position, etc., used by individuals to orient themselves with regard to crime and crime control. We can therefore understand this to be a *paradigm* in Kuhn's first sense of the term. Given that demonology is typically invoked to characterize all of pre-criminological thought, thought about "about crime that preceded the eighteenth-century" (Einstadter and Henry 2006: 31), and given that Plato fails to mention *any* aspect of demonological theory, the failure of demonology to adequately capture *all pre-criminological thought* is clear. Invoking demonology as an adequate concept for the entirety of pre-criminology is, then, demonstrably false.

### (3.2): St. Augustine's *Political Writings*

Plato's philosophy of crime has been sufficiently studied by criminologists such as Drapkin (1983) and Williams and Arrigo (2006). Apart from Plato, some criminologists have also suggested that various philosophers/theologians of the Middle Ages and the Medieval period produced works that may be considered criminological (for example, Einstadter and Henry (2006), Drapkin (1986), Williams and Arrigo (2006)). However, to my knowledge the ways in which the philosophers/theologians of these periods have conducted criminological research has not been rigorously examined or explained. In this section I will make an effort to partially remedy this intellectual gap. I will examine and perform a

selective exegesis of St. Augustine's (2001) *Political Writings*. I will attempt to demonstrate that, through selective readings of this work, one can read criminological theories concerning all aspects of our working definition of criminology<sup>9</sup>. The goal of this is as follows. I seek to challenge, again, the adequacy of the characterization of pre-criminology as demonological. I attempt to demonstrate that Augustine's theories of crime are, first of all, distinct from Plato's, second of all, represent a competing paradigm, and, finally, demonstrate the existence of multiple competing paradigms, none of which are dominant. This is done to support the idea that pre-criminology is a pre-paradigm period rather than a paradigm period dominated by demonology.

Augustine wrote during a time that was profoundly influenced by the church. Theology was this period's defining feature, and had a profound influence on philosophers' conceptualizations of the world. Williams and Arrigo suggest that "philosophical inquiry was largely replaced by theological speculation," not excluding "[t]heoretical insights pertaining to law, crime, and justice" (2006: 7). It is against this background that St. Augustine produced his collection of 35 letters and sermons that make up his *Political Writings*.

In my selective reading, Augustine's work suggests that the world is fallen and that man is fallen. His sermons and letters concern ideas about justice, immorality, original sin, lust, and desire. He ultimately posits the impossibility of

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<sup>9</sup> That is, concerning: (1) *What is the essence, and what is the nature, of crime?* (2) *Why and how are types, forms, and categories of crime and/or deviance created (if they are in fact creations)?* (3) *Why are people criminally and deviantly transgressive? That is, why do people transgress that which is normative?* (4) *What modes of response ought to be taken towards these transgressors? In other words, how are we to achieve a state of justice?*

achieving justice on Earth. He thinks that *order* is a ‘good’ towards which man should work. And he thinks that one can live morally in the face of a world, and of man, characterized by a state of immorality and damnation insofar as *order*, and consequently, *peace*, is achieved and maintained. I aim to clarify this position below.

According to Augustine, and most specifically in his later work *De civitate Dei* (*The City of God*), justice, contra Plato’s *Republic*, cannot exist on Earth – “true justice... does not exist other than in the commonwealth whose founder and ruler is Christ” (Augustine *De civitate Dei* (2:21) cited in Dyson 2002: xxv) – because man and the world exist in a state of damnation, having been marked by original sin. Original sin represents a universal and henceforth everlasting contagion, a debilitating and insuperable mark, wherein all mankind have sinned as Adam has sinned (Mendelson 2010: 31). For Augustine, existing in such a state precludes the possibility of achieving a state of justice.

It is not entirely clear how the original sin of Adam marks the entirety of mankind that follows, but some have suggested that this is due to Augustine’s conception of the soul. Some readings advance that Augustine posits that God created one soul, that of Adam, and that all subsequent human souls are identical to Adam’s soul, “prior to assuming their own individual, particularized lives” (Mendelson 2010: 16). An argument such as thus would posit that human nature was fundamentally altered with the eating of the forbidden fruit. It is suggested that Augustine sees original sin having had transpired as a result of *disobedience*, which was itself caused by *lust*. Augustinian lust is understood as bodily greed, or the yearning and desire to indulge in all one desires. It is said that Adam and Eve

disobeyed God's commands because they gave in to their lust. Some argue that Augustine claimed that, with this moment, lust was henceforth characteristically immoral and wicked. And insofar as each man is *a priori* lustful, and each man's nature is marked by an inherent lustfulness, Augustine thinks that man is by nature sinful and fallen, and that the world is a fallen world from the glories it once held. This sinful human nature that we inherit from Adam is a nature that we cannot rid ourselves of.

In any event, important to take from this short discussion is Augustine's conception that man is fallen, the world is fallen, and that man is characterized by his fundamentally sinful and lustful nature. Since mankind "inherited the effects of the sin of Adam," mankind is "unable to know completely, or to want wholeheartedly, what justice require[s]" (Atkins and Dodaro 2004: xv).

With this in mind, the possibility of reading a criminological theory from his work emerges from Augustine's conceptions of government and rule. Before the Fall, government (in the Garden of Eden) was unnecessary. Government is only required, and only exists, in an imperfect world, and therefore government is inextricably joined with fallenness. In a state of fallenness, mankind exists in a state of violence and unremitting bodily greed (Dyson 2002). Augustine thinks that government is a way to keep human lustfulness in check, a way to promote order, and a way to thereby promote social peace. As R. W. Dyson notes,

Political arrangements are inseparable from the sinful condition of fallen man. Government would not have come into existence at all had the Fall not occurred. It originates in human greed and in the desire which men have to dominate one another. Its redeeming feature is that it functions to limit and control man's destructive impulses... (2002: xxiv).

By way of the imposition of the sovereign, the emperor, or the ruler, and while government and order do “little more than hold the lid on human destructiveness by force and fear,” (Dyson 2006: xxv-xxvi), order for Augustine is a way to suppress fallen man’s sinful human nature insofar as it curbs lust through requiring proscribed ways of being. That being the case, and all the while that mankind is both fundamentally unjust, immoral, and exists in a fallen world, Augustine thinks that one can engage in a *moral life* by way of submission to the presiding order (that is, to the norms, mores, rules, customs, and laws of this order). Subjects, he thinks, should obey the proscribed rules and the laws. While Augustine suggests that there are better and worse ways to rule, he also suggests that the subjects of that rule have both a duty to obey the established authority, and a duty to refrain from attempts to usurp power from the rulers (Atkins and Dodaro 2004: xxi), regardless of the nature of that rule. As Dyson proclaimed, “Augustine... [thought that] if we find ourselves under a tyrant, we should reflect that this is no more than our sinful condition deserves, and submit with as good grace as we can muster” (2006: xxix). Insofar as Augustine saw order, and thereby the securing of peace, stemming from government (whether ‘good’ or ‘not’), and insofar as order and peace were desirable states of existence, states of existence that placed a check on the unbound and sinful lustful character of mankind, the maintenance and production of order and peace through government, and the following of that order by the subject subjected to it, is a way in which to live a moral life in Augustine’s nefarious world.

The final point I will examine concerns Augustine’s conception of God’s will. He advances that the notion that of a will of God does indeed exist. For



instance, Augustine thought that “if the tyrant requires us to do something plainly contrary to God’s will[,] [then] our proper course is to decline to obey and suffer the consequences” (Dyson 2006: xxix)<sup>10</sup>. And if this is true, then it seems that there are some cases in which it is in fact immoral to obey - “rights to disregard a tyrant’s commands extends only to those commands which directly contradict the divine will” (Dyson 2006: xxix). Yet, Augustine also believes that mankind’s sinful human nature is so perverse that a ‘natural law’ stemming from God’s proverbial hand has been effaced from our hearts, and that it is for this reason that “we now need human law to repress our destructiveness” (Dyson 2006: xxxiii). What I think this suggests is that for Augustine natural law may in fact exist - there may be a natural law – but it may not be knowable as a result of mankind’s sinful human nature. As a result, the order that exists creates the law that must be followed if one is to act morally in a fallen world, unless this law transgresses God’s will, which may be said to be unknowable. Therefore, living a moral life is contingent on following the *laws fashioned by men*, and specifically, insofar as Augustine believes most laws are fashioned by the emperor, a moral life is contingent on following the *laws fashioned by a sovereign*.

Whereas from Plato’s *Republic* we can most clearly read a theory concerning the causes of crime, I would like to suggest that from Augustine’s *Political Writings*, a theory of crime emerges that engages with the four questions

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<sup>10</sup> Note, nevertheless, that the proper course does not entail the usurpation of power which would lead to the disturbance of order. The proper course is, rather, to fail to oblige with the demand, all the while leaving in tact the nature and orientation of government.

that make up our working definition of criminology. That is, in addition to finding in this work a theory explicating *why* crime occurs, we can read a theory explicating *what* crime is, *how* it emerges, and *what* ought be done about it.

Given Augustine's emphasis on order and peace as being that which is desirable and that which constitutes a moral life within a life and world of immorality and fallenness, and given his emphasis on the disobedience of man (read: Adam and Eve to the order of the Garden of Eden) as that which caused man's damnation (i.e. original sin is the product of disobedience - of engaging in a transgression of an order which required one to refrain from eating the fruits of a particular tree), we can conclude that if one exists morally, then one is docilely following the rules to which he is subjected. The contrapositive of this would also be true, then. That is, if I am not following the rules to which I am subjected, then I am not moral, but am, rather, immoral. The order, and subsequent peace, that proceed from government consist of, as mentioned above, laws, rules, and norms. Insofar as a lack of order is immoral, and a lack of order consists of the transgressions of government fashioned laws, rules, and norms – in other words, criminal and/or deviant transgressions – for Augustine, criminal and deviant behaviour is immoral behaviour. This type of immoral, lustful, and disobedient transgressive behaviour is the behaviour that Augustine is fundamentally concerned with curbing. For him, through the function of government, and through the emergence of stability, peace, rule, and order, morality in an immoral world is possible. Required, however, are the following of laws, rules, and norms,

and thus the elimination of criminal and deviant transgressions and transgressors<sup>11</sup>.

In clarifying that the implementation and sustainment of order and peace imply the existence of a moral life and the reduction of or elimination of criminal and deviant transgressions, and while implying that the existence of criminal or deviant transgressions invokes immorality and the inability to uphold order and peace, how does Augustine explain the reasons for these transgressions? If we look to his conceptions of human nature, then, as with Plato, transgressions can be seen as caused by mankind's innate and sinful lust and bodily greed, as well as the inability of one's self to maintain mastery over it. In other words, crime is the fault of the individual, stemming from an inability to control one's own desires. The reason that some might transgress more than others is not clear, but some have suggested that people who fail in their attempts at mastery are, simply, 'evil,' and/or are influenced by a 'supernatural force'. Masters and Roberson (1990) argue that for Augustine, "evil (crime) resulted from the influences of the devil ... Criminals were possessed by the devil." In this way, characterizing Augustine's conceptions of crime as demonological is fitting and it adequately captures some of its tenants. But what of the '*what, how, and ought*' questions?

For Augustine, what is a crime? Was it fashioned as such, and if so how? And what ought to be done about this? While I have touched on these issues above, I will explicitly answer these questions in what follows. For Augustine,

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<sup>11</sup> Man's original sin is certainly the result the transgression a rule. We can therefore distinguish man's flawed predicament as the product of an issue that is fundamental to the criminological enterprise - the transgression of a social order; in this case, a transgression of *the* most important aspect (rule, law) within that social order.

while some of a society's laws (rules and norms) were inherited from prior societies, much of a society's laws, rules, and norms are fashioned by the emperor ruling over society in question, of which some of these were the emperor's response to "appeals from the provinces, from officials, or from influential groups of individuals" (Atkins and Dodaro 2004: xviii). Crime and deviance are that which transgresses this externally fashioned law, rule, and/or norm. As a result, what counts as crime is loosely defined as that which transgresses the socially constructed law, rule, and/or norm, and is therefore a socially constituted phenomenon. It emerges from and through the attempts of rulers to implement order and to maintain and produce peace. This order may be the product of the society which the society in question succeeds, the product of the emperor's choice, or the product of external influences, such as interest groups. But it is nevertheless the product of a social force. If this can be accepted, we could speculate that this may be one of the first texts which suggest a non-essential basis in defining that which is crime insofar as crime and/or transgressions are free-floating signifiers, depending on the social order which is in place.

Finally, Augustine does in fact deal explicitly with the ways with which transgressors should be dealt. In Letters 152 and 153 (70-88), Augustine reflects on this issue and states that transgressors should be subjected to punishment. The purposes of this punishment are twofold: to deter future wrongdoers, and to ensure repentance in the convicted person. Through punishment, Augustine argues that transgressions of the order can be controlled, and that this control will aid in the pursuit of the moral life in a fallen world.

Above I have demonstrated the ways in which a quite significant and relatively refined theory of crime can be read by engaging in a selective reading of Augustine's *Political Writings*. I have shown that Augustine constructed a theory that deals with all of the major criminological aspects as laid out in our working definition, and further, I have shown that demonology fails to sufficiently capture the nature of Augustine's thought concerning crime and criminology. Finally, I suggest that Augustine's position represents a second existent paradigm in the pre-criminological *pre-paradigm period*.

