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## Book Reviews

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## BOOK REVIEWS

## REVIEW ARTICLES

### SOME THOUGHTS ON THE NEW CRIMINOLOGY\*

DENIS SZABO \*\*

Because of the increasing number of scientific publications, many good books have to wait as long as three years before being reviewed in the journals. It is significant that this book, on the contrary, has received several critical reviews in the few months following its publication.<sup>1</sup> Why this ultra-critical tone? This is easily understood after reading Alvin Gouldner's preface, in which he insists that the cards be laid on the table. The authors' intention is to break the conspiracy of silence maintained by generations of criminologists described as *traditional*, "by launching a deliberate discourse concerning the general social theory usually only tacit in specialized work on crime and deviance" (p. ix) and "by liberating technical 'topics' into a newly enlivening, larger, more reflexive critique" (p. x). The introduction—it would be more accurate to say the reintroduction—of criminological studies into general sociological discussion had to occur sooner or later. This isn't always a purely theoretical operation. It directly affects criminological practice by emphasizing the necessity of accepting "the reality of deviance, that has a capacity to explore its *Lebenswelt* without becoming the technician of the 'Welfare' State and its zoo-keepers of deviance" (p. xiv).

After the critical and liberating mission of the book was announced, the authors then take

\* A review article of *THE NEW CRIMINOLOGY: FOR A SOCIAL THEORY OF DEVIANCE*. By Ian Taylor, Paul Walton and Jock Young. New York: Harper & Row, 1973. Pp. xiv, 325. \$3.95. Because of the heated debate this controversial work has provoked, two review articles appear in order to provide differing perspectives.

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<sup>1</sup> The following book reviews were severely critical: Beylvefeld, Hirst, and Phillipson, 13 *BRIT. J. CRIM.* 394 (1973); Currie, 9 *ISSUES IN CRIMINOLOGY* 133 (1974); Turk, 3 *CONTEMPORARY SOCIOLOGY* 217 (1974).

on the difficult task of summarizing and criticizing the corpus of criminological tradition.

The first two chapters constitute the entrance into the subject matter with "Classical Criminology and the Positivist Revolution." Beginning with Beccaria, the authors analyse the positivist reaction which the classical school of penal law gave rise to at the end of the 19th century. Continuing on to Lombroso and Ferri, they proceed to a strong criticism of contemporary authors whom they situate in the positivist tradition: Eysenck and Trasler, among the psychologists; Tappan, Wilkins, Sellin and Wolfgang among the sociologists. The connection between the scientific theory and the social attitudes of the researchers is clearly shown.

Chapter III, devoted to Durkheim, is presented as a break with "analytical individualism." In fact, the French sociologist was the only one, among the outstanding founders of sociology, to concern himself with an explanation of crime as a social phenomenon which is part of the total social phenomenon. This first general theory of the sociology of crime and deviance, which was at the basis of the structural-functional school which dominated sociology almost until our time is judged insufficient by the authors because, while representing a healthy break with the analytical individualism of the positivists, this was brought about "at the expense of erecting an incomplete picture of society, and, in particular, at the expense of ambiguity over the questions of rationality, purposiveness and socialization in divided societies" (p. 90). It is true that Durkheim was fundamentally a rationalist and even something of an organicist with his insistence on the supremacy of the collective conscience over the individual conscience.

The theoretical breakthrough of Durkheim

finally encouraged the development of a series of sociological studies on criminality, mainly in the United States. Merton made the most important contribution in reformulating the theory of anomie developed by Durkheim in connection with the etiology of suicide. The interactionist trend was represented by Sutherland and his disciples as the successors of Durkheim and based itself on the social psychology of Mead. This trend produced a growing interest dating from the middle of the sixties in the wake of Albert Cohen; Becker, Kitsuse, Lemert are examined and criticized.

In the opinion of our authors, all this research lacks a coherent theory of "Deviance." It does not take into consideration the power structure and interests. They note that a "relevant theory of deviancy must treat the causal variables—motivation and reaction—as determinate and as part of a total structure of social relationships. "[W]e see that the institution of private property, in a stratified and inequitable society, divides men from men as owners and non-owners. It is in the light of this division that the activities of thieves, police, magistrates and property—owners become explicable" (p. 170). A whole series of "deviant" conduct, that of thieves, industrial spies, student rebels, cannot be satisfactorily explained in the interactionist perspective. It lacks, "a detailed social history of the constraints, aspirations and meanings which inform and activate the actors" (p. 170). In the same way that the theory of differential opportunities hardly explains the phenomenon of black militancy, interactionism falls short of an explanation of behavior caused by global structural data. Our authors now propose to consider "a structural sociology on the one hand (a sociology competent to deal with power and interest) and a sociology of motivation on the other (a sociology that can account for the way in which individuals give meaning to their acts)" (p. 171).

