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CRIMINOLOGY AND DEMOCRACY

Gary LaFree

Department of Criminology and Criminal Justice and the Democracy
University of Maryland

Dear ASC Members:

One of the assignments that the Vice President of the American Society of Criminology assumes when taking office is editor of *The Criminologist*. During my term as editor I would like to focus some of the lead essays for *The Criminologist* on areas of research which are not only important and timely but also understudied. I asked Professor Gary LaFree to kick off this first issue with an essay on globalization and crime. His essay highlights the natural connections between criminology and democracy that have fostered much of our work; he also makes an eloquent case for engaging in scholarship that extends beyond our national boundaries.

Second, I would also like to call your attention to a new column I would like to initiate, "Ask the Criminologist." Here I would specifically like to encourage graduate students to write to me with questions or concerns they have about being on the job market, getting published, attending and presenting papers at our annual meeting, or other relevant career issues. I will select one or two letters for each issue; publish the letters and write a response. Graduate students are a vital and critical part of our organization and I hope this endeavor will further boost their participation and the rewards they derive from being members of ASC.

Candace Kruttschnitt
Vice President

CRIMINOLOGY AND DEMOCRACY

Criminology and democracy might at first seem to be strange bedfellows. Certainly, one can search in vain throughout the mainstream criminology literature to find much connecting the two in print. To begin with, democracy is usually measured at the national level and despite some evidence that criminology is becoming more international (Barberet, 2001:3), it has never been noted for its commitment to comparative cross-national research. This local emphasis is also obvious in government support for research on crime and justice—which undoubtedly accounts for most funded criminology research in the United States and elsewhere. Consider, for example, the trivial amount of money for cross-national research that has come out of the U.S. National Institute of Justice or the British Home Office.

IN THIS ISSUE...

Around the ASC 2
Conferences and Workshops.....2

Position Announcements 18
Division News.....24

As a result of the mostly local nature of criminology research, few criminologists have studied cross-national connections between crime, criminal justice and democratic institutions. Now we might expect that other fields, most notably political science, may have instead filled this void. But in searching through the recent political science literature, it is clear that with a small number of notable exceptions, political scientists have shown little interest in linking standard political variables like democracy to crime rates or criminal justice outcomes. As a result of these academic traditions, there has been a near total disconnect between researchers interested in relationships between criminal justice and crime on the one hand, and democratic institutions on the other. Nevertheless, in this brief essay, I will argue that there are already some strong implicit connections between criminology and democracy and that our discipline should be interested in making these connections more explicit in the years ahead.

By democracy, I have in mind political institutions that are more expansive and inclusive than the traditional liberal democratic definition of "a system of governance in which those who exercise government power are subject to the electoral control of citizens by majority vote" (Zimring et al., 2001:183). Political scientist Benjamin Barber (1984:117) calls this conception of democracy "thin" and instead advocates a "strong democracy," which emphasizes "a participatory process of ongoing, proximate self-legislation and the creation of a political community capable of transforming dependent, private individuals into free citizens and partial and private interests into public goods." Thus, as used here, democracy means not only governments elected by majority vote, but also presupposes societies that encourage citizen participation, public deliberation, and civic education.

Defined thus, perhaps the most obvious link between criminology and democracy is that to flourish, criminology as a science requires democratic societies. Just because this is an obvious point does not mean that it is a trivial point. Think quickly about the nations in the world that have produced the most valid, trustworthy data on crime and criminal justice reactions to crime. They are invariably democracies. Likewise, try and think of any undemocratic society that has produced first-rate criminology research. The strength of this relationship can be quickly demonstrated by looking at results from the Polity data set, originally created by political scientist Ted Gurr. The Polity Data uses five political indicators—for example competitiveness of political participation and constraints on chief executives—to construct composite 10-point indicators of democracy (Jagers and Gurr, 1995). All states in the international system with populations greater than 500,000 are included. Among the nations with the highest democracy scores on this index are the United Kingdom, most of the nations of Western Europe, Australia, Canada, Japan, New Zealand, and the United States. By contrast, countries at the bottom of the democracy index include Afghanistan, Burma, Iraq, North Korea, Pakistan, Rwanda, and Uganda.

As Donald Campbell (1988:290) has pointed out, "the norms of science are explicitly anti-authoritarian..." We are unlikely to find strong empirical criminology let alone reliable crime and criminal justice statistics being produced by non-democratic, closed societies. Criminology, perhaps even more than branches of science that are less directly tied to public policy, requires what Campbell (p. 290) calls a "disputatious community of truth seekers." This line of thinking is very compatible with Barber's notion of strong democracy. While contemporary democracies may not perfectly reach this ideal, they are nevertheless far more open to the science of criminology than the nations on the bottom of the democracy rankings. Thus, apart from their own political beliefs, criminologists as professionals have a strong vested interest in supporting open, democratic societies.