(3.3): St. Thomas Aquinas's *Political Writings*

Having explored the ways in which a theory of crime can be read off of Augustine's *Political Writings*, I suggest that St. Thomas Aquinas is an important criminological figure during this period insofar as, being contextualized against the Augustinian backdrop, and while their explanations for the causes of crime converge, Aquinas' thought represents a notable shift concerning conceptions about the *how* and *what* of crime. As demonstrated, for Augustine, law, crime, and deviance are free-floating signifiers to the extent that that law is contingent upon the dominant order. On the other hand, according to Tebbit (2005: 12) and Henry and Einstadter (2006: 34), the seeds of natural law theory flourished under the influence of St. Thomas Aquinas. While the basic tenants of natural law theory were visible in the ancient world, exemplified by the following words of Aristotle,

If the written law tells against our case, clearly we must appeal to the universal law, and insist on its greater equity and justice • We must urge that the principles of equity are permanent and changeless, and that the universal

law does not change either, for it is the law of nature, whereas written laws often do change (Aristotle 1924: 1.18.2, cited in Tebbit 2005: 12)

as well as Cicero,

law is the highest reason, implanted in Nature, which commands what ought to be done and forbids the opposite. True law is right reason in agreement with nature. To curtail this law is unholy, to amend it illicit, to repeal it impossible (Cicero 1928: Book 1, cited in Tebbit 2005: 13).

natural law theory was, nevertheless, fully developed only after Aquinas' extensive study of law. Of the four types of law that Aquinas posits, all types and all laws within each type reflect the divine wisdom of God. In this section, I will aim, through a selective reading of Aquinas' *Political Writings*, to explain three of Aquinas' four types of law in order to show the ways in which law has become codified and stagnant, fixed and universally essential. I aim to demonstrate, again, the inadequacy of the characterization of pre-criminology as demonological. I attempt to show that Aquinas' theories of crime, first of all, are distinct from both Plato's and Augustine's; that, secondly, they represent another competing paradigm; and, finally, that they demonstrate the existence of multiple competing paradigms in the pre-criminological stage, none of which are dominant. Once again, this is done in support of the idea that, in order to more adequately capture the characteristics of this period, we should define the pre-criminological period as a pre-paradigm period.

Aquinas is perhaps best known for his analysis and topology of law as laid out in his *Summa theologiae*. Here he distinguishes between four types of law: eternal law, natural law, human law, and Divine law. I will discuss and explore the first three, their relationship to practical/right reason, and their relationship with the right, with justice, and with the good.

Aquinas advances the idea that, in every relationship in which there exists a superior and an inferior, the superior being has a picture in his mind “of what his inferior should do or be” (Dyson 2006: xxxii). Insofar as for Aquinas God is the supreme governor of everything and has ‘care’ of the entire universe, there exists in every moment a relationship between a superior, who is God, and an inferior, who/which is everything else. As Dyson notes, “the idea which the ruler has in his mind of what his subjects should do is what we call law. It is the ‘rule and measure’ which governs [the inferior’s] acts” (2006: xxxii).

Aquinas believes that God as the supreme governor has an image in his mind - “the rational pattern of the government of the universe” (Dyson 2006: xxxii) - and that this image is ‘law’ in the most general, ubiquitous, and comprehensive sense. Eternal law, or God’s rational plan, is the plan “by which all creation is ordered” (Murphy 2011: 3), and to which “everything in the created universe is subject” (Dyson 2006: xxxii). In other words, eternal law “is nothing but the rational pattern of the Divine wisdom considered as directing all actions and motions” (Aquinas 2002: 102).

Aquinas postulates that within this general and ubiquitous law that governs everything in existence, there exists a type of law specific to mankind. He calls this natural law. In addition to being “the peculiarly human participation in the eternal law” (McInerny 2009: 32), natural law advances a first principle, or a starting point, from which the actions of mankind proceed. In other words, natural law is the latent presupposition of any and all human action. What is this latent presupposition of natural law, this starting point, from which mankind is to proceed? Natural law’s fundamental principle, its latent presupposition, is that

*good should be done and evil should be avoided* (Murphy 2011: 4; McInerney 2009: 33; Kilcullen 2010: 18). But what is this *good*? And how are we to understand what is *right*, relative to that which is *good*?

Aquinas argues that teleological ends exist, and that the teleological or ultimate end of mankind is the *good*. He posits that all human actions are performed so as to achieve this overarching goodness, and therefore all human actions are done for the sake of achieving the ultimate end. For Aquinas, the good is that which is “perfective of us given the natures that we have” (Murphy 2011: 3), and is that which is “fulfilling of the seeker” (McInerney 2009: 33). By advancing that natural law’s first principle, to seek good and forgo evil, underwrites any and all principles or laws, insofar as “any other practical judgement is a specification of this one and includes it” within it (McInerney 2009: 33), then natural law, its first principle, the *good* toward which we must and do work, and the *evil* we must forgo, must be knowable for his conception of good, right, and law, to make any sense. But how do we come to know any of this?

Aquinas thinks that all men are by nature rational beings, and thinks that the ability to reason distinguishes man from animal. Through the use of our reason, mankind is capable of knowing the general principles of natural law, as laid out by God himself. Since every man is rational, and for every rational man, Aquinas assumes, the principles of natural law are knowable, natural law is knowable by nature and universally applicable across time (so far as mankind exists in time as a rational being) and space. Our ability to engage in reason allows us to conceive of the idea that posits that we must pursue good and avoid evil, and which provides reasons for us rational beings to act. Aquinas says that



reason allows us to know that the following things are good: “Life, procreation, knowledge, society, and reasonable conduct” (Murphy 2011: 5), “existence, food, drink, sex and family, society, desire to know” (McInerny 2009: 33) and “(i) life, (ii) ‘marriage between man and woman and bringing up of children’, (iii) knowledge, (iv) living in fellowship with others, (v) practical reasonableness itself, and (vi) knowing and relating appropriately to the transcendent cause of all being, value, normativity and efficacious action” (Finnis 2011: 13). As Murphy has notes, it is not clear whether or not for Aquinas this is meant to be an exhaustive list (2011: 5). With this in mind, whether or not an action is *right* is dependent on whether or not an action will bring about or realize the good in question.

All the while that these laws are clear, Aquinas believes that they are too general for mankind insofar as mankind requires specific delineations concerning what is good, what is right, and what is evil in every situation. Thus, we see the emergence of what Aquinas calls human laws. Human laws are the man-made specificities derived from eternal/natural law. They are the “prescriptions... depend[ent] upon choice and circumstance (for example, natural law prescribes that we must not kill, but human law makes additional rules to prevent killing, rules that may depend on arbitrary choice)” (Kilcullen 2010: 18). They emerge because of “the difference between our awareness of the general principles of the natural law and our need for detailed rules of behaviour[,] [which] creates the gap which needs to be filled... Human laws are specific inferences made by practical reasoning from natural law” (Dyson 2006: xxxiii). Insofar as human laws are inferred from the general principles laid out by natural law, human laws

essentially reflect God's ideas concerning the 'being' and 'oughtness' of humanity.

A significant theory of crime can be read off of Aquinas' work. Answering the *why* of crime aligns itself with the definition consistent in the demonological account. According to Einstadter and Henry, "for St. Thomas Aquinas ... evil, in the form of crime, occurred because human appetites toward worldly pleasures were enticed by the Devil to overcome our conscience embodied in our God-given souls" (2006: 37). Crime is the result of man giving into the sinful temptations which are contrived by a supernatural force. Man's criminal behaviour is the product of the Devil. But before we can ask this question, we must ask ourselves *what* a crime is, and *how* it comes into being as such. Insofar as Aquinas refines the seeds of natural law that were laying in wait before him, he provides a novel response to these questions. They are especially distinct in light of Augustine's theory.

Contra Augustine, Aquinas does not see law, rule, and norms as free-floating, but as, rather universally applicable and naturally occurring principles, rules, and laws that originate in a single source. This single source is God, who disseminates these principles, rules, and laws, and then governs the direction, motion, and force of all that exists in the universe. While, to be sure, Aquinas would see the "more particular, 'civil' laws ... [as possibly] peculiar to a given political community, and to that extent, separated from the natural law by a longer chain of reasoning" (Dyson 2006: xxxiii), Aquinas would nevertheless understand as universal that from which these laws emerge. That is, he would understand

there to exist a common source from which this chain of reasoning proceeds, that being the eternal law which forms in God's mind and as God's image of what to do and what ought to be. All humans are thought to be rational beings who understand through the principles proscribed by God, and who can consequently infer through right reason the *good* ways to write human laws, as well the *right* ways to conduct one's self. All law is, therefore, an extension of God's rational pattern for the government of the universe. Law is a naturally occurring and relatively fixed phenomenon. I say relatively because even though human laws can change, this law, if Aquinas is correct, would be the rational extension of a static and fixed principle. Law, the good, and the right, are knowable, constant, and true.

The underside of any law is the action that transgresses that law, or the crime which that law seeks to prevent, define, and name. Crime, then, in Aquinas' view, emerges as follows. Aquinas' notion is that law stems from God's plan, which is explicit in eternal law, of which natural law is the specifically human mode. Through man's ability to reason, he is able, first, to know the first principle from which all other laws proceed, second, to know innately what is the good, and third, to know the means through which one can act rightly, insofar as man knows God's plans concerning the direction that human law should take. Crime is that action which transgresses this law, and which, therefore, acts contrary to the natural, universal, and God-given *good*. It is that which is not-good, not-right, and which is *wrong*. Crime is a fixed essence handed down by God, and knowable by all of mankind. As such, all those who transgress law are not only committing a crime, but committing a harm against God and are therefore sinning. Crime has an

essence which originates in an image in God's mind concerning how we should be and how we ought to live.

In this way, Aquinas' ideas on law, which are foundational to the fields of ethics, political theory, theories of civil law, and theories of religious morality (Murphy 2011: 1), engage substantially with core criminological concerns. I hope to have shown that Aquinas constructed a theory that deals with many of the major criminological aspects as laid out in our working definition. Further, I hope to have shown again, that demonology fails to sufficiently capture the nature of Aquinas' thought concerning crime and criminology. Finally, I will suggest that Aquinas' position represents *another* paradigm existing during the pre-criminological, a paradigm which is in competition with the two others above, none of which are dominant. This is done to support the idea that pre-criminology is a pre-paradigm period rather than a paradigm period, dominated by demonology.

#### (3.4): Discussion/Recap

In this chapter I have attempted to sufficiently challenge the notion that pre-criminology is adequately captured by its designation as demonology. I suggested that invoking this description suggests the existence of a paradigm in the second sense of the term – that is, that during this period one, dominant, and universally accepted paradigm exists, and that those who engage with criminological issues proceed by means of normal science. I have attempted to call into question this claim. I have shown that at least three different paradigms, in the first sense of the term – Aquinas', Augustine's, and Plato's – existed during

the pre-criminological period, each of which rested upon foundations and first principles that contradict the others. As such, not only did multiple paradigms exist – contra the implication that demonology represents the unified paradigm of the pre-criminological period – but the multiple paradigms that existed were incompatible and in competition with each other. For instance, it cannot be the case that criminological practitioners work from within Augustine’s *and* Aquinas’ paradigm. To view the world from the position of one necessitates the rejection of the other. As such, neither is it the case, as implied by demonology, that a dominant paradigm existed. Invoking this idea by arguing pre-criminology is adequately captured by demonology ignores the differences in position that existed. Since this period is characterized by multiple paradigms, all of which challenge each other’s foundations, it is therefore more accurate to describe this as a pre-paradigm period. I advance that this pre-criminological pre-paradigm period is criminology’s first period.

## Chapter 4

### (4.1): The Creation of a Dominant Paradigm

We have seen that historians of criminology begin telling the history of criminology in terms of its supposed origins in what they have termed pre-criminological demonology, and what I have called a pre-paradigm period. This period is represented by the existence of at least three different, competing, and incompatible paradigms, none of which are entirely dominant. Typically, the story progresses from a discussion of this pre-paradigm period to a discussion of what has been termed classical criminology, originating in the eighteenth-century, and positivist criminology, originating in the nineteenth-century.

### (4.2): Classical Criminology

The school of thinkers known today as classical criminologists are usually not thought of as ‘criminologists’ in the modern sense of the term. They are described as occupying a liminal zone between the pre-criminological demonologists and the modern, *scientific* criminologists. They are the thinkers whom criminologists endorse as trailblazers, having put into place some of the major tenets, elements, assumptions, and conditions necessary for the subsequent development of ‘criminology-proper.’ The classical criminologists produced “some of the subject’s basic aims and characteristics, as well as... produced a stock of propositions and arguments which would feature prominently in the criminological discourse which developed in the twentieth century” (Garland 2002: 19). Who were these thinkers? What positions did they take? What were they responding to?

The Enlightenment swept through Europe in the second half of the eighteenth century (Young 1981: 5). In its distant background was the medieval world, with its “authoritarianism, political hierarchies, and preferences for... theological and metaphysical explanations”; in its more recent background was the Renaissance, “with its rediscovery of ancient scientific texts and its dramatic advances in engineering and the physical sciences”; and in the background directly prior to the Enlightenment was the Age of Reason, “with its emphasis on logic, rationality, and systematization” (Rafter 2004: 985). It is within this context that the classical school of criminology emerged.

Classical criminologists were responding to the corruption, coercion, and perceived injustices that existed in eighteenth-century Europe’s justice systems. Classical theorists argued that “the rights of man had to be protected against the corruption and excesses of existing institutions” which “were nowhere more evident than in the legal systems of eighteenth-century Europe. Punishment was arbitrary and barbarous, ‘due processes’ of law being absent or ignored and crime itself being ill-defined and extensive” (Taylor, Walton, and Young 1973: 3). They were, therefore, “reacting strongly against arbitrary systems of justice which prevailed during the *ancien regime*” (Young 1981: 5-6)<sup>12</sup>, and they developed a response to the “harsh, corrupt, and often arbitrary nature of the legal systems in the 1700s. Classical theorists were mainly interested in critiquing this system and offering proposals for its reform” (Cullen and Agnew 2010: 19).