In the chapter given over to American naturalism and phenomenology, the contribution of ethnomethodology is examined in the work of Matza. Epistemological concerns naturally dominate this chapter: what is the exact nature of the phenomenon called "deviance?" The writing of Garfinkel, Cicourel, Sacks, etc. are critically evaluated and our authors conclude

that this sociology of daily life is "to be located within higher order life-plans. It is precisely these normative life-plans, world views, or ideologies which constitute the cement which provides the beliefs necessary for the maintenance of social system . . . Life is not a game and only certain beliefs will sustain specific social systems" (pp. 207–208). Finally, "the differential availability of accounts to members is something which ethnomethodology cannot and does not study, yet it is precisely this problem which is at the basis of the distribution of motives which inform deviant behavior. . . . [I]n bracketing away the question of social reality, it does not allow of any description of the social totality we assert to be productive of deviance" (p. 208). If the ethnomethodologists renewed the study of norms and values, the majority have not accepted a normative sociology.

Chapter VIII is devoted to Marx and Engels and to their disciple Bonger. The task of the authors is difficult because as they note, ". . . one of the most telling features of Marx's statements on crime is their a-typicality when compared to the vast body of orthodox marxism" (p. 219). It is Marx's general theory which allows us to deduce pertinent conclusions for criminology, rather than his specific remarks about crime. The following is their interpretation of this general theory: "a full blown marxist theory of deviance . . . would be concerned to develop an explanation of the ways in which particular historical periods, characterized by particular sets of social relationships and means of production, give rise to attempts by the economically powerful to order society in a particular way. . . . Who makes the rules and why?" (p. 220). Only such a theory supports their conclusion "that much deviance is in itself a political act, and that, in this sense, deviance is a property of the act rather than a spurious label applied to the amoral or the careless by agencies of political and social control" (p. 221).

At the end of this chapter the authors offer a Marxist approach to the strategy of criminological research: "It would start with crime as a human action, as a reaction to positions held in an antagonistic social structure, but also as action taken to resolve those antagonisms. It would . . . involve a model . . . of the

dialectics of human action, however, or for whatever reason they tend to be defined as 'criminal' in particular historical periods by the powerful. . . . It would proceed to understand the relationship of criminal action, and an understanding of its dynamics, to human liberation" (p. 236). Here, then, is the intellectual unity of the theory of action, the fundamental aspiration of all socialist thought. Crime results from a conflict between antagonistic forces, and only by its replacement in the fundamental conflicts which dominate the socio-economic structure of capitalist societies can a "correct" analysis of crime take place. Crime is the expression of the aspirations of the oppressed to contest or to shake off the yoke of their oppressors.

The last chapter deals with the "new conflict theorists:" Vold, Dahrendorf, Turk, Quinney, are placed in a post or neo-marxist perspective. The authors examine the contribution of this "school" with sympathy. Nevertheless, they are still inadequate, according to the demands of the new criminology. What is wanting is the most fundamental of the prerequisites of a general theory: the judicious evaluation of human conduct. For all of these authors, the criminal fact, the criminal himself, remains pathological, while our authors emphasize that "such a conception undermines or understresses an alternative view of men as purposive creators and innovators of action" (p. 267). "The conflict approach is in danger of withdrawing integrity and purpose—or idiosyncrasy—from men: and thus, is close to erecting a view of crime as a non-purposive (or pathological) reaction to external circumstances" (p. 267). According to our critics, everything remains too mechanistic, too deterministic: how does one keep acts and intentions authentic when interests so largely dominate motivation?

What is, then, the theory of the authors? We have had a foretaste in the quotation of significant passages of their critique of the theories of others. Let us examine their own. For them, "an adequate social theory would need to be free of the biological and psychological assumptions that have been involved in the various attempts to explain the actions of the men who do get defined and sanctioned by the state as deviant, and react against these defini-

tions, in different historical circumstances" (p. 268).

In addition, this theory must take into account "the forms assumed by social control and deviant action in 'developed' societies characterized . . . by the domination of a capitalist mode of production, by a division of labour involving the growth of armies of experts, social workers, psychiatrists and others who had been assigned a crucial role in the task of social definition and social control, and currently by the necessity to segregate out—in mental hospitals, prisons and in juvenile institutions—an increasing variety of its members as being in need of control" (p. 269). In a capitalist society, whether balanced by the socialist version of the Welfare State or not, all social control is part of the machinery of repression whose purpose is to maintain public order in the service of the interests of the governing class. Resulting from this, all "science" which is used toward this end has, objectively, an anti-social and repressive function.

