

# *Criminological Failure and Governmental Effect*

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Failure is a recurrent motif within debates concerned to evaluate the contemporary state of criminology and assess its future prospects and directions. In this paper I use the issue of failure as a way of approaching the more central question around which notions of failure tend in their different ways to revolve; this is the relationship between the academic discipline of criminology and the worldly domain of policy and government. The nature of this relationship carries implications for an array of important matters vital to the future of the discipline, including its organisation, its research agendas and priorities, funding sources and so on. In offering a schematic overview of the historical formation of criminology as a discipline and its current disposition to government I want to argue for a criminological project which is both more modest and more befitting its limited, if nevertheless important place within the current configurations of knowledge and government.

## **The 'failure' of criminology**

References to, and diagnoses of, 'failure' and 'crisis' are a staple of contemporary criminological debate. Examples are available in abundance. Take, for instance, the following, not uncharacteristic, assessment from John Braithwaite —

The present state of criminology is one of abject failure in its own terms. We cannot say anything convincing to the community about the causes of crime; we cannot prescribe policies that will work to reduce crime; we cannot in all honesty say that societies spending more on criminological research get better criminal justice policies than those that spend little or nothing on criminology (Braithwaite 1989:133).

Across the intellectual and political spectrum of criminology there is widespread agreement on the diagnosis of failure, if not on the precise senses in which criminology has failed. For Braithwaite the failure has multiple dimensions if indeed it is not total, encompassing a great falling short of theoretical, policy and institutional ideals. If criminology is such a 'dismal science' we might be left to ponder how it is that there are any criminologists in employment or any criminology courses being taught. Now some would say that John Braithwaite's purpose in originally delivering these words to a plenary session of the American Society of Criminology was, at least in part, rhetorical and exhortatory and can be forgiven a measure of exaggeration licensed by such occasions. Even so it would remain to be considered why and how the idea of 'failure' should play such an important part in the rhetoric of criminology.<sup>1</sup>

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1 One measure of the importance of such statements is how frequently they are adopted or repeated by others. To this writer's knowledge, Braithwaite's paper to the American Society of Criminology was republished at least twice, in the *Australian and New Zealand Journal of Criminology* (1989) vol 22, pp 129–135; and in

That this general assessment is widely shared by a diverse range of criminologists is not in any doubt. Leon Radzinowicz, the founder of the Cambridge Institute of Criminology pointedly asked the question almost twenty years ago: 'Why should it be that a century of theorising and research should have made little or no apparent impact either upon the trends of crime in our society or upon our ability to modify criminal tendencies in individuals?' (Radzinowicz and King 1977:93). The diagnosis of failure is also a founding article of the left realist movement in Britain, as witnessed by the titles of books and articles emanating from their ranks, for example, *Losing the Fight against Crime* (Kinsey, Lea and Young 1986), 'The failure of criminology: the need for a radical realism' (Young 1986).

In addition to these more general assessments of criminology's status as an ornament to scientific under-achievement there is a considerable 'What works?/Nothing works!' literature in which a vast array of specific policies and measures in corrections and crime prevention is negatively evaluated.

As is clear, however, from all these sad commentaries, the painful admissions of failure do not signal an abandonment of desire or effort. On the contrary, they are all exhortations to renew the commitment to criminology, to the possibility of theoretical refinement and policy success.

Beyond these widely listed failings of criminology, there is a tradition of critical criminology for whom failure resides primarily in the very conception of the role and task of criminology promoted by John Braithwaite and the others. The 'new criminology' (Taylor, Walton and Young 1973), or critical criminology, is composed of different strains, libertarian, neo-marxist and feminist. The major intellectual target of critique has been the atheoretical, pragmatic and correctionalist nature of mainstream criminology itself (Taylor et al 1973; Cohen 1981; Scraton and Chadwick 1991). Criminology's most vital and sensitive libertarian critic, Stan Cohen, suggested in the late eighties that the 'failure of criminology' was as apparent then as in the early seventies when he, along with others in the National Deviancy Conference in Britain, launched their first energetic critiques of it (Cohen 1988:26).

Neo-marxist critics — the heirs to the modern critical tradition galvanised by *The New Criminology* — continue to identify the shortcomings of criminology in the failure to 'locate the processes of criminalisation within a critique of the advanced capitalist state and its institutions of regulation and control' (Sim, Scraton and Gordon 1987:59; see also Scraton and Chadwick 1991). As one of the applied social sciences, criminology whether in its conservative, liberal or left realist guises, is depicted as serving the interests of the dominant classes and groups by providing the specific forms of knowledge necessitated by the state to enhance control and stability in the long term interests of capitalism (Sim, Scraton and Gordon 1987:1-2).

The adherents of these purer forms of critique probably constitute a shrinking proportion of criminologists in countries like Australia, Britain, Canada and the United States. Many factors may help to explain this. The renaissance of feminist activism, research and theory around issues such as violence against women, abortion and prostitution presented both theoretical and political complications for critical criminology from the outset (Smart

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Laufer and Adler (1990). It was also quoted in an article in the major international journal of critical theory *Telos*: see Tennenbaum (1992:51). Not surprisingly given the location and title of this article the Braithwaite quote appeared alongside a range of other equally gloomy assessments of criminology, some of which are also referred to in the body of the paper.