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<sup>12</sup> The punishment that Damien the regicide endures in Foucault’s opening chapter of *Discipline and Punish* is a sufficient example of the injustices suffered under the *ancien regime*.

The systems of justice proposed by proponents of the classical school posited their systems in the language of universal rights, by way of rationality and clearly defined and rational first principles, whose operations – systems of justice – should be certain and predictable in order to allow individuals to engage in appropriate calculations of costs and benefits. They were proponents of the social contract theory<sup>13</sup>, and advanced that the state or the sovereign's power must be checked. It too (the state and/or the sovereign) must govern by rational means (Young 1981: 7).

Undergirding the work of classical criminologists are assumptions that criminologists today see as having laid the early foundations for criminology-proper. Garland (2002) characterizes these foundations in the following way:

[Classical criminologists engaged in] secular, materialist analyses, emphasizing the importance of reason and experience and denigrating theological forms of reasoning. They viewed themselves as proceeding in a *scientific manner* and dealing *objectively* with an issue that had previously been dominated by irrational, superstitious beliefs and practices (Garland 2002: 20, emphasis added).

They emphasized the neutral, objective, and scientific study of crime and its control. This, we are told, is the first time in known history that such a position had been taken. While the classical criminologists advanced the scientific study of crime, the development of criminology, specifically the positivist school of

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<sup>13</sup> For instance, Cesare Beccaria, the most well known classical theorist and the most often cited classical theorist by current criminologists, advanced in his *Of Crimes and Punishment* (1764), that men originally existed in a state of nature characterized by self-interested and self-serving individuals, driven by passions, who are nevertheless rational beings. In an attempt to prevent a war of all against all, these self-interested individuals enter into a contract with each other so as to preserve the peace within the terms of this consensus. These men appoint a sovereign and the sovereign's duty is to punish transgressors of the contract, and to deter the current and potential transgressors by way of this punishment.



criminology (which is discussed below), would trivialize the classical school, noting that its members were, in fact, rather unscientific, typically relying on speculation rather than observable facts (Garland 2002: 20). Nevertheless, it is acknowledged that the classical school paved the way for future criminological developments.

#### (4.3): Historians of Criminology: Scientific Criminology

The typical history of criminology posits that classical criminology laid the foundation for the emergence of criminology-proper, an emergence located in the late nineteenth century, when it was formed on the back of Cesare Lombroso's work, *The Criminal Man*. This work led to the emergence of the *positivist school of criminology*, and we are told that criminology began only after Lombroso's published work in 1876. Briefly, criminologists today advance this based on the idea that criminology exists *only* by virtue of the fact that it proceeds 'scientifically.' The specifics of this position will be examined below shortly, but, for now, suffice it to say scientific criminology requires an emphasis on observation, measurement, quantification, cause and effect logic, and a commitment to the scientific method. However, arguing that criminology-proper emerged *only after* Lombroso's work in 1876 implies that those who have engaged with the questions laid out in section 2.1<sup>14</sup>, have *not* done so

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<sup>14</sup> Those being: (1) *What is the essence, and what is the nature, of crime?* (2) *Why and how are types, forms, and categories of crime and/or deviance created (if they are in fact creations)?* (3) *Why are subjects criminally and deviantly transgressive? That is, why do subjects transgress that which is normative?* (4) *What modes of response ought to be taken towards these transgressors? In other words, how are we to achieve a state of justice?*

scientifically until this point in the nineteenth-century. That is, it implies that a scientific engagement with those questions emerged only after Cesare Lombroso's work in 1876.

Some criminological historians have attempted to demonstrate the inaccuracy of this position and have suggested that scientific criminology existed well before Lombroso's *The Criminal Man*. For instance, Garland (1988; 2002) argues that in the 1860s and 1870s a distinctive scientific criminological discourse was produced by prison physicians and psychiatrists. He writes that prison psychiatrist Henry Maudsley refers to the criminal as "a fact in nature," as "if not strictly a degenerate species, certainly... a degenerate variety of species (1863: 73, cited in Garland 29, footnote 32). Further he mentions that prison medical officer J. Bruce Thomson stated that

"all who have seen much of criminals agree that they have a singular family likeness or caste ... Their physique is coarse and repulsive; their complexion dingy, almost atrabilious; their face, figure and mien, disagreeable. The women are painfully ugly; and the men look stolid, and many of them brutal, indicating physical and moral deterioration. In fact there is a stamp on them in form and expression which seems to me the veritable of the class" (1867: 341, cited in Garland 29, footnote 32)

Radzinowicz (1965) claims that the first scientific criminologists are found in France in 1827 with Michel Guerry and Lambert-Adolphe-Jaques Quetelet. He argues that these men, for the first time in history, engaged in statistical analyses to measure crime, and that this led to the emergence of the prominent criminological schools of thought. He notes that each saw these statistical sets as tools through which a scientific study of the health and functioning of society

could be achieved, and he notes that “each, while comparing different regions of the same country, explored the incidence of crime in relation to age, sex, and race, to profession and education, to economic conditions, and even climate” (1965: 1047). What they found were remarkably consistent distributions of the annual number of recorded crimes, and “[f]urther, the contributions to these totals made by various sections of the population living under differing social conditions – young or old, urban or rural, poor or rich, male or female – displayed a similar regularity” (1965: 1047). What resulted from these findings, Radzinowicz notes, was the posting of, as the primary explanation of the cause of crime, the social environments in which they were immersed. As Quetelet wrote, “society carries within itself, in some sense, the seeds of all the crimes which are going to be committed, together with facilities necessary for their development” (1869: 97, cited in Radzinowicz 1965: 1049). Guerry and Quetelet postulated that if the rates of crime amongst various factions remained stable from year to year, then it must be that the environment acts upon these factions in ways that create stability regarding the distributions of crime. This was, Radzinowicz argues, the first time such a thing had been done. The impact of this work was the promotion of a novel method for research. According to Radzinowicz,

the method was no longer deductive but inductive. ‘Moral statistical analysis,’ [read: the use of criminal statistics to measure crime] said Guerry, ‘does not deduce truths from each other, it does not seek to discover what ought to be; it states what is.’ To appreciate the ‘exterior facts of human nature’ at a particular time and place required empirical study, not meditation (1965: 1049).

Nye (1984) dates the beginnings of scientific criminology to 1841 to the attempts of prison doctors to apply ‘the science of’ phrenology to the

classification of criminals. Fink (1938/1962) and Savitz (1977) argue that Viennese physician Franz Joseph Gall was the first scientific criminologist, Gall being the founder of phrenology – the “system of reading character from the contours of the skull” (Rafter 2005: 65), and Rafter (2005) agrees. Rafter states that “it was in the area of criminology that phrenologists proved themselves most innovative, as they developed the first comprehensive [read: scientific] explanation of criminal behaviour,” which dated back to about 1800 (Rafter 2005: 66). The science of phrenology was “a discourse on the human brain that greatly advanced understanding of mind-behaviour relationships..., that advocated scientific methods..., and that formed the first coherent explanation of criminality” (Rafter 2005: 68).

And Rafter (2004) has also argued that the first scientific criminology is, perhaps, located in 1800 with the scientific psychiatry of Benjamin Rush in the United States, Philippe Pinel in France, and James Cowles Prichard in England. Rafter argues that these doctors sought to apply scientific methods to the study of mental illnesses, such as moral insanity<sup>15</sup>, and to conceive of crime as a natural phenomena occurring from different types of mental abnormality. These mental abnormalities could be known thorough scientific methods of analysis. Interestingly enough, Rafter notes that the discourses advanced by the psychiatrists were not much different from the discourse advanced by Lombroso, as we shall see. Ultimately, the discourses were claims of mental degeneration.

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<sup>15</sup> Methods such as case studies, the empirical collection of facts, induction, postmortems and crania comparisons, animal cranial experimentation, genealogical research, cranial measurement, and mental and physical testing.

Take for example the following incredible except, and the ways in which criminality is explained:

Born in 1843, W.B. had begun as a boy to torment other children and torture domestic animals. He whipped a younger brother, almost killing him, and then “was apprehended for cutting the throat of a valuable horse belonging to a neighbour.” He confessed to this act and to maiming and killing other animals as well. Jailed for twelve months, he returned and tried to strangle a younger brother. An attempt to smother an infant sibling and several thefts led to a 7-year penitentiary sentence. “His next escapade was the result of an accident. B and his father were at a neighbour’s one evening, and while paring apples, the old man accidentally cut his hand ... severely. B... became restless, nervous, pale,” and went to a nearby farmyard where “he cut the throat of a horse, killing it.” While hiding in the woods, he raped a little girl. At that point, W.B. received a life sentence. He was pardoned, however, and went on to castrate a horse, gash its neck and abdomen, and amputate part of its tongue. Sent to an insane asylum, he escaped, attempted rape and committed a number of minor offenses. Back in the asylum he tried to castrate a fellow inmate and punctured the stomach of another with a fork. He was fond of his stepmother but confessed that he planned to rape her. W.B. could be a quiet and useful man [...] but he could never be trusted. He had a fair education and enjoyed reading newspapers. (Tuke 1891: 36143, cited in Rafter 2004: 997).

Rafter (2004) notes that W.B. is described by his psychiatrists as mentally degenerate, as a savage, as pre-ancestral, as a man in a state of lesser evolution, a ‘type’ born by accident into the wrong century. And it was argued that his criminal behaviour was the result of this degeneracy.

While arguing that *The Criminal Man* marks the first exploration of scientific criminology is, therefore, problematic, I suggest that Lombroso’s work, and what followed, is of great significance because it marks off that point at which criminology’s first *paradigm*, in the second sense of the term, emerged. Prior to this point, practitioners of criminology were not unified under a dominant or accepted paradigm. Multiple criminological paradigms existed, paradigms that were in competition with each other, and which were primarily philosophical,

speculative, theological, and metaphysical. Criminological practitioners at this time lived in ‘different worlds.’ Lombroso’s work unified the discipline under a universally accepted, and dominant, paradigm; eliminated the competition that existed between the paradigms hitherto; led practitioners to accept the foundations and first principles of this one dominant paradigm; and fundamentally changed the nature of criminological inquiry. The emergence and subsequent acceptance of the positivist paradigm marks a historical break where the positivist paradigm supplants and replaces the criminological knowledge that came before. That is, Lombroso’s work, I suggest, represents the end of one period, the pre-paradigm period, and the beginning of the next, and different, period, the paradigm period. As I alluded to above, in the wake of period-successions, “the world itself changes with it... Scientists adopt new instruments and look in new places... Scientists see new and different things when looking within familiar places and at familiar things” (Kuhn 1962/1970: 111). Some of the problems which existed in the previous period get relegated to other disciplines, or rendered non-scientific. Some problems that were not problems prior to the implementation of the ‘new’ period become significant, maybe even central. And, “as the problems change, so, often, does the standard that distinguishes a real scientific solution from a mere metaphysical speculation” (Kuhn 1962/1970: 103). What this work does then is begin the succession of one criminological period (the pre-paradigm period) by another (the positivist paradigm period).

#### (4.4): Lombroso and the Positivist School of Criminology

The term criminology was coined by Raffaele Garfalo in 1885. This term referred to the study of law, crime, criminals, and criminal justice. It came into general use in the 1890s. Lombroso's *The Criminal Man* of 1876 was, however, the key ingredient in the formation of the modern discipline of criminology: scientific, positivist criminology (Garland 2002: 25).

Lombroso's work "grew out of an anthropological concern to study humanity and its natural varieties, using the methods of anthropometry and craniometry to measure the physical features of human subjects." (Garland 2002: 25). He studied Italian army recruits and asylum and prison inmates in an attempt to identify the existence of *types* of man. In this study, he discovered the *criminal* type. For him, the criminal had distinct bodily features that could be identified by various methods of scientific observation. Some of these identifiable, observable, measurable, and quantifiable features, included the following: a large jaw, strong canines, a scanty beard, cheek pouches, a flattened or hooked nose, an angular or sugar loaf form of the skull, over-sized cheekbones, swollen and/or protruding lips, excessive wrinkling, and an arm span greater than the one's height (Lombroso 1876).

Lombroso thought that the criminal type was an *atavistic* throwback from a past savage and primitive age – a position similar to that of the psychiatrists of 1800 who posited that their mentally ill, criminal patients were 'savages, pre-ancestral, men in a state of lesser evolution, a 'type' born by accident into the wrong century.' Lombroso argued that criminals were biologically different, and inferior, to non-criminals, and advanced that their criminal behaviour was a product of their biological makeup.

Lombroso's revolutionary aspect is located in his desire to engage in a distinctive *science of the criminal*. He advanced that one could study the criminal through the same methods and procedures that scientists used to study the natural world. Specifically, the task was

to show that human behaviour was understandable by the same scientific laws that governed all living activity... That is, the premises and instruments which are so demonstrably successful in the study of the physical world and of animal biology are seen to be of equal validity and promise in the study of society and humans (Young 1981: 17).

There was an emphasis on the quantification and measurement of behaviour and of the features of the criminal individual. There was a claim to neutrality and objectivity in these measurements, quantifications, and studies. And there was the notion of certainty, predictability, closedness and stasis, and determined laws that governed the nature of human action (Young 1981 17). Garland sufficiently captured these points when he wrote the following about Lombroso's science of the criminal:

it was an avowedly scientific approach to crime, concerned to develop a 'positive', factual knowledge of offenders, based upon observation, measurement, and inductive reasoning, and rejecting the speculative thinking about human character which had previously informed criminal justice practices... [I]t focused its attentions upon the individual criminal, and in particular upon the characteristics which appeared to mark off criminals as in some way different from normal, law-abiding citizens. It assumed that scientific explanation amounted to causal explanations and therefore set itself the task of identifying the causes of crime, though it should be added that the notion of 'cause' was understood in a wide variety of ways, some of which were more 'determinist' than others, and the kinds of identified ranged from innate constitutional defects to more or less contingent social circumstances (Garland 2002: 27).