Here, then, in some detail, is the approach suggested by the authors to satisfy the epistemological, methodological and the ontological demands of the new criminology:

1) "The theory must be able to place an act in terms of its *wider structural origins*" (p. 270). "The wider origins of the deviant act could only be understood . . . in terms of the rapidly changing economic and political contingencies of advanced industrial societies . . . the formal requirement is . . . a political economy of crime" (p. 270).

2) "*Immediate origins of the deviant act*. The formal requirement . . . is for a social psychology of crime: (which) . . . recognizes that men may consciously choose the deviant role, as the one solution to the problem posed by existence in a contradictory society" (p. 271).

3) "*The actual act*: The formal requirement . . . is for an explanation of the ways in which the actual acts of men are explicable in terms of rationality of choice or the constraints on choice at the point of precipitation into action" (p. 272).

4) "*The immediate origins of social reaction*: The requirement at this level is for an explanation of the immediate interaction of the social audience in terms of range of choices available to that audience. The requirement . . .

is . . . for a social psychology of social reaction: an account of the contingencies and the conditions which are crucial to the decisions to act against the deviant" (pp. 272-273).

5) "*Wider original of deviant reaction*": This is concerned with an "effective model of the political and economic imperatives that underpin on the one hand the 'lay ideologies' and on the other the 'crusades' and initiatives that emerge periodically either to control the amount and the level of deviance or else to remove certain behaviors from the category of illegal behaviors. We are lacking a political economy of social reaction" (p. 274).

6) "*The outcome of the social reaction on deviant's further action*": The requirement here is to see "the reaction . . . to rejection or stigmatization . . . as being bound up with the conscientious choices that precipitated the initial infraction" (p. 275). "The consciousness . . . would be seen as explicable . . . in terms of the actor consciousness of the world in general" (p. 276).

7) "*The nature of the deviant process as a whole*": All the facts must be present in the explanation of the facts of deviance, in a complete and dialectical interaction. "The substantive history of twentieth-century criminology is, by and large, the history of the empirical emasculation of theories which attempted to deal with the whole society, and a history therefore of the depoliticization of criminological issues" (p. 278).

Then new criminology should, therefore, be "a political economy of criminal action and of the reactions it excites, and . . . a politically informed social psychology of these ongoing social dynamics" (p. 279). "The new criminology must . . . be a normative theory: it must hold to the possibilities of a resolution to the fundamental questions, and a social resolution" (p. 280).

". . . A criminology which is not normatively committed to the abolition of inequalities in property and life chances is inevitably bound to fall into correctionalism. And all correctionalism is . . . bound up with the identification of deviance with pathology" (p. 281). For the authors, "crime is ever and always . . . behaviour seen to be problematic within the framework of those social arrangements: for crime to be abolished, then, those social ar-

rangements themselves must also be subject to fundamental social change" (p. 282).

The last paragraph of the book constitutes the final proclamation of faith: "For us . . . deviance is normal—in the sense that men are now consciously involved (in the prisons that are contemporary society and in the real prisons) in asserting their human diversity. . . . The task is to create a society in which the facts of human diversity, whether personal, organic or social, are not subject to the power to criminalize" (p. 282).

The preceding summary is by necessity schematic, and probably gives only a superficial idea of the richness of the theoretical insights, of the liveliness of the polemical arguments, of the obvious generosity of the moral inspiration which motivates the authors. I must say without equivocation that I derived great pleasure—mixed with a certain irritation and much uneasiness—in reading this book (twice, in order to do justice to this review). Taylor, Walton and Young place themselves in the iconoclastic tradition of Szasz, Michael and Adler, and Andreski. Andreski's recent work, *Social Sciences as Sorcery*, produced very similar feelings to those I felt when reading the best parts of the present book, even though the inspiration of the author stems from the side opposed to that of the protagonists of the new criminology. From the start, Taylor, Walton and Young adopt an ultra-critical position in considering not only traditional scientific criminology, but equally and perhaps more strongly in considering other new Marxist trends in criminology.

I have four main criticisms which I address to the author: the schematic nature of the argument, the assimilation of theory to ideology, the less than subtle holism and the utopian concept of the essential goodness and perfectibility of man. It follows that I recognize in advance my own guilt in the excessive schematization of my critique.

