Observations about the History of Critical Criminology in Australia

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Abstract

This paper provides some schematic genealogical observations of a rich and varied field of scholarship in Australia loosely badged as critical criminology. Those working in the critical criminology tradition have been centrally concerned with the social construction, variability and contingency of the criminal label and the power effects that flow from state definitions of deviance. The paper selects scholarship being undertaken around four topics—Indigenous criminalisation, feminist concerns about crime, youth crime and the creation of a new class of criminal through border controls—to exemplify the richness and diversity of this current research. We are well aware that it is a somewhat invidious exercise to single out certain bodies of work like this from the broad and diverse inquiries that constitute contemporary critical criminology in Australia. Our selection has been guided in part by the desire to relate salient connections with the historical, geo-spatial, national, political and social context from which critical criminological work in Australia springs. We eschew a certain style of analysis tacitly conducted in terms of the failed or blocked realisation of some general principle (‘full sociality’, social equality, non-patriarchal society) in favour of a wide and open definition of what may count as critical work in criminology. We also consciously refrain from assuming that critical research is qualitative or discursive, and non-critical research quantitative. The paper concludes with some comments about the possibilities for promulgating the criminological imagination.

Origins of Critical Criminology in Australia and Metropolitan Thinking

Critical criminology in Australia, as elsewhere, had its origins in the particular international political and intellectual conjuncture of the 1960s and 70s: the rise of the New Left and the counter-culture, the Vietnam war moratorium, anti-racist and anti-colonial struggles, second wave feminism, anti-institutional movements around prisons, psychiatry and other social control institutions, and the renaissance of Marxism and radical social theory in the universities (Cohen 1998:115). ‘New’, ‘radical’ or ‘alternative’ were the preferred qualifying labels announcing this break in criminology in its early days. In common with its kindred movements, it offered a sweeping critique of the prevailing capitalist social order, the ‘repressive tolerance’ of liberal institutions and modes of thought and ‘old left’ and social democratic traditions. It sought nothing less than their root and branch transformation. In Australia this was and remained a strongly politically engaged criminology, particularly around the prison and prisoners’ movement and other criminal justice campaigns and issues (Zdenkowski and Brown 1982), including police killings and deaths in custody (Hogan Brown and Hogg 1988; Harding 1970), the policing of Indigenous peoples (Blagg 2008; Cunneen 2001; Cunneen and Robb 1987), miscarriages of justice (Carrington et al 1991), violence against women, (Stubbs 1994; Australian Feminist Law Journal 1988 to date) and policing young people (Alder and White 1994; Carrington 1993; Mayer et al 1998; Poynting et al 2004; Youth Justice Coalition 1990; White 1990).

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Although Australia is a small colonial settler society concentrated in dispersed pockets across a continent almost as big as the USA and located at the foot of Asia the theoretical universe of so much of its intellectual life has derived from Western Europe and North America. Critical criminology was no exception. Its politics and alliances were heavily inflected by native libertarian political and intellectual currents of long standing, although much of its theory was imported. Critical criminology in Australia was particularly influenced by the National Deviancy Conferences that commenced in the UK in 1968 and its seminal texts included the ground-breaking works of Taylor, Walton and Young, *The New Criminology* (1973) and *Critical Criminology* (1975), and Thomas Mathiesen’s landmark study of the Scandinavian prisoners’ movements, *The Politics of Abolition* (1974).

A tension is readily apparent between the issues and community-based movements and campaigns in which radical criminologists were often involved on a day-to-day basis and the abstract and totalising conceptual and programmatic sweep announced by a text like *The New Criminology*. Ironically a program of such ambition makes little room for politics. If the essential structure of the western capitalist order was the problem it also made little sense to differentiate amongst the various forms (liberal, social democratic, fascist) which composed that order or to work with existing political forces for limited progressive goals. Reform was adaptation and cooptation. Radical critique did engender a maximalist oppositional political lexicon of the sort so bitingly and effectively satirised by the Monty Python team in *The Life of Brian*.