1977). The social reality of crimes affecting women was not readily subsumable within forms of analysis which depicted law, criminalisation and social control in terms of the strategies of rule employed by a ruling class in the long term interests of capitalism. More often than not the problem from a feminist point of view resided in the under-criminalisation and relative lack of control of male behaviour, including working class male behaviour. And thus many of the practical political responses to these problems aligned feminists with 'the state', government and the extension of control. Later, left realists in Britain and elsewhere<sup>2</sup> promoted a more active engagement with politics and policy in order both to answer the aggressive political interventions around law and order of the radical and neo-conservative right since the late seventies and to overcome what they argue has been the traditional abstentionism of the left on such issues.

Other explanations may be taken as confirmation of the accuracy of the critique itself, insofar as they note the changed material conditions and pressures operating upon the discipline of criminology in the eighties and nineties. Although there are important local variations, the general sweep of these changes — for example in higher education — are common to at least Britain and Australia. Paul Rock in his recent account of the 'social organisation of British criminology' (1994:145–6) refers to the 'exhaustion of theory' that has occurred under the influence of growing economic pressures in higher education and governmental attempts to make universities responsive to both national economic and social goals and market principles. This has increased the pressure to attract research funds by engaging in empirical and policy-oriented research and to tailor teaching programs to vocational and professional demands. Rock notes (at p147) the important point made by Robert Reiner that what was once a 'social divide' between different groups — critical and 'mainstream' criminologists respectively — has increasingly assumed the form of an 'internalised divide' within the work and ethos of individuals as they seek to reconcile their critical and theoretical concerns with these new and changed conditions.

Similarly, the more cautious amongst the left realists are mindful of the threats that confront the engaged criminologist from both sides: the risk on the one hand of falling into what Loader and Sparks (1993) call "'jobbing" criminology', just another version of 'the managerialist tinkering of "policy science"' but, on the other, the risk of being ousted from the centre of 'contemporary debates about the basis of legal and social order' if they fail to elaborate a 'worldly' as well as 'intellectually venturesome' criminology. There is thus the omnipresent fear of either being intellectually and politically sidelined or, in courting policy relevance, of surrendering criminology's critical edge and perhaps worse becoming one of the new 'zoo keepers of deviance'.<sup>3</sup>

These concerns return us to the problematic question of criminology's disposition to the institutions of government. They indicate that well beyond the perhaps dwindling heirs to the fragile traditions of pure critique within criminology (those who securely inure themselves against the dangers of usefulness) the ranks of the discipline are preoccupied with similar questions: the tensions between critical and instrumental reason and defending the independence of the discipline and the disinterested pursuit of knowledge against the short term pragmatic demands of government. The 'underlying strain' referred to by Robert Reiner — between the status and demands of critical scholarship and those of policy

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2 I use the term 'left realist' rather generically to encompass work such as that of Elliott Currie in the United States: see his important book *Confronting Crime* (1985).

3 These anxieties repeatedly crop up in respect of particular areas of policy and research. Recently crime prevention has attracted this sort of soul-searching.

and government — is therefore a pervasive one within criminology. Many criminologists are especially mindful of these tensions, concerns and responsibilities because of the historical proximity of the discipline not only to government but in particular to the coercive apparatuses of control, management and surveillance, a sensibility that is (not surprisingly) insufficiently appreciated by the bearers of pure critique.<sup>4</sup>

It is not my purpose to affirm one or other of the two sides of this divide — to uphold, for example, the practical claims of government against the logic of social critique, for as Ian Hunter has argued ‘... the project to render social reality transparent to governmental calculation cannot be accepted at face value either, dependent as it is on specific political and intellectual technologies whose successful deployment is by no means guaranteed’ (1991:12–13). Thus both those who embrace the relevance of criminology to government and those who implacably reject it need to be reminded that criminological knowledge and findings are not amenable to direct translation into governmental programs and outputs. As I seek to elaborate below, following the work of Foucault and others, government should be approached as an autonomous domain possessed of its own rationalities, institutional means, practices and limits which are irreducible to the realisation of any philosophy of rule, sovereign legal form or extrinsic interest (that of a ruling class or patriarchy, for example). To assume that government may simply lay hold of the latest theories and ideas within criminology is to ignore or underestimate the practical arrangements that are involved in the *translation* of theories and research findings into government programs and practices and the limits they necessarily impose.

In 1967 Gordon Hawkins and Duncan Chappell, members of a small group of pioneering Australian criminologists, in an article entitled ‘The Need for Criminology in Australia’ made the sensible suggestion that Australia should produce a system of uniform national crime statistics. The idea would appear to be intrinsically appealing to administrators and politicians as well as empirical criminologists. It is therefore salutary to note that the first set of uniform national crime statistics appeared in 1994, more than 25 years after the first concerted calls were put out for such an innovation and broadly agreed to in governmental circles.

This rather throws into relief the air of optimistic expectancy concerning the workings of policy and government that underlies John Braithwaite’s negative evaluation of criminology. The idea, traceable to criminology’s ‘weak commitment to [general] theory’, that ‘[t]his failure to explain has meant that criminologists have had little of use to say to policy-makers’ (Braithwaite 1989:29). By so labouring the failure of criminology — and by so directly tying the failure of government crime policies to the failure of criminology — the workings of government itself are effaced from criminological reflection.

