

The image features a dramatic, high-contrast background. Two human faces are shown in silhouette, facing each other in profile. The background is a bright, fiery orange and yellow, suggesting flames or a sunset. The overall mood is intense and mysterious.

Communities, identities and **crime**

Basia Spalek

COMMUNITIES, IDENTITIES AND CRIME

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University of Bristol
Fourth Floor
Beacon House
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UK

Tel +44 (0)117 331 4054

Fax +44 (0)117 331 4093

e-mail tpp-info@bristol.ac.uk

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Introduction

This book is very much a product of contemporary theorising and discussion about the social and cultural processes taking place in liberal democratic societies. Many writers have attempted to capture the social, economic and cultural dynamics of contemporary western society, using words like risk, anxiety and uncertainty to describe a time of huge transformation from an earlier post-war 'Golden Age' of increasing affluence and full employment in Europe and North America. It is argued that social identities have become increasingly problematic and contestable in contemporary western society because traditional social affiliations, based on family or social class, have been increasingly eroded; moreover, rising individualisation, alongside the fragmentation of communities, has led to the self becoming a task that is under continuous construction. At the same time, contemporary democratic societies are marked by social differences in terms of ethnicity, religion, sexuality, age and so forth, and these differences can bring to crisis core tenets of liberal democratic states relating to notions of citizenship and individual rights, which themselves are under stress from factors such as globalisation and migration.

This book involves placing a critical lens upon the notions of identity and community, exploring the issues that these raise for a criminal justice context. Civil disturbances involving conflict between different 'racial', ethnic and/or religious groupings, such as those occurring in Birmingham, England, in 2005, which featured Black, and Pakistani and Bangladeshi, youth, illustrate the problems of disorder and violence that can arise from the formation and expression of resistance identities, which are generated by actors who perceive themselves to be in devalued positions. Moreover, a number of high-profile cases – including, for example, the racist murders of Stephen Lawrence in 1993 and Zahid Mubarek in 2000, and the homophobia-motivated murder of Jody Dobrowski in 2005 – illustrate further the significance of social identities when considering crime, victimisation and criminal justice. Indeed, the burgeoning 'equality and diversity industry' that is now endemic to the criminal justice system, and the focus given to community participation, engagement and dialogue, bear further testimony to the centrality of identity and community issues.

This book is also a reaction to a number of crises facing contemporary criminology. The seemingly close relationship between state apparatuses that inflict pain on vast numbers of people who are deemed criminal, and academic and research institutions that carry out state-sponsored work has led a number of observers to question the (moral) validity of criminology. At the same time, factors such as the pressure to raise research money and to publish journal articles in quick succession have helped to create a situation whereby there is a general lack of critical reflection in relation to the ways in which research is carried out on crime and victimisation, with there being little reflection about how criminological

knowledge production might marginalise the perspectives and voices of minorities, contributing to a suppression of social and epistemological difference. This book therefore consists of an attempt to broaden out criminological work, through a focus upon identities and communities. This book illustrates that, in taking a critical stance towards the notions of identity and community, this necessitates an exploration of sameness/difference, how researchers and policy makers can take account of the Other, those social groupings that are comprised of the delegitimised, marginalised and excluded, and raises questions about what counts as social justice, including whose perspectives are considered in criminal justice policy-making arenas. This introductory chapter will briefly set out a summary of the chapters that feature in this book, but firstly, a critique of contemporary criminology will be made as this provides the background context to *Communities, identities and crime*.

Criminology in crisis?

Questioning the (moral) validity of criminology

Critical perspectives are increasingly questioning the validity of criminology as a discipline or as a set of discursive practices. Researchers appear to be increasingly questioning the meaning of having a subject discipline such as criminology, where crime itself is a social construct and therefore has no ontological validity. Moreover, criminological work might be viewed as being complicit with state processes of criminalisation, which themselves involve the suffering of a large number of people, in particular those who are poor and marginalised:

Since its inception criminology has enjoyed an intimate relationship with the powerful, a relationship determined largely by its failure to subject to critique the category of crime which has been handed down by the state and around which the criminal justice system has been organised. (Hillyard et al, 2004: 18)

It seems that critical criminologists are increasingly questioning the morality of working within a subject discipline that narrowly only considers those social harms that are most easily labelled as crime by the state. Therefore it has been suggested that being engaged in criminological research can produce harms as this can involve supporting state agendas that consist of increasing criminalisation and control and ever-expanding criminal justice systems (Hillyard et al, 2004). The close links between criminology and the state were commented on over 30 years ago, when Taylor et al (1975) observed that the science of criminology was one of the most state-dominated branches of social science (in Carrington and Hogg, 2002). More recently, Scruton (2002) has highlighted how generous Home Office funding in the UK has led to burgeoning academic work consisting of

evaluation studies in relation to crime prevention strategies, government surveys and audits. Critical perspectives lament the decline of theorising, due in part to pressures placed upon academics to generate research money and the short-term thinking underpinning many research agendas.