There is nothing objectionable *per se* in embracing worldly intellectual influences, but an unquestioning tendency to revere what Connell (2007) calls ‘metropolitan thinking’ belied the importance of Australia’s socio-spatial context in at least two respects. First, it underestimated its impact on intellectual and political life. Small communities of criminologists, relatively isolated in Australian state capital cities distant from one another (let alone from the academic metropoles to which they so often looked) were frequently denied the luxury of choosing their intellectual and political company. Geography and demography militated against the rigid separation of academic, governmental and political life worlds. Individual careers often traversed the various institutional sites of criminology: university, government bureaucracy, community legal centre, law reform commission, crime research bureau or institute. Some combination of the roles of academic criminologist, expert, consultant, media commentator and activist were more likely to coexist in the lives of many individuals. All of this served to leaven from the outset what might otherwise have been some of the impacts of abstract critique on Australian criminology.

Second, in treating Australia as simply a fragment of European society radical critique projected many of the assumptions derived from the latter onto a very different environment. In Australia 20 million people are dispersed (highly unevenly) across an area that could contain the entire land mass of Western and Eastern Europe. These contrasts in patterns of settlement affect crime and justice in ways that contrast with the usual (Euro-centric) assumption about the urban concentration of crime. For instance, in Australia rates of violence are on average higher per capita in regional and rural communities (Hogg and Carrington 2006). This is generally acknowledged only to the extent that high rates of crime and violence in Indigenous communities have been a recurrent public concern, but this cloaks the fact that non-Indigenous crime rates are also disproportionately high in rural, regional and remote Australia (Carrington and Scott 2008). The selective official and criminological gaze settles on the socially excluded and overlooks, or normalises, violence elsewhere, including, for example, present links between the globalisation of the resources sector, frontier masculinities and violence and other destructive social impacts (for examples see Carrington, McIntosh and Scott 2010).

The specificities of history were also made somewhat redundant by radical critique. The past was treated as a closed chapter. Thus, welfare state institutions and social democracy, rather than being seen as the contingent, hard won achievements of past struggles to combat the evils of free market capitalism, were usually depicted as the ‘normal’ expression of capitalist development in its advanced phase, a condition to be both critiqued and transcended. When within a few short years...
neo-liberals (like Margaret Thatcher) showed there was nothing necessary or inevitable about the social democratic state and when soon after the revolutionary narrative itself collapsed, along with the socialist bloc that had sustained it, the New Left cupboard was depleted of the political and intellectual resources needed to defend social democracy as a genuine achievement of progressive politics. The legacy of these failings remains, especially in the inability of progressive politics to effectively challenge the hegemony of neo-liberalism (as apparent in crime policy as in other areas).

Important to our argument is an appreciation of the shifting and contested meanings of terms like ‘critical’. Too often this has been obscured by an enduring oppositional tendency within self-defined critical criminology, traceable in significant part to its roots in the intellectual and political ferment of 60s and 70s radicalism. Demarcation of its own project and ownership of the ‘critical’ label has frequently come at the cost of imagining an other criminology—variously dubbed ‘mainstream’, ‘liberal’, ‘correctionalist’, ‘administrative’—which is depicted in rather simplistic and monolithic terms (a point made persuasively by Brown 2002 and Carlen 2010). Such exercises in distancing (and sometimes intellectual policing) have borne little intellectual fruit over the years. In any case critical work in criminology has become unmistakably ‘mainstream’ in Australia (Anthony and Cunneen 2008) as elsewhere (Carlen 2010).

History as an Antidote to Abstract Radicalism

In the intervening years, however, history has been a vital antidote to the pitfalls of theoretical critique in Australian criminology. Critical criminology in Australia defined itself against a supposed ‘mainstream’ criminology that was itself a fledgling enterprise, decidedly social democratic in orientation and politically activist. The Australian and New Zealand Journal of Criminology published its first issue in 1967 and the Australian Institute of Criminology was only established in 1973. Pioneering Australian criminologists—like John Barry and Norval Morris—were active on the left of Australian politics and deeply engaged with issues like capital punishment and penal reform (Finnane 2007, 1998, 2004, 2006). The first Department of Criminology at Melbourne University ran by Christine Alder and Ken Polk for many years was the centre-point of promoting critical work in criminology. In the 1970s a younger generation of Australian academics contributed a sociological dimension to the developing Australian criminology (Edwards and Wilson 1975; Wilson and Braithwaite 1978). Some were at the beginning of long and distinguished careers of research, theorising and activism around crime and criminal justice issues. Taking up some of the issues that exercised the minds of many radical criminologists, as well as taking up the older progressive legacy of Edwin Sutherland, John Braithwaite’s corpus of work on corporate and white collar crime, regulation and restorative and responsive justice has exerted an enormous influence internationally as well as in Australia (compare Braithwaite 1979, 1984, 1989, 2002). With the benefit of hindsight it can be seen that the new self-styled radical criminology that emerged in the 70s exaggerated its differences with work and trends in the existing field and adopted an unduly narrow conception of what was critical in criminology. We include ourselves and our early intellectual work in this historical tendency.