To varying degrees the other diagnoses of failure within criminology — those of the left realists for example — share this character. The negativism of their assessment of criminology is only matched by the immodesty of the pretensions harboured for the discipline. If as I have noted there are various (perhaps even divergent) rhetorical purposes at

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4 In this respect it is worth noting that in Paul Rock’s survey of British criminology all of the respondents claimed allegiance to some variant or other of liberal, socialist or feminist criminology, a position which is likely to be replicated in Australia if not in the USA. Of course, that this does not impress critical criminologists is hardly surprising given that the following is a fairly typical affirmation of the thinking underlying the tradition of critique: ‘Liberalism and authoritarianism do not form distinctive regimes or administrations within the context of democracy, they constitute a well-established spectrum of legitimate state rule and its use of legal censures’ (Scruton and Chadwick 1991:181).

work here — for example, to exhort criminologists, with the lure of governmental and political relevance and receptivity, to greater theoretical rigour or to the abandonment of ‘left idealism’ — then these purposes are served only at the expense of a rather impoverished conception of government and a serious underestimation of the complexity of the relationships between ‘science’, power, government and politics (cf Garland 1985b). Criminology’s utility is seen to depend on the validity with which it represents (reflects, describes, explains) some pre-existing social reality (the causes of crime, the motives of criminals and so on) which in turn is ‘implemented’ by the institutions of government. The history of criminological thought and its relationship to the government of crime provides little warrant for such assumptions about the working of either criminology or government.

Whereas these diagnoses of failure efface government, critical criminology tends to conflate and efface *both* government and criminology itself, by treating them as malleable vehicles for strategies of rule and control conceived elsewhere — by ‘the state’, a ruling class, patriarchy and so forth. It might be a source of disappointment to critical criminologists therefore to learn that government might not be the transparent conduit for powers that lie elsewhere that they typically assume. No less surprising might be the fact that criminology also has a life of its own beyond the horizons of governmental programs of control and management. For both criminology and the ‘anti-criminology’ of radical critique confront a difficult task of explaining their own survival: in the case of the former in the face of its own admitted failure; and in the case of the latter in the face of its uncompromising critique of the powers that be. Neither the ‘abject failure’ of criminology (in the various forms noted), nor its complete renunciation, has served to seriously inhibit its life — the flow of research funds, the development of tertiary courses of study, the establishment of institutes, the demand for expert policy advice and critical commentary and so on. Stan Cohen’s frank confession is a salutary reminder that even critical criminology can be an interest-bearing investment, especially for its own practitioners:

Every attempt I have ever made to distance myself from the subject, to criticize it, even to question its very right to exist, has only got me more involved in its inner life. This is, of course, not just a personal experience but the shared fate of most of us who some twenty years ago embarked on a collective project of — no less — constructing an alternative to criminology. The more successful our attack on the old regime, the more we received Ph.D’s, tenure, publishers’ contracts, and research funds, appeared on booklists and examination questions, and even became directors of institutes of criminology and received awards from professional associations (Cohen 1988: 8).

If it is appropriate to talk of the ‘failure’ of criminology, therefore, perhaps this should be understood as *intrinsic* to the criminological project and studied as such; not as a condition to be transcended by a general theory, or in some higher theoretical synthesis, let alone moment of political emancipation.

I hope enough has been said to at least make plausible the idea that each of the figures in this little drama — criminology, government, critique — has a life of its own. None is transparent to the designs of any of the others. We are still left with the question of the relationship between them however and perhaps the unflattering tone of my comments about critical criminology does less than justice to Robert Reiner’s point that within many criminologists, intellectual critique continues to wrestle with the demons of policy relevance, scientific expertise and vocationalism. In other words, the model of the critical intellectual exists side-by-side in the same person with other models of the criminological intellectual, other understandings of the nature and meaning of criminology as a vocation — including the criminologist as scientific or technical expert, as the Gramscian ‘organic’ intellectual whose knowledge is to serve the partisan interest of particular classes in struggle, or as the government bureaucrat.

My argument, following that of Weber and even more closely the recent work of Ian Hunter (1991), is that rather than pursuing the chimera of a normative and theoretical resolution of the question such as is offered by the traditions of humanist critique, it is necessary to respect the irreducibility of these roles as autonomous modes of 'ethical comportment' (to use Hunter's term), whether they reside in different individuals (academic, government researcher) and domains (the academy, government and so on) or, as is so often the case with criminology, coexist within particular individuals.

In his essay, 'Science as a Vocation' Max Weber argues that 'science today is a vocation organised in *special* disciplines in the service of self-clarification and knowledge of inter-related facts. It is not the gift of grace of seers and prophets dispensing sacred values and revelations, nor does it partake of the contemplation of sages and philosophers about the meaning of the universe' (1946:152, emphasis added). Science and 'scientifically-oriented technology', he argues, is the most important part of a process of 'increasing intellectualisation and rationalisation' entailing not necessarily 'an increased and general knowledge of the conditions' under which we live but the progressive 'disenchantment' of life through the application of specific forms of technical calculation and control (Weber 1946:138-9). He rejects the idea that there can be any ultimate justification, based for example on 'experience' or the full cultivation of 'personality' or humanity, for involvement in any particular science. Rather he suggests that the worth of a particular scientific discipline is something that is presupposed by involvement in it and is not open to rational validation from within or by reference to some meta-theory.