Gelsthorpe (2006), in a plenary speech at the British Society of Criminology conference in Glasgow, raised the question 'What is criminology for?'. For Gelsthorpe, because criminology is a moral enterprise, there is a need for disciplinary reflexivity. That there is some questioning of the criminological enterprise is perhaps not surprising, given that reflexivity is a characteristic of late modern society, involving individuals, collective groups and/or institutions intentionally and rationally reflecting upon the part that they play in the perpetuation of identified social problems (Lash, 1994; McGhee, 2005). The extent to which criminology has, or ever can have, a normative project is therefore questionable, where normativity might be defined as 'a system of thought and belief which is concerned in some way to improve society' (Dodd, 1999: 2). Therefore, the question of abandoning criminology altogether has been raised because of its inadequate focus upon law, crime and criminal justice, this focus essentially helping to reproduce a skewed criminal justice system based on class (Hillyard et al, 2004).

Some critical researchers are arguing that a focus on social harm rather than crime might be more beneficial, where a social harm perspective might be viewed as one that moves beyond the narrow confines of criminology to look at harms that people experience, whether those harms are defined as crime or not (Hillyard et al, 2004: 1). In focusing upon social harm rather than crime, researchers are asking broader questions about how, in an unequal society where criminal justice cannot be guaranteed, social justice might be achieved. Social justice might be viewed as people enjoying full citizenship, in terms of the civil, political and social (Marshall, 1950, in Cook, 2006). However, full citizenship may be unachievable for individuals belonging to minority groups due to wider social structures of inequality (Cook, 2006). It might further be argued that in taking a social harm perspective this necessitates an acknowledgement and inclusion of social identities, and minority groups in particular, as these will hold perspectives and experiences that help shed light on discriminatory norms and structures that traditionally have largely been marginalised through a focus upon, and a utilisation of, the narrow lens of criminal justice. Therefore, the voices of those individuals who occupy outsider status will need to be increasingly included in research. This can also help to challenge the narrow confines of criminological knowledge production, as will be discussed below.

Homogenisation of social difference; feminist, critical, postmodern perspectives as comprising the Other

A further dimension to the crisis confronting criminology is in relation to its being a discipline of modernity, underpinned by Enlightenment philosophy,

where modernity itself has been criticised for creating racial (and other) hierarchies that have helped to institutionalise oppression and discrimination, through the production of Others. 'Otherisation' involves the perpetuation of dominant norms and the suppression of difference, so that those identities that lie outside dominant regimes of power are constituted as the Other – the devalued – and their voices and perspectives are largely suppressed. It might be argued that criminology has also been complicit in the suppression of social difference, not only through largely focusing on those harms defined as criminal by regimes of power, and therefore ignoring or marginalising the viewpoints of individuals who lie outside these regimes (but who at the same time have to endure the oppression and control generated from within these regimes), but also through insufficiently exploring social difference and insufficiently engaging with the voices of those who occupy the margins, thereby leading to the homogenisation of knowledge production.

According to Seidman, 'there is a political unconscious to the human sciences. This refers to ways disciplinary conventions operate, often without the explicit intentions of social scientists, to suppress, if not erase, epistemological and social difference' (1997: 22). Criminology emerged from modernity, constituting a rational and scientific attempt to study crime (Morrison, 1995; Garland, 2002). Thus, for Garland (2002), the origins of criminology lie in a Lombrosian and a governmental project, both of which used scientific frameworks of understanding and analysis. Enlightenment philosophy underpins modernity through the belief that science holds the key to social progress. According to Seidman (1997), Enlightenment thought consists of a utopian ideal of society comprised of abstract citizens who are equal before the law. Although Enlightenment thought has produced social good, it has nonetheless legitimised 'the destruction of particular social identities and multiple local communities and traditions that have given coherence and purpose to the lives of many peoples' (Seidman, 1997: 6). Although feminist, critical race, postmodern and other perspectives have questioned the legitimacy of Enlightenment philosophy, modernity constitutes the dominant framework within criminology, thereby consigning feminist, critical and postmodern perspectives to the category of the Other, the delegitimised. As Gelsthorpe (2006) highlights, there is an increasingly scientised conception of criminology, influenced by the Research Assessment Exercise (RAE), the Economic and Social Research Council (ESRC) pushing quantitative skills in the training of social scientists, as well as by Home Office research that seems to prioritise statistical 'What Works' analyses over work that would seek to engage offenders by asking what intervention programmes are most meaningful to them.