Taking a longer view, Australia’s history of colonialisation carried significant lessons for criminology. Established as a British penal colony in 1788 it was for the next 50 years the dumping ground for the social outcasts of Britain’s industrial revolution, a vast unwalled prison substantially populated by individuals who it could be said were ‘handpicked over decades for their “criminal propensities”’ (Hughes 1987: xiii). Yet in a relatively short time and from such unpromising beginnings a prosperous, reasonably egalitarian democracy was established (although one not inclusive of the continent’s Indigenous peoples, women or young people from lower class backgrounds). From the second half of the nineteenth century active efforts were made to erase the ‘convict stain’ and depoliticise questions of crime and punishment. Prison protests and disturbances nevertheless punctuated Australian life over the next 100 years (Finnane and Woodyatt 2002:98), until the more serious conflicts of the 1970s rekindled political activity around prisons and crime
In Australia, as elsewhere, an emerging critical criminology became closely aligned with the 'struggle for justice' (American Friends Service Committee 1973), particularly the radical transformation—even abolition—of prisons. The period of reform was short-lived, even if it left some enduring improvements in conditions. From the 1980s it was the political right that appropriated crime and justice issues to its 'free market, strong state' agenda. Political and policy discourse has since been primarily defined within the parameters set, on the one hand, by the neo-liberal marketisation of security and risk, and, on the other, by law and order populism (and an ever growing penal estate) (Brown 2005; O'Malley 1992, 1999, 2008). Governments of the centre left succumbed to this program, where they did not actively champion it. Critical criminology offers an alternative narrative which supports a progressive direction for criminal justice and public policy.

Criminology in Australia (as elsewhere) has undergone a quite massive expansion in the last two decades involving the establishment of new criminology schools, new undergraduate and postgraduate programs, new journals and growing access to research funds. Most of this criminology is progressive and critical in the broad senses we have attempted to recognise. It is attuned to the dangers that lurk within the power to criminalise, sceptical of more repressive, more punitive responses to crime and generally inclined to link crime prevention and reduction with the alleviation of inequalities and the building of more socially just societies. It is thus faithful to the longer twentieth century tradition of social democratic and welfare state criminology.

Indigenous Criminalisation

The opportunities and freedoms afforded to convicts, ex-convicts and free settlers (although less freedoms for the female sex) in the new Australian colonies in the nineteenth century came at a devastating cost to the Indigenous population of Australia. The free, democratic and relatively egalitarian society carved from the penal colony was not inclusive of its original inhabitants.

Taking a longer term view, the high incarceration rates of Indigenous youth and adults in some form of state custody is best understood in relation to the spatial and temporal context of the historically shifting modes of regulating Indigenous peoples in Australia (Hogg 2001). Research into the high rates of contact between Indigenous Australians (adults and juveniles) and the criminal justice system has been undertaken by an array of scholars from anthropology, history, critical criminology, law and Indigenous studies and also a wide array of government and policy researchers (cf Cunneen and White 2007:149; Wundersitz and Hunter 2005; Behrendt 2003; Ferrante et al 2004; Jeffries and Bond 2009; Dennison et al 006:5). But the issue of over-representation really came to national prominence through the Royal Commission of Aboriginal Deaths in Custody (RCADIC) established in 1987 to investigate 99 deaths (RCADIC 1991). A major finding of the Royal Commission was that Aboriginal people died in custody at a rate far higher than non-Aboriginal people because they were much more likely on national average to be detained in custody, especially police custody. The issue has preoccupied a large body of critical scholarship in Australia, and will continue to do so given Indigenous incarceration rates have assumed an important symbolic significance as a nagging register of unresolved historical injustice (see Behrendt 2003).