#### (4.5): Reactions to *The Criminal Man*



Within twenty years of its publication, Lombroso's science of the criminal came to form the basis of a major international movement, manifesting itself in various ways: in the formation of special journals, the overflow of scores of texts, conferences, new associations, and new schools of thought, and in the spread of interest in the work by national congresses and officials in virtually every European and American state (Garland 1985). In the years immediately following the publication, a group of followers formed around him who called themselves the *La Scuola Positiva* (the positivist school of criminology). Followers like as Ferri and Garofalo expanded and broadened the scope of that which fell within the adequate study of positivist school criminology. They expanded this scope from a solely 'anthropological' criminal science to an examination of the social and legal aspects of criminality. For instance they expanded the scope so that crime could be conceived of as the product of poor or under-socialization. This could be thought of as stemming from, in one instance, "an innate genetic or physiological incapacity of the individual to be easily socialized," as Lombroso would have himself advanced; in another instance, "a family background which was ineffective in the use of socialization techniques in its child-rearing practices"; and in still another instance, "a social milieu which lacked coherent and consistent consensual values," or any other detrimental aspect of a social milieu for that matter (Young 1981: 19). This latter instance has been taken up by the sociological criminologists<sup>16</sup>.

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<sup>16</sup> Such as the Chicago School Theorists, the Learning Theorists, the Anomie/Strain Theorists, etc...

What eventually became from all of this was *the creation of a unified discipline* premised upon the *scientific study of crime, criminals, and criminal justice* – that is, a scientific criminology. The influence of Lombroso is most notable insofar as it provided the foundation on which this distinctive discipline was built. As such, this work produced a discipline with distinct characteristics and definable limits, which marked off that which was considered criminological and that which was not. As Taylor, Molden, and Young (1973/2003) and Young (1981) have shown, what became the major demarcating criterion, or that major attribute which distinguished between criminology and non-criminology (that is, the proper method of study and the improper method of study), was an insistence on the unity, utility, and necessity of the *scientific method* in the study of crime, criminal, and criminal justice.

The scientific method emphasizes (1) observation, measurement and quantification, (2) objectivity and neutrality, and (3) causality and determinism.

That is,

[T]he premises and instruments which are alleged to be successful in the study of the physical world are seen to be of equal validity and promise in the study of society and man... Positivists have proceeded to propound the methods for the quantification of behaviour, have acclaimed the objectivity of the scientist, and have asserted the determinate, law-governed nature of human action (Taylor, Molden, and Young 1973/2003:11).

Jackson described this method in the following ways:

First, it is assumed that there is a world of facts that exists ‘out there’ as part of reality independent of the human observer, and the task of the scientist is to discover as much of it as he can by comparing this reality with his own theories and hypotheses... [S]econd, it is assumed... the complete truth is in principle capable of being revealed... Third, knowledge of this reality can be obtained by using as a foundation the empirical evidence of our sense experience. Since this experience is value-free, science can be conducted in

a value-free manner without the intrusion of value judgements (cited in Naffine 1997: 17).

Thus, the positive scientific paradigm posits the existence of an objective world, knowable through empiricist methodologies, which if performed, allow the researcher to transcend “mythology and ideology... myth and value” (Agger 1991: 111). Followers of the scientific method posit that social facts exist, and are “amenable to quantified classification and measurement.” Also, followers claim that this approach allows the scientist to “‘objectively’ explain, predict, and control [these] observable structures of social action” which constitute social facts and are thus amenable to measurement as well (Pfohl and Gordon 1986: S96-7). Put another way, the objective social facts can be, through positive science, “differentiate[d], measured, [and] master[ed],” thereby calling forth “truth through observation. We can see the facts and grasp them. We can order these facts, fix the world, control its destiny” (Pfohl and Gordon 1986: S101). Scientific methodologies are undertaken by value-free, neutral, observers endowed with the “possibility of presuppositionless representation” (Agger 1991: 117), observing a world of fixed, stable, static, immutable, predictable, and controllable objects, with fixed and stable meanings. Universal causal laws are knowable and possible, and these laws are uncovered by scientists who merely reflect, in their findings, the noumenal world.

Finally, positivism’s concern to engage in the empirical and scientific study of crime, the criminal, and criminal justice was linked to a definite programme of *practical action* (Garland 2002: 27). The positivist approach to crime was geared towards immediate practice and towards practical ends, not

cluttered with irrelevant, philosophical, theoretical, and/or ethico-religious beliefs (Eysnck 1970: 204, cited in Taylor, Waldon, and Young p 10; Eysneck 1977: 213, cited in Young 1981: 21; Taylor, Waldon, and Young 1973: 10).

This development marked what Williams and Arrigo have called *a major shift* in criminological thinking (2006). With it came a transition towards “causation and determinism, thus marking a modification from metaphysical to physical experience” (2006: 11). They claim that over the course of two thousand years, “the concept of crime was varyingly positioned within the context of vice, sin, rational choice, and now a causal effect or consequence of scientifically identifiable determining forces” (11). Criminology-proper’s emergence came about on the backs of positivism. And, “by virtue of its origins, criminology emerged as a *science*. More specifically, criminology was presented as an empirical science, considerably removed from the speculative insights of philosophy” (Williams and Arrigo 2006: 11), or from any other mode of inquiry in which the scientific method was not the central methodological approach. Williams and Arrigo further note that “[t]he subject matter of criminology, as well as the methods criminologists used to investigate the social world, were intended to be distinct and, thus, separate from those employed by philosophers,” read: non-practitioners of the scientific method.

While philosophy was exploratory in nature, consisting of the rational, conceptual, and theoretical analysis of mostly unobservable phenomena, criminology was empirical in nature, consisting of the concrete, objective, and scientific analysis of mostly observable phenomena (Williams and Arrigo 2002: 12).

Insofar as this is the case, criminology concerns itself with “discovering empirical facts about lawmaking and law-breaking through the use of scientific methods

adopted from the natural sciences.” And as a result, with the emergence of positivist criminology and with the subsequent aims, principles, and methods appropriated from the natural sciences, “criminology separated itself from” the criminologies that came before (Williams and Arrigo 2002: 12).

#### (4.6): Discussion/Recap

Prior to the positivist paradigm, criminology, as we have seen, proceeded by way of philosophical and theological speculations, and metaphysics. Multiple competing paradigms existed, and the pre-Lombrosian period, I have suggested, is most sufficiently characterized as a pre-paradigm period. While it is problematic to argue that scientific criminology originated in Lombroso’s work, I suggest that Lombroso’s work brought forth, for the first time, a paradigm which became the dominant and unifying criminological paradigm. The viewpoint provided by this paradigm – positivism – demanded that its practitioners engage in criminology in a scientific manner. That is, positivist criminology was tied to the scientific method, and absorbed the foundations, theories, and assumptions that it brought with it. This paradigm assumed objectivity, value-neutrality, and the primacy of measurement and quantification as central in the search for a discoverable truth. It sought the discovery of determined, fixed, and static laws of causation. And it advanced the separation of the scientists and the objects studied by the scientist.

There are, to be sure, various ways of engaging in the study of crime, criminals, and criminal justice from within the positivist paradigm. For instance, the Chicago School criminology, Anomie/Strain Theorists, Learning Theorists, and Control Theorists all work from within the positivist paradigm. While there

are, to be sure, a number of fundamental differences between them, all of these criminological engagements are positivist in orientation, and they all assume, share, and accept the same foundations, first principles, assumptions, and theories. Since they all see the world from the same, positivist, worldview, they do not require justifying and building up the discipline from its foundations each time they engage in research, because these foundations are taken for granted. It is positivism that unites them.

By contrast, prior to this point in time at which positivism united criminology, the criminological community was in a factitious state, and those who engaged in criminological pursuits engaged in these pursuits from differing and conflicting paradigms. Positivism supplanted this pre-paradigm period by unifying the criminological community under the positivism paradigm, and for the first time in its history, criminologists could confidently found their practice upon a dominant paradigm. I argue that this dominant paradigm, positivism, which replaces and supplants, in the nineteenth-century, the pre-paradigm period, represents the second period of criminology, and is a paradigm that re-oriented the discipline.

## Chapter 5

### (5.1): The Beginnings of a State of Crisis

Criminology's first stage is characterized by the existence of multiple theological, speculative, philosophical, and metaphysical paradigms, each competing for dominance in the analysis of crime, criminals, and criminal justice. Working from within one of these paradigms necessitates the rejection of the alternative paradigms. This pre-paradigmatic period was succeeded by a paradigm period, in which the positivist paradigm successfully "attract[ed] an enduring group of adherents away from competing modes of scientific activity" (Kuhn 1962/1970: 10). Positivism became the dominant, universally accepted worldview, and necessitated the rejection by its practitioners of the previously competing, speculative, etc., paradigms that hitherto existed. Competition ceased and positivism was taken for granted. Intertwined with this worldview are the following theories and assumptions, that are absorbed by positivist criminological practitioners: Positivist criminology is a scientific and empirical enterprise premised upon neutral observation, quantification, measurement, objectivity, inductive reasoning, perceptions of stasis and immutability, cause-and-effect logic, predictability, and is oriented towards practical policy applications. This worldview, as a result, directs future research, expounds appropriate questions and problems, solutions, and methods.

In this section, I will discuss what I will suggest to be criminology's third stage of historical development. In this stage, a paradigm known as critical criminology emerged in the 1960s and 1970s and, for the first time since

positivism came into dominance, directly challenged the foundations and first principles of the positivist paradigm.

At this time, practitioners began to posit that phenomena exist which could not be accounted for by positivism; that is, to borrow from Kuhn, criminological practitioners discovered positivist anomalies. Critical criminology was the response to these anomalies. The anomalies garnered enough attention from the scientific community to push the discipline into a state of crisis. As such, a state of insecurity ensued, in which its practitioners could no longer take for granted positivism's foundations and first principles. Debate between competing and incompatible paradigms characterized the state of things, and criminology in this stage sat on the edge of a potential scientific revolution.

#### (5.2): Critical Criminology

Practitioners of the critical (sometimes referred to as radical) criminological paradigm, who Laub argues were “fuelled in part by powerful social movements and significant historical events, namely, the Civil Rights movement, the Vietnam War, Watergate, and the Feminist movement” (7), wrote critical theories that responded to mainstream criminological discourse. Critical criminology is an umbrella concept under which exist an enormous variety of ideas, assumptions, and positions, but Bessant (2002), Carrington and Hogg (2002), and Einstatder and Henry (2006: 235) suggest that critical criminology is essentially a criminological approach characterized by its critical assault on the assumptions of conventional and mainstream positivist criminology.



All critical criminologies revolve around issues of struggle and conflict, power, societal factionalization, and domination and inequality. For instance, Freidrichs (2009) observes that a unifying point for all strains of critical criminological departure is the examination of “the unequal distribution of power or of material resources within contemporary societies” (210, cited in DeKeseredy 2011: 7), and of the analysis of how this unequal distribution of social power and resources underscores the commission of crime (Carrington and Hogg 2002: 3). For critical criminologists there is a central concern with state power: “the disciplinary State, the authoritarian State, the capitalist State, or sometimes ‘legal order’” (Lippens 2008: 150; Scranton 2002). For critical criminologists of the 1960s and 1970s, it’s from this central source – agents of the state, state institutions, or (the mysterious entity that is) the State itself<sup>17</sup> – that the pervasive forms of domination, inequality, and subjugation are rooted. And it is from these pervasive forms of domination, inequality, and subjugation – that is, “the unequal class, race/ethnic, and gender relations” (DeKeseredy 2011: 7) or those unequal “class, patriarch[ial], ‘race’ and age” relations (Scranton 2002: 20) that control (or as a critical criminologist would posit, *determine*) our society – born of the state, that critical criminologists posit as the major sources of crime<sup>18</sup>. The emphasis is

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<sup>17</sup> See Philip Abrams “Notes on the Difficulty of Studying the State.” *Journal of Historical Sociology* for discussions about some of the problems of studying the state.

<sup>18</sup> See also DeKeseredy and Perry pages 1-4. Here they note that critical criminologists are concerned with these questions: “Who has the real power in society? What are the deeper social forces that shape the definition, commission, and punishment of crime? What do race/ethnicity, class, and gender have to do with crime and its control? Why do affluent people and politicians commit so many crimes? Is our criminal justice system fair? What are the popular images of

on being critical or thinking critically towards dominating societal structures rooted in the state, that marginalize subjects and produce criminal behaviour. From this, several lines of critical inquiry emerge.

First, critical criminologists view society as existing in a perpetual state of factionalized inequality characterized by power struggles and class warfare (Cullen and Agnew 2010: 295). Each faction has its own interests and each struggles for power to define and control public issues. Unfortunately, given that the capitalist class, or the bourgeois, possesses the majority of power and wealth, they are able to control the state in a variety of ways. For example, it is thought that the powerful class controls the criminal justice system, using it to protect social arrangements that benefit those profiting from capitalism (Cullen and Agnew 2010: 295). Such uses include decisions about *what* to consider crime, and *who* to consider criminal: Muncie (1998) and Taylor, Waldon, and Young (1973) write about “how crime [and the criminal] [i]s politically and economically constructed through the capacity and ability of state institutions within the political economy of advanced capitalism, to define and confer criminality on others” (Muncie 1998: 4). Hogg has written about how “[t]he genuinely harmful activities of the rich and powerful and those in positions of authority... [have] benefited from the two faced nature of this system of justice, effectively escaping the reach of coercive intervention” (cited in Naffine 1997: 44). The nature of crime and the essence of the criminal are free floating which some have argued result in the “coercive repression” of the underclass, the lumpenproletariat

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crime and of criminals, and where do these images come from? Are people well informed or deluded about the nature of crime?” (2006: 4).