There is nothing strange in the fact that the critics whom we have quoted have paid the authors in their own coin: their reaction has been largely negative. But this reaction is not based solely on the hyper-critical attitude of our authors. In undertaking a total re-evaluation of the contribution of criminology to the contemporary theoretical discourse now taking

place in the social sciences, the authors have taken on a perilous task. It is true that criminological writing has been lacking in epistemological criticism, and they do make a distinguished contribution in undertaking the "sociology of criminology." But even though not everyone could construct so ambitious an epistemological study and critique, it still remains extremely schematic and arbitrary in the eyes of the specialist. Recent reviews of this book are totally justified in pointing out the inconsistencies and the simplifications of the authors in their treatment of such complex subjects and, in particular, their summary criticism of scientific neutrality. Like all polemicists, they dichotomize arbitrarily, thus lamentably impoverishing the subjects discussed and giving a false impression of rigor to what is really only a manifestation of a regrettable intellectual and moral Manichaenism. The same criticism can be levelled against each chapter: simplification and distortion of the arguments of the authors under discussion; large gaps in the documentation, which is evidenced in the arbitrary selection of the work criticized; and a permanent subordination of the finality of scientific investigation to the finality of normative and political action.

The authors' understanding of history leaves us perplexed. The ideas of Beccaria, connecting thread of judicial thought till our day, are treated a-historically. The reference to Angela Davis is immediate, the political contemporary context overwhelming. Saleilles analyzes with subtlety the confrontation between the classical school of penal law and the growing positivism. The benefit of an understanding of the historical perspective in which Rousseau, Montesquieu and Beccaria emerged seems scarcely apparent to our authors. Describing Tarde as a positivist (p. 17) is akin to describing Sir Karl Popper or Lord Bertrand Russell as idealists. One comes upon many of these contradictions, due to a too rapid, too polemical, too simplistic treatment of the facts which deserve, and which have received, more just and nuanced evaluations.

Let us recall that faith in reason and in science works against the arbitrariness of the brute force of absolutist regimes. Justified by an ultramontane theology, obviously teleological, the established system can be called into

question only by the proclamation of a free examination based on the authority of scientific research. Conjuring away the depth of the problems which emerge from a historical analysis, the simplism of the authors contributes little to a serious intellectual debate.

The deficiency which I felt most sharply was the absence of all reference to criminological practice and even to a concrete social policy. The authors' schematic pamphleteering always remains at such a level of abstraction and generality that none of the proposals appear to be testable or capable of being put into practice. As to the final plan proposed, which we have quoted, who could be against this? Still, when one gets down to details, one finds much to disagree with. Vague references to the connections between reformism, liberalism and capitalism cannot be substituted for a rigorous analysis describing the interaction between the different scientific ideologies and the socio-political, socio-economic and socio-administrative reality. This lack of examination of criminal policy as part of a social policy detracts greatly from the interest and the scope of the arguments. An analysis of the relationship between the objectives of the social policy of the New Deal, the Beveridge Plan, the social democratic governments of the Scandinavian countries, for example, remains to be done. Without such a study, the affirmations of the new criminologists remain gratuitous and are not intellectually acceptable.

The confrontation between ideology (because we are really concerned here more with this than with theory) and practice shows most vividly the shortcomings in neo-Marxism, as exemplified by the socio-political, judicial and criminological reality in the countries with Marxist-Leninist ideologies. Many works of a high degree of scientific, intellectual and moral credibility exist. They allow us to see how the majority of the theses advanced by the authors underwent an interesting test in reality since 1917. But where in the index, between the names of Lemert and Levin, is the name of Lenin, whose contribution to the theory and particularly the practice of Marxist justice is certainly noteworthy? It is not through the poignant writing of Jackson, Cleaver and others, emerging from the battles of American minorities and testifying in these writings to

terrible injustices, that one can understand the world described by Solzhenitsyn.

This reduction of the historical perspective to the smaller perceptions of the generation who grew up surrounded by the atmosphere of post—industrial society, of the Vietnam war and of the decolonization of the Third World, limits this book most severely. Following a well-known psycho-social mechanism, it will be read and applauded by those whose experience and socio-political sensitivity is similar to that of the authors. Like many other works (the best example being that of Reich's *The Greening of America*) it is the expression of a lightning-flash of the *Zeitgeist* without attaining and without contributing to the fundamental dialogue which man has been pursuing since the dawn of time.