Border Control and the New Criminals

The construction of Indigenous people as a dangerous presence necessitating special regimes of internal controls found a counterpart in the racial and other exclusionary criteria operating at the border for much of the twentieth century. While Australia is an immigrant society, the process has never been without its tensions. The new Australian Commonwealth (born from a federation of the self-governing colonies in 1901) adopted as one of its first legislative enactments, the Immigration Restriction Act 1901 (Cth). The Act instituted the ‘white Australia policy’ which was to remain a centrepiece of immigration policy and Australian nationhood for the next 70 years. Additional classes of prohibited immigrants...
included: paupers, idiots or insane persons, persons suffering a ‘loathsome or contagious disease’, certain criminals, and prostitutes or persons living on the prostitution of others. With the echo of the convict era and its ‘stain’ far from faded, the new nation was to be built on racial and social purity. A positive ‘bio-political’ regime, incorporating substantial powers of exclusion, detention and removal of unwanted aliens would ensure the Australian population was not only white, but even healthier in body, mind and morals than the average of the predominantly British colonial stock from which it was ideally to be drawn. With the progressive diversification of the immigrant influx after World War II (southern and eastern Europeans, followed by growing numbers from Asia, followed more recently by Middle Eastern and African immigrants) racial and national anxieties came to exercise a recurrent effect on the social construction and amplification of criminal threats.

The danger was particularly magnified where ethnic minority youth are concerned and their related patterns of crime, media representation, criminalisation and have been a significant focus of critical work in criminology and youth studies (Maher et al 1998; Collins et al 2000; White and Wyn 2008; Lozusuc 2002; Poynting et al 2004). After 11 September 2001 these anxieties became merged with global fears of terrorism (Poynting et al 2004: 64), fuelling a growing ‘Islamophobia’ (Poynting and Mason 2007). ‘Muslim youth’ became synonymous with ‘crime gangs’ and the broader threat of fundamentalist Islam and terrorism, resulting in a blurring of traditional lines between domestic policing, immigration controls and national security (Lee 2007; Poynting et al 2004).

In an increasingly troubled 21st century, destination countries have increasingly intensified their efforts to tighten their borders, to assert their sovereignty and expel ‘non-citizens’ (see Pickering and Lambert 2002; Grewcock 2010). This has effectively created a new class of criminal and new categories of criminality. Critical scholars have drawn attention to how the detainee is consequently associated with guilt and wrong-doing (see Grewcock 2010; Weber 2002; and Pickering and Weber 2006), named according to the recipe of labelling theory, as unlawful non-citizens, and their deviant status reinforced by other labels, such as ‘boat people’, ‘human cargo’, ‘queue jumpers’, ‘unauthorised arrivals’, ‘unAustralian’, ‘aliens’ or ‘illegals’, (Poynting 2002; Pickering and Lambert 2002; Weber 2002). A vibrant body of critical research has taken issue with border control measures, such as biometric testing, unreviewable mandatory detention of asylum seekers and the treatment of victims of sex trafficking (Grewcock 2010; Pickering and Lambert 2002, Segrave, Milivojevic and Pickering 2009; Pickering and Weber 2006; Lee 2006). As the popularity of border control among both Howard’s battlers and Labor’s traditional working class supporters shows no sign of abating, the criminalisation of asylum seekers also shows no sign of abatement.

**Feminist Concerns about Crime and Criminology**

Also historically excluded from citizenship status in Australian colony for the 18th, 19th and better part of the 20th centuries, women’s particular sex specific relationship with criminal justice has provided a fertile ground for work in critical criminology. Early feminist research in the field of Australian criminology started to appear in print in the early 1980s with the publication of Muhkerjee and Scott’s pioneering text on *Women and Crime* (1981) and Linda Hancock’s ground breaking work on gender and juvenile justice (Hancock 1980). This was at a time when academic criminology was dominated by men ‘not only in the corridors but in the pages of academic journals’ (Alder 1996:19).