He considers by way of example the 'practical technology' of medicine and the 'general presupposition' that it exists to serve the task of maintaining life. He suggests that this is quite problematical for it may for example entail preserving a life of enormous suffering in circumstances where the ill person might prefer to die. Thus he points out:

Whether life is worth while living and when — this question is not asked by medicine. Natural science gives us an answer to the question of what we must do if we wish to master life technically. It leaves quite aside, or assumes for its purposes, whether we should and do wish to master life technically and whether it ultimately makes sense to do so (Weber 1946:144).

The same, he suggests, is true of the other disciplines. Entry to a discipline is thus grounded in extrinsic circumstances and values of a practical and contingent nature that are not themselves open to scientific validation or any overarching theoretical adjudication where as he argues 'the various value spheres of the world stand in irreconcilable conflict with each other' (Weber 1946:147).

The meaning of a scientific vocation, according to Weber, is therefore to be sought by reference to the *internal* life of the discipline. Aside from the ethical devotion to 'the work at hand' it commands (Weber 1946:137), this resides first, in directing attention to facts which are 'inconvenient' to 'party opinions'; secondly, in the contribution 'to the technology of controlling life by calculating external objects as well as man's activities'; thirdly, in the technical mastery of 'methods of thinking, the tools and the training for thought' internal to the particular field (Weber 1946:150); and finally, and without adjudicating as to ultimate values, the clarification of what practical means are necessitated by the pursuit of a given end. Such he suggests provide both the focus of ethical commitment and the 'limits' of science if not a reason for practising science in the first place; or as Ian Hunter points out, 'the ethical pertinence of such justifications is a *result* of that fundamental commitment to the ethos of a particular discipline of knowledge which Weber views as an ungrounded decision' (1991:40).

Weber's purpose in all of this is to raise a barrier between the domains of science and politics, fact and value, and to commend an ethical self-restraint on the part of scientists and teachers not to step outside the limits of their discipline, not to use their place *as scientists* to pontificate on politics or the ultimate values of humanity. As Hunter points out this argument is complicated by two considerations. One is acknowledged by Weber and concerns the 'ethico-technical character of the "objective" disciplines' themselves, that is, the fact that the 'methodising' of science or knowledge requires as its condition first the 'methodising of the scientific inquirer', the inculcation of scientific aptitudes which are themselves not divorced from ethical disciplines. Scientific aptitudes, such as that of the systematic experiment, whose history Weber briefly traces, and other technical means for controlling and replicating experience, emerge 'from highly diverse departments of existence where they serve a variety of practical, ethical and political functions' (Hunter 1991:45). Other techniques like the statistical survey, the inquest or inquiry will be more familiar to criminologists reflecting upon both the technical nature of such methods and aptitudes and their complex migration between different domains of life. Thus 'the aptitude for science, or the methodical use of the intellect, far from being theoretically divorced from ethics, is in an important sense the product of ethical discipline and technique' (Hunter 1991:45).

The second consideration that Hunter points to, and which is already suggested by the examples above, is that whereas Weber depicts the 'outside' of science as a realm of incalculable substantive values, of rhetoric and coercion, there is now a substantial body of work by Foucault and others that explores how the realms of politics and government have increasingly over the last several hundred years been subjected to the calculative rationality and technical control that Weber (at least in this essay) associates only with the rise of science. Of course, Weber's work elsewhere on bureaucracy would have to be counted as a major contribution to the historical sociology of government understood by reference to the growing importance of political rationality.

This lays the groundwork for a consideration of the science of criminology and government rationality in terms which respect them as autonomous spheres and yet invite consideration of the practical historical and contingent relationship and linkages between the two. First, though, it is necessary to consider in more detail the place of critique in this web of relations.

## The province of critique

The widespread anxiety amongst criminologists that their critical role is constantly thwarted or circumscribed by their dependency on government, that their best inventions and ideas will be bent to the interests of social control and the nefarious will of political elites, has already been remarked upon. Underlying this anxiety is a model of the intellectual as critic, as he or she who 'speaks the truth to power' to use Edward Said's term (Said 1994). This is the model of the public intellectual as a bearer of universal values of freedom and justice and as 'outsider', 'disturber of the status quo' (Said 1994:x), an independent critic of states and governments. Although there are conservative advocates of, and aspirants to, this conception of the intellectual, Said argues that the role of critic should be allied to that of advocate on behalf of the subaltern classes, the powerless and marginal. In Said's representation of the ideal intellectual, the role of technical expert, bureaucrat, professional or consultant can only be seen as compromising the ethical responsibilities of the intellectual. At a variety of points Said describes the role of what he

variously refers to as the 'specialist', 'expert' or 'professional'. The following is a typical example:

I have always felt that for an intellectual who represents the kinds of things I have been discussing in these lectures, being in that sort of professional position, where you are principally serving and winning rewards from power, is not at all conducive to the exercise of that critical and relatively independent spirit of analysis and judgement that, from my point of view, ought to be the intellectual's contribution. In other words, the intellectual properly speaking is not a functionary nor an employee completely given up to the policy goals of a government or a large corporation, or even a guild of like-minded professionals. In such situations the temptations to turn off one's moral sense, or to think entirely from within the specialty, or to curtail skepticism in favor of conformity, are far too great to be trusted. Many intellectuals succumb completely to these temptations, and to some degree all of us do. No one is totally self-supporting, not even the greatest of free spirits (Said 1994:64).