So research approaches that, for example, stress the fluidity of identities, the value of focusing upon emotions, the importance of drawing upon individuals' own accounts of their experiences and involving communities in the research process, and so on, immediately stand in opposition to modernist agendas, being viewed as somehow less valid and objective, and more partisan in nature, and therefore 'suspect', particularly if an inclusion of voices, community perspectives

and the like can at times stand at odds with logical, rational reasoning so valued within frameworks of modernity. For Jefferson, human behaviour is the product of cognition, reason and, importantly, emotion, making 'the peculiarly passionless subject of criminology hard to comprehend' (2002: 152). For Gelsthorpe (2006), psychoanalytic thinking can potentially make a significant contribution not only to criminological research, but also in relation to developing a more informed understanding of criminal justice policy.

Exploring the construction of social identities and working with communities inevitably includes handling the nature and complexity of subjectivity, and so presents the opportunity to develop a psychosocial criminology, using Jefferson's (2002) terminology. Therefore, *Communities, identities and crime* might be viewed as an inherently political project, attempting to widen the boundaries of the subject discipline of criminology to include marginalised, Otherised perspectives. Although the term 'crime' is used throughout the book, the author acknowledges that crime is a social construct, and that it is problematic to use this terminology as harms that are committed by individuals in powerless positions are often labelled as criminal acts, yet harms generated by the state, corporations and individuals in positions of power are rarely labelled as criminal. Whether this book is ultimately part of a longer-term project of abandoning criminology altogether as a result of its generally limited focus upon criminal events and processes is a question that only future work and developments will answer. For the author, *Communities, identities and crime* is part of a political stand that seeks to find meaning and understanding of, and ways of exploring, experiences of social harms through engaging in a holistic struggle in relation to knowledge production that refuses to reproduce the narrow confines of much criminological research. As such, the notions of identity and community are used here as a way of challenging the somewhat narrow borders to criminological knowledge production.

Perhaps identities in relation to gender, 'race'/ethnicity, religion/spirituality, sexual orientation, disabilities and age are focused upon in this book rather than class, because the author views these former categories as holding more potential to broaden the narrow confines, and to challenge the homogenisation of knowledge production evident within criminology. This is not to argue that class is irrelevant to analyses of crime and victimisation, as poverty is very much an important issue; rather, other collective identities are focused upon in this book for a political purpose: to help challenge what has been conceptualised here as a crisis of homogenisation within criminology. Furthermore, although there seems currently to be a backlash against identity politics, with some perspectives increasingly questioning the focus upon 'race'/ethnicity, in particular, as well as perspectives that seek to focus upon human rights that might encompass all identities, the author's position is that a focus upon identities is still desirable, particularly when dominant regimes in relation to patriarchy, whiteness, secularism, heteronormativity, able-bodiedness and youth continue to comprise the broader structural contexts to people's lives. Thus, a critical focus upon gender,

'race'/ethnicity, religion/spirituality, sexual orientation, disability and ageing might start to make visible discriminatory norms that help reproduce discrimination and oppression, as it seems that a modernist agenda has largely failed to give sufficient voice and form to these broader norms.

Now that the background context to *Communities, identities and crime* has been presented, a brief summary of the chapters will be outlined below.

Summary of chapters

Chapter One explores the relevance of identity formations for criminology and their significance in a criminal justice context. Conceptualising today's society as late modernity, it is argued that identities might be viewed as being constituted through both modern and postmodern processes: the expression of collective identities and interests, alongside the fragmentation, individualisation, and fluidity of identities. It is argued that within a criminal justice context, offender and victim identities are relevant, as are identities in relation to gender, 'race'/ethnicity, religion/spirituality, sexual orientation, disability and ageing.

In Chapter Two the book examines equality legislation, policy and practice in the UK, particularly in a criminal justice context. It is argued that in many instances there continue to be differences in the level of protection afforded to different social groupings with respect to gender, 'race'/ethnicity, religion, sexual orientation, disability and age; however, contemporary policy developments suggest that hierarchies of equality provisions are being levelled out so that there is growing harmonisation of protections afforded to different groupings. Furthermore, at the same time that policies are being targeted at a wide range of group collectivities, there is a growing sense of the artificially constructed nature of these collectivities. Therefore, there is also a search for more nuanced methods and approaches in relation to promoting equality and documenting diversity, which might acknowledge specificities of experience. These developments suggest that alongside the modernist agenda underpinning equality and diversity strategies, postmodern processes are also at play, involving the fragmentation of socially constructed identities.