For those who question the fundamental dialectic between liberty and constraint, order and change, right and wrong, vice and virtue, this book is of little help. The authors have been quoted extensively in order to do justice to their position. The quotation of several lines from Burke may be pertinent to their philosophy of liberty: "Men are qualified for civil liberty in exact proportion of their disposition to put moral chain upon their own appetites . . . ; society cannot exist unless a controlling power upon will and appetite be placed somewhere, and less of there is within, the more there is without. It is ordained in the eternal constitution of things that men of intemperate mind cannot be free . . . ."

The vocabulary has no doubt aged; one has certainly abused the "chains" which willingly or unwillingly man has imposed or which have been imposed on the exercise of his liberty. It still holds true, however, that Burke's principle merits the greatest attention on the part of those who are concerned with morality as the "science" of man.

Those who have chosen "science" in order to study and understand the deviant or criminal man will be little helped by the propositions of the new criminology. For them, nothing can replace the rigorous process which

consists of testing the ideas and the practices in a standardized and systematic manner, no matter what the method or the epistemology chosen may be.

The division of work between politicians and scientists, moralists and metaphysicians and between bureaucrats and intellectuals was obtained at the cost of great sacrifices, requiring the imposition of a long catalogue of safeguards. But the direct and immediate subordination of all means to ideological imperatives has produced nothing but socio—political regimes where intolerance reigns supreme and where it is not easy for free and responsible men to live. Modern history presents eloquent examples which illustrate these facts. These reminders are in everyone's memory and should certainly be in that of the generation which has lived through Watergate.

Finally, those who are concerned with deviancy whether by vocation or by necessity run the risk of seeing their frustration exacerbated by this book. The moral conscience of man does not reduce to a simple reflection of the political fights of the day. It would be much too simple to understand and to act on deviant conduct in terms of ideological engagement and direct political action. The forces of evil are truly to be seen at work in history and in the spirit and in the heart of man. To accept this fundamental fact of the human condition, to acknowledge the possibility of defeat as well that of victory implicit in the very principle of our liberty of action, is to demonstrate not only humanity but also humility.

The concrete manner in which man and society react to the triumph of evil obviously should be subject to constant and watchful criticism. Here, I think, lies the honour as well as the vocation of intellectuals: to proclaim the necessity of such criticism and to practice it without failure. But to claim the suppression of constant conflict between good and evil is to profess an inhuman, arrogant philosophy which leads to regimes which are tragic to the freedom of man.

## BOOK REVIEWS

### THE "OLD" AND THE "NEW" CRIMINOLOGY\*

CHARLES E. REASONS\*

"Frankly, I have been quite surprised by the negative emotional reaction that this book has received from people that I thought would be more tolerant in point of view. The discipline of criminology is not so rich in scholarship that it cannot benefit from alternative points of view and perspectives which appear promising." I generally agree with this comment made by the book review editor in his transmittal of confirmation regarding this review. The substantive area of criminology has increasingly become politicized with new paradigms arising to challenge traditional perspectives.<sup>1</sup> This has intensified ideological conflict and increasingly produced heated debates and polemical attacks.<sup>2</sup> *The New Criminology* is a significant contribution to the emerging polemic in criminological circles. This is not a fault of the work, for polemics or controversy and dispute are, or should be, a necessary aspect of science and intellectual affairs. The dialectic of positions and counter-positions stance and opposition is the essence of a revolutionary perspective of science and man.<sup>3</sup>

While ideology has been important in sociological work in general and criminology specifically, only recently has there emerged a criti-

\*This review article is also a critique of I. TAYLOR, P. WALTON and J. YOUNG, *THE NEW CRIMINOLOGY: FOR A THEORY OF DEVIANCE* (1973).

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<sup>1</sup> W. CHAMBLISS, *FUNCTIONAL AND CONFLICT THEORIES OF CRIME* (1974); REASONS, *Paradigm Conflict in Criminology*, in *CRIME AND DELINQUENCY: DIMENSIONS OF DEVIANCE* (Riedel and Thornberry, eds., 1975); REASONS, *The Politicizing of Crime, the Criminal and the Criminologist*, 64 *J. CRIM. L. & CRIM.* 471 (1973).

<sup>2</sup> C. REASONS, *THE CRIMINOLOGIST: CRIME AND THE CRIMINAL* (1974); MILLER, *Ideology and Criminal Justice Policy: Some Current Issues*, 64 *J. CRIM. L. & CRIM.* 141 (1973).