(Einstadter and Henry 2006: 240). By way of perversion from the state, criminal justice has both failed to respond to some of the problems of crime and produced forms of discrimination and injustice that cause further criminal justice issues.

Second, in the same way that critical criminologists view definitions of crime and the criminal as socially constructed, so too, they believe, is the subject of critical criminology. This subject is thought to be the socially constructed product of hierarchial power structures. Critical criminologists tend to see subjects as repressed, co-opted, and manipulated for the benefit of the dominant interests. Agency is usually foregone in favour of overarching and determinate societal structures. But there have also been, as Einstadter and Henry (2006: 236) note, conceptualizations of agency in much freer ways. Thus, for critical criminologists, the degree to which humans possess agency varies. For instance, Henry (2005) notes that,

while critical criminology emphasizes the crucial importance of social structure, [some] also considers human agency to be significant, and sees society as a distinctly human product that can be changed through human actions, albeit ones shaped by structural and cultural forces. Thus social structure only has the appearance of a fully external force; critical criminology's role is to demystify that appearance to facilitate human agents to make social change (347)

Taylor, Walton, and Young's similarly argue, in *The New Criminology*, that people are determined by social structures, while also determine social structures.

What we have here, then, is the emergence of thought that posits the rejection of the distinction between the subject and object, the rejection of the naturalness or objectivity of some of criminology's central concepts, and a group of criminologists some of whom provided an early theory about the power of co-

constitution – a theory concerning the ways in which subjects produce structures (norms, discourse), which then produce the subject.

The third and final critical line of inquiry concerns the ways in which critical criminologists can produce meaningful political and intellectual transformations. What they seek are states of being otherwise (Arrigo 2001: 83), fashioning possibilities for an affirmative creativity that enables or provides opportunities for the dominated and subjugated to overcome their structural plights (Lippens 2008: 149; Lippens 1995: 1).

Given that critical criminologists view neither the criminal nor particular institutions or overarching systems as the *bad apples*, society as a whole is seen as a *bad barrel*. Thus, solutions cannot be found on the micro level. Things like individual rehabilitation or the changing of an individual institution's policies are ineffective since the problems stem from cultural, structural, and economic *systems as a whole*. In other words, problems stem from being positioned within the bad barrel. *The only solution* possible is wide-scale cultural, structural, economic transformation – the replacement of the bad barrel with a new one.

In summary, the emergence of critical criminology in the 1960s and the 1970s involved a critical assault on various positivist methods, epistemologies, assumptions, first principles, and precepts (Carrington and Hogg 2002: 2). It attacked the positivist assumptions of *objectivity* insofar as crime and the criminal were thought to be, not objective realities, but entities that emerged within particular historical contexts and that evolved over time. There are glimpses of the breakdown of the *subject-object distinction*, whereby the subject and the 'object,' or structure, are thought to be co-constitutive. This implies the possibility of an

everlasting making and remaking of the structure and the ‘agent,’ or the subject – that is, this implies the beginnings of a philosophy of becoming. This possibility of everlasting re-creation calls into question positivist assumptions of stasis, fixity, and unity. The idea of non-fixity and everlasting re-creation implies challenges to modernist cause-and-effect linear logic. Further, the breakdown of the subject-object distinction implies the breakdown of notions of neutrality. One is always positional and neutral subject positions are chimeras.

In this era of criminology, critical criminologist responded to, and brought forth, issues that could not be answered from within the positivist framework. For instance, as a positivist, one could not speak about the co-constitution of the subject and the social structure surrounding him because, for him, such a thing was impossible. The subject was a fixed entity, distinct from the subjects of his inquiry, or the social and physical world. Thus, one could not ‘see’ co-constitution from within the positivist paradigm, and co-constitution therefore represents a positivist anomaly. Like co-constitution, the critical criminological paradigm, during this period, began to engage with problems that positivism could not solve. It came to represent “a substantial force that was moved into [significant] position within a very short space of time,” whose practitioners were said to have produced a “proliferation of argument” (Rock 1988: 190). It became an influential paradigm within a very short timespan, and this period of time became characterized by disputation, confrontation, turbulence, factitiousness, and bellicose relations. Substantial quarters of the scientific criminological community began to question the foundations and first principles of positivism, and began to think about its assumptions, theories, and premises. Positivism could no longer be

taken for granted. Debates and competition proliferated, and criminology came to be characterized by a *state of crisis*. This period of *crisis* supplanted the paradigm period in which foundations were guaranteed, and, I suggest, represented criminology's third historical period of development.

## Chapter 6

### (6.1): The Triumph of the Positivist Paradigm

Criminology in the 1960s and 1970s existed in what I have termed a state, or period, of crisis. Two incompatible paradigms clashed and competed for dominance in the study of crime, criminals, and criminal justice. The foundations of the positivist paradigm, which were hitherto taken for granted, were challenged; and, debate circulated about the truth of the assumptions, theories, and first principles of each of the competing paradigms. Criminology, as such, was primed for a scientific revolution. In this chapter (and the chapter that follows), I will explore criminology's fourth historical period of development, which I have termed a *stage*. Specifically examined is (1) the triumph of the positivist paradigm over its critical counterpart, and (2) the ways in which the positivist victors speak about the state of current criminology.

While in the third historical period criminology existed at the cusp of what Kuhn terms a scientific revolution, what amounted from the existent state of crisis of the 1960s and 1970s was, once again, the triumph of the positivist paradigm. By the late 1970s and early 1980s, positivism had successfully attracted the majority of criminologist, inciting them to accept its fundamentals and first principles, and leading them to take for granted, and work from within, positivism's foundations (Lippens 2008; 1995; Bessant 2002; Carrington and Hogg 2002; Carrington 2002; Bottoms 1987; Rock and Holdaway 1998; Holdaway and Rock 1998). For instance, Rock writes that the critical criminologists of the 1960s and 1970s had, by the late 1970s and early 1980s, "come into [their] own" (1988: 193), and had therefore ceased critical pursuits; he

suggests that much of the disputation had “grown stale or... been resolved for more practical purposes” (Rock 1988: 193). Bottoms (1986) states that, while the 1960s and 1970s were passionate times filled with criticism and heady theory, they were also times that both “[toppled] into a metaphysical swamp” (1986: 242), and, as Naffine interprets Bottoms as implying, “*strayed from the true path of criminology*” (Naffine 1996: 18, emphasis added). “[T]hat [unfortunate] phase,” Bottoms argues, “has... been transcended, and empirical [scientific] studies have been returned to with full vigour” (Bottoms 1986: 242). As such, while at the cusp of a potential revolution, positivism, by the late 1970s and early 1980s, had once again secured its position as criminology’s accepted paradigm; that is to say, by the late 1970s and early 1980s, positivism emerged as the paradigm from which the great majority of criminologists worked.

Since positivism’s triumph over the critical paradigm, its dominance in criminology has continued. Many academics have ceded to, and made note of, this fact in their work, of which a brief sample of such literature follows.

#### (6.2): Literature Review of Criminology Today

Cohn and Farrington (1994) suggest that the most influential criminologists, whether American or otherwise, are those who engage in work with a commitment to the orthodox scientific methods and quantitative research that have been described above<sup>19</sup>. Naffine (1996) advances similar findings,

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<sup>19</sup> They note the importance of things like longitudinal research methods for the charting of criminal careers, providing detailed measures of crime across the population using especially official records or self-report surveys, or studies heavily invested in statistical work or complex correlations (regression analysis



arguing that scientific and empirical works are the works that are most *highly valued*, whereas the “concomitantly philosophical speculation or small-scale qualitative research is less highly valued” (17). Moreover, Naffine writes “the discipline as we know it... is the creation of nineteenth century men of science who were committed to the empirical scientific method... and it’s still men of science who assume a central place in the academy today” (1996: 18). David Garland (2002) writes that “the tradition of ‘positivist criminology’ has been re-evaluated and reaffirmed in the USA (see Gottfredson and Hirschi 1987).” Furthermore, he states that “in Britain, some of [positivism’s] sternest critics have modified their view and realigned themselves with... its central concerns” (Garland 2002: 11). Cullen and Agnew (2010) note that “Lombroso’s work helped lay the foundation for what is known as the ‘positive school’ of criminology,” and that this school “*now dominates the field*” (21). Williams and Arrigo (2006) write that “given that the formal origins of criminology proper emerged alongside positivism, this particular transition should be regarded as doubly significant: positivism signifies the birth of a new scientific paradigm and it represents the direction upon which contemporary criminology was founded and mostly continues to unfold” (11). Jock Young (1981) has noted that positivism is currently theoretically dominant, “the paramount type of theory used by practitioners” (17). Julia Horney (2006) argues that positivism is the perspective that continues to dominate criminological thinking (6). Rock and Holdaway (1998) and Holdaway and Rock (1998) suggest criminology is

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for example) are examples of the types of work pursued by the most prominent criminological figures.

characterized by an ‘empirical core,’ without which both criminological coherence and cohesions dissipate. This empirical core, they suggest, “accelerated the movement of the discipline away from abstract and general systems” and towards the grounded, inductive, and scientific mode of research. Gelsthorpe (2002) suggests that criminologists are “stuck in conventional mode of seeking ‘the truth’ through scientific, empirical endeavours” (121). Bessant (2002) writes that mainstream or conventional criminology is almost exclusively positivist (220). She notes that while there have been, in the past, criticisms from opposing traditions, conventional criminology has not only survived, but prospered. Finally, each president of the American Society of Criminology, the world’s largest, and arguably the world’s most influential, association of scholars who study crime, criminals, justice, and criminology, since the year 2000 – Rosenfeld (2011), Clear (2010), Bursik (2009), Tonry (2008), Lafree (2007), Horney (2006), Cullen (2005), Laub (2004), Sherman (2003), Huff (2002), Chilton (2001) – has suggested that current criminology is founded upon the acceptance of the scientific method; or, put another way, the presidents of the ASC implicitly suggest that most, if not all, criminological practitioners today, work from within the positivist paradigm.

While it is clear that the positivist paradigm is currently the dominant paradigm from which most criminologists work, in what remains of this chapter I examine the ways in which positivist practitioners, after their triumph in the late 1970s and early 1980s, speak about the current period of criminology. I will advance the contention that positivists delineate the current period as existing in a *paradigm period*. That is, in a state in which its practitioners are universally

committed to the positivist paradigm, in which no competing paradigms are in existence, and in which criminology proceeds by way of normal science. I will do this by examining the content of the presidential addresses to the American Society of Criminology. I will conclude this chapter by suggesting that the positivists under review have chosen to ignore the existence of alternative paradigms which challenge positivism's foundations. I will suggest that this is less the result of obliviousness to such paradigms than an attempt to diminish it and the seriousness of its challenges. It is more likely a defense mechanism, an attempt for positivists to retain paradigmatic power.

### (6.3): The American Society of Criminology: Presidential Addresses

As mentioned, the American Society of Criminology is the largest association of scholars, in the world, who study crime, criminals, justice, and criminology. Since the American Society of Criminology “is an organization whose members’ work is linked directly to the quality and topical significance of the field’s body of extant research,” many of the criminologists who are active members of this organization hold substantial sway within the discipline. As such, the work of many members of the American Society of Criminology plays important roles in shaping the directionality of present and future criminological research (Clear 2010: 15). With specific reference to the genre of the presidential address, Laub has argued that the presidential address of the American Society of Criminology provides the addressor with “an opportunity to offer new ideas [to the criminological community, and beyond] and to *shape the future of criminology*” (2004: 19, emphasis added). I suggest that, given the importance of

American criminology to the discipline in general – American criminology has substantial international power, reach, scope, and representatibility<sup>20</sup> – the importance of the ASC to American criminology and beyond, the fact that the president of the ASC is *the* representative of the organization as a whole, and the potential influence of the presidential addresses upon the discipline, analyzing recent presidential addresses with an eye towards identifying underlying assumptions provides a credible means by which to determine the ways in which criminologists in the English-speaking world, generally, speak about the orientation of criminology at present. My examination begins with the address issued in 1991, then proceeds to analyze the most recent addresses, issued between 2000 and 2011.

In the early 1990s, the discipline was experiencing what John Hagan, in his 1991 address, called great criminological advances. These advances, he thought, would directly shape policy decisions, were empirically testable, and were being developed by various criminological giants. He wrote that

[s]ome of the greatest advances of criminology over the past several decades have involved its evolution into a more systematic and precise science. These advances have demanded greater clarity and testability of our theories, and these advances have occurred through the dedicated efforts of some of our field's most practiced contributors (1992).

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<sup>20</sup> Cohn and Farrington suggest that American criminologists significantly influence the directions of criminology in the English-speaking world – they write that the “influential criminologists in the United States ... tend to be influential everywhere else” (1994: 223). They argue American criminologists hold sway concerning what is and is not important, how things of importance should be studied, where the discipline should be headed, and where it should refrain from going. If this is the case, it is safe to assume that the ways in which current American criminologists proceed methodologically, theoretically, and practically at least in part reflect the current nature of the discipline.