But beyond the fact that to prosper, criminology as a science requires the openness provided by democratic institutions, I would also argue that the main subject matter of criminology is directly related to the success of these democratic institutions. Ever since Edwin Sutherland (1947:1) offered his famous definition of criminology as "the study of the making of laws, the breaking of laws, and reactions to the breaking of laws," the field has been divided into those concerned with either reactions to crime ("the making of laws," "reactions to the breaking of laws") or criminal etiology ("the breaking of laws"). At its most elemental, a concern with reactions to crime is a concern with justice; likewise, at its most elemental, a concern with etiology is a concern with social order. I would therefore argue that the two main branches of criminology are those focused on either justice or social order. Both have clear connections to democracy.

JUSTICE AND DEMOCRACY

It is a truism that the character of a society's reaction to crime can undercut basic civil liberties and shake the foundations of democratic institutions. This was clearly a key concern among the founders of the American republic in the third quarter of the 18th century. Even a cursory reading of the U.S. Constitution shows the revolutionary generation's apprehension over connections between democratically-imposed criminal justice punishment and civil liberties, including references to cruel and unusual punishment (Eighth Amendment); the right to trial by jury, counsel and to confront your accusers (Sixth Amendment); freedom from multiple prosecutions and the right not to testify against oneself (Fifth Amendment); and the right to be free from unreasonable searches and seizures (Fourth Amendment).

And it has remained a concern in the United States ever since. Based on his influential observations about American democracy in the early 1830s, Alexis de Tocqueville (1956:119) expressed serious apprehension about the potential "tyranny of the majority." In fact, says de Tocqueville, majority rule is especially dangerous in the United States because its legal system bestows all power in the hands of those supported by majority vote. He concludes (p. 115) that "the main evil of the present democratic institutions of the United States does not arise, as is often asserted in Europe, from their weakness, but from their irresistible strength."

A recent book by Zimring, Hawkins and Kamin (2001) shows that these issues are very much alive in the twenty-first century. Zimring and his colleagues argue that the form of direct democracy through citizen initiative that coincided with the implementation of California's 1994 three strikes law is a dangerous threat to civil liberties. The authors point out that traditionally, sentencing decisions were insulated from direct popular will by an interstitial layer of bureaucracy provided by judges or parole boards. But over the past thirty years, the power of parole boards has been eliminated or curtailed in many jurisdictions and the discretion of judges has been greatly reduced by sentencing guidelines commissions and mandatory sentencing schemes. Zimring and his colleagues argue that the California practice of allowing citizens to vote on major policy initiatives puts criminal justice policy too directly under democratic control, upsetting the delicate balance between the rights of society to be protected from crime and the rights of offenders and suspects to be guaranteed procedural justice and proportionate sentences.

One of the most dramatic examples of the direct connection between criminal justice and democratic institutions in the contemporary United States is found in the widespread practice of disenfranchising prisoners and ex-prisoners (Uggen and Manza, 2000). At present, there are nearly five million U.S. citizens who have been disenfranchised because of their criminal record—many of them permanently. And of course, disenfranchisement through criminal conviction has had a much larger impact on African Americans than other racial groups. In the mid-1990s about one in three young African American men was in prison, on parole, or on probation for at least part of the year. In large U.S. cities, with zones of concentrated poverty, the penal custody rate is now closer to half the population for young African American men. By the turn of the twentieth century, nearly one in seven African American men had lost the right to vote because of felony convictions in the U.S. It is not hyperbole to argue that these startling developments are threatening to reverse the hard-fought expansion of democratic practice that was won only a few decades ago by the civil rights movement.

While I have been relying mostly on examples drawn from the connection between criminal justice and democratic institutions in the United States, the issue of balancing safety from crime with the goal of protecting democratic liberties is a universal concern. Thus, among many of the struggling democracies of Latin America, alarming increases in rates of violent crime have driven frustrated citizens to seek more punitive forms of social control and weaken or suspend altogether civil-liberty safeguards (Fajnzylber, Lederman, and Loayza 1998). Likewise, threats of crime in the transitional democracies of Eastern Europe have encouraged many citizens there to call for restraints on freedom and civil liberties in the name of maintaining social order (Hraba et al. 1998). Similar warnings are being sounded with increasing frequency in the fledgling democracy of South Africa (Human Sciences 2002).