<sup>3</sup> T. KUHN, *THE STRUCTURE OF SCIENTIFIC REVOLUTIONS* (1970).

cal sociology and criminology. The work of the European Group for the Study of Deviance and Social Control, and the Union of Radical Criminologists, among others, portends increasing challenges to traditional studies of deviance and crime.<sup>4</sup>

*The New Criminology* is a product of three leaders of the European Group for the Study of Deviance and Social Control and has already elicited a great deal of commentary. Some have given it fairly supportive reviews, while others have declared it is a "perversion of scholarship" and ideological diatribe.<sup>5</sup> While I am not responding, like some reviewers, to comments upon my own work, I nonetheless am in general ideological and substantive agreement with the authors. Probably the essential significance of this book is noted in the forward by Alvin Gouldner:

The reorienting power of this work, and it is a work of power whose achievement does not depend upon merely marginal distinctions, derives from its ability to demonstrate that all studies of crime and deviance, however deeply entrenched in their own technical traditions, are inevitably also grounded in larger, more general social theories which are always present (and consequential) even as unspoken silences. What this important study does, then, is this: it redirects the total structure of technical discourse concerning "crime" and "deviance," it does this precisely by breaking this silence, by speaking what is normally unspoken by technicians, by launching a "deliberate discourse" concerning the general, social theory usually only tacit in specialized work in crime and deviance; by exhibiting explicitly the linkages between technical detail and the most basic philosophical positions (p. ix).

<sup>4</sup> The Union of Radical Criminologists now has a journal *CRIME AND SOCIAL JUSTICE* published at Berkeley.

<sup>5</sup> See TURK, 3 *CONTEMPORARY SOCIOLOGY* 217 (1974); QUINNEY, ROCK, and PLATT, *Feature Review Symposium*, 14 *SOCIOLOGICAL Q.* 589 (1973).

*The New Criminology* is an invaluable source-book for students of deviance and social theorists. It provides many examples of the linkage between seemingly disparate technical studies and their philosophical and social underpinnings. However, as shall become evident in the following discussion of specific chapters, it would have been more appropriately entitled *A New Look At The Old Criminology*.

In their first chapter the authors provide a good discussion of the philosophical basis of the classical school of criminology. They note that the free-will emphasis of the classical school and the determinism of the positivist school both withdraw "authenticity" and "rationality" from the criminal act itself (p. 7). However, during the rest of the work they fail to explicate "the authentic" approach and the rationality of crime as David Gordon, among others, has done.<sup>6</sup> While I agree with the authors that criminality is a continuous trait, positivistic analysis does set up cut-off points and typologies based upon more or less criminality. Both Poveda and Chapman have noted the investment criminologists have in such distinctions.<sup>7</sup> Chapman observes that:

The social sciences accept the stereotype of the criminal as a given, for to challenge it would involve heavy penalties. The penalties are to be isolated from the main stream of professional activity, to be denied resources for research, and to be denied official patronage with its rewards in material and status.

Regarding objectivity the authors state that:

Absolute objectivity becomes an impossible goal: facts do not speak for themselves. 'Facts' are a product of the work of those with the power to define what is to be taken to be factual and of the willingness of those without such power to accept the given definitions. The social scientist, it follows, makes choices from various paradigmatic universes; he chooses to exist in one 'factual' world or means of production, give rise to attempts by

<sup>6</sup> Gordon, *Capitalism, Class and Crime in America*, 19 CRIME & DELINQUENCY 163 (1973).

<sup>7</sup> D. CHAPMAN, *SOCIOLOGY AND THE STEREOTYPE OF THE CRIMINAL* (1968); Poveda, *The Image of the Criminal: A Critique of Crime and Delinquency Theories*, 5 ISSUES IN CRIMINOLOGY 61 (1970).

The implications of this statement are not pursued in their own writing. While the authors touch upon multiple realities and ideology, they fail to address such works as Mannheim's *Ideology and Utopia*, Kuhn's *Structure of Scientific Revolutions*, among others, and their significance for the theories and writers they discuss and the work of "The New Criminologists."

In an excellent discussion of the appeal of positivism (Chapter 2) they note the ideological strengths of positivist thought. In a humanistic vein, the authors assert that man is both the product and the producer of society contrary to positivistic assumptions.

In an extensive discussion of Durkheim's work, the authors make the case for his work as a break with positivism and "underpinned not only by a radical critique of individualization but also by a complex (nonpositivistic) image of man in an ordered society" (p. 71). For example, in discussing the "normal and pathological," they suggest that "a flourishing crime rate, then, is an indication of the anachronistic nature of systems and ideas of social control" (p. 80). Furthermore, a quite interesting derivation of three types of deviants in Durkheim's writing are presented: (1) the biological, (2) functional rebel, and (3) skewed. The biological is evident in the "normal" division of labor while the functional rebel and skewed deviant are manifest in "pathological" divisions of labor. The functional rebel, like Merton's non-conforming deviant,<sup>8</sup> challenges the legitimacy of the existing order, while the skewed deviant is inappropriately socialized in a "sick society," i.e., anomie and egoism. Finally, the authors state that "the most serious consequence of the emasculation of Durkheim's social theory in the work of many criminologists, has been the depoliticization of criminology" (p. 87). This provocative interpretation should stimulate further research on the classical issues and writers in social theory and their contemporary "relevance" to social thought and action.