Chapter Three focuses upon exploring some key methodological questions, including ethical ones, when researching communities and when focusing upon identities as a way of understanding the social world. It is argued that researchers, whilst documenting specificity of experience, and acknowledging differences between people, should not lose sight of power relations that generate and reproduce inequalities and injustices. Thus, discourses that claim no knowledge beyond that which is local and situated cannot challenge forms of social organisation that are unjust, and localisms do not produce discourses that are absent of power, as power is inherent to all knowledge claims, no matter how nomadic they may be. Chapter Four looks at the notion of community, this featuring significantly in criminal justice policy and practice. It highlights how

an emphasis upon community participation in criminal justice reflects broader developments in governance, whereby responsibility and accountability for crime is increasingly concentrated at local levels, whilst at the same time centralised control in terms of resources and target-setting is maintained (Prior et al, 2006). Furthermore, this comprises a form of institutional reflection (Lash, 1994) that involves criminal justice institutions opening themselves up to the communities that they serve, with the lay public engaging with, as well as critiquing, rival forms of expertise. Individuals, and the communities to which they belong, are therefore being encouraged to identify and define the problems that they face and to put forward solutions to those problems, as well as to work with, and alongside, agencies of the criminal justice system. The chapter also highlights the contentious nature of community, this being open to many different interpretations, particularly within the context of late modernity.

The next chapter examines gender in relation to crime, victimisation and criminal justice. It is argued that apparently neutral, objective scientific research, when applied to women, has been found to be underpinned by sexist assumptions. As a result, feminist researchers have challenged gender-biased distortions by using the voices of female offenders and by concentrating upon their experiences to provide a more accurate picture of women offenders. At the same time, feminist work has questioned some of the male-orientated assumptions underpinning traditional victimological work, which has led to women's behaviour being judged and implicated in the crimes that have been committed against them. Chapter Five further highlights how researchers, policy makers and practitioners increasingly acknowledge diversity amongst women. Population movements due to war, globalisation and economic deprivation can have a substantial impact upon practitioners' work as women arriving from different countries with different cultural traditions may have different needs and sets of experiences that need to be taken into account.

Chapter Six looks at 'race'/ethnicity in relation to crime and criminal justice. The issue of the difficulties involved when collecting data about 'race' is raised, highlighting that this is a social construct that is influenced by historical, social and political contexts that attach particular labels to particular groups of individuals at particular points in time. Other issues that are looked at include institutional racism, racist victimisation and knowledge claims arising from Black, Asian and minority ethnic communities, and how these need to be legitimised when a scientific paradigm holds sway within policy-making circles. Moreover, this chapter highlights how the application, and predominance, of a (social) scientific approach to 'race' is problematic when viewed from a perspective that actively engages with, and acknowledges, the harms caused under the guise of Enlightenment philosophy, since modernity has been linked to the creation of racial hierarchies that have helped to construct, and to dehumanise, racial Others. Chapter Seven explores faith identities in relation to crime, victimisation and criminal justice, suggesting that religious identities are increasingly featuring in criminological

discourse, as well as in criminal justice policy and practice. It is argued that a focus upon faith identities can lead to the adoption of innovative research techniques and theoretical frameworks of enquiry. However, this work carries with it the potential of being delegitimised due to the predominance of secularism within contemporary western society, whereby an artificially constructed binary opposition of secular/sacred serves to place work that includes a focus on the sacred into the category of the deviant Other.

The following chapter, Chapter Eight, focuses upon the experiences of lesbian, gay, bisexual and transgender (LGBT) communities in relation to crime, criminal justice and victimisation, as these people have traditionally been marginalised by policy makers and researchers. It is argued that when considering LGBT minority experiences it is important to consider the oppositional binary Heterosexual/Homosexual that is said to underpin western society, casting same-sex desire into the category of the Other, the delegitimised. Thus, within a criminal justice context, LGBT communities have criticised agencies of the criminal justice system for assuming that all peoples are heterosexual, and for acting in discriminatory ways towards those who are not. This chapter also looks at knowledge claims arising from LGBT communities and the challenges that these identities pose for criminological knowledge production. Chapter Nine looks at two further minority groupings that have traditionally been marginalised by criminologists: older people and people with disabilities. It is argued that in criminology there seems to have been a tendency to focus upon young people, particularly as offenders, although some research in relation to the fear of crime and victimisation has included a consideration of older people. People with disabilities who experience crime, on the other hand, have been labelled 'invisible victims' because crimes committed against these individuals are often hidden and not reported to agencies of the criminal justice system. This chapter presents key research and policy issues in relation to older people and people with disabilities, both as offenders and as victims of crime. At the same time, this chapter also explores some of the issues that the inclusion of identities in relation to ageing and disability pose for criminological knowledge construction. It is argued that research with older people and people with disabilities places focus upon the body, the body as ageing or the body as 'impaired'. Chapter Ten is a conclusion, drawing upon the key themes that have been developed throughout the main chapters. Having outlined the chapters that feature in *Communities, identities and crime*, it is time to turn to the main body of the book, to Chapter One.

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