Similarly, in her 1990 address, Joan Petersilia claimed that “to succeed under the academic model [of criminology] graduate schools must place science first” (cited in Naffine 1996: 17). The sentiments of her address were that modern criminology should take the form of an applied and practical science, one that was responsive to the needs of policymakers. Naffine, writing about Petersilia’s address, notes that

the implicit message is that criminology should not engage in excessively academic and abstract speculation about the nature of critical theory and knowledge. Science should come first, and then [what should come next is] its application to the real world beyond the university (1996: 17).

Fast-forwarding into the twenty-first century demonstrates that things have not changed all that much. In the twelve recent presidential addresses that I examined, the author of every single address appealed to science as the discipline’s authority figure. Practitioners within the discipline considered themselves to be, first and foremost, rigorous scientists, and as such, staunch observers of the scientific method. Emphasized, therefore, was the value of empirical testability, the quantification and objective measurement of social phenomena, the practical, real world applications for their work, cause-and-effect linear logic, predictability and controllable social phenomenon, and the ability to arrive at truths by means of this rigorous science. One slight outlier in this regard is Robert Bursik’s (2009) 2008 presidential address. His was an analysis of the problem of ahistoricity within criminology. He notes the tendency of criminologists to forget thinkers of the past, the problematic ways in which some of the canonical giants are created as a result, the ways in which, for him, remembering the past sheds light on the present, and the way that history is of

important in and of itself. Nevertheless, while the argument in Bursik's address does not engage science explicitly, there is still acknowledgement that the dominant criminological position is scientific. For example, while speaking about some of the reasons that Jane Addams fails to be mentioned within some of the various fields in which she provided seminal contributions, Bursik argues that one of reasons is that during the time that Addams was working, the discipline was working towards establishing itself as a scientific discipline (2009: 12). Given that her work was not scientifically rigorous, Bursik thinks this may have had an impact upon her reception as an important figure within the field.

Even though the 2008 address is *less* scientifically oriented, all the while acknowledging the fact that criminology is scientifically positioned, *each of the other presidential addresses demonstrate implicit and explicit commitments to the positivist paradigm*. In what follows, I will perform a cursory review of some of those addresses which most clearly demonstrate this idea, that is, that criminologists remain bound to empirical and scientific rigor, quantitative analyses, objectivity and neutrality, inductive reasoning, cause-and-effect logic, controllability and predictability, evidence based 'theory' and practice – to the refusal of speculative theory's legitimate place in the discipline – and to a practical oriented endpoint.

Richard Clear's (2010) 2009 Presidential Address concerns science, evidence, and effective policy. In this address he praises the move within the field towards a criminology that has amongst its ultimate aims the practical impact that the discipline will have upon policy, if it proceeds by way of rigorous scientific experimentation. By employing the scientific method, Clear believes that

sufficient evidence will be produced, and that such evidence will be meaningful insofar as it directs the direction of policy. He notes that science-led policy, or what he terms evidence or data-led policy, “has never had a firmer footing,” and that “[t]he field of criminology is today, more than before, a field devoted to evidence” (4). Given that evidence refers to that which is produced from rigorous science, what Clear is suggesting is that criminology has never before been so devoted to science, and, that criminology is incessantly devoted to policy and practical ends, and, finally, that, criminology has never been more devoted to policy decisions led by the scientific data.

Francis Cullen’s (2005) 2004 Address concerns the ways in which the ‘rigorous science’ of ‘the science of criminology’ was able to effect change concerning rehabilitation policy. He notes that “our collective efforts to produce strong science do make a difference in the world, and for the better... [O]ur ideas and science matter” (2). He argues that the reason criminologists “were able to save rehabilitation was that they were skilled scientists” (5), that they were able to “marshal [in] substantial data.” “Much like the movie Jerry Maguire where the challenge was to ‘show me the money,’ credibility in corrections [and, therefore, the ability to effect policy changes through the criminological science] hinges on the challenge to ‘show me the data’” (5), which criminologists were able to do. For Cullen as it was for Clear, it is this rigorous science that is so highly valued – a science that proceeds by way of empiricism, quantification, and the observation of social phenomena, premised upon objectivity, neutrality, predictability, and linear logic . It is rigorous quantitative methods such as regression analyses and meta-analyses that are the methods of *value*. Ultimately, Cullen advances that a

criminological science oriented towards policy is what *really* matters and is therefore what ought to be pursued. He concludes with the following passage:

I would argue... that any influence of evaluators on the everyday judgment and knowledge of practitioners that makes it more rational or more “scientific” is desirable... [B]elief in astrology, alien abductions, guardian angels, psychic hotlines, past lives, channelling, and the like... are widespread among those exhibiting common sense in our society... The short history of program evaluation provides ample instances of well-intentioned attempts to help those in need through means based on practical wisdom which, when examined by pesky evaluators with their objective and systematic methods, proved to be useless or downright harmful to those they were supposed to help (Lipsey, 2000:221–222, cited in Cullen 25).

Roland Chilton’s (2001) 2000 address can be summed up with his comment that, as it stands, “we need to recommend viable policy... as contemporary criminologists” (1). He thereby echoes the sentiments that criminology must be positioned as a practical discipline. Sherman’s (2003) 2002 Address concerns the ways in which criminology can re-invent itself with regard to justice, and advances his method of producing “emotionally intelligent justice” (4). He argues that one of the objectives of criminology is to “make justice more rational about its effects on [emotion],” especially concerning its impact on wellbeing and its potential to produce further crime (2). Sherman thinks that “we should... give justice far more empirical and experimental attention than we have done in recent years” (27). We must test the effects of punishment by way of an “experimentally testable causal theory of punishment effects” (4). This ‘science of justice’ (by which he means punishment) must “become more emotionally intelligent concerning its interactions with suspected, accused, and convicted offenders, as well as with victims, their families and communities” (25). Sherman believes that this can occur by quantifying the relationship between the emotional



states and responses of individuals – suspects, accused, convicts, victims, victim’s families, and victim’s communities – and various modes of punishment and social control, such as the court systems, police officers, and the like. These modes of analysis will provide quantifiable data that will suggest various cause-and-effect relationships and modes of predicting and controlling emotional states, and will help in the development of effective social policy.

Julia Horney’s (2006) 2005 address sought to re-examine the situational specificity of behaviour. While she rejects the positivist tendency to view “individual traits as relatively stable underlying characteristics with causal influences on behaviour,” (3) a view that has as its chief aim the ability to infer from behaviour underlying traits which account for observed behavioural consistencies, in favour of a more fluid conception of behaviour that responds to and changes with the situation, she nevertheless seeks to scientifically measure the ways in which environments determine and cause individual behaviour. She seeks to measure this by way of quantification, transfiguring external situations and bodily responses into numbers and data sets, and by performing advanced statistical regressions of these numbers and sets.

Finally, Gary LaFree’s (2007) 2006 Presidential Address examines the ways in which the criminological science can be strengthened. He says that this can occur by incorporating into the discipline an emphasis on historical data and analysis, by broadening the scope of emotions tested for from offenders (responding to Sherman’s (2003) call), by doing more cross-national research, by bringing situational variables into criminological research (responding to Horney’s (2006) call), and by making criminology more interdisciplinary. Each

one of these suggestions, however, are calls to become a discipline that is more advanced and invested in quantitative methods of analyses. For example, history is appealed to so that historical regression analyses across time can be compared. Cross-national comparative analyses are appealed to so that quantitative analyses across nations can be compared. The ideas for the incorporation of situational analyses and increased emotional testing into criminology are drawn from the empirical work of Sherman and Horney and remain, for LaFree, empirical in nature. And advanced interdisciplinarity is sought so long as those other disciplines are scientifically rigorous. (For example, LaFree appeals for the opening up of the criminological borders to computer science, public policy specialists and statisticians, and quantitative sociologists and geographers).

#### (6.4): Discussion/Recap

This chapter has demonstrated that currently, the positivist paradigm is the dominant paradigm from which most criminologists work. Furthermore, it has demonstrated that, through an analysis of the ASC's presidential addresses, addresses which I have suggested act as representative samples of the ways in which the English-speaking world depicts the current state of criminology, positivist criminologists tend to refrain from mentioning the existence of alternative or competing criminological paradigms. Positivism is advanced as both dominant, and universally accepted by criminologists today. As a result of the failure to take note of the challenging factions, factions which do exist, one of which will be examined in the following chapter, I suggest that the aforementioned researchers implicitly assert that currently, alternative and

challenging paradigms fail to exist (whether that challenging paradigm be the critical paradigm or any other). Further, that as such, criminology today exists in a state of general consensus – in a state of stability and certainty – about the proper aims, priorities, methods, and approaches. According to the positivist victors, then, criminology in its fourth period exists as a *paradigm period*, proceeding through normal science. This is demonstrated, in one instance, by the work performed, or called for, by the presidents of the ASC. In this work, rather than engage in or seek conceptual or phenomenal novelty, presidential ASC research: (1) takes positivism – the scientific method and all of its assumptions and commitments – for granted, and attempts to *re-validate* its foundations<sup>21</sup>; (2) calls for research that advances, extends, and progresses the positivist paradigm – take, for instance, the expansion of the quantification of social phenomena, such as the quantification of emotion (in Sherman’s address), and justice (in LaFree’s address); and (3) seeks, as a result, solutions to positivist puzzles – that is, positivist answers to positivist problems using positivist methods. Take, for instance, Horney’s solution (that situations determine or cause crime), methods (statistical regression analyses), and initial problem (to answer the question about how one can speak about a criminal type if the correlation between and individual and his propensity to commit crime is most clearly connected to a particular situation).

If one were to accept these implicit suggestions, then one would be justified in advancing that the most recent criminological phase is indeed a

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<sup>21</sup> Those being objectivity, neutrality, the primacy of senses in the production of knowledge, the separation of the scientists and the world he studies.

paradigm period. However, as will be examined in depth in the chapter that follows, these are inaccurate claims. Currently, significant paradigmatic challenges do in fact exist, challenges which are offshoots of the critical paradigm of the 1960s and 1970s, and challenges which make claims about universal paradigmatic acceptances and universal engagements in normal science impossible. For what reasons, then, have the aforementioned practitioners glossed over this fact? One could speculate that it is due to their being unaware of the existence of the alternative and challenging paradigms. Yet this seems unlikely for two reasons. First, there is a large amount of work that has emerged from within alternative paradigms – Arrigo, Milovanovic and Scher (2005; 2000) note that work from within only *one* of the *numerous* alternative criminological paradigms is ‘voluminous.’ That being so, the sum of all work from within all of the alternative paradigms would be even more-so. Second, the work that exists from within alternative paradigms has garnered significant attention and achieved substantial criminological reach. Milovanovic (1996) boldly, whilst perhaps overzealously and inaccurately, suggests that “[m]odernist thought in criminology and law,” by which he means positivism, “is being eclipsed by the postmodern perspective in the new millennium” ( 202), and Wright and Schreck (2000) and Wright (2000) have demonstrated that alternative paradigms have become influential enough to merit the inclusion of several chapters concerning current alternative paradigms in introductory criminology textbooks. As a result, advancing that the aforementioned positivists failed to mention the existence of alternative paradigms thereby implying that criminology today exists in a

paradigm period, because they were unaware of the existence of alternative paradigms, seems a poor argument.

Rather than this, I would speculate that the aforementioned positivists are, in fact, aware of many of the paradigmatic challenges, yet choose to ignore them. This, I suspect, is a defensive attempt to marginalize the challenges by not granting these paradigms any serious recognition. While it is likely that positivist practitioners genuinely do not see the alternative and competing paradigms that exist as posing significant threats, by nevertheless excluding these challenges from criminological discourses the positivists have further trivialized these challenging paradigms and proactively diminished their abilities to appropriate paradigmatic power. Thus, the above statements are more likely defense mechanisms; attempts for positivists to retain paradigmatic dominance.

## Chapter 7

### (7.1): Critical Criminologies Today

Positivism does not currently exist unchallenged, as I alluded to above. There are, in fact, a significant number of criminologists who would currently be considered, and consider themselves, critical criminologists. Apart from the 1960s and 1970s, gathered under the banner of critical criminology, today, is an enormous body of work, some of which includes critical feminism, left realism, peacemaking criminology, green criminology, the vast Foucauldian inspired criminological work (see specifically that of Pavlich (2000)), the vast Derridian inspired deconstructive work (see specifically that of Allison Young (1990)), and poststructuralist and postmodern criminology (Wright and Schreck 2000; Wright 2000). One of the newer directions in critical criminology (Einstader and Henry 2006: 206; Henry and Milovanovic 1991: 293; Howe 2000: 221), poststructuralist and postmodern criminology has continued the critical assault on positivism that critical criminology of the 1960s and 1970s began. Like the other critical branches, poststructuralist and postmodern criminologists have taken the critical paradigm of the 1960s and 1970s as their starting point, but have advanced and altered it in significant ways. These alterations have produced, I argue, different paradigms, and these different paradigms directly challenge the foundations and first principles of positivism.

In this chapter I will delineate the ways in which poststructuralist and postmodern criminology challenges modernist (read: positivist) criminology. I have chosen to examine the poststructuralist and postmodern criminological paradigm specifically because it is, perhaps, the paradigm that takes the critical

criminology of the 1960s and 1970s to its farthest, and most logical, extreme, one not reached by the critical criminologists of the 60s and 70s. As well, this work advances, perhaps, the most sustained critique of the positivist paradigm, to date. In what follows, I will outline the assumptions that underlie the poststructuralist and postmodernist criminological position. The goal of this analysis is to demonstrate: (1) that positivist criminology is not free of paradigmatic challenges; (2) that a significant body of critical criminological work exists, with one such mode being poststructuralist and postmodern criminology; and (3), that as such, the most current period of criminology's development exists as a combination of certain aspects of Kuhn's paradigm period and period of crisis. In other words, criminology currently exists in a period in which the majority of criminological practitioners accept, and work within, the tenants of positivism, *all the while* significant alternative paradigms exist, each of which is competing for dominance in the study of crime, criminals, and criminal justice. For this period I have reserved the term *stage*.