A chapter entitled "The Early Sociologies of Crime" provides a critique of Mertonian anomie theory and its subsequent application. It is suggested that attention to the conformist

<sup>8</sup> R. MERTON and R. NISBET, *CONTEMPORARY SOCIAL PROBLEMS* (1971).

adaption would involve the problem of "explaining the legitimacy of authority in an imperfect society" and "it might also confront Merton with the fact that conforming people are few and far between in those positions in the social structure with minimal structural strain" (p. 98). However, the authors fail to clarify this point with examples of corporate crime, political crime and corruption, among others.

In spite of the many studies of anomie theory, there is still an aura of mysticism and reified obstruseness to it.<sup>9</sup> Anomie is a form of mystification which elevates power, politics and policies and men's action into some reified force which has descended upon society, i.e., anomie. The Chicago ecological work is indicted for its antiseptic, apolitical value-free approach. Cultural lag, zones of transition, social disorganization, were the "causes" of problems and not the action or inaction of men competing and in conflict in the day-to-day game called society, marked by differentials in power, resources, etc. As the authors' note:

Racism, delinquency, deviation and social problems are not simply the result of the activities and predispositions of what Gouldner called the 'mopping-up agencies,' they are intimately connected with the problems faced by the 'master institutions.'

In a chapter analyzing the societal reactionist school, the authors point out that the major significance of this writing is to demystify cruder structural approaches which fail to appreciate the social control agency as an independent variable. However, the societal reactionists are criticized for their relativism. "In the case of premeditated killing for personal gain, however, there is, of course, almost universal agreement on the deviant label" (p. 145). Is there really? What of premeditated killings in war, executions, etc.? The authors argue that it is clear to most people which actions are deviant and which are not deviant. However, the contextual, historical variations in the meaning of deviance suggest this is not necessarily the case. They fail to distinguish the broader concept of deviance from the more specific concept of crime which contributes

here and elsewhere to problems of interpretation.

Societal reactionists are also criticized for their lack of humanistic content, allowing for the deviant to be an actor and creator, not merely acted upon and created. "For us, in one sense at least, deviants are always rational creatures; like any other persons, they engage in choice and evaluation" (p. 156). This passage along with some others at this point, seem quite demeaning and somewhat condescending. It is like, as Jock Yong put it in an earlier article, we as the "Zookeepers of Deviance" are trying to create a sense of respect and dignity for these unfortunates while keeping them "caged" with such terms as deviant and criminal. Why accept the term deviant from the standpoint of the laws and/or the dominant moral/political order? Why not look at the deviance and crime of the rich and powerful and dominant social, economic and political institutions? While they note that the missing element in much of the study of deviance has been power, they fail to address this in their seven step model, particularly the nature of rule-making and the sociology of law.

The chapter dealing with naturalism and phenomenology is largely a review and critique of David Matza's work. They note that Matza's methodological prescription is to "tell it like it is." It might also be noted that the methodological prescription for this book is "be authentic." The authors suggest that the naturalistic perspective can lead us into the erroneous impression that the only true account of deviance can be given by deviants. In a positivistic bent they suggest that "[f]alse beliefs may motivate men but their causal and predictive efficacy must be challenged by the social theorists" (p. 174). Furthermore,

A considerable amount of deviant action is falsely-conscious in the sense that it is not fully conscious of its own constitution. The false view of society encouraged and propagated by the powerful is one of the constitutive features in the causal chain which encourages acceptance of a set of constraints which are not in fact necessarily eternal or unchangeable (p. 175).

It would seem, therefore, that we need to look at the diffusion of conceptions of society, crime

<sup>9</sup> M. CLINARD, ANOMIE AND DEVIANT BEHAVIOR (1964).

and criminal motivation and demystify and correct these to help men change their individual and collective fate. While Matza is criticized for not allowing for the possibility of "authentic" delinquent accounts, the authors seem unwilling to allow for deviant interpretations which are "false" and entail false consciousness. Of course, we, the students of deviance, will determine authenticity and false consciousness. The authors again lapse into an intellectual paternalism. "Subterranean values seem to deny the possibility of *genuinely deviant values*" (p. 187, my emphasis). Who is to determine their genuineness? Well, at least we will give this to "them"!