Said here describes the ethical comportment of 'the expert' as a deformed, splintered or incomplete model of what is depicted as the 'integrated moral personality' for which the critical intellectual stands as ideal (cf Hunter 1993/1994:80). It goes without saying that this is not just a description but a form of ethical critique with enormous currency in the traditions of modern Western thought. It is associated with a range of distinctions, familiar to criminologists, within which terms like 'instrumental', 'technical', 'administrative', 'utilitarian' are assigned a negative value.

The traditions of humanist critique which posit an ideal of 'complete development' — whether that be of the liberal humanist variety which seek perfection in what Coleridge called 'the harmonious development of those qualities and faculties that characterise our humanity' (in Williams 1963:121) or neo-marxist and other radical variants whose quest is the complete development of society — supply the benchmark against which perennial diagnoses of failure are made, current realities found wanting, and from which we strive for unity between our professional, political and other selves and between the different parts of society (Hunter 1993/1994). Against the ideals of completeness and unity, the limited, divided and compromised nature of the criminological project makes it an exemplary failure.

The ideal as it is manifest in neo-marxist and other radical variants of critique within criminology was clearly articulated in what many regard as the founding text, *The New Criminology*:

one of the central purposes of this critique has been to assert the possibility — not only of a fully social theory — but also of a society in which men are able to assert themselves in a fully social fashion. With Marx, we have been concerned with the social arrangements that have obstructed, and the social contradictions that enhance, man's chances of achieving full sociality (Taylor et al 1973:270).

But as I have tried to suggest even for many of those who do not embrace such forms of criminological radicalism, the ideals of critique resonate in the habitual vocabulary of failure and cooptation and the perpetual sense of psychic dissonance between, on the one hand, critical ideals of independent scholarship and the political abatement of oppression, domination and control and, on the other, the lived actuality of our limited tasks, forms of expertise and influence.

It is interesting that Edward Said's ideal of the intellectual implicitly reproduces C P Snow's divide between 'the two cultures' of the humanist intellectuals and the professional scientists (Snow 1993), thus consigning the 'administrative intellectual', the educationalist, the public health specialist, the engineer, (and probably also the criminologist) to the derisory categories of 'insiders', 'consultants', or 'experts'. On reflection this is a remarkable testimony to the power of humanist critique for, without investing naive expectations in



technology and science, there can be little doubt that such forms of expertise are of at least equal (I would suggest greater) importance to addressing the needs and problems of those most grossly disadvantaged and oppressed sections of humanity for whom intellectuals like Said genuinely profess their sympathy and profound support. Consider for a moment the enormous problems that confront the new South African government in relation to basic infrastructures like a clean water supply and effective urban sanitation, let alone crime and violence.

In the traditions of humanist critique the technical, the administrative and machines have tended to assume one or other of two roles: that of mundane, taken for granted, instrumental artefacts (eg word processors, libraries, forms of university organisation and management, etc); or that of an inexorably hostile force threatening to subject human freedom to technical mastery and culture to fragmentation or disintegration. The echoes of the latter reverberate throughout the above discussion. Perhaps because of criminology's proximity to the apparatuses and practices of social control it has been especially prone to invoke the negative connotations of technical and administrative forms of power as threatening to debase freedom and humanity.

There are now emerging some substantial bodies of work, within both the humanities and the sociology of science and technology that seek to restore a sense of the *constitutive* role of the technical in the formation of personhood, human attributes, ethical forms of existence and social relations. If criminologists have a particular interest in social order, it is as well for them to heed the argument from within the latter of these two bodies of work, that 'to the extent that "society" is held together at all, this is achieved by heterogeneous means ... the social is not purely social at all'; rather the 'social glue' is impure and what we habitually think of as a social order is really a 'socio-technical' order (Law 1991:7; Latour 1993). Of course, this threatens to rob humanist critique of its foundation in an opposition between, on the one hand, ideals of complete development and unified moral personality and, on the other, the repression or inhibition of these in extant forms of technical expertise and administrative power. For forms of humanity and moral personality are the creatures of conditions which are *technical* as well as at the same time being normative and cultural.

Ian Hunter (1991), following the work of diverse intellectuals, including Marcel Mauss, Norbert Elias, Foucault and Weber, argues that what constitutes 'complete development' of the person or humanity varies with historical and cultural circumstances and the technical instruments of cultivation. Human attributes and forms of ethical deportment therefore are shaped and vary according to particular normative and technical regimes, involving for example the disciplinary training of the body and mind, particular techniques of pastoral guidance and self-examination and so on. The conception of moral personhood which finds its ideal expression in Said's critical intellectual, and in notions of autonomous citizenship and human rights, is thus not the realisation of humanity in its essential, complete or universal form, but is only one particular and limited status ideal which is peculiar to specific historical, cultural and institutional conditions. Once recognised as such, the mode of life of the critical intellectual can surrender its heroic and demanding responsibilities at 'the pinnacle of an ethical hierarchy' (albeit 'one of its own making') (Hunter 1993/1994:81) and assume a more modest place *alongside* other ethical comportments of life. And the bureaucrat and technical expert might be readmitted to social and intellectual life as something more than debased forms of humanity.