CRIME AND DEMOCRACY

Crime and social order also have direct connections to the strength and stability of democracies. Crime is likely to threaten democratic institutions in at least three ways. First, crime undermines levels of trust and reduces the social capital available in a society, which in turn undercuts the legitimacy of democratic institutions (LaFree, 1998). Trust encourages predictability by allowing individuals to act based on their perception that others are likely to perform particular actions in expected ways. Social capital accumulates in relationships of trust between individuals in society. Societies in which individuals follow institutional rules and can assume that others will do the same build up a fund of social capital. Violent crime represents a particularly serious form of unpredictability and thus an important threat to this fund of social capital. Both Japan and Israel have been well-known as countries with so much social capital that most parents feel comfortable sending their unaccompanied children across town on public transport to visit relatives. But recent events in Israel graphically demonstrate the chilling effect that violence can have on the social capital and hence, the frequency and quality of civic participation in a society.

Second, crime exacerbates existing social cleavages which threaten the stability of democratic regimes. Crime thrives on high rates of economic inequality and economic inequality undermines democracy. Rising crime rates drive a wedge between economic classes and racial, ethnic and religious groups. Driven by fear, those with more wealth and resources are able to abandon high crime areas. Increasingly, the wealthy in high crime societies live in a "bubble of security," moving from gated communities in walled suburbs with private security systems, traveling in automobiles with burglar alarms and other safety devices, to work in offices with private security and elaborate crime-prevention features. These developments not only magnify problems for high crime areas, but also cause a growing rift between the well off and everyone else. Similar barriers increasingly separate high and low crime nations. And to the extent that economic inequality overlaps with racial, ethnic and religious cleavages, problems are even more severe. These divisions make it difficult to develop and sustain strong democratic institutions.

And finally, rising crime rates can directly undercut economic growth and development which again threatens the stability of democratic institutions. Witness the incredible flight of capital out of U.S. central cities following the rapid crime increases that began in the 1960s. Likewise, researchers (e.g., Ayres, 1997) have argued that high violent crime rates have become a major obstacle for economic development in much of Latin America. Not only does crime discourage direct investment, but high crime rates and violence also increase the resources needed for crime control and prevention. Many have noted the fact that in recent years large states like California have actually been spending more on prisons than on higher education. And again, these processes are especially devastating for fledgling democracies like the newly emerging democratic nations of Latin America and Africa and the transitional nations of Eastern Europe.

CRIMINOLOGY AND DEMOCRACY

My argument is that the main substantive interests of criminology—justice and social order—are also twin pillars of democracy. Criminologists have developed a rich research tradition that examines the process by which criminal justice is dispensed and that exposes barriers to the fair and effective application of just standards. Likewise, criminology has a long-standing interest in understanding the causes of criminal threats to social order. However, up to this point in history, criminology has been largely local in its emphasis.

But this may be a strategic time for criminologists to push their research agenda beyond the confines of local jurisdictions and even national boundaries. As the reach of violence and terrorism becomes increasingly transnational, the success of democratic regimes depends more than ever on a clear understanding of the etiology of violence. Likewise, the long-standing criminological concern with justice has never been more relevant. What limits should there be on governmental wiretaps, surveillance and spying in the name of law enforcement and counter terrorism? What protections should be afforded to those detained as suspected criminal or terrorists? What safeguards are there to insure that justice is dispensed equally and fairly?

Although North American criminological research has rarely examined connections between crime, justice and democratic institutions, there are of course many important precedents. For example, John Hagan and Scott Greer (2002) describe the remarkable role played by criminologist Sheldon Glueck in the development of the Nuremberg Tribunal in the 1940s. Moreover, the long-standing emphasis of critical criminology on issues of power and conflict provides a natural starting point for examining more general connections between crime, criminal justice and democracy. Thus, Hagan and Greer point out that the work of criminologist Austin Turk (1982) on political criminality provides a foundation for developing a criminological study of war crimes and crimes against humanity. Clearly, criminologists could contribute a good deal to a global understanding of the processes by which crimes and other forms of violence are related to justice, social order and the strength of democratic institutions.

Violent crime undermines the openness of democratic institutions by encouraging political entities to scale back personal freedoms, it reduces social capital in communities by weakening trust and lowering levels of civic participation, it exacerbates economic, racial and ethnic cleavages and disparities, and it threatens economic wellbeing and development by making it more difficult to conduct human transactions and to maintain social order. Democracies of the world are facing daunting challenges both in terms of justice and social order. It would be a shame—maybe even a tragedy—if criminologists were to remain on the sidelines as these struggles unfold.

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