In their discussion of ethnomethodology, the authors note that they wrote their critique before talking to "insiders," and they subsequently were convinced there "is no necessary incompatibility between the work in the New Criminology and the work and discovery of micro-structural phenomena by ethnomethodologists" (p. 294). Would this have been the case had they talked to "insiders" from other perspectives? In discussing ethnomethodologists they note a problem: "[n]ow this is a problem common to all phenomenological inquiry, namely that our objectives in studying deviance are not the same as those members or actors whose actions constitute deviance" (p. 197). Why aren't they? What are our objectives in studying deviance? Why should we study deviance, particularly that of nuts, sluts, and perverts?<sup>10</sup> This issue is important not only for phenomenologists, but for all students of society.

In a discussion of Marx and subsequent "Marxists," they suggest that:

A full-blown Marxist theory of deviance, or at least a theory of deviance deriving from a Marxism so described, would be concerned to develop explanations of the ways in which particular historical periods, characterized by particular sets of social relationships and means of production, give rise to attempts by the economically and politically powerful to order society in particular ways . . . It would ask with greater emphasis the question that Howard Becker poses (and does not face),

namely, who makes the rules, and why? (p. 220).

While the need for sociological analysis of rule-making is of paramount importance, the authors largely fail to incorporate significant socio-legal studies into their work.

In a chapter on "new conflict theorists" they correctly note that the work of Turk and Quinney, among others, was largely a response to more recent events in the U.S. and the inability of existing theories to account for these events. Might this not also be the case for *The New Criminology*? The conflict theorists are largely indicted for really being order theorists.

A truly post-capitalist society is not, as in Darendorf and the new conflict theorists of deviance, a society in which there is simply a reorganized plurality of interests or a plurality of moral values and an ongoing readjustment of the power they wield: it is a society in which authority as such is divorced from the domination of men by men. It is also a society in which the power to criminalize—if not abolished—is made subject to a 'genuine,' rather than simply powerful consensus (p. 252).

How do we arrive at this society? What is necessary to create such a society with "authentic" relationships and "genuine" consensus? These issues are not addressed substantively in this work and will hopefully be forthcoming.

In their conclusion the authors begin to outline a basis for the new criminology. It must be able to cover and connect the wider origins of the deviant act, immediate origins of the deviant act, the actual act, immediate origins of social reaction, wider origins of deviant reaction, the outcome of the social reaction on the deviant's further action, and the nature of the deviant process as a whole. All of this is heavily imbued with a sense of the political economy of deviance in a capitalist society. These formal requirements of a "truly social theory of deviance" are given in spacious generalities with few specific substantive examples. How does this theory relate to the "real world" of men and action, e.g., Watergate, Northern Ireland, SLA, FBI, CIA. Wounded Knee, etc.? While the intellectual discourse is generally very good and at times brilliant, the relationship

<sup>10</sup> Liazos, *The Sociology of Poverty: Nuts, Sluts, and Perverts*, 20 SOCIAL PROBLEMS 103 (1972).

between the previous chapters and the "new criminology" seems totally divorced from the world of men, action, and power.

In conclusion, the authors state that:

We have, in other words, laid claim to have constructed the formal elements of a theory that would be adequate to move criminology out of its own imprisonment in artificially segregated specifics. We have attempted to bring the parts together again in order to form the whole (p. 279).

Nonetheless, Chapters 1 - 9 seem almost entirely divorced from Chapter 10, the conclusion. In fact, the conclusion should be the first chapter in another book entitled *The New Criminology*. Some glimpses of the role of the new criminologist and the nature of societal change necessitated are provided in the authors' final statements:

It should be clear that a criminology which is not normatively committed to the abolition

of inequalities of wealth and power, and in particular of inequalities in property and life-chances, is inevitably bound to fall into correctionalism. And all correctionalism is irreducibly bound up with the identification of deviance with pathology (p. 281).

"The task is to create a society in which the facts of human diversity, whether personal, organic or social, are not subject to the power to criminalize" (p. 282). This task will not be an easy one, for as Solzhenitsyn notes,

It is well known that any organ withers away if it is not used. Therefore, if we know that the Soviet Security organs, or Organs (and they christened themselves with this vile word), praised and exalted above all living things, have not died off even to the extent of one single tenacle, but, instead, have grown new ones and strengthened their muscles—it is easy to deduce that they have had constant exercise.<sup>11</sup>

<sup>11</sup> A. SOLZHENITSYN, *THE GULAG ARCHIPELAGO* 25 (1974).

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