
Critical Criminology

Reply to Per Stangeland by Thomas Mathiesen
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I have been invited to reply to Per Stangeland's article which is printed above.

Many things may be said about Per Stangeland's article. I shall reply briefly to some of his allegations about critical criminology.

Per Stangeland may be identified as a Norwegian exponent of the "new realist" approach in criminology (Lea and Young 1984). Firstly, he and the British „new realists“ believe that critical criminology does not take crime seriously and overlooks the damage and pain which the criminal causes in the victim. Secondly, they believe it is morally correct and sound to administer pain to those who have caused pain in others. Thirdly, they believe that the demand for abolition of penal measures presented by some critical criminologists runs counter to what is acceptable in society and that it is a complete fiasco.

I shall reply briefly to these three points.

Firstly, it is blatantly untrue that critical criminology is not concerned with the crime problem. Critical criminology emphasizes that by far the most important and dangerous crimes, as well as dangerous non-criminalized acts, are committed by powerful state and private organizations. At the same time, critical criminology points out that the mass media and other institutions present traditional street crime as much more threatening than it actually is. Critical criminologists consider it an extremely important task to expose, analyse and criticize these two basic features of modern society. By doing so, critical criminologists locate the serious crime problem where it really is – in powerful segments of society. This, in the minds of critical criminologists, is tantamount to taking the crime problem very seriously indeed. In addition, critical criminology does not overlook the damage which traditional crime nevertheless does create, and seeks methods to alleviate it. Thus, it is entirely untrue that critical criminology has no compassion for ordinary victims.

As an example, I may mention the concluding chapter of my book "Kan fengsel forsvares?" (Does Prison Have a Defence?), to be published in German by AJZ Verlag in 1988. The book as a whole analyses the whole mass of data and theory which clearly points to the indefensibility of prison (and to a large extent of penal measures in

general). One of the things that prison, and the penal system, do not provide, is any sensible restoration to the victim. The concluding chapter i. a. deals with what must be done for the him or her. In this connection, an entirely new criminal policy is envisaged and spelled out, involving material, social and symbolic support of victims rather than pain infliction on offenders.

Secondly, neither Per Stangeland nor his British “new realist” counterparts provide anything but an extremely superficial and glib analysis of the moral character of pain infliction as a reply to criminal behaviour. On what basis or criteria should this pain be meted out to balance the criminal act? This crucial question is overlooked completely by Stangeland et al. A closer scrutiny of the question involves the analyst in a whole series of entangled and unsolvable problems. The infliction of pain, for example in the form of imprisonment, does not solve any problems, but only creates new ones. This basic notion is lost on Per Stangeland and his British “new realist” colleagues.

Thirdly, the demand for abolition of penal measures, characterized by Per Stangeland as a “complete fiasco”, is a part of a general critique of the State and of State repression. It is a signal, you might say, that a radically new policy is necessary. The criterion of success, therefore, is not short-term implementation, but ability to trigger debate on and awareness of State repression. This point again appears to be lost on Stangeland, as is the vital importance of the critique of the State in our times. Stangeland appears to be accepting the State more or less as it is. The importance of the critique becomes clear when we consider the fact that throughout the Western world today, police powers are increasing, prison figures are – with a few exceptions – going up, prison systems are expanding, and State repression is mounting – all of this, incidentally, despite the “alternative” programs of the kind Per Stangeland appears to be advocating. Due to the dangerous development of State controls and State repression, which has a deep significance for all of us, the critical task of critical criminology and sociology of law becomes an important one indeed.

More could be said about Per Stangeland’s, and the „new realists“, views in relation to critical criminology, but I leave it with this. Let me, by way of conclusion, add the following: Per Stangeland describes the Norwegian organization KROM as if it today were almost non-existent, except in the minds of a few distant and absent-minded academics. Stangeland is, however, misinformed. The reason is possibly that he has for a long time, also while in Oslo, been outside the main stream of debate in Norwegian criminology and sociology of law. KROM, I can assure him, is alive and working. Its yearly criminal policy conferences, for example, are attended by a broad range of people – Parliament members, representatives of the Ministry of

Justice and the Prison Bureau, governors and other high ranking prison officers, members of various committees such as the Prison Law Committee and the Criminal Act Commission, various social work agencies, university criminologists and sociologists, and – last but not least – a very large number of current inmates and ex-inmates. The conferences are, I think, rather unusual in that they provide a meeting ground for debate – very often very heated debate and controversy – between the „top“ and the „bottom“ of the criminal policy system. This is one example of KROM's present work. Today's political climate is different from the climate 20 years ago, when KROM was founded. This influences KROM's activity, and makes it more difficult. But the organization is continually presenting the kind of critique of criminal policy which I have exemplified in this reply.

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