## Government

The figure of government looms large in criminology. David Garland (1994) has argued of British criminology that it is the contingent historical outcome of a convergence between a 'governmental project' inaugurated in the eighteenth century and the 'Lombrosian project' for a science of criminality which emerged in the late nineteenth century. The 'governmental project' of which Garland speaks has a rather longer genealogy, and should not be approached as a unitary enterprise.

In a series of studies Foucault and others (Burchell et al 1991) have explored the rise of modern rationalities of government — or 'governmentality' — from the early modern treatises on statecraft by Machiavelli and others through the emergence of a 'science of police' in the absolute states of western Europe following the religious wars of the Reformation to the rise of liberalism from the late eighteenth century on. The notion of government utilised in these studies is not confined to the political executive or the state but encompasses the calculated supervision of conduct, the shaping of human capacities and the structuring of 'the possible field of action of others' in a much more general sense (Foucault 1983).

The rise of a rationality of government ('reason of state') represents a break from all those philosophies of rule in which government is equated with rule by a sovereign authority acting in accord with general laws, be they divine, natural or human. Rationality in this context did not refer to political philosophy or theory but to the 'art(s) of government' as a reflective, purposive and practical undertaking. Theorising and philosophising about government were relevant from this perspective, not as a principle of legitimation or explanation, but insofar as they made government an object of practical reflection; or, for example, insofar as crime, the health of the population and so on were rendered thinkable as a concern of government and were made into objects amenable to programmatic intervention.

This historical development opens up to exploration the space between political philosophy and the actual practices and effects of rule under particular conditions. Its novelty resides in the abandonment of any idea that the task it poses is to close this gap, the idea that practices of government can be accounted for in terms of the realisation or not of a general philosophical scheme, set of objectives (freedom, the rule of law, equality, etc) or critical social theory. Rather we are planted firmly on the terrain of the practice of government itself and the practical forms of reason, knowledge and calculation which enter into it. Such a political rationality carried important implications for the development of the human sciences (including criminology) and their disposition towards government.

According to Ostreich's work (1982) on the emergence of the political rationalities of government in the early modern period, the humanism of the Renaissance did not simply rediscover the classics but 'decanted the political wisdom' of classical scholars and learning into practical arts of government in such diverse areas as political ethics, warfare, medicine, jurisprudence, agriculture and husbandry. Together such practical arts — discourses, knowledges, forms of calculation, techniques — of government served over time to transform the exercise of political power into a rationalised activity entailing the application of technical instruments of control to a definite and limited domain of life, much as Weber describes the role of the sciences (see above). These forms of governmental rationality as they emerged in the early modern period were not derivable from general principles of justice or morality, but were specifically political in the sense of being concerned with 'the principles capable of guiding an actual government'. As Foucault puts it:

It concerns the possibility of a specific political knowledge. Following Saint Thomas, the king had only to be virtuous. The leader of the city in the Platonic republic had to be a philosopher.

For the first time, the one who has to rule others in the framework of the state has to be a politician, has to attain a specific political competence and knowledge.

The state is something that exists *per se*. It is a kind of natural object, even if the jurists try to know how it can be constituted in a legitimate way. The state is by itself an order of things, and political knowledge separates it from juridical reflections. Political knowledge deals not with the rights of people or with human or divine laws but with the nature of the state which has to be governed. Government is possible only when the strength of the state is known: it is by this knowledge that it can be sustained. The state's capacity and the means to enlarge it must be known. The strength and capacity of other states, rivals of my own state, must also be known. The governed state must hold out against the others. A government, therefore, entails more than just implementing general principles of reason, wisdom and prudence. A certain specific knowledge is necessary: concrete, precise, and measured knowledge as to the state's strength (Foucault 1988:150–1).

Political rationality is thus concerned with the administration and intensification of the forces, qualities, resources and relationships within the population and territory of a state. It consequently came to specify as the objects of governmental calculation and supervision all those practical matters affecting the security, health, welfare and prosperity of the state and its populace. It was this new type of administrative 'state' that inaugurated the great bureaucratic apparatuses of the modern army, public health, prisons, mass schooling, police systems, social assistance and so on — over the course of the seventeenth, eighteenth and nineteenth centuries (Raeff 1983; Chapman 1970; Hunter 1994).