### (7.2): Poststructuralist and Postmodern Criminology

Before we begin an analysis of poststructuralist and postmodern criminology, first a note on the concepts poststructuralism and postmodernism. Agger (1991), writing about theoretical developments generally, says that "[t]here is a substantial overlap between poststructuralism and postmodernism" (112). He writes that speaking about the two as separate and distinct entities implies that we can distinguish the boundaries between them. Such boundaries, he thinks, cannot be drawn, and he proceeds to use the two terms interchangeably. The

interchangeability of the terms is echoed in the poststructuralist and postmodern criminological scholarship. For instance, in an email from Ronnie Lippens (January 7, 2012), I was informed that Bruce Arrigo and Dragan Milovanovic were some of the select few criminologists who made up the ‘center’ of poststructuralist and postmodern criminology. These two recently edited a book titled *Postmodernist and Post-Structuralist Theories of Crime* (2010) for the Library Of Essays In Theoretical Criminology. Arrigo and Milovanovic (2010) claim that this book is a representative sample of the poststructuralist and postmodern-inspired “theoretical advances, emphasizing their relevance for and application to criminology” (xi). It is, I was further informed by Arrigo, also in an email, “a collection of previously published articles by colleagues around the globe whose published work applies the insights of continental philosophy [specifically poststructuralism and postmodernism] to core issues in criminology, law and society, and justice studies” (January 22, 2012). In their introduction, Arrigo and Milovanovic (2010) use the two terms interchangeably. They write, “[t]his introduction intends to draw the reader’s attention to the seminal ideas, struggles and luminaries that have formed (and continue to form) the heterodoxy of postmodernism and post-structuralism...” (xi); and they write, “[c]onvassing the intellectual history of postmodernist and post-structuralist thought - including their respective relevances for criminology - is beyond the scope of the volume’s brief introduction” (xi). There are, however, no attempts to differentiate the two terms. They are spoken of as if they were a theoretical amalgamation. Furthermore, throughout the course of their 514 page book, no explicit or implicit distinctions are made to distinguish poststructuralism from postmodernism,



suggesting that the use of one term implies the existence of the other. In what follows, I will take this approach and will use the two terms interchangeably.

### (7.3): The Foundations of Poststructuralist and Postmodern Criminology

Arrigo, Milovanovic, and Schehr (2005) suggest that several note-worthy texts and edited volumes currently exist that have applied poststructuralist and postmodern theory, or what they specifically term “French postmodern social theory” (xiv), to relevant themes in law, criminology, and justice. Polizzi and Arrigo have suggested that “perhaps some of the most rigorous and productive contributions [to criminology] have emerged from discussion within Continental Philosophy, including those insights traceable to... postmodern analyses” (2009: 114). The former authors say that this work is centrally concerned with implementing poststructuralist and postmodern thought, and the alternative lenses that it provides, to crime, law, and social justice, in order to establish new interpretations and ways of dealing with the complex problems that currently exist in these areas (xv). Further, Lippens and Van Calster (2010) note that “much effort has been made... to make use of poststructuralist inspiration” in criminology (9).

Proponents have advanced that the intersection of criminology with works of prominent French thinkers – Barthes, Baudrillard, Deleuze and Guattari, Derrida, Foucault, Irigaray, Kristeva, Lacan, and/or Lyotard<sup>22</sup> – has lead to a body

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<sup>22</sup> This is the list of theorists analyzed by Arrigo, Milovanovic and Scher (2005; 2000). It is not meant to be an exhaustive list. For example, a (non-French) thinker who could be justifiably added to this is Judith Butler, specifically her *Bodies That Matter* and *Precarious Life*.

of criminological work that fundamentally challenges the foundations on which positivism rests (Arrigo, Milovanovic, and Scher 2005; 2000). On the one hand, as we've seen, positivist foundations assume objectivity, neutrality, linear causal logic, the separation of the scientist and that which he studies, orderly social phenomenon, determinism, inductive reasoning, and grand, totalizing, and universal constants (Arrigo 1995: 465; Milovanovic 2000: 206; 1996). On the other hand, the framework from which poststructuralist and postmodern criminology works signals an epistemological break from this approach, producing what I perceive as a distinct, competing, and incompatible paradigm.

What differentiates the two paradigms are the ways in which they conceive of (1) the power of discourse and the theory of the subject, (2) objectivity, neutrality, and presuppositionless representation, (3) the logic of cause-and-effect, and, (4) the place of speculative and philosophical thought in criminological research. Their differing assumptions concerning these four issues lead to different ways of engaging in criminology. Below I will explicate the ways in which the poststructuralist and postmodern criminologist's alternative conceptions of these four issues have had an impact upon many of the central tenants of the positivist paradigm, and on the ways in which criminology is approached as a result.

(7.4): The Power of Discourse, Theories of Subjectivity, (and the Philosophy of Becoming)

Much of the dominant modernist (read: positivist) criminological literature posits a split between social structure and the 'individual' (Milovanovic 1997: 4),

a split reiterated within what is otherwise known as the structure-agency debate. Currently in vogue are conceptions of criminology and law that borrow heavily from the work of Durkheim, Weber, Parsons, and Merton (Arrigo 1995: 452). On the one hand, proponents of the structure side presume the existence of an external (for example, capitalism) or internal (for example, genetic predisposition) structure, which is thought to be, more or less, the cause of an individual's action(s). On the other hand, proponents of the agency side are inclined to view free will as dominant, and overarching structures as less *effective*. In their view, structures fail to limit an individual's ability to act, therefore failing to limit the individual's agency. As such, agency is the prime mover<sup>23</sup>. That which undergirds this debate is an understanding that these structures are orderly and stable, centered and fixed, and that the subject is an essential, fixed, and centered entity<sup>24</sup>. The poststructuralist and postmodern-inspired criminology, on the other hand, is based upon theories of change, de-centeredness, emergence, and the lack of essences (Henry and Milovanovic 2000: 1991; Milovanovic 2000; 1997; 1996;

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<sup>23</sup> Crewe (2009) notes that this is a fundamental (albeit problematic) distinction – the structure agency debate – founding criminologies, and “this is the distinction we teach to undergraduates” (12). Holdaway and Rock (1998) suggest that the ideas taught to undergraduates “seem to have a lasting effect,” influencing the direction of their future work (131). This is problematic, then, in that what is taught may be poorly conceived, and this poorly conceived idea may persist in students' future work.

<sup>24</sup> Descartes' famous ‘I think therefore I am’ was once the ultimate expression of the (‘being’) subject, the centered and whole subject. As we will see, this formulation has been recast by Lacan, whose poststructuralist re-presentation illustrates the de-centered, non-essential, subject. Lacan wrote, “I think where I am not, therefore I am where I do not think” (Lacan 1977: 166, cited in Arrigo 1995: 457). Lacan's formulation is representative of the way in which poststructuralist and postmodern criminologists think of the subject. They have, as Lippens and Van Calster wrote, and as will be thoroughly examined shortly, “largely dissolved the boundaries between the subject and the self,” on the one hand, and the subject and “their environment” on the other (2010: 8).

Arrigo 2001; 1995; Arrigo, Milovanovic, and Scher 2005; 2000). Criminology approached from the latter paradigm challenges the basis of this traditional debate.

Henry and Milovanovic's *Constitutive Criminology* was a turning point in criminological thought, after which the discipline saw the emergence of a significant amount of poststructuralist and postmodern work (Lippens and Van Calster 2010). In fact, Howe (2000) imbues *Constitutive Criminology* with "the dubious distinction of fathering postmodern criminology" (222). In this book Henry and Milovanovic outline the ways in which *de-centered* subjects are constituted by the surrounding structures and discourses, while also constituting the discourses which structure and/or constitute subjects.

Constitutive criminology, then, is concerned with identifying the ways in which the interrelationships among human agents constitute crime, victims, and control as realities. Simultaneously, it is concerned with how these emergent realities themselves constitute human agents (Henry and Milovanovic 1991: 295)

Until this theoretical intervention, argue Henry and Milovanovic, criminological theory ignored any sense of an integrated whole; the structure and the agent had been conceived as separate entities. While they note several of the efforts that attempted to overcome the structure-agency dichotomy, they argued that all such efforts nevertheless uncritically "accepted that the power relationship flowed one way, monolithically and asymmetrically." (296). Further, they argue that these efforts "reified the human subjects by giving priority to their discourse as though discourse somehow operated independently of those using it" (296). They suggest instead a co-determining relationship between discourse and the subject. Rather than positing a relatively stable and orderly social order with distinct spheres of

operation, that is, between structural and controlling features that act upon human agents, and which are distinct from the centered subject, what has been posited here is a criminological theory of the interrelationship between discourse and the subject, and the subject and discourse. The subject loses its assumed centeredness in favour of a subject in a process of *becoming*.

The becoming subject is a subject in flux, one that is, potentially, re-emerging and incessantly re-making itself, always capable of becoming something other than it is. Poststructuralist criminologists George Pavlich (2001) attempts to describe the becoming subject by recourse to one of Nietzsche's formulations of the will to power. That formulation is as follows.

The victorious concept 'force,' by means of which our physicists have created God and the world, still needs to be completed: an inner will must be ascribed to it, which I designate as 'will to power,' i.e., as an insatiable desire to manifest power; or as the employment and exercise of power, as a creative drive (The Will To Power Book 3 #619),

Following Nietzsche, Pavlich (2001) describes this subject as life-affirming, as putting things together in different ways relative to their original assemblage. The subject does this through "relentlessly calculating new forms of being... rearranging sign constellations and practices to allow new life to emerge" (2001: 366). By interpreting life as a constant interruption of the ordinary, as a constant 'creative drive,' a becoming life is, then, a process "that opens a given present to the possibility of becoming otherwise, thereby affirming the creative search for new life forms... to think beyond the limits of present force relations" (372).

Insofar as the subject is capable of 'affirming-life' and of ceaselessly 'calculating new forms of being,' the subject posited by poststructuralist and

postmodern criminologists lacks a true essence. In fact, given this, the only way that one can speak of a subject at all<sup>25</sup> is by speaking about a subject whom has emerged from within a *discourse*, or *discursive frame*<sup>26</sup>. Put in another way, a subject does not and cannot exist outside of discourse; the subject *is* only insofar as the subject is interpellated by discourse and comes into existence located within a particular discursive position or frame – the subject emerges, forms, and comes into being by way of discursive ‘interpellation,’ understood in the Althusserian sense<sup>27</sup>. That is, poststructuralist and postmodern criminologist’s conception of the way in which the subject emerges through discourse (what I have termed, borrowing from Judith Butler (1993), discursive interpellation) is analogous to the interpellation of the subject by the hailing police officer. That which hails is discourse (or in more sociological terms, a ‘discursive *structure*’)<sup>28</sup>, and the subject is, therefore, conceived as *entirely* a product of his external environment – as the product of external discursive interpellations.

While the socially constituted nature of the subject is an important aspect of the poststructuralist and postmodern criminologist’s conception of the subject,

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<sup>25</sup> Given that a becoming subject is, theoretically, entirely ephemeral, transient, and contingent.

<sup>26</sup> As noted by poststructuralist criminologists Arrigo (1995), Milovanovic (2000; 1997; 1996), Henry and Milovanovic (2000; 1991), Arrigo, Milovanovic, and Schehr (2005; 2000), Arrigo and Milovanovic (2010), Pfol and Gordon (1986), Crewe and Lippens (2009), Pavlich (2001; 2000), and Lippens (2008), among others.

<sup>27</sup> In Althusser’s example, a subject is interpellated by a hailing police officer who screams out towards the subject, “Hey, you there!” In this moment, upon hearing the scream, the subject exists as a subject of the law.

<sup>28</sup> For criminologists of this paradigm, I interpret their conception of the becoming subject as analogous to the subject described by Judith Butler in *Bodies That Matter* (1993). Butler (1993) writes, “discourse is the ability to materialize a set of effects” (188), those set of effects being, in this instance, the materialization, or creation and/or emergence, of the subject.

what makes the position truly radical is the way in which these criminologists view the role and emergence of discourse, or structure. Whilst, as many have demonstrated<sup>29</sup>, the poststructuralist subject lacks an essence and is produced in and through discourse, poststructuralist criminologists such as Henry and Milovanovic (2000; 1991), Lippens (2008), Arrigo, Milovanovic, and Scher (2005; 2000), among others, advance that the discourse through which the subject emerges is, perhaps counterintuitively, itself created by the subjects the discourse/structure creates. Put differently, a discourse/structure requires the subject that it creates, in order to exist; what is more, the subject requires the discourse/structure that it creates, in order to exist. Therefore, discourse/structure and the subject are *necessarily* interrelated.

One final note, before our discussion of the ways in which this impacts upon the structure-agency debate, concerns agency itself. According to practitioners of the poststructuralist paradigm, if the subject exists only insofar as he has emerged from within a discursive frame (or, has been discursively interpellated or externally/socially produced), and if agency exists only insofar as a subject exists<sup>30</sup>, then agency exists only insofar as discourse has brought it into being. Agency and discourse/structure, too, are necessarily interrelated<sup>31</sup>.

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<sup>29</sup> Arrigo (1995), Milovanovic (2000; 1997; 1996), Henry and Milovanovic (2000; 1991), Arrigo, Milovanovic, and Schehr (2005; 2000), Arrigo and Milovanovic (2010), Pfohl and Gordon (1986), Lippens (2008), Pavlich (2001; 2000; 1997), Pizzoli and Arrigo (2010), among others.