The main limitation of this work, one also shared with the origins of critical criminology, is that feminist criminology was built on the enterprise of critique— that sought to expose masculinist bias, blind-spots and misogynist treatment and representation of women by the criminal justice system (Muhkerjee and Scott 1981). As Christine Alder, a pioneer and advocate of feminist criminology, once argued, (Alder 1996:22), while critique was limited it was a necessary precondition to the development of more sophisticated femininities in Australia.
In hindsight, the main failing of feminist criminology in Australia during this period was its neglect of the profound significance of marginality and Indigenousness on the criminalisation of girls and women in Australia. This failing stemmed from essentialist assumptions (imported predominantly from Eurocentric feminism) that commonalities shared among the female sex made it possible to analyse women as a singular unitary subject of history (compare Allen 1990:88), despite their cultural, socio-economic, ethnic and racial diversity.

Importantly much feminist criminology and activism in Australia cut across the anti-statism of radical critique. While some categories of woman were seen as the victims of intrusive, moralising state controls (for example, prostitution laws which criminalised sex workers and not their clients, major problems stemmed from the failure to effectively police male violence and not, as some radical criminologists would have it, the repressive inclinations of the state). Hence a great deal of feminist scholarship and activity in Australia over the last 30 years has successfully focused on making violence against women a public and not a private matter, insisting the state amend or implement laws and policies to assist the victims of violence (Carmody and Carrington 2000; Stubbs 1994). This is and remains a rich and varied field of scholarship in Australia. The Australian Feminist Law Journal has since its inception in 1993 been the main journal outlet for critical feminist engagement with law, social control and criminology.

Problematising Youth Crime

For much of the 1980s and 1990s a central historical focus in critical criminology in Australia was on youth. Once again the stain of Australia’s convict past emerged around social concerns over larrikinism, adolescence, teenagers, youth subcultures and troublesome youth. Within the relatively stable pattern of Australian class relations anxieties concerning disorder and the breakdown of social control have been recurrently refracted through the figure of menacing youth, a dangerous age rather than a dangerous class. This fear has supported an intense effort of state-sponsored supervision and surveillance of young people, particularly in the unregulated spaces of street life and leisure sites and especially where these support the creation of subcultures that appear in any way to repudiate conventional middle class norms. A large body of work in critical criminology in Australia has focused on these questions, including major studies of the policing of (not always youthful) bikies (Cunneen et al 1989), young people and juvenile justice (White and Cunneen 2005) and media politics and policing of ethnic minority youth (Collins et al 2000; Poynting et al 2004). This body of work has revealed how media reportage and on occasions concerted moral panics associated with youth subcultures magnify perceived threats and intensify categorical forms of surveillance and control aimed less at discrete criminal acts than the enforcement of moral, social and spatial order (White and Wyn 2008; Bessant et al 1998; Carrington 1993; Watts et al 2005; White 1990; Cunneen and White 2007).

Just as criminology in other countries has historically concentrated on the delinquencies of boys (see McRobbie 1980) it is no surprise to find the same shortcoming in Australian work. This is an issue increasingly difficult to ignore as dramatic increases in official rates of female delinquency and violence has opened up new questions and research opportunities for critical criminology (for a fuller analysis see Carrington and Pereira 2009).

Concluding Comments: from Critical Criminology to the Criminological Imagination

Reflecting on a distinguished academic career Pat Carlen makes the point that all forms of criminological knowledge, statistical, qualitative, critical, feminist or mainstream are subject to the risk of falling into what she calls the ‘discursive abyss’ of being absorbed by other discourses over which the author has no control (Carlen 2010). All research, Carlen reminds us, has the possibility for critique as
long as it is driven by a ‘criminological imagination’ to think the unthinkable, to represent the unrepresentable, to shift the boundaries and imagine a more just criminal justice system. Even adhering to a more modest, ‘value-free’ tradition much empirical criminology in Australia has been a vital source of critical knowledge in the sense Max Weber associated with science as a vocation, in that it produces ‘facts’ ‘inconvenient’ to ‘party opinion’ (Weber 1958:147). Such considerations therefore question the neat boundaries sometimes drawn around critical criminology to demarcate it from other (‘mainstream’, ‘administrative’, etc) criminologies.

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