As is clear from the above, its reason is not that of God or 'the laws' however, but depends upon a particular knowledge of that which is to be governed, what was called 'political arithmetic' or more lastingly 'statistics'. Calculated government necessitates definite techniques for knowing the objects — populations, disease, crime, production, and so on — it is to regulate (Miller and Rose 1993). The forms of 'inscription' that permit objects to be brought within the domain of government, to be rendered calculable and thinkable as practical objects of government include technologies like bureaucratic dossiers, reports, inquiries, inquests and surveys. Of absolutely central importance here is the rise of modern statistics (the 'science of state') which provided the 'avalanche of printed numbers' necessitated by modern government (Hacking 1990). It is important to be clear here that such technologies do not simply record or measure problems, they create or translate them into governable objects. In this respect, all objects of political debate and social critique — whether it be the social distribution of crime, Aboriginal deaths in custody, or social and economic inequality — depend upon such definite and limited technical means of 'inscription' (Miller and Rose 1993). And like other practices and techniques of government, technologies such as the statistical survey did not simply originate in 'the state' but were frequently borrowed from other realms, including in the British context the vast works of practical social inquiry undertaken by statistical societies and other philanthropic institutions.

Of course, techniques such as statistics in particular have come to provide an indispensable element in the linkage between government and the later development of criminology. The regular production of crime statistics in the nineteenth century depended upon the joining of particular statistical techniques with the large scale bureaucratic organisation of government. A fledgling academic discipline like criminology was and is always going to be dependent on government for such vital instruments of criminological reasoning, although government does not determine the precise uses to which criminologists put such instruments. This much is clear if we only consider the uses that Frederick Engels and Karl Marx made of crime, factory and other statistics in their nineteenth century writings and political agitations.

The genealogies of the rationality and practice of government and of the human sciences respect the autonomy of each from the other and of all from any overarching principle of social organisation. They refuse the conventional tendency to see these developments as an expression of the essential character and proclivities of 'the state' or some other hidden hand lying behind it. Rather government is approached as a heterogeneous, contingent and dynamic assemblage of practices and techniques which both empower it with certain capabilities at the same time as they impose definite limits upon it.

This of course is not how Foucault's work on punishment, discipline and governmentality has always been used. There has been a contrary tendency to assimilate it to forms of social critique, in which the latest developments in penalty, policing, crime prevention, are understood in terms of the extension, in ever more subtle and pervasive forms, of social control, discipline and normalisation of the population. There is certainly warrant for this type of analysis in some of the work of Foucault, especially *Discipline and Punish*; but it is to ignore or seriously gloss over one of the central arguments within his body of work and especially the later work on governmentality and sexuality. This argument concerns Foucault's rejection of a concept of power that equates it with constraint, coercion and sovereignty — with the deformation of some essential human essence. Foucault rather sees power as working through 'subjectification', through the disciplinary and governmental *formation* of subjects (cf Foucault 1980; Gordon 1980).

Rose and Miller (1992:174) comment that '[p]ower is not so much a matter of imposing constraints upon citizens as of "making up" citizens capable of bearing a kind of regulated freedom'. This is to emphasise that power and government are productive in the sense that they are directed at conferring certain capacities and attributes on individuals. Foucault's analyses of psychiatry, medicine, the prison, criminology, and sexuality demonstrate the formative role of the human sciences in this process. As forms of knowledge/power directed at the production of a knowledge of 'pathological' phenomena they generated the normative criteria according to which certain individuals (criminals, the insane, sexual deviants and so on) were to be subjected to those regimes of normalisation to be found in modern institutions of government such as the prison, asylum, and the clinic. Thus the concepts of citizenship and individual freedom that enjoy the status of universal rights in juridico-political discourse were recast by these forms of knowledge/power and normalising judgment as conditions *relative* to the capacities and competencies of individuals (and families) to practice freedom and citizenship. Thus the juridico-political domain of rights presupposes a vast enterprise of governance of the individual and society.

This recalls points made earlier concerning the *technical* and historically specific formation of human attributes as well as the irreducibility of the institutions, practices and knowledges within which this formation is undertaken. The governmental — as the calculated shaping of human capabilities — is to be understood therefore in its positive aspect; not as the repression or control of human freedoms and possibilities but as the augmentation of human faculties and ways of life. As I have already suggested, one of the modes of life made possible by the modern configuration of government was the vocation of criminology.

## Criminology

Criminology is to be understood not primarily by reference to the governmental means of knowing and controlling crime let alone the subordination of individuals and populations to the rule of 'the state', but as a heterogeneous assemblage of particular intellectual technologies, knowledges, and practices borrowed and improvised from diverse sources to form a particular body of criminological competencies and concerns which are dispersed,

loosely associated and amenable to diverse applications inside and outside the domains of government (cf Ericson and Carriere 1994). Thus whilst political rationality and the assemblage of bureaucratic forms of organisation and knowledge-producing techniques (in particular, statistics) in apparatuses like public health, the prison, police and the school constituted important conditions of possibility for the development of human sciences like criminology, they did not determine the exact shape and direction of such developments; nor did they guarantee some automatic feedback effect of such knowledges into the practices of government. This always depends upon a practical and contingent process by which scientific knowledge and technique is translated into a useable governmental practice. These relationships are specific and contingent in nature, not general and deterministic.