<sup>30</sup> A premise which I suggest is necessarily true – for *what* would have agency, or free will, if a subject was not present? Agency requires a subject, as agency *is* by definition the ability of a subject to choose.

<sup>31</sup> The poststructuralist and postmodern criminologists' position concerning agency is, in my interpretation, sufficiently demonstrated by Butler in *Bodies That Matter*. She notes that not any action is possible within a given order of discourse.

What this position amounts to, then, is the blurring of the separation between structure and agency, and ultimately the blurring of the structure-agency debate. The poststructuralist and postmodern position advances that the subject lacks a true essence, and is constituted, entirely, through discursive structures. Moreover, it advances that the discourses and structures, within which the subject emerges, is, on the other hand, created entirely by the subjects in question. The paradigm, as a result, challenges one's ability to speak about an overarching structure/discourse which unilaterally *determines* the subject of criminology, as well as challenges one's ability to speak about stable and determining structures/discourses. This leads to, ultimately, the rejection of the traditional modernist debate about which is more paramount, agency or structure, for a conceptions of the subject and the structure/discourse which are neither more or less important than the other – since they are necessarily tied– and which are all subject to potential alteration. To borrow a term from Deleuze and Guattari (1984/2004), poststructuralist and postmodern criminologists conceive of discourse, structures, culture, society, and the subject as existing in a state of pure potentiality – that is, historically contingent materializations that can change. In

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The discourse materializes its effects by “circumscrib[ing] the domain of intelligibility” (188). Discursive interpellations can be thought of as producing boundaries within which the subject may act. It is from acting within this possible range of positions that agency is produced, but the range of possibilities is, still, a *range* with definitive end points. This is why Butler writes that discourse “must be understood as complex and convergent chains in which ‘effects’ are vectors of power” (1993: 188). Discourse, or, “the historicity of discourse and, in particular, the historicity of norms (the ‘chains’ of iteration invoked and dissimulated in the imperative utterance) constitute the power of discourse to enact what it names” (188). Discourse is that which hails agency into being, but it also directs the direction of agency. Discourse is, then, as Foucault wrote in “The Subject and the Power,” power to the extent that its acts upon one's ability to act. To an extent, discourse is the ability to control one's ability to self-control.



other words, as Lippens (2008) notes, if it is true that subjects and culture exist in a state of indeterminacy (or what he calls *radical freedom*), then “precariously little in law and morality is based on rock-solid foundations, or on unshakable, divine, or ultimate authority... [T]he same might be the case with official discourse and institutional practices” (148).

#### (7.5): Objectivity, Neutrality, Presuppositionless Representation

In this section, I will discuss the ways in which the poststructuralist and postmodern criminologists’ assumptions about discourse and subjectivity challenge positivist notions of objectivity, neutrality, and presuppositionless representation.

Central to the positivist position is the idea that scientific research reflects an ultimate, objective, and universalizing fixed reality, free of any value positions. Perceiving the subject and discourse/structure as they do, poststructuralist and postmodernist criminologists reject these premises. Viewed from within a poststructuralist lens, the subject, by nature, is an entity that emerges in and through a particular discursive position. As such, the subject’s very existence is positional, dependent on the discursive space through which it emerges. In view of this, *value-neutrality* is an impossible feat, as one would always be subject to a particular view, by way of the nature of a subject’s existence. In short, viewed from within the poststructuralist paradigm, subjects imply positions, and these positions will determine the nature of what is knowable and what is known (Geselthorpe 2002; Heidenson 2002). The logical extreme of this position, posing a radical challenge to the positivist paradigm, is that while reality ‘exists,’ it

cannot ever be known outside of one's perspective, position, or worldview. It is, then, *always* subject to a *distortion* of sorts by way of the perspectives, biases, etc., that the subject producing the knowledge possesses (Bessant 2002; Geselthorpe 2002; Heidenson 2002).

On top of what criminologists working from within the poststructuralist paradigm view as the impossibility of value-neutrality, they also suggest (by way of the assumption that the subject and the discourses/structures are interrelated) that the subject is active in shaping the state of, culture and society. If criminologists working from within the positivist paradigm assume the existence of objective social facts, and of structures and discourses that exist apart, or separate, from the subjects, poststructuralist criminologists advance that, first, objective social phenomena such as, for instance the criminal, or crime, are discursive productions rather than objective social facts, and second, that the idea of an objective social facts loses its contemporary meanings. This is because a poststructuralist criminologist advances that what is termed social fact is not an entity that exists apart from the subject studying it. Rather, the subject plays an active role in the development of that fact. Knowledge of the fact, then, as Arrigo has written, is far from neutral and objective. It is, rather, "provisional and relational; that is, logic is local, not global; meaning is contingent, not certain; understanding is fragmented, not complete; truth is a departure, not an arrival" (1995: 461).

In sum, viewed from within the poststructuralist and postmodern paradigm, criminological research is not possible from a value-neutral position, the structures/discourse under study are socially constructed, and, by virtue of the

fact that the subject (the scientist) and that which he studies are interrelated, social fact, as conceived of through the positivist paradigm, is positional, local, biased.

#### (7.6): Linear Causal Logic

In this section, I will discuss the ways in which the poststructuralist and postmodern criminologists' worldviews concerning discourse and subjectivity challenge the positivist assumptions about cause and effect linear logic.

Modernist causal linear logic is premised upon linearity, proportionality, certainty, and predictability. Further, it assumes that effects of a particular cause or causes are knowable, possible, and accurate. As Milovanovic states, “[m]odernist thought would assume that given some incremental increase in some identified cause or determinant, a proportional and linear increase in the effect will result” (1997: 19). These notions are challenged when viewed from within the poststructuralist and postmodernist paradigm. Rather than view developments as linear, certain, and predictable, poststructuralist and postmodern criminologists, such as Arrigo (1995), Milovanovic (2000; 1997; 1996), Henry and Milovanovic (2000; 1991), Arrigo, Milovanovic, and Schehr (2005; 2000), and Arrigo and Milovanovic (2010), among others, suggest that, given the constitutive and non-essential nature of discourse, structure, culture, and the subject, development proceeds in a non-linear, un-certain, and non-proportional fashion. For instance, Milovanovic (1997) states that “small changes can produce large effects... [That o]therwise small contributions [may] have profound possibilities. [And that y]es,

one ‘small’ person’s actions can make a difference!’ (20)<sup>32</sup>. As such, from within the poststructuralist paradigm, it is entirely possible to view as a cause something which produces different effects when applied to the same phenomenon at different moments in time. Moreover, in a similar way to the way in which Kuhn posits the trajectory of science, criminologists working within the poststructuralist paradigm view the development of phenomena as advancing in a fashion that is *not necessarily* linear – this is due to its non-essential nature. Finally, given that working within this paradigm allows for the possibility of non-linear development and random causality, predictability, as such, does not necessarily follow. In fact, non-predictability would be a common feature of the criminological world if viewed from within the poststructuralist and postmodern paradigm.

#### (7.7): Philosophy and Speculation

Finally, many of these conceptions are possible only by means of philosophical speculation, that very thing which mainstream criminology posits as improper criminology. The positivist paradigm succeeded and replaced the pre-paradigm period of philosophical, and theological, speculation. It demanded that criminology proceed by recourse to the scientific method, leaving behind philosophy and speculation, for only that which is “strictly testable” (Shearing 1998: 12). The positivist position advances that if criminologists cannot measure, quantify, and observe it, then it is not (1) scientific, (2) criminological, and (3) worthy of consideration.

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<sup>32</sup> An often cited example in the criminological literature is a butterfly that flaps its wings in Eastern Asia causing a hurricane somewhere in the Americas (Milovanovic 2000; 1997; Young 1992).

Poststructuralists and postmodernists advance that the problem with positivism is that it is very much premised upon a worldview, upon presuppositions, and upon theories, such that one might call the positivist position a philosophy. By rejecting the applicability of speculative philosophy, poststructuralist and postmodernist criminologists have argued (Shearing year) that positivism rejects the ability of any alternative paradigm to ever gain legitimacy.

#### (7.8): Discussion/Recap

Significant intersections have been made between poststructuralist and postmodern tenants, foundations, and assumptions on the one hand, and criminological research on the other. An extensive examination of the various poststructuralist and postmodern criminological applications is beyond the scope of this project, as this thesis has been concerned with the analysis of paradigms, and therefore, of 'foundations' and 'first principles.' Some interesting applications include, however, Murray's (2007) application of Deleuze and Guattari's conceptions about the productive forces of desire to a theorization concerning the origins of law. She attempts to demonstrate that law did not, in fact, originate in "a founding violence or mythical contract," contra Hobbes, but out of the territorialization of one's desire, which proceeds what Deleuze and Guattari call the *refrain* - the refrain being that moment when *images of thought* are made possible, and which, they argue, occurs when one experiences a "repeated and consistent relation between a few heterogeneous matters of expression, that for a few moments allow the animal to abstract itself from the fully actualized moment,

and to establish a calm *centre* in the midst of chaos” (Murray 2007: 138). She argues that it is, ultimately, this moment experienced that allows for the “images of thought” to emerge. The images of thought provide the basis through which territorialization of desires is possible, and it is this which leads to the emergence and origins of a territorializing law. Thus, law emerges from the territorialization of desire. Others include Pavlich’s (1996) application of the Foucauldian techniques of the self to alternative mediation procedures. He argues that these procedures produce a particular order of discourse within which subjects are expected to emerge. He argues that this procedure is demonstrative of Foucault’s techniques of the self insofar as one must actively self-change so as to fit within the particular discursive frame operative within the mode of alternative mediation in question.

The point of this analysis has been to show that, contrary to what we have discovered as being implied by the proponents of the positivist paradigm, critical criminologies, and therefore alternative and competing criminologies, do indeed exist at this current juncture in time. While positivist practitioners suggest that the current state of criminology exists in what Kuhn has termed a *paradigm period* – a period in which positivism, and its foundations and first principles, is universally accepted, in which alternative paradigms fail to exist, and in which science proceeds normally – the above discussion has demonstrated this false<sup>33</sup>.

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<sup>33</sup> As was already discussed on pages 84-86, I speculate that (1) the aforementioned positivist have *chosen* to omit reference to alternative paradigms and therefore are, in fact, aware of the existence of these alternative paradigms, and (2) that the reasons for this omission is to engage in a *defensive attempt to marginalize the challengers by not granting them any serious recognition*. As such, while it is likely that positivist practitioners don’t perceive poststructuralist

One must surely concede that positivism is the paradigm to which the majority of criminologists today are committed. But it is false to advance that this final historical period of criminology exists in a paradigm period. There are, for instance, numerous alternative and competing paradigms that exist, poststructuralist and postmodern criminology being one such competing paradigm, and these paradigms are incompatible with positivism, as well as in direct competition with it. While normal scientific research does indeed proceed within positivist criminological circles, the factions of criminologists who work from within alternative worldviews are committed to any criminology *other* than normal science. Theirs is work that challenges the foundations and first principles of positivism; and theirs is work that brings debate over theory and assumption to the fore. In fact, these factions that exist in the current period of criminology exist in a state that closely resembles a crisis period – a state of challenges, debates, unrest, insecurity.

I conclude from this that this latter period of criminological development, that period which began in the late 1970s and early 1980s and which continues into the present, that period which has succeeded and replaced the period of crisis in the 1960s and 1970s, is a period that exists as a combination of certain aspects of Kuhn's *paradigm period* and *period of crisis*. A widely accepted paradigm exists, to be sure, and that paradigm is positivism. But it does not exist unchallenged, as paradigms do within paradigm periods. Crises exist at the fringes

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or postmodern criminologists, or any other current alternative paradigm for that matter, as threatening, I speculate that the positivist's decision to engage in a discursive exclusion is a proactive attempt to denigrate the challengers, in case they are forced, in the future, to engage with the challengers for paradigmatic dominance in criminology.

of the discipline, where the foundations of positivism are ceaselessly debated. Due to its failure to exist within one of the periods depicted by Kuhn in his historical model, and due to my argument that it nevertheless proceeds in a similar way to the ways in which Kuhn advances his periods proceed – that is, as an intelligible period which *supplants and replaces*, punctuated by periods of crisis – I have therefore reserved the term *stage* for criminology’s fourth, final, and most recent period. Thus, I invoke the term *stage* as a looser description of the state of things, a description which allows us to define a period characterized by a combination of two of Kuhn’s periods as a unified and intelligible period. By allowing us to do so, we can advance the argument that this combination period, or this *stage*, replaces and supplants criminology’s state of crisis of the 1960s and 1970s. This is the last period of criminology’s historical development.



## Chapter 8

### (8.1): Conclusion

In this thesis I examined the historical development of criminological thought and theory. I argued that criminology's history generally follows the structure of history advanced by Thomas Kuhn in his *The Structure of Scientific Revolutions*. As such, I argued that the history of criminological development is a history of successive periods, punctuated by periods of crisis. It's history is therefore a history of successive period breaks.

Criminology's historical development is characterized by four successive periods, which are as follows: (1) a pre-paradigm period in which at least three different paradigms exist, and which are in competition for dominance in the field; (2) a paradigm period characterized by the dominance and universal acceptance of positivism by the scientific community of criminologists; (3) a period of crisis in which critical criminology, an alternative paradigm, successfully challenged the positivist paradigm, and pushed the discipline into a state of crisis; and (4) a period characterized by, on the one hand, the triumph of the positivist paradigm over its challengers, and by alternative paradigms which, relegated to the fringes, nevertheless incessantly challenge the foundations and first principles of the positivism paradigm. My one caveat is that we view the fourth historical period of criminology as a *stage*, a term invoked in order to extend the limits of Kuhn's model and to develop it further.

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