The 'Lombrosian project', argued by Garland (1994) to be one of the critical ingredients in the formation of British criminology as a professional academic discipline, was dependent upon the 'governmental project'. The latter was critical because it entailed the rationalisation of government into a realm of calculation generating requirements of knowledge. The institutions and technologies of government and of other human sciences — notably the hospital, the asylum, the army, the prison, medicine, statistics — provided the necessary institutional configuration within which the 'Lombrosian project' for a 'pure' science of criminality was forged.<sup>5</sup>

As Garland (1985a) also argues, Lombroso's lasting legacy resides less in any direct contribution he made to the governance of crime than in his contribution to the formation of the 'science' of criminology — developing, from the late nineteenth century on, into a fluid set of linkages (national and international) connected through professional associations, universities, journals, publications, meetings and congresses, as well as professional involvement in the institutions of criminal justice. These served to constitute criminology as a professional and scientific undertaking which was and is carried out at some distance from government, even if many of its practitioners were directly employed in the criminal justice system or otherwise involved in servicing its research and training requirements. Until the 1930s criminology in Britain was almost entirely allied to the practical decision-making functions of professionals (primarily lawyers and doctors) who occupied a strategic place in the medico-legal complex surrounding the criminal justice system (Garland 1994). With the installation of criminology in the university in the 1930s, the relative autonomy of the latter from government served as a crucial support for the growth of an independent academic discipline. Of course, its academic development retained very strong and close links to the medico-legal complex.

The history of criminology in Australia reveals a similar story, although its formation as an academic discipline occurred even later, in the 1950s and 1960s. This project self-consciously emulated the 'pragmatic' approach of British criminology, with its close ties to the legal profession and legal education, and its alignment with the correctionalist outlook

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5 To retrace Lombroso's own professional career, is to traverse many of the major institutions of nineteenth century government and science and the practical bridgeheads which linked them. Having obtained university degrees in medicine and surgery and possessed of a deep interest in clinical psychiatry and comparative anatomy, Lombroso completed his national service as a medical officer in the Italian army during which he undertook biometric studies of a large cohort of soldiers (some 3000). Thereafter he served in several hospitals as director of the insane during which time he undertook clinical studies of mental patients, before applying his anthropometric techniques to the study of convicted criminals. He was appointed to the University of Turin to teach legal medicine and public hygiene (1876) and was later appointed to chairs in psychiatry (1896) and criminal anthropology (1906) (see Wolfgang 1960; Gould 1981).

and research and training needs of the criminal justice system — what O'Malley and Carson refer to as 'a university based service discipline for state agencies, providing correctionalist technicians and knowledge' (Carson and O'Malley 1989:351). The discipline was further skewed towards the needs of government when in the policy debates and negotiations leading to the creation of the Australian Institute of Criminology in 1971 the role of university research and education was dismissed. As one insider account put it, 'although there were many aspects of research that might be carried out by existing resources in universities, there was a need for a government body and for government sponsorship of and control over research activity in this field.' (Loof 1979, in Carson and O'Malley 1989:344). Recently the Australian Institute of Criminology has suffered a substantial reduction in its budget and an overhaul of its structure and priorities, designed to ally its work even more closely with the needs of government (Brown 1995).

This brief history should demonstrate the pertinence to Australian criminology of Garland's point about the contingent and rather precarious existence of the discipline, a fact obscured in the image promoted by critical criminologists in Britain of a strong and stable 'criminological establishment' vitally servicing the control needs of the state. The research budget for Australian criminology (including the Australian Institute) is minuscule by comparison with expenditures on the criminal justice system, royal commissions and other forms of governmental inquiry, yet recent government attitudes indicate considerable skepticism concerning even this level of support.<sup>6</sup> This has afforded a rather sobering context for academic criminologists in Australia to reflect on the value of the work and intellectual infrastructure provided by the Institute for criminology in Australia.

All of this might seem to confirm the view that 'mainstream criminology' has been little more than an adjunct to state and government in countries like Britain and Australia. However, the very constancy of the debates about the disjunction between governmental needs and criminological knowledges, the relevance of research to policy, academic dismissals of 'administrative' criminology, and the administrators' demands that academics make their research more accessible to the public domain and the policy process suggest a more complex and opaque configuration.

This is no less true of the university sector in general, as recent developments and debates about higher education demonstrate. Traditional humanist defences of the autonomy of the university, liberal education and the disinterested pursuit of knowledge simply ignore the history of higher education since at least the early modern period — its permeability to the demands of government, to the needs of diverse professional groupings and to a heterogeneous range of other external forces (Hunter et al 1991). But precisely because of both the complex, composite nature of the university and the contingency of government itself, the alignment of university disciplines with various political and social objectives cannot be taken as evidence of a seamless system of state control. On the contrary, the affiliation of both older and emergent professions, such as medicine, law, teaching, engineering and so on, to the university has enabled them to avert or escape more direct forms of state regulation of training and entry and hence to secure or enhance the autonomy of the professional associations from government. The independence of the university is itself thus also 'inscribed' in this network of relationships, rather than in any adherence to the otherworldly ends of complete cultivation of the intellect, society or critique (Smith 1991:115).

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6 We should not be too surprised if the new federal Coalition Government resurrects an earlier proposal to abolish the Australian Institute of Criminology completely.

From this less exalted conception of intellectual culture, the allegiance of Anglo-Australian criminology to the autonomous professions and institutions that constitute the medico-legal complex might be reassessed as an important support for its independent existence as a discipline rather than as evidence of its miserable state of subservience to government.

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